

**Queenstown Lakes District Proposed District Plan
Section 32 Evaluation
Stage 3 Components 2019**

For:

Business Mixed Use Design guide

And consequential Variations to Proposed District Plan:

Chapter 16 Business Mixed Use

Chapter 31 Signs

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APPENDIX 1: Business Mixed Use Design Guide 2019

APPENDIX 2: Variations to Chapter 16 Business Mixed Use and Chapter 31 Signs

1. EXECUTIVE SUMMARY

- 1.1. The Business Mixed Use Zone (**BMUZ**) (Chapter 16 of the Proposed District Plan (**PDP**)), was a component of Stage 1 of the District Plan review, and was heard in hearing stream 08 between 28 November to 6 December 2016. During the course of the hearing, and in the subsequent Decision Report of the Independent Hearings Panel¹, there was discussion regarding the potential benefits of providing additional design guidance to assist with implementing the zone's objectives and provisions that relate to buildings and urban design.
- 1.2. This proposal recommends that a Business Mixed Use Zone Design Guide is incorporated by reference into the BMUZ and Signs² provisions to assist with implementing the BMUZ's objectives, policies and rules. The recommended Design Guide is attached in **Appendix 1**, and the recommended variations to the BMUZ and Signs provisions to incorporate the Design Guide by reference, is attached in **Appendix 2**.
- 1.3. The Business Mixed Use Design Guide will assist the Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act 1991 ('**the Act**' or '**the RMA**').

2. BACKGROUND

- 2.1. Section 32 of the Act requires objectives in proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives
- 2.2. The purpose of this proposal is to examine whether additional design guidance for the BMUZ is the most appropriate way to achieve the purpose of the Act (Part 2: Purpose and principles), in relation to achieving the high quality urban design outcomes sought by the zone.
- 2.3. A review of the objectives and provisions of the BMUZ and Signs Chapter do not form part of this proposal, as they were reviewed and heard in Stages 1 and 2 of the District Plan review respectively. However, this proposal recommends a design guide to assist with achieving the outcomes sought by the BMUZ and Signs Chapter. This proposal also recommends that the design guide is incorporated by reference into the respective PDP Chapters.
- 2.4. The BMUZ sits within Part 3 of the PDP (Urban Environment), alongside other urban zones. The purpose of the BMUZ is to provide for complementary commercial, business, retail and residential uses with higher density living opportunities. Greater building heights are anticipated in the Gorge Road area of the Zone, provided that high quality urban design outcomes are achieved³. At the

¹ Hearing of Submissions on Proposed District Plan, [Report 11](#), paragraphs 1533 - 1534

² District wide Chapter 31 of the PDP

³ Provision 16.1: Purpose

time of writing, the BMUZ applies to land on decisions version planning maps [32](#), [33](#), [31a](#), [21](#), and [20](#).

- 2.5. There are four Stage 1 appeals⁴ that are currently in train which seek that additional land is zoned BMUZ.
- 2.6. Appeals in relation to text seek amendments to provisions in specific relation to the Frankton North land and Structure Plan⁵.
- 2.7. The evaluation of the appropriateness of the proposed Business Mixed Use Design Guide is evaluated, based on the broad resource management issues:
 - (a) The effects of growth and density on urban design and amenity values of the environment, and the effects it has on the social, economic and cultural wellbeing of the community.
 - (b) Uncertainty regarding the intended meaning of term 'high quality urban design outcome'
 - (c) Inconsistencies in plan interpretation and administration
- 2.8. Addressing the issues set out above will provide additional assistance with the management of effects of activities in the BMUZ and will assist with achieving the purpose of the Act.

3. DISTRICT PLAN REVIEW

- 3.1. The review of the Operative District Plan ('ODP') is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation⁶ and three separate hearing streams for rezoning requests and mapping annotations⁷ were held from March 2016 to September 2017.
- 3.2. On 29 September 2016 the Council approved the commencement of Stage 2. As part of these resolutions, the Council addressed what the plan outcome would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B.
- 3.3. Volume A (at the point in time of notification of Stage 3) consists of the PDP chapters notified in Stages 1 and 2 of the PDP.

⁴ ENV-2018-CHC-084, ENV-2018-CHC-101, ENV-2018-CHC-140, ENV-2018-CHC-149

⁵ [Chapter 16 Business Mixed Use Annotated Appeals](#)

⁶ Variation 1 – Arrowtown Design Guidelines 2016

⁷ Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

3.4. Stage 3 of the District Plan Review comprises of the following topics:

- Mapping sites of significance to Wāhi Tūpuna
- Township Zones
- Design Guide to assist with the implementation of the Residential and BMUZ (PDP Chapters 7, 8, 9 and 16)
- Industrial A & B Zones
- Rural Visitor Zone
- Ballantyne Road Mixed Use Zone
- Three Parks Special Zone
- Various minor variations

3.5. The Stage 3 maps show the land that is subject to Stage 3 of the District Plan Review, however this proposal does not seek to make any amendments to the Planning Maps.

3.6. All land that is not subject to Stages 1 – 3 of the District Plan Review currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified, land that has been withdrawn from the district plan review (i.e. the land subject to parts of Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 – Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

Jurisdictional Matters

3.7. At the time of notification of Stage 3, decisions have been made on Stages 1 & 2, and the subsequent appeal process is in train.

