

PLAN CHANGE 19 - FRANKTON FLATS (B)

Report, Reasons, and Recommendations of J.G. Matthews, A.R.
Watson and I.C. Munro, acting as Independent Commissioners
appointed by the Queenstown Lakes District Council pursuant to
Section 34A of the Resource Management Act 1991

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1 INTRODUCTION

1.1 Proposed Plan Change and Background

1.1.1 Under Plan Change 19, the Queenstown Lakes District Council (the Council) proposes to create the Frankton Flats Special Zone B by inserting into Part 12 of the Queenstown Lakes Partially Operative District Plan (the District Plan) certain Zone Statements, Objectives, Policies, Rules, and Other Methods. These include Assessment Matters, procedural and other information requirements, and a Structure Plan. This would include consequential amendments to Parts 14 (Transportation), 15 (Subdivision), and relevant planning maps of the District Plan. Full details of the changes proposed at the time of the Council's report on the proposed Plan Change under Section 32 of the Resource Management Act 1991 (the RMA or the Act) are contained in Appendix 2 of that report.

1.1.2 When the proposed District Plan for the Queenstown Lakes District was publicly notified in October 1995, the subject property together with the land to the west of it (now zoned Frankton Flats Special Zone A) was zoned Rural Downlands. After a process of submissions both blocks of land were zoned Rural General. The decision of the Council on this issue was taken to the Environment Court, as the then owner sought a Commercial zone. During that process the challenge to the zoning of the subject site was discontinued, so the Rural General Zone remained in force. A prolonged process in the Environment Court ensued in relation to the westernmost block, culminating in an application under Section 293 of the Act for a change to the zone. The zone of the subject site remained Rural General and the western block was zoned Frankton Flats Special Zone A at the end of December 2005. Between September 2001 and August 2005, the Council undertook a number of steps by way of consultation in relation to the appropriate zoning of the subject site. It also commissioned a number of studies and reports which are discussed in the Council's Section 32 report accompanying this proposed Plan Change.

1.1.3 As a consequence of these matters the Council promoted this proposed Plan Change for the area now identified as Frankton Flats Special Zone B and notified the proposed Plan Change on 4 July 2007. The purpose of the proposed Plan Change is stated thus:

“The purpose of this Plan Change is to provide for the comprehensive rezoning of the land known as the Frankton Flats to enable the following activities:

- *Educational*
- *Residential*
- *Visitor Accommodation*
- *Commercial*
- *Industrial*
- *Business*
- *Recreational Activities*
- *Providing for future growth demand of the district within the urban boundary in a mixed use zone that affords high amenity values and visual and physical coherence, open space and reserves, while maintaining views of the surrounding Outstanding Natural Landscape.”*

1.1.4 The land subject to the proposed zone is identified on a proposed structure plan that sits within the proposed provisions. It is bordered by State Highway 6 to the North, the Airport to the South, the Frankton Industrial Zone to the East and two areas of land to the West: the Frankton Flats Special Zone A, and the Queenstown Events Centre.

1.1.5 Perhaps the most defining characteristic of this proposed new zone is that it is intended to achieve a high level of land use integration between the desired activities. This is to be achieved primarily through enablement of a greater mix and density of development than that generally established in wider Queenstown to date. Among other benefits, we understand that growth in what we summarise as ‘walkable lifestyles’ is hoped to lead to better passenger transport patronage, and less reliance on private cars for daily-need travel.

1.2 Hearing Process

- 1.2.1 We have been appointed by the Queenstown Lakes District Council as independent Commissioners to hear submissions on, and to consider and make a recommendation on, proposed Plan Change 19 to the Queenstown Lakes Partially Operative District Plan.
- 1.2.2 It is our task to make a recommendation to the Council on whether the proposed Plan Change should be accepted in its entirety, should be varied, or should be rejected in its entirety. Our recommendation is not binding on the Council, whose role it is to make a final determination. In addition to being independent, it is appropriate to record that we are also qualified and experienced technical experts: environmental law in the case of J.G. Matthews; planning in the case of A.R. Watson; and, urban design and planning in the case of I.C. Munro. We have relied on this expertise to help us question participants (notably technical experts), interpret evidence, and otherwise manage the process as it unfolded. However in our substantive recommendations on this proposed Plan Change we have relied solely on the information presented to us through the hearing process by the Council and submitters.
- 1.2.3 Broadly, the Council notified its proposed Plan Change and received 42 submissions. 21 further submissions were additionally received (**'Phase 1'**). The hearing commenced in July 2008. The Council elected not to speak to its proposed Plan Change, preferring instead to let it and the associated documents speak for themselves. However the Council's s42A RMA report did propose modifications to the notified provisions including the structure plan map. We were told that this report was prepared by Council Officers and other experts in the form of independent technical advice. The changes recommended within it had not been adopted as the Council's official position *per se*, nor had the Council given them any endorsement.
- 1.2.4 We then heard from those submitters who had expressed a wish to be heard. All spoke to the 'revised' proposed provisions and new structure plan identified in

the Council's s42A report rather than the Council's notified provisions ('**Phase 2**').

