

Attachment A: IHP Recommendation Report for the Urban Intensification Variation to the PDP

**BEFORE AN INDEPENDENT HEARING PANEL
APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER THE

Resource Management Act 1991

And

IN THE MATTER OF

the Urban Intensification Variation to the proposed
Queenstown Lakes District Plan

RECOMMENDATION OF THE INDEPENDENT HEARING PANEL

23 December 2025

CONTENTS

1.	EXECUTIVE SUMMARY	4
2.	BACKGROUND	8
3.	THE STATUTORY AND PLANNING FRAMEWORK	20
4.	ADMINISTRATIVE, LEGAL AND POLICY MATTERS	35
	<i>LATE SUBMISSIONS</i>	35
	<i>ARE THE SUBMISSIONS "ON" THE UIV?</i>	36
	<i>POLICY 5 OF THE NPS-UD</i>	57
5.	OVERALL APPROACH TO THE UIV	71
6.	QUEENSTOWN INCLUDING FERNHILL, FRANKTON ROAD, FRANKTON FLATS, AND KELVIN HEIGHTS	80
7.	ARTHURS POINT	88
8.	ARROWTOWN	91
9.	WĀNAKA	105
10.	HĀWEA	113
11.	CHAPTER 2 – DEFINITIONS	115
12.	CHAPTER 4 – URBAN DEVELOPMENT	117
13.	CHAPTER 7 - LDSRZ	118
14.	CHAPTERS 8 AND 8A - RECOMMENDED PROVISIONS: BOTH MEDIUM DENSITY RESIDENTIAL ZONES	129
	<i>CHAPTER 8 - MDRZ</i>	129
	<i>CHAPTER 8A – MDRAZ</i>	132
15.	CHAPTERS 9 AND 9A - RECOMMENDED PROVISIONS: BOTH HIGH DENSITY RESIDENTIAL ZONES	134
	<i>CHAPTER 9 - HDRZ</i>	134
	<i>CHAPTER 9A - HDRAZ</i>	135
16.	CHAPTERS 12 AND 13 - TOWN CENTRE ZONES	137
	<i>CHAPTER 12 - QUEENSTOWN TOWN CENTRE (CHAPTER 12)</i>	138
	<i>CHAPTER 13 - WĀNAKA TOWN CENTRE ZONE</i>	156
17.	CHAPTER 15 - LOCAL SHOPPING CENTRE ZONE	167
18.	CHAPTER 16 - BUSINESS MIXED USE ZONE	174
19.	CHAPTER 27: SUBDIVISION	177
20.	REZONING REQUESTS – ALL PDP ZONES	178
21.	S32AA ANALYSIS	212
22.	FINAL RECOMMENDATIONS	214

**APPENDIX 1 – REVISED CHAPTER PROVISIONS AND MAPS AS RECOMMENDED BY THE
PANEL**

APPENDIX 2 – LEGAL FRAMEWORK

APPENDIX 3 - ARE THE SUBMISSIONS ON THE UIV?

Pages 4-56 omitted

Large Lot Residential Zone

4.90 Several submissions¹⁹² seek changes to the Large Lot Residential A Zone in Hāwea. While a PDP zone, and part of the urban environment, for the reasons set out above in relation to the BCIL submission we do not consider these submissions to be "on" the UIV.¹⁹³ We consider that no status quo to this zoning was proposed and the UIV was targeted to focus on specific PDP zones. We also consider there to be a real risk of people affected by the changes sought being denied an effective response.

Open Space and Recreational Zone - Community Purpose Campground Sub-Zone and Rural Visitor

4.91 Hāwea campground sought the inclusion of its site within the UGB (to recognise its accommodation role, including for temporary workers). Ms Frischknecht notes¹⁹⁴ that the site is also located within an ONL and Wāhi Tūpuna. The site is located some way from the UGB and has recently been subject to an Environment Court Order.

4.92 While a PDP zone for the reasons set out above, we do not consider these submissions to be "on" the UIV. Rather, we consider that no change to the status quo zoning was proposed and the UIV was targeted to focus on specific PDP zones and the urban environment (and not to move the UGB). We also consider there to be a real risk of people affected by the change being denied an effective response.

Conclusion to Category Four

4.93 We therefore reject all submissions within Category Four seeking rezoning of urban PDP land not included within that covered by the notified UIV as they are not "on" the UIV.

POLICY 5 OF THE NPS-UD

4.94 The purpose and meaning of Policy 5 was subject to extensive discussion during the hearing, and in reaching a view on the matter the Panel has had to traverse the entirety of the NPS-UD. We appreciate the assistance provided by counsel for a number of submitters and by the Council in its Reply to us, which included the Council's analysis of the NPS-UD.

4.95 Policy 5 states:

Regional policy statements and District plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- (b) relative demand for housing and business use in that location.

4.96 Referring to Ms Fairgray's evidence quoted in Section 2 above, the 2021 HBA identified that the combined PDP and ODP land within the District's urban generally already satisfy the needs of NPS-UD Policy 5(b) (noting there is a difference between overall demand and relative demand). The notified UIV provides more capacity again, particularly in terms of attached

¹⁹² Including submissions 483, 754 and 1186.

¹⁹³ We note however that Ms Frischknecht summarised these submissions, despite her position they were out of scope, in her S42A Report (Rezoning: Business and Lake Hāwea Zones) in section 8.

¹⁹⁴ S42A Report (Rezoning: Business and Lake Hāwea Zones) at [8.9].

housing. This position was itself not materially challenged in evidence and we accept it. However, it is fair to say that we find aligning the existing PDP capacity with the needs of NPS-UD Policy 5(b) does not of itself require a major uplift of enabled heights, especially once the land within the District but excluded from the Variation is considered. Our key reason for this is that the main driver of the Council's proposal for additional building heights – especially in the MDRZ - was to provide for 3-storey walk-up apartments. As we discuss later, we found the evidence in support of this to be overly speculative and theoretical. Relative demand for attached housing, which can include 2-storey terraced houses and which the Panel finds much more realistic, can be substantially more enabled through addressing density standards alone and this can address NPS-UD Policy 5(b).

- 4.97 We find that the primary justification for of the UIV's re-zoning (additional building height) proposition is NPS-UD Policy 5(a) and the Council's accessibility analysis (addressed in Sections 2 and 5).
- 4.98 It follows then that the practical emphasis of the UIV's questioning of additional building height is whether clause (a) of NPS-UD Policy 5, and whatever we find may be "commensurate" in a given location, would be "the greater of" what the PDP already enables (or with modifications to density limits where they apply so as to address Policy 5(b)). If so, the Panel is required to enable additional heights (and densities) of urban form appropriate with other relevant plan-making matters set out in the NPS-UD, the relevant planning framework and the RMA. Conversely if the Panel determines that the commensurate heights (and densities) identified to meet Policy 5(a) were less than what the PDP already enables for any relevant part of an urban environment (or with modifications to density limits where they apply so as to address Policy 5(b)), then the UIV is required to maintain the status quo approach to building heights.
- 4.99 We received many submissions and legal submissions¹⁹⁵ challenging the Council's approach to the UIV including what the NPS-UD said and what it required. In summary the key scope or interpretation-related matters put to the Panel for consideration are:
- (a) Whether only "Queenstown" is a Tier 2 urban environment, and if so whether the remainder of the District's settlements (Wānaka, Hāwea, etc.) might not be subject to Policy 5.
 - (b) Whether Policy 5, although being necessarily triggered by a District plan that applies to a tier 2 or 3 urban environment (i.e., where such an urban environment is addressed within the Plan), might then not be limited to urban environments when clauses (a) or (b) are considered and building height and density is enabled. This amounted to a suggestion that Policy 5 could be addressed by way of upzoning land within a District that sat outside of an urban environment.
 - (c) The meaning of "commensurate".
 - (d) The extent to which Policy 1 of the NPS-UD could act as a 'hand-brake' and justify an enablement of heights and density of urban form less than otherwise required by Policy

¹⁹⁵ In particular in responses to questions and discussions during the hearing.

5, on the premise that providing a full 'Policy 5 response' might not be consistent with a well-functioning urban environment.

The Queenstown Tier 2 urban environment

4.100 The NPS-UD identifies "Queenstown" as a Tier 2 urban environment. The NPS-UD also identifies QLDC as a Tier 2 local authority. These are not the same things.

4.101 The NPS-UD has specific policies and Part 3 (Implementation) provisions directing local authorities of differing tiers to undertake certain actions within their District. Some of those are specific to certain urban environments, and others apply to whole Districts. Examples of each are:

- (a) Clause 3.3 - which directs provision of sufficient development capacity within the whole District (not just within relevant urban environments); and
- (b) Clause 3.6, directing production of a "housing bottom line" but only for the Tier 2 urban environment of "Queenstown" (i.e., the housing bottom line is not required for those areas of the District that are not an urban environment, or are urban environments but not part of "Queenstown").

4.102 Because the NPS-UD construct of a 'Tier 2 urban environment' of Queenstown and that of a 'Tier 2 local authority' of QLDC are different things, there is nothing in the NPS-UD that inherently requires all urban environments within the Tier 2 local authority of QLDC to be classified as Tier 2 urban environments. It follows that we were open-minded to the proposition that the Tier 2 Queenstown urban environment could literally be just the singular settlement known as Queenstown and not the settlements of Wānaka, Hāwea, Arrowtown, Arthurs Point, or possibly some of the adjacent urban areas close to Queenstown such as Sunshine Bay or Kelvin Heights.

4.103 However, this did not change the ultimate task ahead of the Panel. Assuming that we were persuaded to treat most of the areas subject to the UIV as not being part of the Tier 2 urban environment of "Queenstown", the terms of the NPS-UD would mean they would instead be classified as Tier 3 urban environments. Put simply, the NPS-UD provides for a local authority of a given tier to have within its District urban environments of different tiers. Regardless of whether Wānaka or Hāwea (and others) were treated as if they were part of the Queenstown Tier 2 urban environment, or non-Queenstown Tier 3 urban environments, both scenarios remain equally subject to Policy 5 and on that basis the UIV applies equally to either.