4. PURPOSE OF THE REPORT

4.1. Section 32 of the Resource Management Act 1991 (**'the Act'** or **'the RMA'**) requires objectives in proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives. This report fulfils the obligations of the Council under section 32 of the Act. The analysis set out below should be read together with the proposed Business Mixed Use Design Guide 2019, attached in **Appendix 1** and the proposed variations in **Appendix 2**.

4.2. This report provides an analysis of an additional method to assist with the effective implementation of the BMUZ objectives and provisions, and in doing so, considers whether a Design Guide would assist with achieving the high quality design outcomes sought by the zone.

This proposal considers whether a Design Guide is the most appropriate way to achieve the purpose of the Act.

4.3. Accordingly, this proposal provides analysis under the following headings;

- (a) The **Consultation** undertaken, including engagement with iwi authorities on the draft plan.
- (b) An overview of the applicable **Statutory Policy Context** (Section 6)
- (c) Description of the **Non-Statutory Context** (strategies, studies and community plans), which have informed the proposed provisions (Section 6);
- (d) A description of the **Resource Management Issues**, which provide the driver for the proposed provisions (Section 7);
- (e) A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (Section 32(1)(c)) (Section 8);
- (f) An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act (Sections 9, 10 and 11), that is
- (g) Whether the objectives are the most appropriate way to achieve the RMA's purpose (Section 32(1)(a)).
- (h) Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (Section 32(1)(b)), including:
 - (i) identifying other reasonably practicable options for achieving the objectives
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
 - (iii) summarising the reasons for deciding on the provisions; and

5. CONSULTATION

5.1. No consultation was undertaken in the development of the proposal, however the BMUZ provisions that this proposal will assist with implementing were subject to the statutory schedule 1 RMA process in stage 1 of the District Plan review. As this proposal does not revisit the matters addressed in stage 1, and rather only seeks to provide an additional method to more effectively and efficiently implement the objectives and provisions of the BMUZ, consultation in addition to the formal consultation required by the Act was not considered necessary for this proposal.

5.2. Consultation with iwi authorities, required pursuant to Schedule 1, clause 4A of the RMA, was undertaken, whereby a set of draft provisions were provided to iwi representatives for consideration and comment. The iwi authorities did not request any changes to the draft provisions and did not provide specific comment on this proposal.

6. STATUTORY POLICY CONTEXT

Resource Management Act 1991

- 6.1. Section 5 sets out the purpose of the RMA, which requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Guidance as to how the overall sustainable management purpose is to be achieved is provided in the other sections, including sections 6, 7 and 8 of Part 2 of the Act

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

*(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

- 6.2. Section 6 of the RMA sets out a number of matters of national importance that are to be recognised and provided for. The following section 6 matters are applicable to the Business Mixed Use Design Guide:

6 Matters of national importance

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights

(h) the management of significant risks from natural hazards.

6.3. Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to the Business Mixed Use Chapter include the following:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

(i) the effects of climate change

6.4. Section 8 requires that Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles as they relate to resource management derive from Te Tiriti o Waitangi itself and from resource management case law and practice. They can be summarised as follows:

a) That there must be active protection of the partnership between the two parties;

b) That there is an obligation to act with reasonableness and good faith, with both parties being prepared to compromise; and

c) That dialogue and consultation will be the main way in which to give effect to the three principles outlined above.

6.5. The BMUZ provides for a diverse range of activities, and the provisions aim to manage the compatibility of these uses. The proposed design guide will assist with implementing the BMUZ objectives and provisions to ensure that new developments within the BMUZ achieve high quality urban design outcomes, and in doing so will assist with achieving the purpose of the Act.

Other National Legislation or Policy Statements

6.6. When preparing district plans, district councils must give effect to any National Policy Statement (NPS) or National Environmental Standard (NES)

6.7. As the scope of this proposal is very limited, being to introduce additional guidance to assist with implementing the BMUZ, rather than substantively amending the objectives and provisions, no NPS or NES is considered to be directly relevant.

National Planning Standards 2019

- 6.8. In April 2019 the Government released a set of National Planning Standards⁸ (**planning standards**) that require all regional policy statements, regional plans and district plans to have a consistent structure and format. The planning standards also prescribe certain definitions, noise and vibration metrics and requirements for electronic functionality and accessibility. The planning standards have been introduced to improve the efficiency and effectiveness of the planning system, rather than seeking to alter the outcomes of policy statements or plans⁹.
- 6.9. The planning standards prescribe various timeframes for implementation¹⁰, and QLDC is required¹¹ to comply with specified planning standards within 7 years (by April 2026), by either making amendments to the PDP or by notifying an entirely new proposed plan within this timeframe. As the proposals in Stage 3 (including the BMUZ Design Guide) are a series of plan change proposals, rather than a full proposed district plan, the planning standards are not required to be implemented at the present time.
- 6.10. The planning standards that are required to be implemented by April 2026 are the following:
1. Foundation
 4. District Plan Structure
 6. Introduction and general provisions
 7. District-wide matters
 8. Zone Framework
 9. Designations
 10. Format
 12. District spatial layers
 13. Mapping
 15. Noise and vibration metrics
- 6.11. Notably, the above list does not include Standard 14 – Definitions Standard, which is required to be implemented by QLDC within 9 years (by April 2028).

Iwi Management Plans

⁸ <https://www.mfe.govt.nz/sites/default/files/media/RMA/national-planning-standards.pdf>

⁹ National Planning Standards 2019; part 1: Foundation Standard.

¹⁰ Ibid, part 17: Implementation Standard.