1.2.5 At the conclusion of this process, we invited the Council to confirm whether the position taken on its official notified view, or for that matter the alternative view expressed by its experts through its s42A report, had changed in light of the information given by the submitters and their experts at the hearing. This was intended as an opportunity for the Council to outline where agreement or disagreement lay. The Council's experts responded with information in September 2008, including a third iteration of the provisions and structure plan ('**Phase 3**'). It was clear from this information that on many matters the Council's experts had changed their pre-hearing position. The changes now recommended by Officers were sufficiently different to the previous information prepared by or on behalf of the Council that we felt it necessary to allow submitters the opportunity to respond to this new advice. We stated that this was not to be used as an opportunity to introduce new evidence, but to ensure that we properly understood the differences between parties, and from there the issues at hand. Submitters provided their responses to us at a reconvened hearing in Queenstown in November 2008 ('**Phase 4**'). The Council then exercised its final written right of reply to us in January 2009 through its counsel Mr Todd ('**Phase 5**'). We did not feel that this needed to be presented orally. Lastly, we received a number of unsolicited Memoranda from various parties in January and February 2009 looking to clarify matters relating to the Eastern Access Road and its location given that the Council's right of reply left this matter somewhat open ("**Phase 6**"). These will be discussed in detail at Section 3.9 of this Recommendation. We then formally closed the hearing and commenced our deliberations. We note for completeness that, as is required of any robust resource management process, we have not sought, nor have we had any regard to, any information relating to this plan change since we formally closed the hearing and commenced deliberations, or which was otherwise outside of what was given to us through that open public process.

1.2.6 In our view Phases 3 and 4 were at times used to introduce new evidence into the hearing process. In some instances this new evidence sought to supersede

evidence previously given. We have been mindful of due process and in our deliberations have taken the appropriateness of such evidence into account. As will become apparent in section 3.9, prominent amongst these were changes to the Eastern Access Road.

1.2.7 We have otherwise considered all of the written material provided to us including the proposed Plan Change and background reports; read all the submissions which were filed; conducted public hearings; and heard from a number of submitters together with appointed Council consultants and staff. We visited the area to which the proposed Plan Change relates prior to the commencement of the hearing and again at the conclusion of the first period of public hearings in July 2008. All matters which we have taken into account were presented in the public forums, with the exception of our own observations on site visits. During the hearings, which took place in Queenstown, all witnesses, counsel, and reporting officers readily engaged in debate with us. This process assisted us considerably in coming to grips with, and reaching a view on, the complex issues which are before us. We record our appreciation to participants for this.

1.2.8 During our involvement we were presented with a range of information, from complex expert evidence to lay-person opinion. The information presented to us was largely of a high standard and very helpful. However, at times during the hearings, some submitters gave information in an unclear capacity. Specifically we note that counsel for some submitters conducted themselves as experts, making statements without what we would have considered to be appropriate expert substantiation or clear neutrality. Furthermore, some of the expert witnesses called by submitters provided recommendations that lacked a clear connection to their areas of expertise. These occurrences were, however, rare and did not distract us from our examination of the issues before us on this proposed Plan Change. For the benefit of all participants, we note that in our final consideration of information we have taken particular care when weighting the opinions presented to us.

1.2.9 The land contained within the area of the proposed Plan Change is owned by a number of different land owners, one of which is a company called Five Mile Holdings Limited. This company is also the owner of all the land in Frankton Flats Special Zone A which lies immediately to the west of the proposed Frankton Flats Special Zone B land. Five Mile Holdings Limited is a submitter on this proposed Plan Change. Shortly before the commencement of the public hearings the company went into receivership. It was apparent to us that there was some tension between the directors of Five Mile Holdings Limited and the receivers of the company over presentation of material at the public hearings in support of the written submissions the company had made. As a consequence we heard a number of submissions on these points, and on these and other matters it was necessary for us to issue a series of written Minutes dealing with procedural aspects of the hearings. These Minutes are part of the formal record of the process which has been before us, and it is not necessary for us to record again any of the matters which were canvassed in those Minutes.

1.3 Structure of Recommendation & Reasons

1.3.1 In this recommendation (including our reasons) on the proposed Plan Change we will assess where possible the submissions made on the proposed Plan Change based on the representative issues raised, rather than on a party by party basis. In this way we will consider submissions in groups on the same or similar points. We will identify the issue at hand, discuss our analysis and reasoning, and then lastly move through the submissions with a clear recommendation to accept, accept in part, or reject each. In referring to submissions the name of the submitter and the name of the further submitter will be shown in normal font with the corresponding submission number shown within [square brackets]. In referring to our recommendations to accept, accept in part or reject the submission, the recommended action is shown in **bold** font.

1.3.2 Throughout this report the following terms are used:

- The proposed Frankton Flats Special Zone B is referred to as Frankton Flats B or FFSZ(B).

- The Partially Operative Queenstown Lakes District Plan is referred to as the Plan or the PODP.
- Plan Change 19 is referred to as the Plan Change or PC19.
- The Queenstown Lakes District Council is referred to as the Council or QLDC.
- The Resource Management Act is referred to as the Act or the RMA.

1.3.3 Some submitters only seek one decision from their submission, but within their material have raised other concerns or issues. Where this has occurred the submission may appear a number of times. For example, some submitters oppose the proposed Plan Change and request that it is withdrawn, but also make comments or have input on other issues. In these cases the submission will be referred to once when dealing with whether the proposed Plan Change should be withdrawn in its entirety, and again when dealing with the other specific issue or issues raised.