4.104 We therefore find there is no basis to exclude any of the identified urban environments that are subject to the UIV from it.

4.105 We accept that the proper classification of the various urban environments in the District is important (and may have ramifications for certain NPS-UD requirements). But insofar as it relates to the specific task we have been delegated, nothing turns on it.

4.106 In its Right of Reply, the Council confirmed to us¹⁹⁶ that it has interpreted the Tier 2 "Queenstown" urban environment as meaning all land subject to the UIV, including Wānaka,

¹⁹⁶ Reply Legal Submissions for QLDC, 1 October 2025, Appendix 1.

Hāwea, Arrowtown, Arthurs Point and the various urban areas that extend from and are adjacent to Queenstown. We accept that the Council is entitled to determine that classification and we accept that from the point of view of how we have approached the terms within the NPS-UD.

4.107 In our decision and recommendations, we refer to Queenstown (and surrounds), Wānaka, Arrowtown, Hāwea, and Arthurs Point each as its own urban environment location. That reflects the real-world spatial differentiation and separation between those settlements; the submissions received (which were predominantly written in the context of the settlement or neighbourhood of interest to individuals); and the way we have gone about reaching our findings. When we approached the question of what heights and densities might be commensurate for Arthurs Point, we were not helped by considering the characteristics of Hāwea.

4.108 Although we have not agreed with all respects of her analysis, the Panel nevertheless agrees with the conclusion reached by Ms Bowbyes¹⁹⁷ and rejects submissions seeking changes to the specific areas of land identified as both an urban environment and subject to the Variation.

Is a Policy 5 response limited to Tier 2 (or 3) urban environments?

4.109 Overall, there was acceptance that the NPS-UD applied to at least some parts of the District.

4.110 A proposition put to us was whether the phrase “District plans applying to” in Policy 5 meant something narrow, closer to “only those District plan provisions addressing”, or something wider, closer to “the District plan as a whole including provisions unrelated to urban environments”.

4.111 In other words, although the NPS-UD Policy 5 would only come into play if a relevant urban environment existed within a District, once in-play it may be that the relevant Council could address Policy 5 across any or all of the land covered by its District plan as a whole (i.e., all of the land the District plan applies to), rather than just land within the relevant urban environment(s).

4.112 We find that this issue is in this instance theoretical or hypothetical; if the Council had notified a whole-of-District plan change or variation then the ultimate terms and scope of where Policy 5 could be used to justify changes to the status quo could have been properly tested. But the Council elected to notify a limited variation to its PDP (and not a change to its ODP), that applies only to specified PDP zones within the District (and identified by the Council as being an urban environment).

4.113 We see nothing in the NPS-UD or RMA that would require the Council to only approach implementing the NPS-UD by way of one overarching plan process. That the Council may supplement the UIV with additional Policy 5-based plan changes in the future was as much as admitted to by the Council as it explained its ‘starting point’ and thinking leading up to the UIV to the Panel. The Panel has no doubt that there is land within the District, outside of the PDP urban environment zones subject to the UIV, which will or will very likely qualify for future consideration under Policy 5. The ODP PC50 land in Queenstown town centre is the prime

¹⁹⁷ S42A Report (Strategic Overview) at [at 5.17].

example of that. That land will need to be addressed by way of its own plan change processes, whether public or private, as discussed above.

4.114 We find that for the purpose of the UIV, and our overall scope, Policy 5 and the phrase “District plans applying to” can only be interpreted as being limited to the land that is subject to the UIV. This happens to be the urban-zoned land identified as an urban environment within the PDP, and which as noted earlier the Council has classified as all being part of the Tier 2 urban environment of “Queenstown”.

Commensurate height and density

Commensurate and accessibility

4.115 A key term within Policy 5 is “commensurate”. Many submitters disagreed with the Council’s approach, although concern was substantially focused on building heights and associated assumptions in support of walk-up apartments rather than additional density per se. We find that the issue described by submitters was not so much the meaning of the everyday word “commensurate” (meaning “something being proportionate to something else”), but in a real-world sense what levels of accessibility existed, and what enablement of height or density it might justify.

4.116 Specifically in terms of three-storey walk up apartments, which formed a key justification for the UIV proposed amendments to the MDRZ in particular, much scepticism was expressed by submitters as to whether this was a realistic ‘mainstream’ housing option (noting that by ‘mainstream’ we mean a type of housing in such common demand that it makes sense to directly permit it on the generality of land rather than rely on resource consent applications being made from time to time). We asked many questions of the Council’s witnesses, which confirmed that the relative demand identified was more of a longer-term speculation or theory rather than a shorter-term ‘real’ gap in the PDP.

4.117 In our Minute 6 we asked the Council to clarify how it saw the proposed 3-storey enablement working particularly where relative demand was seen as longer-term and whether that meant in reality land would just be developed in the interim at 2-storeys anyway, or encourage long-term land banking as developers simply waited on vacant sites over potentially many decades. The upshot of this inquiry is that the Panel has not been persuaded that meeting NPS-UD Policy 5(b) requires 3-storey heights to be provided on the basis that there is specific relative demand for walk up apartments, which at this time and for completeness we see as generally a fanciful proposition (outside of the MDRAZ zones we have identified in Sections 6, 9 and 10). Significant additional opportunity to enable attached housing at 2-storeys, which the Panel finds relative demand is in a real-world sense focused around now and for the foreseeable future, can be achieved solely by adjusting density enablements within the framework of existing PDP zone height rules, and this is both more effective and efficient as a planning approach. On this basis, any increase in building heights under the UIV would need to be justified based on a case being made under NPS-UD Policy 5(a), which we will consider next.

4.118 Queenstown Lakes District is very different to most other Districts. It experiences a mix of what we could call big-city social and property market pressures, while at the same time facing many

spatial small-town urban realities. At the outset, we record that we were interested in taking a real-world approach to the task in-front of us. To do this, we considered it was necessary to develop an understanding of how people lived and otherwise recreated across the District's urban environments. We were enriched in this regard by the many submissions and lay-presenters that spoke with us at the hearings. This gave us insight into where, how and why persons might make household decisions across the District's settlements and how they might then go about making the most of their daily lives and allowed us to understand what a centres-based urban form specific to Queenstown Lakes District really meant in lived-in terms, and how to appropriately apply NPS-UD Policy 5(a).

- 4.119 The only comprehensive technical evidence we received on this topic was by Mr Wallace on behalf of the Council (based of his s32 Report "Accessibility and Demand Analysis"¹⁹⁸). Although his approach received criticism by many submitters (and the Council itself in the case of Arrowtown), we did not receive a broader alternative analytical approach that could have been adopted as a substitute.¹⁹⁹ For completeness, having carefully considered it in face of the submissions, we find that Mr Wallace's accessibility work was of a sufficient depth, robustness, and focus to be considered reliable.
- 4.120 However, we also find that clause (a) of NPS-UD Policy 5 is very open-ended, allowing Councils to determine for themselves what "level of accessibility" by existing "or" planned active or public transport and/or what "range" of commercial activities "and" community services might justify different enablements of height and density. In this respect, we find that Mr. Wallace's approach can be challenged in the way it defaulted to (modified) Lower Density Suburban Residential, Medium Density Residential, or High-Density Residential zones as the only enablement options. Although few submissions explicitly addressed this nuance of what discretions the Council had regarding NPS-UD Policy 5 head-on, it was clear to the Panel through the various relief sought, and comments made by submitters during the hearing, that this is what many were focused on.
- 4.121 We asked many submitters about what they considered the accessibility in their area of concern by active or public transport was, and what range of commercial activities and community services they had. We were consistently told stories about the periods of the year subject to inclement weather, slippery slopes, or otherwise year-round limited services. Where bus services did exist (including what is planned), many submitters explained that the service frequencies or range of destinations accessible were insufficient to truly broaden many households' accessibility compared to using private vehicles. Examples we were told of include the incomplete cycle facility connecting Queenstown to Arthurs Point and that bus services must still use the same congested carriageways as private vehicles along key routes. Unlike major metropolitan urban areas, travellers in the District are often required to traverse lengthy 'gaps' between towns and villages through the rural environment. This is not comparable to long-distance purely urban commutes through continuous metropolitan urban

¹⁹⁸ [appendix-3-accessibility-and-demand-analysis-method-statement-b-a \(5\).pdf](#).

¹⁹⁹ We did receive evidence from Mr Harland for submissions 281, 581, 651, 1386 that Mr Wallace accepted in part. Some submitters used the report to argue upzoning was not required do to a lack of accessibility (for example at Arthurs Point and Kelvin Heights).

areas (where a more-or-less continuous expanse of urban form allows many different opportunities for people to locate and undertake their daily activities).