¹¹ Ibid, part 17: Implementation Standard; directive 5

6.12. When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Councils must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

6.13. Two Iwi Management Plans are relevant and these are discussed in turn below:

The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008¹²

6.14. The Queenstown Lakes District is identified as being located within the Takitimu Me Ona Uri area of interest. Section 3.5 sets out the policies for this area of interest. The following table highlights the provisions of the Iwi Management Plan that are relevant to this proposal, and briefly discusses how the provisions are taken into account.

Provision	Discussion
3.5.3 Solid Waste Management	Encourage zero waste, including reduce, re-use and recycle programmes, in both commercial and residential contexts
3.5.7 Subdivision and Development	<p>1. Require iwi involvement in local authority planning processes that establish zoning provisions, including decisions pertaining to where subdivision and development is considered appropriate or inappropriate</p> <p>2. Encourage developers to be proactive, and to seek views of iwi in the early stages of project development, particularly when the proposed subdivision is located in an area of cultural significance</p> <p>7. Avoid adverse effects on the natural environment as a consequence of increased demands placed upon land, water and community infrastructure resulting from the granting of new subdivision consents for residential or commercial development.</p> <p>9. Encourage installation of rainwater storage facilities for external water use (e.g. on gardens) by residential or commercial development.</p>

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<https://www.es.govt.nz/Document%20Library/Plans.%20policies%20and%20strategies/Regional%20plans/Iwi%20Management%20Plan/Te%20Tangi%20a%20Tauira%20-%20The%20Cry%20of%20the%20People.pdf>

Kāi Tahu ki Otago Natural Resource Management Plan 2005¹³

Issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 of the KTKO NRMP 2005. The following overall objectives and policies are relevant:

Provision	Discussion
5.2 Overall Objectives	These overall objectives apply to the whole of the Otago Region: <ol style="list-style-type: none"> i. The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported. ii. Ki Uta Ki Tai management of natural resources is adopted within the Otago region. iii. The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago Region. iv. Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region. v. The respective roles and responsibilities of Manawhenua within the Otago Region are recognised and provided for through the other objectives and policies of the Plan.
7.5.2 Cultural Landscapes in the East Otago Catchments (not directly relevant)	Impact of inappropriately designed housing or urban development which intrudes into historic interpretation or key views of pā sites or other significant cultural landscapes

Regional Policy Statements

6.15. Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The Partially Operative Otago Regional Policy Statement 2019 (PORPS 19) and the Partially Operative Otago Regional Policy Statement 1998 (PORPS 98) are the relevant regional policy statements to be given effect to within the PDP.

Partially Operative Regional Policy Statement 2019¹⁴

Reference	Detail
Objective 1.1	Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

¹³ <https://www.waitaki.govt.nz/our-services/planning-and-resource-consents/Documents/RMA/Useful/Kai%20Kahu%20Ki%20Otago%20Natural%20Resources%20Management%20Plan%202005.pdf>

¹⁴ <https://www.orc.govt.nz/plans-policies-reports/regional-plans-and-policies/regional-policy-statement>

Policy 1.1.1	Economic wellbeing Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.
Policy 1.1.2	Social and Cultural wellbeing and health and safety Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following: [...] c) taking into account the diverse needs of Otago's people and communities; d) avoiding significant adverse effects of activities on human health; e) promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing
Objective 1.2	Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago
Objective 2.1	The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions
Policy 2.2.4	Sustainable use of Maori land Enable Kāi Tahu to protect, develop and use land and resources within native reserves in a way consistent with their culture and traditions and economic, cultural and social aspirations, including for papakaika, marae, and marae related activities, while: a) avoiding adverse effects on the health and safety of people; and c) avoiding, remedying or mitigating other adverse effects
Objective 4.5	Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments
Policy 4.5.3	Urban design Design a new urban development with regard to: b) a built form that relates well to its surrounding environment; d) good access and connectivity within and between communities; e) a sense of cohesion and recognition of community values; g) areas where people can live, work and play;
Policy 4.5.4 Low Impact Design	Encourage the use of low impact design techniques in subdivision and development to reduce demand on stormwater, water and wastewater infrastructure and reduce potential adverse environmental effects.
Policy 4.5.6	Designing for public access Design and maintain public spaces, including streets and open spaces, to meet the reasonable access and mobility needs of all sectors
Method 4 City and District Plans	Policy 4.5.6: include subdivision and infrastructure design standards to recognise the access needs of different sections of the community, including the mobility impaired, the elderly and children.
Principle reasons and explanation	Well-designed and integrated urban growth, achieves effective and affordable infrastructure, and improves resilience. The best use of the natural and physical resources will reduce the effects of unanticipated growth. Well planned urban growth and development can achieve multiple benefits, including economic, social and environmental benefits. Concentrating activities in urban areas creates economies of scale for the development and maintenance of infrastructure and supports community facilities such as health care and educational facilities. This can also reduce pressure on the surrounding productive and natural environment. Urban areas that are well designed will improve quality of life, resilience and create more attractive opportunities for

	business investment. The quality of the urban environment can affect quality of life and community viability. Built environments that relate well to their surroundings, have easy connectivity access to key services and reflect the distinctive character of their locality make a positive contribution to the community. Poor quality or badly co-ordinated development presents social, environmental, and economic risks. Integrating the natural environment into urban areas has been shown to achieve multiple benefits. Urban design choices can allow natural processes to continue through and around everyday activities with minimal adverse impact to either.
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The following Issues of the Partially Operative Regional Policy Statement 1998 are relevant:

Partially Operative Regional Policy Statement 1998

Reference	Detail
Objective 9.4.1	To promote the sustainable management of Otago's built environment in order to: (a) meet the present and reasonably foreseeable needs of Otago's people and communities; and (b) provide for amenity values
Objective 9.4.3	To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources
Policy 9.5.5	To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through: (a) promoting the identification and provision of a level of amenity which is acceptable to the community; and (b) avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and (c) avoiding, remedying or mitigating the adverse effects of subdivision, land use and development on landscape values.