1.3.4 Even though we are presenting recommendations and reasons on a discrete 'issue by issue' basis within this report, each was nonetheless reached on the basis of an overall comprehensive judgement taking into account all relevant matters as a whole. Consequently there is some inevitable fragmentation of the discussion, and some readers may have to examine several sections of our recommendations and reasons to gain the full picture in relation to their submission.

2 SUMMARY OF RECOMMENDATIONS AND REASONS

2.1 Accept the proposed Plan Change Subject to Modifications

2.1.1 This is not a trifling Plan Change for Queenstown. Our recommendations and reasons reflect the depth of discussion and evidence presented to us by the parties on the full range of important issues relating to this proposed Plan

Change. We have endeavoured to match that depth in our own deliberations on the issues, and in light of the efforts by many parties to ensure the best possible outcome for Queenstown is reached. Due to this scale we feel it is appropriate to provide an initial summary of our recommendation.

2.1.2 The Queenstown Lakes District Council should **accept in part** proposed Plan Change 19, subject to modifications which we will discuss through Section 3 of this report. We are satisfied that the modifications recommended lie within the scope of relevant submissions. A proposed set of District Plan provisions, as well as a modified structure plan map are appended to this recommendation.

2.1.3 We found that the evidence presented to us, especially at the public hearings, was clearly in favour of a level of development on the subject land beyond that currently provided for within the District Plan. Significantly, this included evidence from parties who had originally submitted in writing that the proposed Plan Change should be rejected. Much of the hearings process was indeed ultimately devoted to the balance of land uses and the intensity of those uses which should be provided for, rather than whether the purpose of the Act would be most appropriately served by retaining the Rural General Zone including the activities it provides for. There were numerous differences between, and sometimes within, the evidence presented to us on the matter of appropriate activities on the subject land. We have nonetheless reconciled the various submissions to reach an outcome in the spirit of holistic planning. This is based on our overall broad judgement of what Part II RMA 1991 means for Queenstown and the subject area of land, and how to most appropriately promote sustainable management within the constraints of process and scope.

3 RECOMMENDATIONS AND REASONS BY RESOURCE MANAGEMENT ISSUE

3.1 Adequacy of the Council's Section 32 Reporting

Issue

3.1.1 As a part of promulgating a proposed Plan Change, the Council is obliged under s32(5) of the RMA 1991 to prepare a report accompanying the proposed Plan Change. That report is required to explain and summarise the Council's evaluation of the matters specified within s32(1) – s32(4), including:

- the extent to which each Objective is the most appropriate way to achieve the purpose of the Act;
- whether having regard to their efficiency and effectiveness, the Policies, Rules, or Other Methods are the most appropriate for achieving the Objectives;
- the benefits and costs of Policies, Rules, or Other Methods; and
- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the Policies, Rules, or Other Methods.

A number of written submissions criticised the Council's section 32 reporting (and inherently the S32 analysis being summarised) as failing to meet statutory requirements. Few oral submissions related directly to the section 32 reporting.

Discussion & Reasons for Recommendations

3.1.2 The Council's report draws from several previous studies and documents. Further additional background work is referred to via internet references, but these do not form a part of the physical report itself.

3.1.3 We prefer an interpretation of section 32 that sees the Council's report as one fixed element - akin to a 'starting point' - within something of an inquisitorial process lasting throughout the entire Plan Change exercise.

3.1.4 In this context, while a competent section 32 report is a necessary legal requirement of the resource management plan making process, we do not see the Council's section 32 report as having to be definitive on the matter of this proposed Plan Change. Indeed it simply cannot be. Rather we see it as both a very helpful record of the Council's thinking at the time of notification, and a demonstration that it has properly executed a statutory duty to fairly consider

all relevant alternatives it is aware of in coming to its preference of how to most appropriately promote sustainable management. Significantly, this 'snapshot' can only ever take into account information held by the Council prior to the involvement of submitters. That the Council's view may not sit comfortably with the views of other stakeholders seems entirely plausible.

3.1.5 We do not agree that stakeholder dissatisfaction with the Council's preferences is an indicator that the Council's analysis is inadequate. Furthermore those stakeholder participants can add a significant depth of technical knowledge, new options, and other relevant information to the process of considering and evaluating alternative resource management instruments initiated by the Council in its Plan Change preparation. In many respects, a section 32 report and its recommendations may even become at least partially redundant (in a technical sense) by the time that deliberations occur in response to the most current thinking reached at the conclusion of a public hearing.

3.1.6 In this context the Council's report is but one (admittedly distinct) event in a chain of open minded, critical thinking under section 32 involving all participants, including ourselves as the Commissioners. We are satisfied that the nature of the Plan Change process gave ample opportunity for those submitters unsatisfied with the section 32 report to present information as to the appropriateness of various alternative Objectives, Policies, Rules, and Other Methods where they disagreed with the Council's conclusions. Our evaluation of that information has ensured that it has received equitable consideration relative to the recommendations within the Council's section 32 report.