- 4.122 Many submitters also expressed surprise (and disagreement) at the way the Council had approached considerations of accessibility on an almost site-by-site spatial increment. For example, numerous Wānaka-based submitters told us during the hearing that the whole settlement was more-or-less equally accessible based on the scale of the town and how people lived by criss-crossing between its various destinations and opportunities. We were told that people typically lived their daily life across Wānaka, not just in one small area within that, including frequent visits to more than just one of the commercial centre areas on shopping days. The same arose elsewhere, including for Arthurs Point and Arrowtown. We completed the hearings with a clear understanding that submitters in the smaller townships and villages did not generally consider accessibility based on how close their individual house was to a specific bus stop or single set of shops; they perceived and lived-in their settlements as a singular whole. Our site visits, equipped with these experiences, impressed that point on us.
- 4.123 There is a significant difference between Arrowtown or Hāwea and metropolitan suburbs such as (purely for comparison) Bishopdale and Burnside in Christchurch. The latter are much larger and merge continuously into one another (and others) on multiple sides. In the context of metropolitan area-scaled continuous urbanism, recognising the small increments of accessibility at a local (micro) scale, and then enabling building height and density directly aligned with those makes a lot of sense.
- 4.124 But in summary, except for the principal settlement of Queenstown, we are not persuaded that local (micro) accessibility analysis necessarily requires directly corresponding site-by-site or street-by-street up-zoning to achieve NPS-UD Policy 5(a). For the settlements other than Queenstown, we find that the combination of their scale, amenity and character values, and the real-world distribution of commercial activities and community services across them, means that a two-stage process is the most appropriate:
- (a) “What” - identifying additional overall capacity (building height and density) that would be commensurate with the overall level of accessibility available within each settlement for the whole settlement (this was in the first instance a ‘pure’ NPS-UD policy 5(a) investigation); and then in conjunction with any additional demand-related capacity identified via NPS-UD policy 5(b) if it was determined that additional building height and density beyond that enabled in the existing PDP was justified.
 - (b) “How” - identifying the most appropriate spatial means and plan methods of accommodating that building height and density looking at each settlement as a whole and considering that settlement as a whole, including matters of existing amenity and character. This latter consideration included other relevant planning documents, effects on the environment, the interests of submitters, and what might also appropriately serve NPS-UD’s Policy 1’s concept of a well-functioning urban environment.
- 4.125 We recognise that our approach may well only be workable in the urban environment context of small to medium villages and towns that have very clearly defined edges and can be generally traversed by way of active transport ‘in one go’. Given that our focus is solely on the

circumstance and characteristics of urban environments in the District we see no flaw in that. Specifically, the accessibility analysis undertaken by Mr Wallace was a relative accessibility analysis, and in summary it gave site-by-site reporting on how each site was accessible compared to the other assessed sites. We found it particularly helpful. But although NPS-UD Policy 5(b) uses the phrase “relative demand”, it was very important for the Panel to observe that NPS-UD Policy 5(a) only uses the term “accessibility”, not “relative accessibility”. We find that although a relative accessibility / site-by-site approach such as undertaken by Mr Wallace and used by the Council is one acceptable approach to NPS-UD Policy 5(a), it is not the only one and for the reasons above we have interpolated a whole-of-town / whole-of-village approach to accessibility based on Mr Wallace’s work, planned PDP-zoned commercial growth intended to be developed alongside the dwellings that the UIV seeks to enable, and the input of submitters.

- 4.126 Our approach means that, other than for the Queenstown settlement (and its adjacent areas), it is possible to separate an initial question of ‘what’ additional capacity is required from a second question of ‘how’ to most appropriately provide for that. Although the Council’s approach favoured the most upzoning in an orthodox concentric fashion corresponding to proximity from a centre, ours would see that as only being one potential solution, with others possibly better suited to each township also in need of consideration without compromising an overall centres-based urban form (with the “centre” in most cases happening to be the entire town or village rather than a planning zone with the word “centre” in it).
- 4.127 As we will discuss later, this proved very important for those settlements that include large-scale (zoned) greenfield land that was subject to the UIV. It was also a key means by which we were able to address what was at times presented to us as a tension between the different planning documents in play, and submitter concerns that a centralised government direction might override a sensible locally-respectful response (although we do not shy away from acknowledging our duty under this Variation to implement the NPS-UD, even if despite our best efforts that did lead to a change in a location’s existing amenity or character values seen as very adverse by locals).
- 4.128 Starting with Queenstown, we considered Mr Wallace’s assessment, and the submitter experiences we heard from. We then moved through the different towns and villages subject to the UIV and compared them with one another. We lastly considered the Council’s economic evidence as to relative demand in each location and the existing enablement of height and density across the urban environment.

Height and house type

- 4.129 Following on from the above, we also dwelt extensively on the nature of what building heights and densities might enable different specific house types, and how those may in turn relate to different occupant needs. This was helped substantially by Ms Fairgray’s demand analysis provided on behalf of the Council and set out in Section 2. We find that it is not possible to conclude a consideration of accessibility, and what might be commensurate with that, without expressly considering whether different types of living might inherently require different levels of accessibility.

- 4.130 Most relevant to the UIV, and the submissions in opposition to it, we find that the principal difference between enabling 2 and 3 storey residential building heights and densities relates primarily to the opportunity for walk-up apartments (3 storey) rather than detached or terraced houses (mostly but not always 2-storeys in this District). We discussed these with many submitters. It was explained to us that there were many substantial and material differences between living in apartments and non-apartments. Numerous design and lifestyle issues were shared with us, but the most common overall response was that apartment living was just so much more intensive and 'urban' than other types of housing, even quite high-density terraced housing.
- 4.131 We agree that apartment living is a very different way of living to that of even occupying an attached terraced house at a similar net land use density. Although apartments can be very large and spacious, they are in general much smaller than terraced houses and often include less outlook or sunlight (in some cases having only one external wall with windows). Apartments in many cases lack any outdoor living space or at best offer a small balcony, but in almost all cases offer less outdoor space than a terraced or attached dwelling might. Even the act of storing a bicycle for each occupant (or carrying them up several flights of stairs) can be an unviable proposition with apartment living. Many apartments might not have car parking on-site or even near-by or if they do, provide for it in a shared / communal space rather than a lockable private garage suited for storing other possessions.
- 4.132 Apartment living offers and appeals most to a very different way of living to that of detached or attached non-apartment dwelling types, and it entails a very different householder relationship with passenger transport, active transport and commercial activities and community services.
- 4.133 Based on the submitters' information and our observations from the District's urban environments, we find that 3-storey apartment style living, to be "commensurate", requires a substantially greater level of accessibility by active and public transport to a substantially greater range of commercial activities and community services than is the case for generally more spacious and lower-density 2-storey non-apartment development. We liken it to a 'step change' in accessibility rather than one of incremental or slight difference. We do not consider that the Council's approach appropriately reflects this substantial 'step' when allocating PDP residential zones in accordance with Mr Wallace's accessibility analysis results; one which we find to be specifically attributable to the nature of Queenstown Lakes' pattern of small, very well-separated towns and villages in a rugged setting and occasionally very uncomfortable climatic conditions.
- 4.134 This is not to say that the Panel considered that apartments (or only apartments) will be developed in a 3-storey height-equipped zone, or that no apartments might occur within a 2-storey height-equipped zone. There will be a range of dwellings provided in each, and for the most part it could be that the actual densities achieved on land and the housing typologies provided was not height-sensitive (and some submitters made this exact point - that changing a 2-storey zone to a 3-storey one might just deliver the same number of large houses, only made even larger). The nuance is that for the purposes of the UIV, an upzoning from an existing 2-storey height-equipped zone to a 3-storey one is primarily on the basis of the increased capacity for apartments that a 3-storey walk-up model was identified as allowing for. Following

on from that, where the Panel has not been satisfied that apartment living would be commensurate (and therefore not supported by a 3+ storey zoning), that finding is limited to the NPS-UD Policy 5 matters being considered in the UIV. It should not be interpreted as a view on the part of the Panel that no 3+ storey buildings could ever be shown to be appropriate based on non-NPS-UD considerations or via a resource consent.

Height - conclusions

- 4.135 We find that only the towns of Queenstown and Wānaka have the combined level of (existing or planned) accessibility and activity / service range to make 3-storey apartment-styled living “commensurate” with that. For Arrowtown, Hāwea, and Arthurs Point, we find that the “commensurate” height of urban form warranted under NPS-UD Policy 5(a) is limited to 2-storeys. For clarity, where more than 2-storeys might be already enabled in (parts of) those locations, this is an existing planning response that is more than that required to satisfy NPS-UD Policy 5(a) (with us having no basis to enable more height at that location under Policy 5).
- 4.136 For completeness, many submitters expressed objection to potential 3-storey heights based on loss of existing views or amenity (despite NPS-UD Objective 4 and Policy 6). We find that this alone was not a supportable objection including the claim that 3-storey buildings might compromise NPS-UD Policy 1’s goal of a well-functioning urban environment.

Density - conclusions

- 4.137 We have reached a very different view on the matter of density, although we agree it is in part a function of any enabled building height and note that our height conclusions above also include the enhanced densities that additional height would provide for. Our discussions with submitters also regularly identified a willingness to accept higher densities, even where additional building heights were opposed. Consistently across the hearing we were reminded that the sector of the housing market most-in need of additional supply was at the smaller, lower cost, house. Many submitters cautioned us that enabling additional height would just promote even more larger-scaled houses.²⁰⁰ For its part the Council’s approach to smaller and more affordable dwellings could be described as passive; it was to simply assume that with more overall housing capacity available, more of all sorts of houses would be enabled, including more affordable houses. We do not criticise the Council’s position, and it is supported by Ms Fairgray’s evidence, but we see little in the proposed UIV that could be said to be actively making the provision of smaller, lower cost houses more likely than is currently the case. As will be discussed later in the specific case of Arrowtown, there was additional character and amenity values impetus to consider the height / densities of dwellings.
- 4.138 We find that there is substantial potential for higher densities to be achieved than currently provided within the Lower Density Suburban Residential and Medium Density Residential zones and their built form standards, commensurate with the level of accessibility enjoyed across that zone, and that this is a key method to actively enable opportunities for smaller, lower cost, dwellings. This will specifically assist achievement of more attached dwellings.

²⁰⁰ See for just one example the submissions in relation to the Lismore Street area (Section 20).

Overall NPS-UD Policy 5 findings

4.139 We find that the purpose of the UIV, the submissions seeking more housing choice, flexibility and provision of (in particular) lower cost ('affordable') houses, and the directive language of Policy 5 NPS-UD provides us with the scope to make changes to the PDP on the basis that additional density to particularly provide for relative demand for attached housing under Policy 5(b) (generally 2-storeys and not premised on 3-storey walk-up apartments), and for additional building height and density primarily under Policy 5(a) (generally 3+ storeys and that would allow 3-storey walk up apartments along with other housing types and forms) has been justified. We have determined to do so as follows:

- (a) In light of the existing structure of the LDSRZ and MDRZ, and that we wish to make the least-possible changes to Plan text as necessary, we have considered methods that will require the least physical changes to the existing Plan wording.
- (b) We do not agree that an entirely permissive approach to "unlimited" density is appropriate, and we consider there are key practical matters that must be addressed.
- (c) We find that there is no need to remove existing density standards from the LDSRZ or MDRZ, especially where these provide a basis for permitted activities.
- (d) We find that densities greater than the LDSRZ standards should be a non-notified restricted discretionary activity where:
 - (i) all relevant other plan standards are complied with based on a sufficiently sized and shaped net area associated with the residential unit;
 - (ii) the residential unit and its net area have legal access from a public road in accordance with chapter 29 of the PDP; and
 - (iii) the residential unit has at least one off-street small vehicle loading space (compliant with chapter 29 PDP requirements for private car parking spaces).
- (e) Subdivision based on a land use consent as per above should also be enabled where the subdivision application is combined with the land use application or is made after an approved land use consent has been implemented (this is to prevent inappropriately undersized or undevelopable vacant allotments being created).