Proposed District Plan - Notified 26 August 2015

6.16. The following objectives and policies (or parts thereof) of the PDP (Part 2 Strategic) are relevant to this proposal, which takes into account and gives effect to these provisions. In later sections of this report, minor amendments are also recommended to a small number of strategic policies.

Strategic Direction Chapter 3

6.17. The purpose of the Strategic Direction Chapter is to set out the over-arching strategic direction for the management of growth, land use and development.

6.18. The following issues in the District have been identified within the PDP, which BMUZ DG will seek to address:

- Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities (BMUZ specific)

- Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.
- High growth rates can challenge the qualities that people value in their communities.
- The design of developments and environments can either promote or weaken safety, health and social, economic and cultural wellbeing.

Relevant Objectives and Policies of Strategic Direction Chapter 3

Reference	Detail
Objective 3.2.2	Urban growth is managed in a strategic and integrated manner (addresses Issue 2)
Policy 3.2.2.1	Urban development occurs in a logical manner so as to: a. promote a compact, well designed and integrated urban form; c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;
3.2.6	The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)

6.19. The Strategic Directions seek to enable development while protecting the valued natural and physical resources of the District. The proposal is required to give effect to these obligations.

Urban Development Chapter 4:

6.20. This chapter sets out the objectives and policies for managing the spatial location and layout of urban development within the District.

Reference	Detail
Objective 4.2.2 A	Objective – A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services
Policy 4.2.2.3	Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area
Policy 4.2.2.5	Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

Policy 4.2.2.9	Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design”
Policy 4.2.2.10	Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky

6.21. The Urban Development objectives and policies are part of the strategic intentions of the PDP, specifically seeking to manage the spatial layout of urban development in the District. The objectives and policies seek to provide a managed approach to urban development that utilises land resources in an efficient manner, and preserves and enhances natural amenity values¹⁵. The objectives and policies encourage consolidation of urban growth within Urban Growth Boundaries.

Tangata Whenua Chapter 5:

6.22. The PDP identifies that the key environmental issues for tangata whenua in the Queenstown Lakes District include:

- Increasing land use intensification, especially increasing dairying and subdivision;
- Taonga species and related habitats.

6.23. Environmental outcomes sought from tangata whenua, relevant to urban design in residential zones include:

- Provision for a strong Ngāi Tahu presence in the built environment.

Objective or provision	Detail
Objective 5.3.1	Consultation with tangata whenua occurs through the implementation of the Queenstown Lakes District Plan policies.
Policy 5.3.1.1	Ensure that Ngai Tahu Papatipu Runanga are engaged in resource management decision-making and implementation on matters that affect Ngai Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.
Policy 5.3.1.3	When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account Iwi management plans.

¹⁵ Provision 4.1 (Purpose), paragraph 2.

6.24. The proposal gives effect to the Tangata Whenua Chapter 5 objectives and policies as it takes into account the relevant iwi management plans, and statutory consultation with iwi has occurred.

Other Documents Considered

6.25. The following documents and projects have informed this Section 32 evaluation.

- (a) The New Zealand Urban Design Protocol
- (b) CPTED
- (c) Urban Design Strategy 2009
- (d) Queenstown Town Centre Design Guide
- (e) Wanaka Design Guide
- (f) Arrowtown Design Guide

7. RESOURCE MANAGEMENT ISSUES

7.1. The key resource management issue that this proposal seeks to address is outlined below.

ISSUE – PLAN USABILITY, ADMINISTRATION AND CONSISTENCY

7.2. The usability of the plan, specifically in relation to interpretation, administration and consistency is the central resource management issue this proposal seeks to address.

7.3. The Business Mixed Use Zone provides for a mixture of commercial, residential and service activities within one zone. Reverse sensitivity effects and potential risks of ad-hoc development are managed through the provisions within the BMUZ chapter.

7.4. Through the course of Stage 1 Hearing 8, Mr Tim Church (Urban Designer for the Council) recommended that the Council prepare design guidance relating to the anticipated design outcomes and common mitigation approaches between uses to give more direction and certainty to applicants and Plan administrators. The Hearings Panel agreed with these comments, and recommend that the Council considers, in particular, Mr Church's suggestion of design guidelines for the BMUZ.

7.5. Development within the BMUZ is expected to achieve high quality urban design outcomes, however in the absence of guidance regarding the design elements that require consideration to achieve high quality outcomes, there is currently uncertainty for plan users, and risk of inconsistent plan interpretation and administration.