3.1.7 Notwithstanding this view we are satisfied that the Council has undertaken an analysis as required by s32(1) – s32(4) in a manner appropriate to the importance and scale of the proposed Plan Change to the District. In particular, on reading the summary report and appendices we clearly understand what the Council considers the resource management issues and pressures to be, and which gave rise to the need for the Plan Change. We are satisfied that the Council has acknowledged and taken into account relevant critical

considerations such as the physical extent of land over which the new zone should be established. We understand why the Council considers its proposed Objectives to be, in each case, the most appropriate way to achieve the purpose of the Act. Finally we can understand why the Council considers its Policies, Rules, and Other Methods are the most appropriate to meet the Objectives, on the basis of what the Council sees to be their benefits and costs, and having regard to their efficiency and effectiveness relative to identified alternatives.

- 3.1.8 In particular, this analysis has encompassed consideration of impacts of development within the PC19 area on adjacent land areas and activities including the Airport, State Highway network, adjacent town centres within the District, adjacent landowners, and sensitive landscapes.

Recommendations

3.1.9 **Brooks Family Trust**

Brooks Family Trust submits that the Section 32 Report is inadequate as it fails to provide a sound evaluation of the benefits, costs and risks of PC19 on land to the north of the State Highway.

This submission should be **rejected** for the reasons stated above.

3.1.10 **Albion Trustee Ltd; Sarah Crosbie; Simon Forshaw; Michael Hanna; L Hellyer; Rodney James Hodge; Murray Kennedy; Craig Osborne; Rong Qian; and Neville Dennis**

These submitters consider that the Section 32 report fails to adequately consider growth and expansion of the Airport, and related aircraft operations.

These submissions should be **rejected** for the reasons stated above.

3.1.11 **Jacks Point Limited**

Jacks Point Limited submits that the Section 32 report fails to adequately consider the future growth and operation of the Airport and associated effects on residents.

This submission should be **rejected** for the reasons stated above.

3.1.12 **Ladies Mile Partnership**

Ladies Mile Partnership [19/28/3] submits that the Section 32 analysis should be redrafted to comprehensively consider all of the available alternatives for achieving the purpose of proposed PC19, with specific regard to the Lower Shotover Delta.

This submission is supported by Quail Rise Estate Ltd [19/28/3/2] Graeme Jones and Suzanne Thompson-Jones [19/28/3/4] and opposed by Air New Zealand Ltd [19/28/3/1] and Shotover Park Ltd [19/28/3/3]

This submission should be **rejected** for the reasons stated above. The further submissions in support should be **rejected** for the reasons stated above. The further submissions in opposition should be **accepted** for the reasons stated above.

3.1.13 Ladies Mile Partnership submits that the Section 32 report fails to consider alternative locations beyond the identified proposed Plan Change area and thus unnecessarily confines the zone boundary.

This submission should be **rejected** for the reasons stated above.

3.1.14 **Peninsula Road Limited**

Peninsula Road Limited submits that the Section 32 report fails to give the information necessary to enable assessment of whether the proposed provisions will protect the existing and future operational capability of the Airport.

This submission should be **rejected** for the reasons stated above.

3.1.15 Plethora Investments Limited

Plethora Investments Limited submits that the Section 32 report fails to adequately consider the future growth and operation of the Airport and associated effects on residents.

This submission should be **rejected** for the reasons stated above.

3.1.16 Quail Rise Estate Limited

Quail Rise Estate Limited submits that the Section 32 report inadequately considers the capacity and suitability of the full area of land known as the Frankton Flats. Specifically, the submission relates to land to the north of State Highway 6 (Frankton Ladies Mile Highway).

This submission should be **rejected** for the reasons stated above.

3.1.17 Remarkables Park Limited

Remarkables Park Limited submits that the Section 32 report and supporting documents are deficient to the extent that they are inadequate to support the scope of the proposed Plan Change. Specific concerns are identified on the issues of: effects on town centres; urban design, and location of the proposed Eastern Access Road.

This submission should be **rejected** for the reasons stated above.

3.1.18 Shotover Park Limited

Shotover Park Limited submits that the Section 32 report and supporting documents are deficient to the extent that they are inadequate to support the

scope of the proposed Plan Change. Specific concerns are identified on the issues of effects on town centres, urban design, and location of the proposed Eastern Access Road.

This submission should be **rejected** for the reasons stated above.

3.2 Extend the Plan Change Boundaries

Issue

- 3.2.1 The Council has proposed Plan Change 19 with clear boundaries. These are given effect to by way of a proposed structure plan. A number of submitters were of the view that the area of the proposed Plan Change should be extended to include a broader area of land beyond the Frankton Flats Special Zone (B) than was proposed by the Council.