4.140 The small-vehicle loading bay approach was arrived at after careful consideration of submitter evidence and presentations as to the substantial pressure for on-street parking that day-to-day service-type traffic associated with dwellings in suburban areas has (i.e., those locations where access by motor vehicle is likely to be predominant for the foreseeable future). We were informed about many adverse effects arising from this parking all over what are within the District often already narrow and circuitous and often steep streets. We were also informed about the difficulty of accessing the road and areas in winter when it can be cold, icy and dark. The NPS-UD prohibits the PDP from containing any requirements on car parking and we have been mindful to observe that prohibition (and we find that loading and service functionality is not the same thing as general car parking). For this reason, in our recommended provisions in **Appendix 1** we have included a number of notes to clarify that the small-vehicle loading bay is

not a residential car park, and is to be available for the reasonable needs of dwellings across their lifetime for a range of service access that cannot be plausibly accommodated on streets in the context of the densities we recommend be otherwise enabled. We did not need to consider this for residential units that comply with the permitted density limits on the basis that those lot sizes will inherently already be capable of accommodating loading and service access.

4.141 Because the PDP already generally permits development within the standards in a range of housing forms and styles, we find that adverse effects arising from our Plan amendments will be acceptable. This is because overall adverse effects will be limited by the same combination of built form rules and requirements that apply to the existing situation (if anything our recommendations could lead to less built form in several instances – one large house only needs external yard setbacks and one outdoor living space; two smaller dwellings add internal yards between them (unless attached) and need an outdoor living space each). Although we are excluded from considering residential car parking, we have been able to provide for the management of reasonable loading and service needs that will occur (and the activities permitted in the zone, and we address further in Sections 6, 13 and 14).

4.142 In reaching this conclusion the Panel wishes to be clear that it has considered and appropriately relied on Mr Wallace’s accessibility analysis, which we found sufficiently rigorous and reliable as it related to NPS-UD Policy 5(a). It was in the determinations of what “commensurate” meant in the context of dwelling types, building height and density enablements, and land use zone allocation terms by way of a subsequent response to Mr Wallace’s spatial analysis, that the Panel has had discretion to and has arrived at its own different findings, based on the substantial value provided by the submitters and their frequently very candid answers to our questions. Equally, we found Ms Fairgray’s economic analysis very reliable including in terms of considering relative density under NPS-UD policy 5(b) (and 5(a)), although for the reasons above we were not persuaded in terms of the specific housing type of 3-storey walk up apartments.

4.143 This finding still leaves a need for further detailed determinations for each town and village, which are addressed in Sections 6 to 10.

Sections 6 and 7 of the RMA, Policy 1 and Policy 5 interplay

4.144 It is common ground that the NPS-UD must be read as a whole and in context,²⁰¹ and that NPS-UD Policy 1 applies to the UIV along with the relevant provisions of other NPS, regional planning documents, and the PDP.

4.145 Primarily in relation to Arrowtown, the proposition was put to the Panel that there was a possibility for an outcome strictly-speaking warranted by Policy 5 to be so counter to a Policy 1 well-functioning urban environment, that Policy 1 could be used to down-scale or reduce the initial Policy 5 response. The context of this argument was primarily in terms of existing amenity values, and it also crossed-paths with the meaning of Policy 6, which directly addresses amenity values. Closely related to this was the Council’s s42A approach, and as expressed during the hearing, of “balancing” Policy 5 with existing PDP objectives and policies recognising Arrowtown’s amenity values and historic heritage. This topic then also took in

²⁰¹ *Royal Forest and Bird Protection Society of New Zealand Inc v NZ Transport Agency* [2024 NZSC 26, 1 NZLR 241 at [79].

Pages 69-112 omitted

changes already proposed in the Areas through the notified UIV, we consider that the changes we recommend are a logical and foreseeable outcome of the UIV process and that no person has been denied a reasonable chance to be involved so as to be prejudice in any reasonable way.

- 9.31 In overall conclusion, the Panel's solution for Wānaka is bespoke and different to what has been possible or appropriate in the other towns and villages subject to the UIV, based on its unique combination of accessibility, scale, availability of zoned urban land, and transitioning urban form via a planned and growing secondary commercial core (which is significantly less constrained than the WTC). It is large enough (in terms of the scale of commercial activities and community services accessible to people), and has sufficient anticipated growth (as identified by Ms Fairgray), to justify a scale of 3+ storey up-zoning that Arthurs Point, Arrowtown and Hāwea (and many suburban areas of Queenstown) do not, but has the characteristics of still being of a small-enough scale coupled with the availability of high-density-development-compatible and very centre-proximate greenfield land that it has been possible to avoid most adverse effects of higher density development on existing residential areas in the town – an option that was not available in Queenstown.
- 9.32 Given our findings and recommendations above the issues raised by Mr Leckie on behalf of his clients as to groundwater matters become largely moot as the existing MDRZ heights around Bullock Creek apply through the Panel's MDRZ. However, to be clear, we do not however agree that the PDP in the context of the circumstances before us needs to specifically regulate the issue of groundwater. We consider that the existing PDP earthwork provisions, and the ORC Regional Plan, provide an adequate approach and having an additional overlay area is unwarranted. We therefore agree with the position of Ms Baker-Galloway and Ms Morgan.
- 9.33 We refer to our overall s32AA analysis in Section 21 for additional reasons that also apply to Wānaka.
- 9.34 Overall, we therefore accept submissions (in whole or in part) supporting our recommended provisions in **Appendix 1** and reject those submissions (in whole or part) that oppose them.

10. HĀWEA

Background / key issues

- 10.1 Hāwea is a small village on the shore of Lake Hāwea. It enjoys a small commercial area and access to recreational settings. It also has a proportionately quite large greenfield live-zoned area of land immediately south of the existing village. Being live zoned within the PDP, it is subject to the UIV. The village sits on generally quite flat land but above the lake level. It is at the northern end of the (large) Hāwea Flat, and it is approximately 14km from the Hāwea village (eastern) side of Hāwea Control Structure Road to the Wānaka-Luggate Highway roundabout with Sir Tim Wallis Drive, the commercial high street of Wānaka Three Parks commercial centre (the closest major centre to Hāwea).
- 10.2 Hāwea is the least-accessible, most remote settlement that is subject to the UIV and it has the lowest level of accessibility to commercial activities and community services. The Panel understands, for instance, that it was only in very recent times that a small supermarket

commenced trading. Overall, the range of commercial activities and community services available for the community within the village is low but it does have a small area of LCSZ in the existing settled area, as well as a larger undeveloped one in the Hawea South area (see Section 13).

Submissions / s42A Report / evidence / legal and lay argument

- 10.3 The Council's approach was relatively modest. No changes were proposed by the notified UIV to the spatial zone mapping extents of the PDP and largely sought upzoning at the LCSZ and MDRZ in line with what has been generally proposed across the settlements within the UIV. Although some submitters sought additional development outcomes on specific sites, most submitters addressing Hāwea were opposed to the UIV. Key issues raised by submitters were:
- (a) That Hāwea was very small and has a distinctive high-amenity character not compatible with additional height in particular.
 - (b) That other locations were better suited for intensification.
 - (c) That greenfield locations would be superior to the existing developed urban area.
 - (d) That Hāwea lacked the activities and infrastructure to accommodate growth. The Panel was told by submitters that Hāwea had insufficient infrastructure to service the needs of the existing population, including bus-service limitations and the one-lane bridge at Albert Town.
- 10.4 In relation to infrastructure Mr Powell's evidence for the Hāwea³⁰² for water supply development of the spatial plan area to the south will require significant upgrades or a new system in that area, either of which could accommodate the intensification. For wastewater the plant is presently at capacity, but a new project (pipeline) is to be completed by 2029.

Findings / decision / provision changes

- 10.5 We find that Hāwea has a level of accessibility to a scale of commercial activity and community services that is commensurate with no more than 2-storey residential development. In consideration of the existing zones and the Hāwea South greenfield area, we find that the PDP-based LDSRZ (to be named SRZ) and MDRZ using existing enabled heights and an additional density pathway, will be commensurate and the most appropriate way to implement Policy 5.
- 10.6 In terms of the LSCZ in Hāwea South, we recommend that this remains subject to the PDP LSCZ with modifications made to bring the chapter into alignment with others modified through the UIV (see Section 13).
- 10.7 In terms of the LCSZ within Hāwea, we do not agree with additional height being enabled through the UIV as set out in Section 17. Although we received evidence in support of an up-zoning (height), that evidence was not based on compelling NPS-UD Policy 5 argument relating to relative demand or accessibility; it was premised on the detailed matter of potential adverse effects being manageable. This was not in the Panel's view a sufficient reason to use NPS-UD Policy 5 to upzone the land, and on that basis the Panel acknowledges that there may well be a very compelling non NPS-UD based argument to support additional height or scale of

³⁰² EIC Mr Powell at [5.25] – [5.28].

development on the site than the zone standards provided for. A land use consent would be the appropriate means to test that noting our separate recommendation to change building height infringements from a non-complying activity to a discretionary one.

10.8 We considered whether, like Wānaka, there was a role for the Hāwea South greenfield area to accommodate a 'growth sink' to relieve the growth burden on the existing part of the village. We found that it was not an appropriate option for Hāwea because:

- (a) The overall commensurate level of built form in response to Policy 5 did not present substantial adverse effects on the existing area that would benefit from specific mitigation such as was the case in the MDRZ and HDRZ areas in Wānaka.
- (b) The additional density proposed within the LDSRZ (to be named SRZ) and MDRZ is consistent with the PDP's planned built form character outcomes given it relies on the PDPs existing bulk and location standards.