8. SCALE AND SIGNIFICANCE EVALUATION

- 8.1. The level of detailed analysis undertaken for this evaluation has been determined by an assessment of the scale and significance of the implementation of the proposal. In making this assessment, regard has been had to the following, namely whether the proposal:
- Results in a significant variance from the existing baseline in Chapter 16 Business Mixed Use Zone
 - Have effects on matters of national importance.
 - Adversely affect those with specific interests.
 - Involve effects that have been considered implicitly or explicitly by higher order documents.
 - Impose increased costs or restrictions on individuals, communities or businesses.
 - Are more appropriate than the existing.
- 8.2. This proposal seeks to introduce an additional method to implement the objectives and provisions of the BMUZ, and does not make any policy changes.
- 8.3. An analysis of alternatives has been undertaken, including continuing the status quo approach (no design guide), amending an existing guide to include guidance for development in the BMUZ, and introducing a BMUZ design guide that is not incorporated by reference. This proposal will continue the established approach in the PDP which is to incorporate design guides by reference.
- 8.4. In summary the proposal will result in variance from the existing baseline, however as it would be an additional method to implement existing objectives and provisions, the scale and significance is considered to be low.

9. BROAD OPTIONS

Broad Options Considered
Other reasonably practicable options for achieving the objectives (s32(1) (b)(i)):

Option 1: BMUZ Provisions with no Design Guide (PDP Status quo)

Retain the current provisions (objectives, policies and rules) as they stand, and allowing high quality design to be managed through the existing Business Mixed Use provisions.

Option 2: BMUZ provisions with a Design Guide that is non-statutory (not incorporated by reference)

Provide a BMUZ Design Guide that is not incorporated by reference within the BMUZ provisions. The BMUZ Design Guide would then act as a non-statutory document and solely a guide, in which users are able to use for reference only.

Option 3 (preferred option): BMUZ provisions with a Design Guide that is statutory (incorporated by reference)

Provide a BMUZ Design Guide that is incorporated by reference within the BMUZ provisions.

Option 4: BMUZ provisions referencing one of the Town Centre Design Guidelines

Reference an existing Design/Character Guide for one of the Town Centres.

Broad Options Considered				
	Option 1: BMUZ provisions with no Design Guide (PDP status quo)	Option 2: BMUZ provisions with non-statutory Design Guide (not incorporated by reference)	Option 3: BMUZ provisions with statutory Design Guide (incorporated by reference) (preferred option)	Option 4: BMUZ provisions referencing one of the Town Centre Design/Character Guides
Costs	<p>Inconsistency Application of existing BMUZ provisions without additional guidance may result in an inconsistent approach to the application of objectives and provisions relating to urban design.</p> <p>Time and Financial Costs All buildings within the BMUZ are a restricted discretionary activity and require resource consent. Urban design matters are considered under the matters of discretion and assessment matters listed¹⁶. Although the provisions provide for a variety of urban design-related matters to be considered, the provisions are limited in their ability to provide best-practice examples of the outcomes sought. This may result in time costs, s92 Requests for Further Information, and</p>	<p>Design Guide optional Due to the non-statutory nature of the Design Guide under this option, applicants would not be required to have regard to the design-related matters addressed within the Design Guide. This would decrease the effectiveness of the Guide, and may create uncertainty for plan users regarding its applicability.</p> <p>Appropriate high quality urban design outcomes would not be assured and, similar to option one, it may result in time costs and risk of inconsistent administration of the plan.</p> <p>Limited enforcement ability for Council The Council would have limited ability to enforce the Design Guide,</p>	<p>Additional application Referencing the Design Guide in the BMUZ provisions may be perceived as an added requirement in the resource consent process.</p> <p>When compared against option 2, applicants may need to apply greater effort at the design stage in order to address the design element guidance. However, the considerations that the Design Guide would require are considered to already be a requirement under rule 16.4.4. A Design Guide would elaborate on the matters in 16.4.4 and provide best practice examples of how high quality design could be achieved.</p> <p>Time and financial costs</p>	<p>The existing design/character guides are tailored to the respective Town Centre zones. Significant amendments would need to be made to implement the BMUZ objectives and provisions to one of the existing guides.</p>

¹⁶ Rule 16.4.4.

Broad Options Considered				
	Option 1: BMUZ provisions with no Design Guide (PDP status quo)	Option 2: BMUZ provisions with non-statutory Design Guide (not incorporated by reference)	Option 3: BMUZ provisions with statutory Design Guide (incorporated by reference) (preferred option)	Option 4: BMUZ provisions referencing one of the Town Centre Design/Character Guides
	<p>inconsistency in how the provisions are administered.</p> <p>The zone purpose may not be achieved in an effective or efficient manner</p> <p>The BMUZ is a relatively new zone, which has significant differences to the Operative District Plan Business Zone; its predecessor. A design guide that is BMUZ specific would re-inforce the outcomes sought by the BMUZ, when compared against the previous planning framework. This would not be achieved if a guide is not produced.</p>	<p>which may undermine the ability to achieve the expected urban design components for the BMUZ.</p> <p>The guide would have limited influence.</p> <p>This option would not be consistent with the treatment of other design/character guides in the PDP, which are incorporated by reference.</p> <p>This option would not be required to go through the Schedule 1 process, which would mean no formal submission period, hearing and appeal process. Submitters would consequently have limited ability to influence the design guide, compared with that provided by the Schedule 1 process.</p>	<p>This option must go through the RMA Schedule 1 process to incorporate the Design Guide by reference in the PDP. There would be an opportunity for public submissions and subsequent appeals, which may incur time and financial costs for the Council and submitters.</p> <p>Any subsequent amendments to the Design Guide would also need to be made through the Schedule 1 process. This however is considered low-risk, as it would likely be undertaken in conjunction with amendments to the BMUZ provisions.</p>	
Benefits	No plan change required, therefore no costs associated with formulating a guide, evaluation report and plan change process.	A Design Guide would be used as a tool to provide design guidance for applicants, and to provide processing consent planners with clear information regarding matters to be considered to	By incorporating the guideline by reference, there would be a greater return on the investment made drafting the document, because it would be required to be considered, rather than an optional	Perceived time and financial costs, as there would be no need to create another Design Guide and create an evaluation report. However, significant changes would