Discussion and Reasons for Recommendations

- 3.2.2 A number of submitters presented relevant Court decisions to us on this issue, which helped our deliberations considerably. Clause 6 of the First Schedule to the RMA provides that any person may make a submission to the relevant local authority on a proposed plan that has been publicly notified. Whilst on its face a relatively simple provision, there is established case law relating to the meaning of the phrase “on a proposed.... plan”, this constituting a limitation on the extent of submissions that may be made and considered.
- 3.2.3 We refer first to a recent case, a judgment in *IHG Queenstown Limited and Carter Queenstown Limited v Queenstown Lakes District Council and others*, C078/2008 a Judgment of Principal Environment Court Judge Bollard and Commissioner Sutherland dated 3rd July 2008 in which many of the earlier cases are canvassed. The Court referred to, and applied the principles announced by the High Court in, *Clearwater Resort Limited v Christchurch City Council*, High Court Christchurch AP34/2002, 14th March 2003. In that case, having identified three possible approaches to interpretation of the provisions of Clause 6 of the Schedule, the High Court determined that the approach should be one which focuses on the extent to which the variation

alters the proposed plan. The Court rejected an interpretation of the word “on”, as meaning “in connection with”, because “if so broad an approach were to be adopted it would be difficult for a local authority to introduce a variation to a proposed plan without necessarily opening up for relitigation aspects which have previously passed the point of challenge.”

- 3.2.4 The Court in *Clearwater* summarised the correct approach thus:
1. A submission can only be regarded as ‘on’ a variation if it is addressed to the extent to which the variation changes the pre-existing status quo.
 2. However if the effects of regarding a submission as ‘on’ a variation would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submission is truly ‘on’ the variation.
- 3.2.5 In submissions for Quail Rise Estate Limited, Mr Russell Ibbotson drew our attention to a number of cases, the most recent being *Network Tasman Limited v Tasman District Council*, a decision of the Environment Court (Judge J.R. Jackson sitting alone). There a submitter had persuaded the Tasman District Council, when considering a Plan Change, to include within the Plan Change area some land outside the advertised area. The Environment Court found that this step had been taken without this remedy being sought by the submitter in its submission, so declined to allow it, but indicated that had this remedy been sought in the original submission the Court might have been inclined to allow it in.
- 3.2.6 Mr Ibbotson also referred us to *Paihia and District Citizens Association Incorporated v Far North District Council* and *Grey v Tasman District Council*. In the latter the Court was required to consider the appropriate zoning of a small parcel of land on the edge of the Brightwater township. The appellant sought Residential zoning for part and Rural Residential for part. The Judge said “it has previously been said by the Court on a number of occasions, the zoning of such a parcel of land is not a matter of high principle but one of pragmatism, looking for the better zoning of the alternatives available”.

- 3.2.7 In our opinion the cases in the Environment Court to which Mr Ibbotson referred to us should be read subject to the guiding principles laid down by the High Court in the *Clearwater* case, which we have set out above. Applying the first of those principles, the submissions on this matter which seek to extend the boundaries of the proposed Plan Change area are in principle, in our view, addressed to the extent to which the variation changes the pre-existing status quo. The proposed Plan Change proposes changes to the present zoning of a certain area of land; these submitters address their concerns to whether that area has been appropriately defined, which is one element of the extent of the variation.
- 3.2.8 However, the rider added by the High Court is that if the effect of regarding a submission as ‘on’ a variation would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submission is truly ‘on’ the submission.
- 3.2.9 This is a significant potential limitation on the otherwise apparently broad approach in the first step of the High Court’s two step analysis. We therefore proceed to determine whether, in this case, accepting the submissions which seek extensions of the proposed Plan Change area would permit the District Plan to be appreciably amended without real opportunity for participation by those potentially affected.

East of the Shotover River

- 3.2.10 We deal first with the submitters whose land is to the east of the Shotover River, a considerable distance from the Frankton Flats area. The Ladies Mile Partnership submitted that including its land in the proposed Plan Change would allow a better opportunity to enable the community’s social and economic wellbeing through the provision of additional educational and residential opportunities. It sought a mixture of low and medium density zones, with a range of specific zone provisions. No analysis under section 32 of the Act was provided, nor was any other support for the submission either filed or

presented. Similarly, a submission was filed by Long Shot Ltd seeking that certain industrial activities be enabled in this location.

- 3.2.11 The area of land owned by Ladies Mile Partnership is located outside of the Queenstown Urban Growth Boundary as provided for in the non-statutory Growth Options Study following the Queenstown 2020 Community Planning exercise. No discussion or analysis was given about the effects of the Airport activities on the site (it lies generally below the flight path at the eastern end of the runway) nor was any analysis made of the potential for flooding (the Otago Regional Council filed further submissions opposing the Ladies Mile and Long Shot submissions. It indicated that part of the land is affected by flooding). The land is subject to an Outstanding Natural Landscape classification in the District Plan along part of its western and southern river margins. There was no analysis of the relevance of this to the relief sought.
- 3.2.12 Supporting submissions were filed by some neighbouring landowners and others, also seeking rezoning of their land through the proposed Plan Change process, and opponents include the Queenstown Airport Corporation and Air New Zealand as well as the Otago Regional Council.
- 3.2.13 This proposed Plan Change involves more than simply providing land use development opportunities to meet growth needs or enable discrete land uses. It seeks to promote an integrated and above all walkable community founded on mixed, dense, and well connected activities with residential uses supporting employment and business activities. While the proposed Plan Change does look to provide residential land uses and industrial ones, it is difficult to see how the integrated land use outcomes intended through this proposed Plan Change could be met by the more homogenous, isolated outcomes sought by both the Ladies Mile Partnership and Long Shot Ltd.
- 3.2.14 We are therefore in no doubt that the variation sought by these submitters would amount to permitting the District Plan to be “appreciably amended without real opportunity for participation by those potentially affected”. Given the distance of the land from the Plan Change site and the lack of supporting

information to justify the outcome sought, in our opinion, the submission falls far short of satisfying the tests for being ‘on’ the Plan Change as enunciated in the case law summarised earlier.