10.9 We refer to our overall s32AA analysis in Section 21 for additional reasons that also apply to Hāwea.

10.10 Overall, we therefore accept submissions (in whole or in part) supporting our recommended provisions in **Appendix 1** and reject those submissions (in whole or in part) that oppose them.

11. CHAPTER 2 – DEFINITIONS

11.1 The UIV notified two new definitions: habitable room and outlook space. These definitions are to apply to the MDRZ, HDRZ, QTCZ, WTCZ, LSCZ and BMUZ.

Habitable room

11.2 In relation to the definition of habitable room three submissions were received in support³⁰³ and 14 in opposition.³⁰⁴ Ms Bowbyes states:

Ten submission points seek changes to the definition of habitable room (linking it to size instead of use) and seek the inclusion of a new definition for Principal Habitable Room. The submissions state that the outlook space standards themselves refer to both 'principal living room' and 'habitable rooms', that the notified definition of habitable room is uncertain, and that there is no definition for 'principal living room'. The definitions sought by these submitters are:

(a) 'Habitable Room' which is proposed to be amended to "any room in a residential unit or visitor accommodation unit that exceeds 8m², except for a garage, hallway, stairwell or laundry"; and

(b) A new definition of 'Principle Habitable Room' sought to be inserted in Chapter 2, sought to be defined as "the Habitable Room within a residential unit or visitor accommodation unit with the largest floor area."

11.3 In her s42A Report (Chapters 2, 4 and 7) Ms Bowbyes states that it is not the size of the room that matters for outlook space but the type of use it receives. That approach is supported by Mr Wallace in his evidence.³⁰⁵ Mr Wallace also notes, and he discussed it during the hearing, that

³⁰³ Submissions 389, 509 and 807.

³⁰⁴ Submissions 10, 399, 10, 399, 762, 763, 764, 768, 769, 770, 771, 773, 776, 948, 1263 and 1263.

³⁰⁵ EIC Mr Wallace at [6.3].

Pages 116-166 omitted

the rule to address, more specifically, the aspects of design and character to be considered.

- (c) We have removed all references to the Wānaka Town Centre Guidelines 2011 in Chapter 13 (and all of policy 13.2.3.1). We set out our general position on the use of guidelines in more detail in Sections 8, 9, 13, 14 and above in this section) and while it applies here, we do not repeat it. The main reason for this is, having accepted that the WTCZ is changed as proposed by the council (and enabled to a height greater than in the UIV) we do not consider that retaining the guidelines from a different era will give effect to Policy 5 and will hinder the intended intensification. But also, as above, we agree with Ms Frischknecht that the revised UIV provisions now incorporate many key elements direct into the provisions (see for example the new policies 13.2.3.8 – 13.2.3.11). While guidelines can have a role, we consider direct incorporation of the key elements to be better practice and also to make the provisions transparent and legally applicable (as opposed to policy 13.2.3.1 which is solely "to encourage"). Therefore, from a s32AA perspective, we do not consider the retention of references to the guidelines to be the most appropriate way to achieve the objectives, and their inclusion is not efficient and effective (and in fact achieve exactly the opposite).

16.37 We refer to our overall s32AA analysis in Section 21 for additional reasons that also apply to Chapter 13.

16.38 Overall, we therefore accept submissions (in whole or in part) supporting our recommended provisions in **Appendix 1** and reject those submissions (in whole or part) that oppose them.

17. CHAPETR 15 - LOCAL SHOPPING CENTRE ZONE

Background / key issues

17.1 Mr Wallace explains the LSCZ as follows:⁵⁸¹

The LSCZ is located in various locations throughout the urban environment in the District with two-to-three storey development typically provided for by the notified UIV provisions. With the exception of the LSCZ located at Frankton, local shopping centres are, relatively speaking, not located in areas that have been identified as having higher relative accessibility or demand within the District. As such, only minor changes were proposed as part of the UIV as notified.

17.2 Ms Frischknecht explains the Chapter and the proposed UIV changes as follows:⁵⁸²

The purpose of the LSCZ as outlined in the PDP is to enable small scale commercial and business activities in discrete pockets of land, that are accessible to residential areas. They have an important function for the local community in offering convenience goods and access services within walking distance to reduce the necessity for people to travel longer distances to town centres.

The key changes proposed by the variation for the LSCZ are summarised below:

- (a) Amend matter of discretion for residential units to provide provision of outlook space (15.4.3.1(e));

⁵⁸¹ EIC Mr Wallace at [11.1].

⁵⁸² S42A Report (Chapters 12, 13, 15 and 16) at [8.1] and [8.2].

(b) Inclusion of the adequate provision and screening of loading and servicing areas, including waste and recycling storage and collection space as a matter of discretion for buildings. (15.4.3.1(f));

(c) Increase the maximum permitted building heights within the Fernhill and Kelvin Heights LSCZ to 14m; within the Lake Hāwea South LSCZ to 12m; and the remainder of the LCSZ to 10m. (Rule 15.5.7);

(d) Amendment to the Setbacks and Sunlight Access control standards. (Rule 15.5.2).

Submissions / s42A Report / evidence / legal and lay argument

17.3 In relation to submissions several general submissions⁵⁸³ were received supporting the Chapter as a whole and several opposing⁵⁸⁴ (the main reasons related to recession planes, height, noise, pollution, security, sunlight and privacy for adjoining residential zones). Ms Frischknecht noted⁵⁸⁵ that the UIV does not propose to change the extents of the LSCZ, with the greater proposed heights and densities comes new provisions (see below) to ensure appropriate levels of amenity (but that noise is already addressed in Chapter 36 of the PDP).

17.4 In relation to the 15.4.3 all new buildings in the LSCZ require resource consent as a restricted discretionary activity. Rule 15.6.2.1 restricts limited and full notification for any breaches to Rule 15.4.3. Submission 10 requests that the changes be rejected but offers no reasons and Ms Frischknecht recommends it is rejected.⁵⁸⁶ We agree.

17.5 1 Hansen (766) submitted on this rule seeking removal of rule 15.4.3.2 which requires a spatial layout plan. Ms Frischknecht states:⁵⁸⁷

In Part A Section 1.3, of the Report and Recommendations of Independent Commissioners Regarding Mapping of Frankton, Lake Johnson, Tucker Beach Road⁴ it was acknowledged that "this was a very complex strip of land to plan for, due to various constraints which affect it". Subsequently it was determined that development on this site is best undertaken in an integrated manner which shows how effects on a range of matters such as amenity, traffic and historic heritage are to be managed. Subsequently, PDP Rule 15.4.3.2 requires a Spatial Layout Plan to ensure that the Council can understand the context of applications for individual buildings and be satisfied that such an integrated approach is being applied.

17.6 Ms Frischknecht does not propose any changes to the existing provisions. Ms Clouston maintained a position that the existing development controls for 1 Hansen "... limit the efficient use of the site and are not efficient or effective ..." ⁵⁸⁸ and provided a s32AA assessment in support of submission 766.⁵⁸⁹

17.7 In relation to 15.5 – rules – standards the focus of submissions was on Rule 15.5.2 Setbacks and Sunlight Access and Rule 15.5.7 Building Height. As these both relate to built form Ms Frischknecht considered them together. 1 Hansen (766) submitted on this rule seeking removal of rule 15.5.1.2 and 15.5.5(a)-(d).⁵⁹⁰ Ms Frischknecht does not propose any changes in response.

⁵⁸³ Including submissions 139, 468, 470, 485, 659.

⁵⁸⁴ Including 32, 344, 358, 369, 373.

⁵⁸⁵ S42A Report (Chapters 12, 13, 15 and 16) at [8.4].

⁵⁸⁶ S42A Report (Chapters 12, 13, 15 and 16) at [8.9].

⁵⁸⁷ S42A Report (Rezoning: Business and Lake Hāwea Zones) at [5.3].

⁵⁸⁸ Statement of Evidence of Ms Coulson (775, 776), dated 4 July 2025, at [75].

⁵⁸⁹ Statement of Evidence of Ms Coulson (775, 776), dated 4 July 2025, at [78].

⁵⁹⁰ See also the Evidence of Ms Clouston (775, 776), dated 4 July 2025, at [77].

17.8 Submissions 208 and 389 supported the changes to Rule 15.5.2 and three submissions⁵⁹¹ were in opposition (in entirety / contrary to amenity and character).

17.9 Many submissions were received opposing⁵⁹² the heights proposed in Rule 15.5.7. Over half of these submissions related to Arrowtown with others relating to Fernhill, Sunshine Bay and Kelvin Heights. Submission 449 sought that height limits for Frankton, Albert Town, Arrowtown, Hāwea, Sunshine Bay and Cardrona Valley Road should be consistent with other Local Shopping Centre Zones at 14m. Submission 1253 sought flexibility for future areas that are determined to be appropriate LSCZ to be added.⁵⁹³

17.10 In relation to Rule 15.5.7 Ms Frischknecht states:⁵⁹⁴

The notified version of Rule 15.5.7 was informed by the recommendations from the Urban Design Report that recommended adopting a rule limiting height "to no more than 2m above the maximum permitted heights in the immediately adjoining residential zone". This approach was reflected in the notified wording of Rule 15.5.7 which prescribes a maximum height for each LSCZ rather than requiring plan users to cross reference to the relevant Residential Chapters and add 2m. The notified LDSR Zone has a maximum height of 8m (Rule 7.5.1), whereas the notified MDRZ, has a maximum height of 11m plus an additional 1m for pitched roof form (therefore overall total height of 12m) (Rule 8.5.1).

The additional 2m of height in the LSCZ (above the permitted height for the adjoining residential zone) provides for greater floor to floor height therefore enabling greater flexibility for non-residential uses. As outlined in the Urban Design Report, the increase in height will provide opportunities to reinforce the LSCZ's function through urban form. I note Ms Bowbyes and I have addressed submissions on the LDSRZ and MDRZ provisions in our Section 42A Reports, in relation to building heights, which should be considered alongside this recommendation. If there are any changes to building heights for either of these residential zones, then this should be reflected in the adjoining LSCZ as appropriate to be consistent with the approach of applying a height limit of 2m above the maximum permitted heights in the immediately adjoining residential zone.