Broad Options Considered				
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	Plan users will be familiar with the information within the chapter, and less new information for plan users to become familiar with.	<p>achieve high quality design outcomes. Design Guides are an established method to illustrate what the anticipated outcome is (as they have also been applied to the Queenstown and Wanaka town centre zones and Arrowtown). Introduction of a Design Guide within the BMUZ chapter will therefore be consistent with an established method applied elsewhere in the district.</p> <p>Under this option, due to their non-statutory nature, applicants would be given the option to choose whether to use the Design Guide when designing their proposal, which may result in reduced time and financial costs for applicants during the design phase. However, if the guide is to be used by plan users, it may result in less requests for further information (s92) and improve efficiency within the consent process.</p> <p>This option would not need to go through a Schedule 1 process,</p>	<p>consideration (as proposed by option 2).</p> <p>Tool which aids decision making process</p> <p>The use of the BMUZ Design Guide is an established method to illustrate anticipated urban design outcomes. The BMUZ has limited ability to illustrate the outcomes.</p> <p>The Design Guide would improve the efficiency of the consent process, by providing design-related guidance for applicants and processing planners to consider what is required within the application. This would create more certainty for both parties.</p> <p>Incorporating a design guide by reference would further highlight the urban design outcomes sought by the BMUZ and increase the visibility of the guide in the resource consent process.</p> <p>Quality urban environments</p>	<p>need to be made to the existing guide in order to implement the specific BMUZ objectives and provisions, so any benefit would be minor.</p> <p>This option would continue the PDP approach of incorporating design/character guides by reference. Therefore it would be a consistent approach in the context of the PDP.</p>

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		<p>resulting in reduced time and financial costs for Council when drafting the guide.</p> <p>Potential to create quality urban environments</p> <p>If plan users use the guide, it would assist with achieving the outcomes sought by the BMUZ. If the guide is used, it may result in economic, social and cultural benefits and benefits to the built environment. However, under this option, these benefits would be uncertain due to the inability for a non-statutory guide to be implemented as a requirement.</p>	<p>A design guide would assist with improving the quality of development in the zone by supporting development, which responds to the surrounding environments. It would also be more effective than option 2 in implementing the BMUZ, which is a new zone that is very different to the ODP Business Zone regime that previously applied and did not require high urban design outcomes.</p>	
Ranking	4	2	1	3

Broad Options Considered				
	Option 1: BMUZ provisions with no Design Guide (ODP status quo)	Option 2: BMUZ provisions with a non-statutory Design Guide (not incorporated by reference)	Option 3: BMUZ provisions with a statutory Design Guide (incorporated by reference)	Option 4: BMUZ provisions referencing one of the Town Centre Design/Character Guides
Appropriateness and Effectiveness	<p>This option would not achieve the certainty of plan administration that would be achieved by option 3.</p> <p>This option addresses urban design components at a minimum, however it would not assist with addressing the identified issue.</p> <p>This option would be less effective in achieving the purpose of Objective 4.5 Urban Design of the PORPS.</p>	<p>Achieving a high quality built environment is a key outcome of the BMUZ, and the non-statutory nature of this approach gives the Design Guide minimal weight. It would therefore have limited effectiveness in addressing the resource management issue identified.</p> <p>This option is less effective in achieving the purpose of Objective 4.5 Urban Design of the PORPS compared to option 3 as it is non-statutory and is not certain that the guidance will be considered by future development proposals.</p>	<p>The objectives and provisions of the BMUZ anticipate high quality design. By incorporating this option, it will assist with achieving objective 16.2.2, and implementing policies 16.2.2.1-16.2.2.8 and 16.2.1.2 of Chapter 16 Business Mixed Use.</p>	<p>This approach would be less effective in achieving the purpose of the zone, as the Town Centre Design Guides are tailored to those specific zones which have their own characteristics. This option would have limited effectiveness.</p>
Efficiency	<p>This approach is low cost as it would not require any changes in the plan, and no requirement to assess the option within an evaluation report. However it would not address the identified issue, and is therefore not an efficient option.</p>	<p>Whilst a BMUZ design guide would be an efficient method to illustrate the outcomes sought by the BMUZ, choosing to not incorporate the design guide by reference would limit its efficiency in addressing the identified issue, due to the</p>	<p>A design guide that is incorporated by reference is the most efficient option as it would provide guidance that is required to be considered by plan users, therefore providing greater certainty that the BMUZ objectives will be achieved.</p>	<p>This approach is inefficient as would add complexity to the existing guide that would need to be amended to incorporate guidance for the BMUZ. A guide that is specifically tailored to the BMUZ is the more efficient option.</p>

Broad Options Considered				
	Option 1: BMUZ provisions with no Design Guide (ODP status quo)	Option 2: BMUZ provisions with a non-statutory Design Guide (not incorporated by reference)	Option 3: BMUZ provisions with a statutory Design Guide (incorporated by reference)	Option 4: BMUZ provisions referencing one of the Town Centre Design/Character Guides
		inability to be implemented under this option.	In summary, option 3 is the most efficient, effective and ultimately the most appropriate option.	