Frankton Flats North

3.2.15 We turn now to consider the position of submitters whose land lies on the Frankton Flats, on the northern side of the State Highway from the proposed Plan Change area.

3.2.16 The opening words of the purpose of the Plan Change are set out in the proposed Plan Change document as: *“The purpose of this Plan Change is to provide for the comprehensive rezoning of the land known as the Frankton Flats to enable the following activities.....”*

3.2.17 As the area to which the proposed Plan Change relates is contained by State Highway 6, Glenda Drive development, the Airport, Frankton Flats Special Zone A and the Events Centre, the use of the phrase “the Frankton Flats” in this statement of purpose cannot logically refer to the entire area of the Frankton Flats, which on the evidence before us comprises a considerably greater area, in a geographic sense, and includes the land to the north of the State Highway to the toe of the adjacent hills. It is this area of land which comprises the properties of the submitters in this group. In forming this conclusion we have considered the expert landscape and planning evidence of Dr Steven and Mr Vivian respectively, called for Quail Rise Estate. In that sense, we surmise, an argument could be made to the effect that the land of this group of submitters should have been included in the proposed Plan Change at the outset.

3.2.18 That did not occur, and in our view the statement of intention in the proposed Plan Change is not sufficient in itself to direct or imply that the land should now be included in the proposed Plan Change area. Equally absent from the proposed Plan Change is the land comprising the Airport, and the land lying between the Airport and the Kawarau River, all of which is, on the evidence, also part of the Frankton Flats. What has occurred is that a Plan Change has

been promulgated for part of the geographic “Frankton Flats” area. This group of submitters says that it is now appropriate to extend the proposed Plan Change area so that the land between the State Highway and the toe of the hills, north of the Highway, is included within it. Given that on the evidence it is part of the same landscape classification and type, its exclusion might be seen by some as anomalous.

3.2.19 The land owned by Aurora Energy Limited lies approximately opposite Frankton Flats Special Zone A. It is zoned Rural General and is categorised as a Visual Amenity Landscape in the District Plan. The land is leased to a related company Delta Utility Services Limited, which uses it as a depot for part of its Queenstown Electrical Services contracting operation. We heard that this will soon be expanded pursuant to a recently granted resource consent. Delta and its predecessors have used the site for industrial activities for several decades.

3.2.20 Aurora, through its counsel Mr Thomsen, referred us to a decision of the Environment Court in *Naturally Best New Zealand Limited v Queenstown Lakes District Council C49/2004*. There, certain criteria were provided for guidance on whether a submission seeking an extension of the Plan Change area could be regarded as ‘on’ the Plan Change. The criteria included the scope of the Plan Change, in the sense that if the change is wide then the relief sought may be proportionately wide, within reason. A second criterion was the extent of the submission – here Mr Thomsen said that as the proposed Plan Change seeks to rezone some land for industrial purposes then a submission by Aurora that its own land should be similarly zoned was appropriate. The third criterion was the relationship of the submission to the proposed Plan Change, the need for a kinship, as put by the Court, between the submission and the proposed change. Here Mr Thomsen referred to the relatively small physical separation between his client’s site and the proposed zone and relied on this physical proximity as sufficient to form the close relationship required.

3.2.21 Subject to our view that the principles in *Clearwater*, as annunciated by the High Court, should prevail over other principles annunciated in the Environment Court, we accept that we are bound by the guidance set out in this case. We do

not think, however, it is appropriate for us to consider extending the boundaries of this proposed Plan Change to any separate part of the whole area of land contained within the geographic Frankton Flats area but lying to the north of the State Highway. Rather, we are firmly of the view that the zoning of that entire area should be examined as a comprehensive whole. All the landowners of that area made submissions so we are in a position to assess it that way.

3.2.22 Another submitter with land in this area is Dart Engineering Limited. Similarly, the actual use of its land is not in accordance with its rural zoning. The land of the other submitters whose properties are located in this stretch is generally used for rural purposes. Apart from the industrial sites referred to, most of this land is in pastoral use and has a pastoral character. There are however a number of residential dwellings and some horticultural uses. Towards the eastern end of this area of land, and to the north of the Glenda Drive Industrial area, the land rises up to the terraces on which the Quail Rise Estate residential development is located.

3.2.23 Mr Ibbotson for Quail Rise Estate Limited submitted that choosing State Highway 6 as the northern boundary of the proposed Plan Change area was an entirely arbitrary decision, disregarding the geographical inclusion of his client's land in the Frankton Flats, and its landscape classification as Other Rural Landscape (ORL), the same classification as applies to the proposed Plan Change area. Mr Ibbotson said that the strip of land from the toe of the hill to the State Highway is wide enough for development, and to also include a 50 metre wide landscaping strip or buffer as is proposed in the Plan Change area as Activity Area A.