17.11 Mr Wallace reassessed the heights in relation to the submissions received.⁵⁹⁵ He supported a height limit of 10m for Albert Town, Hāwea, Sunshine Bay and Cardrona Valley Road in the notified UIV. In relation to the LSCZ in South Hāwea in response to submission 470 he supports an increase in the height of the LSCZ in Lake Hāwea South to 14m. Based on his review he did not support submissions seeking a reduction in height or changes to recession planes to address urban design effects.⁵⁹⁶

17.12 Ms Frischknecht therefore considers,⁵⁹⁷ generally, that the notified UIV heights and recession planes are appropriate to meet the requirements of the NPS-UD and enable heights and densities commensurate with the greater of accessibility or relative demand and will contribute to a well-functioning urban environment.

17.13 In relation to heights in:

⁵⁹¹ Submissions 10, 1074, 1236.

⁵⁹² Including submissions 10, 197, 262, 272, 274.

⁵⁹³ Ms Frischknecht considered this submission at s42A Report (Chapters 12, 13, 15 and 16) at [8.51] and disagreed with it as any future rezoning for LSCZ should have its height determined through that process..

⁵⁹⁴ S42A Report (Chapters 12, 13, 15 and 16) at [8.26].

⁵⁹⁵ EIC Mr Wallace at [11.3].

⁵⁹⁶ EIC Mr Wallace at [11.4].

⁵⁹⁷ S42A Report (Chapters 12, 13, 15 and 16) at [8.27].

- (a) The Frankton LSCZ submission 860 sought greater heights in Frankton (and reduced elsewhere). Submitter 380 sought an increase in height to 14m.⁵⁹⁸ Mr Hansen provided a short statement⁵⁹⁹ recognising the significance of the airport but that it is unrealistic to expect zero growth within the noise control boundaries.

1 Hansen Road sought alternative relief of a 24m height limit in Rule 15.5.7 if the existing LSCZ zoning is retained.⁶⁰⁰ QAC opposed this on the basis that increased building height on land affected by the Airport Approach and Take-off Surfaces and Transitional Surfaces Designation. Ms Frischknecht noted that the Frankton LSCZ is also located with the OCB, and she agrees with the s32 assessment to balance intensification without compromising the safe and efficient operation of the airport.⁶⁰¹ Overall she does not consider that an increase in height would align with Objective 4.2.2A. Ms Clouston noted in her evidence that 1 Hansen is outside of the relevant surfaces and that the rules require acoustic insulation.⁶⁰² Ms Keeley for QAC opposed more density (through height) within the ANB and ONB at Frankton based on health effects (see Section 20) and associated complaints / reverse sensitivity effects.⁶⁰³ She therefore supports retaining the density at the status quo. In relation to the height surface protections Ms Keely explained that QAC's concerns in relation to 1 Hansen are to do with construction activities (eg cranes) for a 24m building penetrating the surface.⁶⁰⁴

- (b) The Kelvin Heights LSCZ is currently undeveloped. Submitter 924 sought that the height changes (to 14m) be rejected (as it is out of character) and the status quo remains. Ms Fairgray considers there is no economic benefit in retaining the current PDP height limit. She considers that residential apartments are likely to generate additional demand within the centre that will encourage its development and support its viability.⁶⁰⁵ Ms Frischknecht considers that the centre may provide some increased accessibility for the community and while she acknowledges it may be out of character as it adjoins some MDR (also undeveloped).
- (c) In relation to Lake Hāwea South Ms Frischknecht explains the recent planning context and Court processes with the notified 12m height being proposed, and with other areas, based on sounding zone heights. Submission 470 sought a 14m height. Ms Frischknecht agreed that as a greenfield location it is well placed to avoid the common effects of increased height⁶⁰⁶ (and Mr Wallace as above considers 14m appropriate). Ms Fairgray considers extra height is likely to produce economic benefits for the commercial centre and the catchment it serves and provide additional housing choice within the local area.⁶⁰⁷ Ms Frischknecht supports⁶⁰⁸ a greater height but only if the recession planes as notified remained to ensure potential adverse effects are appropriately mitigated. Mr

⁵⁹⁸ Supported by FS 1334 and opposed by FS1335.

⁵⁹⁹ Dated 4 July 2025.

⁶⁰⁰ Supported by Statement of Evidence for Ms Clouston (775, 776), 4 July 2025, at [102].

⁶⁰¹ S42A Report (Chapters 12, 13, 15 and 16) at [8.33].

⁶⁰² Evidence of Ms Clouston, 2 July 2025, at [100] and [101].

⁶⁰³ Evidence of Ms Keeley, 7 July 2025, at [130] – [135].

⁶⁰⁴ Evidence of Ms Keeley, 7 July 2025, at [144].

⁶⁰⁵ EIC Ms Fairgray at [6.66].

⁶⁰⁶ S42A Report (Chapters 12, 13, 15 and 16) at [8.44].

⁶⁰⁷ EIC Ms Fairgray at [2.9(f)], [6.51] and [6.55].

⁶⁰⁸ S42A Report (Chapters 12, 13, 15 and 16) at [8.46] – [8.47].

Williams for submission 617 supported the extra height noting the site has the GFA for a supermarket, it provides greater opportunity for above ground residential apartments and reflects its role as the primary focus of the surrounding development.⁶⁰⁹ He also considered that with recession planes, setbacks and the roading network there will be adequate separation to surrounding residential properties.

17.14 Ms Frischknecht considered⁶¹⁰ general submission requests for reductions in, or retention of status quo, heights. Her key issue is that would then result in heights lower than surrounding zones and be inconsistent with PDP SOs 3.2.1 and 3.2.2 and UFD O1 and P5.

17.15 Finally, QAC (822) sought that the 10m catch all for all zones be retained or that a specific provision of no more than 10m within the OCB be included. Ms Frischknecht does not consider these changes are required as all land will have specific provisions applied to it and for Frankton (the only LSCZ within the OCB) that will be 10m.⁶¹¹

17.16 Ms Frischknecht proposed amending rule 15.5.7 so that Fernhill, Lake Hāwea South and Kelvin Heights the maximum building height shall be 14m. Otherwise, she considers that, and provides a s32AA assessment in support of:⁶¹²

(a) the relief sought in opposition to Rule 15.5.7 be rejected, with the exception of submission point 470.5, and the relief sought by the submissions in support of Rule 15.5.7 be accepted in part.

(b) the relief sought in opposition to Rule 15.5.2 be rejected and the relief sought by the submissions in support of Rule 16.5.1.1 be accepted.

17.17 Mr Williams provided planning evidence for submission 449 which seeks a 14m height limit for the LSCZ in Hāwea. He considered that allowing for additional building height will assist to provide greater emphasis on this location as a focal point within the Hāwea township which he explained was important given the context of Hāwea.⁶¹³ He also considered that the additional height would provide the opportunity to maximise potential views of the lake and that the surrounding roads mitigate the 14m height proposed.⁶¹⁴

17.18 Mr Wallace is supportive of the increased height on the basis:⁶¹⁵

(a) the Hāwea LSCZ is generally well separated from adjacent residential uses by 30m wide road corridors; and

(b) building setbacks and recession planes continue to apply where it adjoins a residential zone to manage potential interface effects (noting that the Hāwea LSCZ has recently been redeveloped as a supermarket and further development over the life of the PDP would appear unlikely); and

(c) an increase in height enables a greater level of development to be provided to help support an increased commercial offering for local residents – enhancing walkability and potentially reducing the need to travel to more distant commercial areas.

⁶⁰⁹ Statement of Evidence of Mr Williams for submission 617, 4 July 2025, at [12].

⁶¹⁰ S42A Report (Chapters 12, 13, 15 and 16) at [8.49] – [8.50].

⁶¹¹ S42A Report (Chapters 12, 13, 15 and 16) at [8.53].

⁶¹² S42A Report (Chapters 12, 13, 15 and 16) at [8.54] and [8.56].

⁶¹³ Statement of Evidence of Mr Williams for submitter 449, dated 3 July 2025, at [13].

⁶¹⁴ Statement of Evidence of Mr Williams for submitter 449, dated 3 July 2025, at [16].

⁶¹⁵ Rebuttal Mr Wallace at [5.2].

17.19 Ms Frischknecht agreed with this height increase on the basis that the site provides a unique opportunity for additional height due to its location. She also agrees with Mr Williams that additional height, with the views, would enable opportunities for residential development and more diverse housing options.⁶¹⁶ She does however recognise that the area is not located in one of high accessibility but considers it will give effect to SO 3.2.1 and SP 3.3.12.

17.20 During the hearing we heard from counsel for Mr Laming⁶¹⁷ which summarised the submission and evidence from Mr Williams (above) and from Mr Laming (449) who repeated the same themes.

Findings / decision / provision changes / s32AA

17.21 We have set out all the background to the LSCZ above. The key change we propose is that for all areas, excluding Arrowtown, a 10m height limit is imposed. Our reasons for this are:

- (a) The role of the LSCZ to enable small scale and commercial business activities in discrete pockets of land. These are local community hubs and having reviewed the submissions and evidence we consider that uplift above 10m is not justified given the purpose which was not proposed to be changed and nor were any changes proposed to the objectives and policies). We did consider amending the purpose but with more height the purpose fundamental changes from small scale local services to a larger residential complex with commercial included which then would require changes to the objectives and policies which were not proposed (nor sought). Over time such outcomes may be appropriate, but we consider that should be fully tested through a consent process with a specific project in mind (see below).
- (b) Given the locations and nature of the LSCZs, as recognised by Ms Frischknecht ensuring that character integration with surrounding suburban areas is appropriately managed is important. We recognise that heights and density across the District will alter in relation to the UIV as we propose it to be. But we see the overarching character of this zone as one that sits more down within its surrounds, as opposed to having to extend above them. However, we also recognise that with detailed site and development assessment character integration at greater heights may be appropriate. Presently the activity status is non-complying. Given the heights we have selected we do not consider that appropriate. We consider that discretionary activity status for exceedances is more appropriate and will allow a full assessment on a case-by-case basis.
- (c) In saying the above, we recognise the evidence that with greater height comes greater economic efficiency and greater choice of residential typologies on top of commercial ground floor uses. For example, as set out above, the evidence for increasing the height at Hāwea included the better views higher up making development more feasible. But that to us is not per se the purpose of the zone. Further, the UIV is driven primarily to give effect to Policy 5 under which the response needs to be commensurate to the greater of accessibility or relative demand. In areas such as Hāwea and Kelvin Heights (and Fernhill) we were not persuaded that this was the case. Rather, as above, if greater

⁶¹⁶ Rebuttal Ms Frischknecht at [5.4].