10. EVALUATION OF PROPOSED OBJECTIVES SECTION 32(1)(a)

- 10.1. The identification and analysis of issues has helped define how Section 5 of the RMA should be applied. This has informed determination of the most appropriate objectives to give effect to Section 5 of the RMA in light of the issues.
- 10.2. Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. The following objectives serve to address the key strategic issues in the District.
- 10.3. This proposal does not amend existing objectives or provisions, rather it seeks to provide best-practice guidance to assist with achieving the outcomes sought by the BMUZ objectives and provisions.

11. EVALUATION OF THE PROPOSED PROVISIONS SECTION 32(1)(b)

- 11.1. Whilst this proposal does not amend the BMUZ provisions (other than by minor variations that incorporate the BMUZ Design Guide by reference), the following tables consider whether the proposed BMUZ Design Guide is the most appropriate way to achieve the relevant objectives and implement the BMUZ provisions.

12. EFFICIENCY AND EFFECTIVENESS OF THE PROPOSED BMUZ DESIGN GUIDE

- 12.1. The proposed key design elements within the Business Mixed Use Design Guide provide guidance for plan users by identifying and illustrating the design considerations to achieve high quality design outcomes, thereby assisting with achieving the objectives of the BMUZ. In achieving these objectives, the BMUZ Design Guide will assist with implementing the Council's functions under s31 of the RMA, in particular the management of effects of development. The BMUZ Design Guideline will assist with giving effect to the Strategic Direction, Urban Development and Landscapes objectives and policies identified in section 6 of this evaluation.
- 12.2. The proposed BMUZ Design Guide also recognises the interrelationship between part 5 of the Act and provides a framework for the effective management of resources as required by section 6, and in particular the matters listed in section 6 (a), (b), (d), and (f), and has regard to sections 7(b),(c) and (f) of the RMA.
- 12.3. The BMUZ Design Guide is the most appropriate method to assist with achieving the BMUZ objectives, and will assist with achieving the purpose of the RMA.

Costs	Benefits	Effectiveness and efficiency
<p>Upfront time and financial costs</p> <p>Applying the design guide may result in higher costs at the design stage, as implementing the key design elements and urban design principles listed may require alterations and further consideration of principles.</p>	<p>The design guide will illustrate the design outcomes anticipated for the BMUZ, which in turn will decrease uncertainty regarding the expected outcomes for the Zone.</p> <p>Active Frontages</p> <p>Encouraging the ground floor of developments to comprise of non-residential activity promotes activities such as retail to establish on the ground floor of this zone. Ground floor activities that interacts responsively with the surrounding environment creates an active frontage and increases pedestrian traffic, which thereby increases the economic and social vitality for the area.</p> <p>Passive Surveillance and CPTED</p> <p>Encouraging residential activities to occur above ground floor level provides the opportunity for passive surveillance on the street. This perceived increase in safety thereby creates a positive and more welcoming urban environment, which creates a sense of place. A perceived sense of safety encourages the use of active modes of transport and therefore improve the overall health and wellbeing of the community.</p> <p>Providing access into public open spaces and considering the relationship between the built environment and public open spaces provides the opportunity for passive and active use of space and a positive urban environment. Integration with adjoining buildings allow passive surveillance to overlook these open spaces and application of CPTED principles.</p> <p>Robustness and adaptability of buildings</p>	<p>Key design element 1: Create a positive street edge and a sense of place</p> <ul style="list-style-type: none"> • Active frontages • Passive surveillance and CPTED principles <p>Assists with implementing the following policies: 16.2.1.1, 16.2.1.2, 16.2.1.4, 16.2.2.1, 16.2.2.2</p> <p>Key design element 2: Building façade treatment</p> <ul style="list-style-type: none"> • Human scale and sense of place <p>Assists with implementing the following policies: 16.2.1.9, 16.2.2.1, 16.2.2.5, 16.2.2.6</p> <p>Key design element 3: Building height and roof form</p> <ul style="list-style-type: none"> • Human scale and sense of place • Legibility <p>Assists with implementing the following policies: 16.2.1.2, 16.2.2.1, 16.2.2.5, 16.2.2.7</p> <p>Key design element 4: Signage</p> <ul style="list-style-type: none"> • Legibility and accessibility <p>Assists with implementing the following policies: 16.2.1.7, 16.2.2.1, 16.2.2.5, 16.2.2.8</p> <p>Assists with implementing the following policies of the Signs Chapter: 31.2.1.1, 31.2.1.2, 31.2.1.5, 31.2.1.7, 31.2.1.8, 31.2.1.9, 31.2.1.12, 31.2.2.2, 31.2.2.5, 31.2.3.1, 31.2.3.2, 31.2.3.3, 31.2.3.4, 31.2.3.5</p>