3.2.24 Dr Steven, a landscape architect called by Quail Rise Estate Limited, said that in his professional opinion expansion of the Plan Change area to the subject land would not compromise the adjacent Outstanding Natural Feature, Ferry Hill. He said that expansion of the Plan Change area to this land would be a logical and appropriate variation to the structure plan. Indeed he went so far as to say that isolation of this Rural General zoned land from the rest of the landscape of which it is part, being the rest of the Frankton Flats, would result if

the land were not included. Mr Ibbotson led evidence from Mr Vivian, a consultant planner, of appropriate Activity Areas for this land if it were to be included in the proposed Plan Change area. We were ultimately provided with a detailed plan supporting this.

3.2.25 The remaining submitters with land on this side of the road also urged on us an extension of the boundary to include their land within the proposed Plan Change area and allocate to it appropriate Activity Areas for residential development.

3.2.26 There is force in these arguments, and we have considered them with care and in light of the authorities to which we have referred. We have decided however to recommend against the request to rezone this land as part of the proposed Plan Change area, whether that be into Activity Areas A and B, or otherwise.

Our reasons are:

- The Aurora / Delta and the Dart Engineering sites are semi-developed. They are already an anomaly in the Rural Zone and in due course they may be zoned to accord with their long standing uses, if those uses are to continue. However, in our opinion they should be considered in the context of the entire strip of land lying to the north of the State Highway, and a structure plan for the entire area should be prepared and promoted as part of a Plan Change specifically relating to that entire area of land.

The same applies to the land of the remaining submitters:

- At the hearing Quail Rise Estate, through its planner, said that the desired subdivision pattern and development for this land was similar to the existing Quail Rise Special Zone. It is clear to us that the submitter seeks a land use outcome markedly different from that envisaged through the proposed Plan Change provisions, which promote outcomes very different to those enabled by the Quail Rise Special Zone provisions.
- At the hearing there was also mention of issues relating to gaining access to the land on the north side of the State Highway. Whilst the New Zealand Transport Agency (NZTA, formerly Transit New Zealand)

accepted that this could be readily effected from the roundabout proposed to enable the proposed Eastern Access Road in the Plan Change area, the path of the road within the land would need careful consideration. This could only be given in conjunction with an assessment of proposed uses, as shown in a carefully prepared structure plan.

- Ms Hutton of QLDC, in evidence at the resumed hearing, expressed the view that the Rules, Policies and Objectives of the Frankton Flats Special Zone (B) would not achieve what the submitters were seeking on their land. The proposed Plan Change seeks to achieve a high density mixed use living environment. The Quail Rise Special Zone on the other hand has a stated purpose of providing low density rural residential living within a high amenity area, and in a location affording good access to sun and views of the surrounding landscape. Although it is clear that there may be distinct advantages in terms of access to Quail Rise from an access point at the proposed roundabout, careful thought needs to be given to the development of a structure plan which is appropriate to the land on the north side of the State Highway. It will need to blend with the Quail Rise Zone at one end, the industrial sites at the other, and the Outstanding Natural Landscape to the north, as well as making appropriate provision for the amenity of this side of the road to balance the amenity of the other side of the road.
- It is certainly not clear to us on the evidence that mixed use zoning such as is proposed for the Plan Change area is appropriate for all or any part of this land.
- A key feature of the proposed Plan Change area is internal pedestrian connectivity of one area with another including, as a key outcome, connectivity with the Events Centre, and with a proposed transport hub for a public transport system connecting the greater Queenstown area. It is by no means clear that such connectivity with the land north of the State Highway could be achieved. Various means were postulated in discussion, but no study has been undertaken, and there was ultimately no evidence presented on this topic. We accept that “as the crow flies” there is little physical distance separating the areas of land, but the State

Highway may be an insurmountable barrier to pedestrians or cyclists (and even motor vehicles, in most cases).

- 3.2.27 Whilst we have no hesitation in agreeing that the zone(s) of the land owned by this group of submitters should be reconsidered, the outcomes sought by both the proposed Plan Change itself, and the submitters, are divergent enough that we cannot agree that the submissions are 'on' the Plan Change.

Trojan Holdings Ltd

- 3.2.28 We turn now to the submission of Trojan Holdings Limited. Trojan submitted that it has a contract to purchase an area described as Lot 15 Glenda Drive. It will be created through a subdivision planned by the current owner, Shotover Park Ltd, and is based largely on an existing title, Lot 21 DP 304345, extended westwards to include land currently identified for a future road (this itself to be replaced by the proposed Eastern Access Road). It is industrially zoned land adjacent to and partially within the eastern boundary of the proposed Plan Change area, taking access from Glenda Drive.

- 3.2.29 Trojan sought the amalgamation of proposed Activity Areas D and E into one consolidated Activity Area described as D, and the incorporation of all of its land into Area D by moving the zone boundary eastwards to follow the irregular eastern boundary of Lot 21 DP 304345. It then sought the replacement of the proposed provisions for Activity Area D with existing General Industrial Zone provisions within the District Plan. Thus, for this site, what is sought is essentially an extension of the existing Industrial Zone over the western 1/3rd of proposed Lot 15 (currently zoned Rural General) so that the owner might enjoy the existing Industrial Zone and its provisions across the entire site. This development intention was confirmed to us in oral submissions by Mr Castiglione, counsel for Trojan, who described the lot sizes and activities sought by the submitter. These included lots to 1,000sqm or less, and a range of general commercial activities and services.