⁶¹⁷ And received written submissions from Todd&Walker, dated 26 August 2025.

height is desired in these areas, we consider a resource consent process should be provided that is more enabling than the present non-complying activity status.

- (d) In Frankton we accept the submission of QAC, and Ms Frischknecht's position, that 10m is appropriate given the significant importance of the safe and efficient operation of the airport to the region. We considered retaining non-complying activity status just for this location but concluded that discretionary allows for a full assessment of a specific development. To be clear, we therefore disagree with the alternative relief sought by 1 Hansen for a 24m height limit in Rule 15.5.7 for that site and preferred the evidence provided by QAC.
- (e) For Lake Hāwea South we spent considerable time given its more greenfield nature, and its greater spatial extent, considering the issue of height. Ultimately though we concluded that 10m was also appropriate at this location for the key reason of the purpose of the zone (and its size in this case) and the issue of character. Again, we have altered the activity status should additional height be desired with discretionary activity allowing all relevant matters to be considered.
- (f) For Albert Town, Sunshine Bay and Cardrona Valley Road we considered the need for extra height at all but ultimately agreed with the notified UIV heights of 10m.
- (g) For Arrowtown, we ultimately agreed no change in height and activity status is required reflecting the character of the area (see Section 8) advanced through submissions and ensuring appropriate integration between the LSCZ and its surroundings. We consider that this change is most appropriate and delivers an efficient and effective planning outcome in the context of the specific issues raised, especially sunlight access, in Arrowtown. Arrowtown should also retain its non-complying activity status for buildings that infringe the maximum height standard.

17.22 In relation to s32AA assessment in relation to our decisions and recommendations on height and activity status above we consider that:

- (a) They are the most appropriate way to meet the objectives of Chapter 15. We recognise the PDP SOs referred to by Ms Frischknecht and having considered them carefully we also consider that they are most appropriately met by our proposed heights and with a consenting pathway for discretionary activity status for any exceedances.
- (b) They are efficient and effective as they provide appropriate heights given the purpose of the zone and the potential effects into neighbouring areas, but we have better enabled exceedances of the height where that can be justified, through a consenting process as a discretionary activity.
- (c) We also consider that the heights we have decided on are commensurate in Policy 5 of the NPS-UD terms while reflecting and enabling a well-functioning urban environment.
- (d) While there is a cost of needing consent to go above 10m we consider that that is reasonable to incur so that there are specific considerations and assessments of height breaches, recognising that the ultimate activity status is discretionary and not non-complying.

17.23 In relation to Rule 15.5.2 we propose changes for the setbacks in relation to Arrowtown to, in line with our decision and recommendations on heights above, the present PDP provisions. We consider that this change is most appropriate to achieve the relevant objectives and delivers an efficient and effective planning outcome in the context of the specific issues raised, especially sunlight access, in Arrowtown.

17.24 We refer to our overall s32AA analysis in Section 21 for additional reasons that also apply to Chapter 15.

17.25 Overall, we therefore accept submissions (in whole or in part) supporting our recommended provisions in **Appendix 1** and reject those submissions (in whole or in part) that oppose them.

18. CHAPTER 16 - BUSINESS MIXED USE ZONE

Background / key issues

18.1 The BMUZ is used in limited instances generally close to commercial centres where a variety of compatible high-density activities can co-exist in a variety of configurations.

18.2 Because the zone is already used to provide for high-density use adjacent to centres, the Council's proposal was modest, including addition of new provisions, and amendment of existing provisions including rules. Many provisions were what the Panel would describe as generally administrative, such as seeking to use consistent terminology and like-with-like resource consent assessment frameworks. It is likely that because the changes proposed were modest, it attracted relatively few direct submissions (9 in support and 12 in opposition)⁶¹⁸.

Submissions / s42A Report / evidence / legal and lay argument

18.3 In her s42A Report (Chapters 12, 13, 15 and 16) Ms Frischknecht set out her analysis of the submissions and her recommendations.⁶¹⁹ We heard from submitters that were both in favour of, and opposed to, the UIV at Queenstown / Frankton North and Wānaka. For the BMUZ in Queenstown: submission 1177 opposed additional height enabled by the UIV. Ms Fairgray disagreed⁶²⁰ and considered the additional height would likely increase feasibility for residential development and deliver associated economic benefits in supporting activities in that zone.

18.4 Specifically:

- (a) We received planning evidence from Ms Costello on behalf of the Multiple Queenstown Submitters supporting the s42A Report version on the BMUZ provisions, especially in Queenstown.⁶²¹
- (b) We heard from Queenstown Airport Corporation opposing additional development height at Frankton North. The key concern was intrusion of buildings and, especially, cranes etc used during construction, through the Obstacle Limitation Surface (protected under designation 4 of the Plan) of the crosswind runway which was opposed by other

⁶¹⁸ S42A Report (Chapters 12, 13, 15 and 16) at [7.4].

⁶¹⁹ S42A Report (Chapters 12, 13, 15 and 16) at section 7.

⁶²⁰ EIC Ms Fairgray at [8.3].

⁶²¹ Statement of Evidence of Ms Costello, 4 July 2025, at [68]. The Statement of Evidence of Mr Freeman for Multiple Queenstown Submitters, 4 July 2025, supported the s42A Report provisions.

Pages 175-215 omitted

15 Local Shopping Centre Zone

Local Shopping Centres: Albert Town, Arrowtown, Cardrona Valley Road, Fernhill, Frankton, Hāwea, Kelvin Heights and Sunshine Bay

Please note: Variations to parts of this chapter have been decided by Council on 18 March 2021 as part of Stage 3&3b of the PDP. You can view the Stage 3 Decisions and appeals notices on our website. The appeals and section 274 periods for the Stage 1 and 2 Decisions have closed.

15.1 Zone Purpose

The Local Shopping Centre Zone enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit.

The Zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. Due to the nature of the Zone's locations in predominantly residential environments, standards limit the potential adverse effects on residential amenity and discourage the establishment of inappropriate activities. Visitor accommodation and residential activities are provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan.

15.2 Objectives and Policies

15.2.1 Objective – Local Shopping Centres provide a focal point for a range of activities that meet the day to day needs of the community at a limited scale that supplements the function of town centres.

Policies

- 15.2.1.1 Provide for a diverse range of activities that meet the needs of the local community, enable local employment opportunities and assist with enabling the economic viability of local shopping centres.
- 15.2.1.2 Ensure that local shopping centres remain at a small scale that does not undermine the role and function of town centres.
- 15.2.1.3 Enable residential and visitor accommodation activities, but limit their establishment to above ground floor level to ensure that the integrity of activities occurring at street level is maintained, and that the core commercial function of the local shopping centres is not eroded.
- 15.2.1.4 Avoid individual retail activities exceeding 300m² gross floor area and individual office activities exceeding 200m² gross floor area that would adversely affect the:
- a. retention and establishment of a mix of activities within the local shopping centre;
 - b. role and function of town centres and commercial zones that provide for large scale retailing; and
 - c. safe and efficient operation of the transport network.

15.2.1.5 Restrict identified retail activities to ensure that the role and function of town centres as the District's principal centres of retailing activity is not threatened.

15.2.1.6 Limit the total gross floor area of retail and office activities within the Local Shopping Centre Zone located on Cardrona Valley Road and Lake Hāwea South to ensure that the commercial function of Wānaka Town Centre and Three Parks is not adversely affected.

15.2.2 Objective – Buildings respond to the existing character, quality and amenity values of their neighbourhood setting.

Policies

15.2.2.1 Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with established amenity values.

15.2.2.2 Ensure that development generally comprises a scale that is commensurate with the receiving built environment.

15.2.2.3 Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.

15.2.2.4 Place specific controls on the bulk and location of buildings on sites adjoining Residential-zoned properties to ensure that an appropriate standard of residential amenity is maintained.

15.2.2.5 Control the design and appearance of verandas so they integrate well with the buildings they are attached to complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, while providing appropriate cover for pedestrians.

15.2.2.6 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with established amenity values.

15.2.3 Objective – Adverse environmental effects received both within and beyond the zone are minimised.

Policies

15.2.3.1 Provide appropriate noise limits to control adverse noise effects generated by activities occurring within the Local Shopping Centre Zone and received by nearby properties.

15.2.3.2 Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to:

- a. limit the impact of noise generated within the Zone on occupants; and,
- b. where relevant, limit the potential for reverse sensitivity effects on Queenstown Airport from Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.

15.2.3.3 Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places, and promote lighting design that mitigates adverse effects on views of the night sky, and provide a safe and well-lit environment for pedestrians.

- 15.2.3.4 Avoid the establishment of activities that are not consistent with established amenity values, cause inappropriate environmental effects, or are more appropriately located in other zones.
- 15.2.3.5 For development of the site(s) at 1 Hansen Road, between Hansen Road and the Frankton Cemetery (as shown on the District Plan web mapping application), in addition to other Zone-wide requirements:
- a. ensure that development is undertaken in an integrated manner, having particular regard to ensuring the safe and efficient operation of the transport network;
 - b. implement specific controls to limit effects on the historic values of the neighbouring cemetery.