Costs	Benefits	Effectiveness and efficiency
	<p>As mentioned, one of the many costs to urban design and mixed use is the potential for it to not have adequate tenants to occupy space due to restrictions such as the size and shape of the space within the buildings. By encouraging buildings to be adaptable, compatible and flexible to a variety of uses will create a wider range of opportunities for tenancies, which assist in the establishment of mixed use zones. Ensuring buildings are adaptable future-proofs the development for a variety of activities in the long term.</p> <p>Encouraging the use of building materials that are durable will provide the opportunity for buildings to adapt to accommodate a range of uses overtime. It will also reduce long term financial costs as high quality materials require less maintenance and will therefore contribute positively to environmental sustainability. The use of high quality materials can also contribute to sense of place as it creates an environment which is perceived as well maintained and not run down.</p> <p>Human scale and sense of place</p> <p>In addition to encouraging active frontages, increasing the human scale of buildings promotes a positive urban environment and a sense of place for the community. Buildings which consider design concepts such as symmetry, proportion, building materials, articulated facades, setbacks and balconies, to name a few, provides visual richness which contribute to the urban experience for pedestrians.</p> <p>Increasing the urban experience for pedestrians will thereby encourage pedestrian traffic, and increase the economic and social vitality of the area.</p>	<p>Key design element 5: Open Space provision and boundary interfaces</p> <ul style="list-style-type: none"> • Legibility, accessibility and traffic safety • Passive surveillance and CPTED principles. <p>Assists with implementing the following policies: 16.2.2.2, 16.2.2.3, 16.2.2.5, 16.2.2.9</p> <p>Key design element 6: Accessibility</p> <ul style="list-style-type: none"> • Legibility, accessibility and traffic safety • Sense of place <p>Assists with implementing the following policies: 16.2.1.2, 16.2.1.9, 16.2.2.1, 16.2.2.4, 16.2.2.9</p> <p>Key design element 7: Parking Areas</p> <ul style="list-style-type: none"> • Legibility, accessibility and traffic safety <p>Assists with implementing the following policies: 16.2.1.1, 16.2.1.2, 16.2.1.3, 16.2.2.1, 16.2.2.3, 16.2.2.8</p> <p>Assists with implementing the following policies within the transport chapter: 29.2.1, 29.2.2.1, 29.2.2.3, 29.2.2.4, 29.2.2.9, 29.2.4.9</p> <p>Key design element 8: Waste and service areas</p> <ul style="list-style-type: none"> • Management of effects <p>Assists with implementing the following policies: 16.2.1.8, 16.2.2.3, 16.2.2.8</p>

Costs	Benefits	Effectiveness and efficiency
	<p>Landscaping and planting is encouraged to define and create spaces, which have soft edges for a natural flow of pedestrian movement within the area. Landscaping and planting contributes positively to the social vibrancy of the area and increases permeability of surfaces, therefore contributing to environmental benefits.</p> <p>Legibility and accessibility</p> <p>Building heights are regulated within the provisions to prevent the effects of shading, building dominance and privacy. However, the design guide emphasises that building height can also be used as a method to increase legibility by creating a node which can be easily recognised by pedestrians. Nodes are important features of an environment as it creates a sense of familiarity to navigate through the area.</p> <p>Signage is also one method to promote pedestrian legibility however the effects need to be managed through design controls. The majority of these design controls are managed through Chapter 31 Signage, however are still applicable to the BMU chapter, specifically in relation to glare of lighting of signage.</p> <p>Providing universal access for people of all ability promotes social inclusion and a responsive and positive urban environment.</p> <p>Management of effects Screening, landscaping, traffic, waste</p> <p>Ensuring appropriate screening and landscaping is established depending on the activity is also important for privacy and effects on visual amenity.</p>	<p>Key design element 9: Private and safe environments</p> <ul style="list-style-type: none"> • Human scale and sense of place • Passive surveillance and CPTED principles <p>Assists with implementing the following policies: 16.2.1.9, 16.2.2.1</p> <p>Key design element 10: Building materials and lighting</p> <ul style="list-style-type: none"> • Human scale and sense of place • Legibility • Management of effects <p>Assists with implementing the following policies: 16.2.1.7, 16.2.1.9</p> <p>Key design element 11: Environmental sustainability</p> <ul style="list-style-type: none"> • Human scale and sense of place • Robustness of buildings <p>Assists with implementing the following policies: 16.2.2.2, 16.2.2.3, 16.2.2.9</p> <p>Key design element 12: Landscape materials and planting</p> <ul style="list-style-type: none"> • Human scale and sense of place • Management of effects <p>Assists with implementing the following policies: 16.2.2.2, 16.2.2.3, 16.2.2.9</p>

Costs	Benefits	Effectiveness and efficiency
	<p>Ensuring parking areas are safe for pedestrians, to avoid user conflict and to ensure that parking areas do not diminish from urban amenity values. Parking and traffic generating design controls are predominantly managed through Chapter 29 Transport, however are still applicable to the BMU chapter.</p> <p>By encouraging the appropriate location and screening of waste and service areas, it establishes the perception of the area. A tidy and well respected area is perceived as a place which is approachable and attractive for pedestrians. This design element promotes economic and social vitality to the area, and encourages positive environmental practices</p> <p>The additional consideration to the scale, texture and reflectivity of building materials, will not only encourage and attractive sense of place that complements the existing character, but also manages the effects of glare from materials.</p> <p>Landscaping is also encouraged to be used as buffers for privacy and screening between private and public spaces.</p>	

13. THE RISK OF NOT ACTING

- 13.1. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposal. It is not considered that there is uncertain or insufficient information about the subject matter of the proposal.
- 13.2. The issues identified and recommended option are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the PDP would fall short of fulfilling its functions.
- 13.3. The risk of not acting in this case is inconsistency in plan administration due to the current uncertainty of the outcomes sought by *high quality urban design*. Overall, there is certain and sufficient information about the subject matter of this proposal and the risk of not acting would have greater consequences than the risk of acting in this instance.

APPENDIX 1

Business Mixed Use Design Guide 2019

APPENDIX 2

Variations to Chapter 16: Business Mixed Use and Chapter 31: Signs