15.3 Other Provisions and Rules

15.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	District Plan web mapping application	

15.3.2 Interpreting and Applying the Rules

- 15.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables.
- 15.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 15.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

15.3.2.4 The status of any Plantation Forestry will be determined by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

15.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

15.4 Rules - Activities

	Activities located in the Local Shopping Centre Zone	Activity status
15.4.1	Activities which are not listed in this table and comply with all standards	P
15.4.2	Verandas Control is reserved to: a. design; b. materials; c. external appearance; d. the impact on, and relationship to, adjoining verandas; and e. the enabling of unobstructed kerbside movements of high-sided vehicles	C
15.4.3	<p>15.4.3.1 Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance, including materials glazing treatment vertical and horizontal emphasis and the location of storage; b. signage platforms; c. lighting; d. the impact of the building on the streetscape, compatibility with adjoining buildings and contribution to an integrated built form; e. where residential units are proposed provision of <u>outlook space and private or communal open space, or a combination thereof;</u> f. <u>the adequate provision and screening of loading and servicing areas, including waste and recycling storage and collection space; and</u> g. where a site is subject to natural hazards and the proposal results in an increase in gross floor area; and; h. natural hazards where the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. whether such risk can be avoided or sufficiently reduced. h. At Lake Hāwea South, staging of development. <p>15.4.3.2 Development of 1 Hansen Road only</p> <p>The following additional requirements apply to the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on the District Plan web mapping application):</p>	RD

	Activities located in the Local Shopping Centre Zone	Activity status
	<p>a. Applications for buildings shall be accompanied by a Spatial Layout Plan for the entire part of this site, which is zoned Local Shopping Centre, showing:</p> <ul style="list-style-type: none"> i. the location, width and design of roads, laneways, footpaths and accessways, which shall include consideration of pedestrian/cycling connectivity and safety as well as the potential for vehicular access to and from the Local Shopping Centre Zone land to the west of the Frankton Cemetery; ii. proposed building locations and parking areas; iii. concept landscape design treatment; iv. detailed landscaping plan addressing the interface between development and the Frankton Cemetery for the purpose of managing effects on the amenity and historic values in and around the cemetery; and v. three waters infrastructure. <p>Note: where relevant, applications may rely upon an approved Spatial Layout Plan submitted as part of a prior application for this site. Discretion is restricted to consideration of the following in addition to the matters above:</p> <ul style="list-style-type: none"> a. historic heritage and the amenity values of the Frankton Cemetery; b. the safe and efficient operation of the transport network; c. pedestrian/cycling connectivity and safety; d. amenity values; and e. three waters infrastructure. 	
15.4.4	<p>Visitor Accommodation Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; d. the location and screening of bus and car parking from public places; and e. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation of ancillary activities. 	RD

	Activities located in the Local Shopping Centre Zone	Activity status
15.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation. 	RD
15.4.6 1	<p>Development of 16, 18, 18B and 20 McBride Street only</p> <p>Activities Sensitive to Aircraft Noise, other than Residential Units, Residential Flats, Residential Visitor Accommodation, Homestays or as provided for by Rule 15.4.4.</p>	NC
15.4.7	Appliance Stores, Electronic and Electrical goods Stores, Fashion Stores, Furniture and Floor Covering Stores	NC
15.4.8	Industrial Activities not otherwise provided for in this Table	NC
15.4.9	Factory Farming	PR
15.4.10	Forestry Activities, except for Plantation Forestry where the Resource Management (Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017) Regulation 2017 prevails.	PR
15.4.11	Mining Activities	PR
15.4.12	Airport	PR
15.4.13	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
15.4.14	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
15.4.15	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

	Activities located in the Local Shopping Centre Zone	Activity status
15.4.16	Cemeteries and Crematoria	PR

15.5 Rules - Standards

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
15.5.1	<p>Building Coverage</p> <p>15.5.1.1 Maximum building coverage - 75%</p> <p>15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery the maximum building coverage shall be 50%</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on the quality of the overall streetscape; and the ability to meet outdoor storage requirements; <p>RD*</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on the quality of the overall streetscape; and the ability to meet outdoor storage requirements; the traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6.
15.5.2	<p>Setbacks and Sunlight Access — sites adjoining any Residential zone, Settlement Zone or public open space</p> <p>15.5.2.1a <u>In all locations excluding Arrowtown, buildings on sites adjoining a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site:</u></p> <ol style="list-style-type: none"> <u>from any point 4m above the boundary with the Medium Density Residential Zone at 60 degrees; and</u> <u>from any point 2.5m above the boundary with the Lower Density Residential Zone at 55 degrees.</u> 	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the visual effects of the height, scale, location and appearance of the building, in terms of <ol style="list-style-type: none"> dominance; loss of privacy on adjoining properties; and any resultant shading effects.

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	<p>a. buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Settlement Zone boundary;=</p> <p><u>15.5.2.1b In Arrowtown, buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Settlement Zone boundary</u></p> <p><u>15.5.2.2 Internal boundary setbacks:</u></p> <p><u>Where the site adjoins any Residential zone, Settlement Zone or land zoned public Open Space the setback shall be not less than 3m.</u></p>	<p>RD</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>the visual effects of the height, scale, location and appearance of the building, in terms of</u></p> <p>i. <u>dominance;</u></p> <p>ii. <u>loss of privacy on adjoining properties; and</u></p> <p>iii. <u>any resultant shading effects.</u></p> <p>b. <u>Compatibility with Arrowtown's existing character.</u></p> <p>RD</p> <p><u>Discretion is restricted to the matters set out for Rule 15.2.2.1a</u></p>
15.5.3	<p>Acoustic insulation (excluding development within the Outer Control Boundary (OCB) Queenstown)</p> <p>a. a mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36;</p> <p>b. all elements of the facade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity;</p> <p>b. the extent of insulation proposed; and</p> <p>c. whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site.</p>
15.5.4	Acoustic insulation: development within the Outer Control Boundary (OCB)	NC

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	<p>Queenstown</p> <ol style="list-style-type: none"> a. a mechanical ventilation system shall be installed for all critical listening environments in accordance with Rule 36.6.2 in Chapter 36. b. all elements of the facade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1 	
15.5.5	<p>Development of 1 Hansen Road</p> <p>The following additional standards shall apply to development in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on the District Plan web mapping application):</p> <ol style="list-style-type: none"> a. the total gross floor area dedicated to retail uses shall not exceed 4000m²; b. the total gross floor area dedicated to office uses shall not exceed 3000m²; c. no retail or office activities (aside from those ancillary to permitted uses) shall take place until an upgrade of the intersection between Hansen Road and State Highway 6 has occurred; d. the total number of residential units (for the purposes of this rule, this shall include residential flats) shall not exceed 50 units; e. there shall be no vehicle access directly onto the State Highway; f. buildings shall be set back a minimum distance of 6m from the boundary with the State Highway; and g. buildings shall be set back a minimum distance of 4m from the boundary with Frankton Cemetery. 	D
15.5.6	<p>Residential and Visitor Accommodation Activities</p> <p>All residential and visitor accommodation activities shall be restricted to first floor level or above</p>	NC
15.5.7	<p>Building Height</p> <ol style="list-style-type: none"> a. <u>For all areas excluding Arrowtown the maximum building height shall be 10m.</u> b. <u>For Arrowtown, the maximum building height shall be 7m.</u> 	<p><u>NC</u></p> <p><u>NC</u></p>

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	<p>for the Local Shopping Centre Zone located at Albert Town, Arrowtown, Fernhill, Lake Hāwea South, Hāwea and Hāwea, Sunshine Bay and Cardrona Valley Road Kelvin Heights the maximum building height shall be 7.14m;</p> <p>b. for the Local Shopping Centre zone located at Lake Hāwea South the maximum building height shall be 12m; and</p> <p>c. for the Local Shopping Centre Zone located at Frankton, Albert Town, Arrowtown, Hāwea, Sunshine Bay and Cardrona Valley Road the maximum building height shall be 10m.</p> <p>for all other areas in the Local Shopping Centre Zone the maximum building height shall be 10m.</p>	
15.5.8	<p>Noise</p> <p>Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>a. Daytime (0800 to 2200hrs) 60 dBLAeq(15 min) b. Night-time (2200 to 0800hrs) 50 dB LAeq (15 min) c. Night-time (2200 to 0800hrs) 75 dB LAFmax</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. the noise limits shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.;</p> <p>b. the noise limits shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan;</p>	NC

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	<p>c. the noise limits shall not apply to sound from aircraft operations at Queenstown Airport.</p> <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	
15.5.9	<p>Lighting and Glare</p> <p>15.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the amenity of adjoining sites, the safety of the transport network and the effects on the night sky.</p> <p>15.5.9.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>15.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to the effects of lighting and glare on:</p> <p>a. amenity values of adjoining sites;</p> <p>b. the safety of the Transport Network; and</p> <p>c. the night sky.</p>
15.5.10	<p>Retail and Office activities</p> <p>a. individual Retail activities shall not exceed 300m² gross floor area;</p> <p>b. individual Office activities shall not exceed 200m² gross floor area; and</p> <p>c. In the Local Shopping Centre Zone at Cardrona Valley Road, in addition to Rule 15.5.10.a two individual retail activities may exceed 300m² gross floor area, but shall not exceed 400m² gross floor area.</p> <p>d. In the Local Shopping Centre Zone at Lake Hāwea South, in addition to Rule 15.5.10.a one individual retail activity may exceed 300m² gross floor area but shall not exceed 600m² gross floor area.</p>	<p>NC</p>

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.	
15.5.11	<p>Retail and Office Activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wānaka</p> <p>The total combined area of retail and office activities shall occupy no more than 3,000m² gross floor area.</p> <p>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road.</p>	D
15.5.12	<p>Development of 16, 18, 18B and 20 McBride Street only (as identified on the District Plan web mapping application).</p> <p>a. The total number of residential units, residential flats (which are counted separately for the purpose of this standard) and visitor accommodation units shall collectively not exceed 10 across all sites.</p>	NC
15.5.13	<p>Retail Activities in the Local Shopping Centre Zone at Lake Hāwea South.</p> <p>The total combined area of retail activities shall occupy no more than 4,000m² gross floor area.</p> <p>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail activities within the area zoned as Local Shopping Centre Zone, identified within the Lake Hāwea South Structure Plan in Chapter 27.</p>	D

15.6 Rules - Non-Notification of Applications

15.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

15.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

15.6.2.1 Buildings (Rule 15.4.3).

15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (Rule 15.5.1.2).

15.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

15.6.3.1 Setbacks and sunlight access – sites adjoining any Residential zone, Settlement Zone or public open space.