- 3.2.30 The zone boundary proposed by the Council in its structure plan follows the existing western boundary of Lot 21 along the southern-most half of the site,

then continues in a straight line to Glenda Drive (Lot 21 deviates slightly to the west). However in respect of proposed Lot 15, the zone boundary would result in a clear bisection of the site between the existing General Industrial Zone and the proposed Activity Area E. We heard from Mr Castiglione an opinion that it was not good practice to provide a zone boundary in the middle of a parcel of land. It is most appropriate, we heard, to take advantage of property boundaries for this purpose. We concur with this view, although we note in this instance it would be based on a proposed, and thus uncertain, parcel boundary as a zone boundary.

3.2.31 We note that giving effect to this relief is challenging. We are bound to adhere to the scope of the submission, which asks for an extension to the zone boundary but does so only in conjunction with a clear change in zone provisions from what is proposed. Excluding proposed Lot 15 from the zone and recommending that all of it be zoned for General Industrial use could give effect to the relief sought (given the underlying existing General Industry Zone). However, the critical eastern boundary of Lot 15 does not exist yet, making the robustness of such a zone boundary questionable.

3.2.32 We are also mindful of the existing patterns of activity that have resulted from the Glenda Drive development. Experts for the Council advised us that many of the small scale commercial units, including professional services, which have eventuated are not consistent with the more industrial outcomes originally intended in that zone. This was not substantively challenged by any other submitters or experts at the public hearings. We heard that the subdivision allowed land for many business activities to locate well out of town taking advantage of high-speed, high-convenience State Highway capacity. This land could be seen as something of a scarce resource that might have been better managed. These locations may not have been ideally suited for such uses, as was essentially argued in both Ms Hampson's and Mr Mead's evidence, but nonetheless they have established here anyway in preference to allegedly more 'ideal' sites closer to Queenstown and other centres in the District.

- 3.2.33 Taking into account all of the evidence, we prefer the Council experts' view that the purpose of Activity Areas D and E is to provide for more genuinely industrial-focussed activity than has generally eventuated in the Glenda Drive subdivision to date. Inherently in this preference we also accept, contrary to the preference of Trojan, that more of the 'Glenda Drive' type of development – particularly for the high value, most intensive professional services – is not the key focus of industrial activity in this proposed Plan Change.
- 3.2.34 We have therefore resolved that the most appropriate way to achieve the purpose of the RMA would be by retaining Activity Areas D and E, subject to modifications we will outline later. Ideally we would recommend extending the proposed Plan Change and Activity Area E to the eastern boundary of Lot 21 to ensure it was of one consistent zone. However, we do not consider that this outcome, sits satisfactorily within the scope of any submission as it does not include with it the existing General Industrial Zone provisions. We are therefore left to recommend that the Frankton Flats Special Zone B boundary proposed on the notified structure plan proceed, notwithstanding the possible development challenges this may lead to on proposed Lot 15, should it eventuate as we have been shown.

Queenstown Events Centre Trust

- 3.2.35 Lastly, we turn to a submission made by the Queenstown Events Centre Trust. It seeks that its land be re-zoned from Rural General (to an unspecified replacement zone with unspecified provisions) as a part of this Plan Change to enable it to deliver the outcomes and activities identified on the Queenstown Events Centre Master Plan. The elements of the master plan, their relevance to this Plan Change, or the rationale behind why specific facilities should be located as they are proposed on that Plan were not included in the submission. We have considered this relief, which in many ways would be logical and most of all convenient, given the proximity to the Events Centre to the land involved and the ease of pedestrian crossing over Grant Rd (it is not a Highway, nor is it intended to be the major freight or traffic route into the FFSZ(B)). We can easily see a use relationship developing between residents and users of FFSZ(B) and the amenities available at the Events Centre. Policies within the proposed Plan

Change indeed emphasise the importance of achieving good connections with the Events Centre from within the Zone.

- 3.2.36 The submission was not supported by any analysis or advice on what Activity Area or provisions should be enabled. We are also mindful that the Events Centre Master Plan has not been identified by the Council in its s32 reporting as one of the relevant factors it is looking to respond to or take into account in promoting this Plan Change. Implementing the Master Plan is also not specified within the Plan change document itself as an outcome sought from this process. We have ultimately concluded that giving effect to the Master Plan per se is not a specific objective of this Plan Change.
- 3.2.37 Which brings us to the stated purpose of the Plan Change. It includes an intent to enable recreation activities. At face value this seems entirely compatible with the Events Centre submission. However the Plan Change does not seek to provide for recreation activities in the District as an isolated end in itself. The Plan Change looks to enable a comprehensive approach to self-contained, mixed use development. One integrated component of this will involve appropriate recreation facilities. It is not sufficient, in our view, for parties to simply pick and choose from those activities, taking their preference and removing it from that essential mixed use context, and then claiming that they remain within the scope of the Plan Change. Although we see some clear logic in connecting the FFSZ(B) land and the Events Centre, we have not been satisfied that rezoning the Centre so it can progress its Master Plan is satisfactorily 'on' the Plan Change.
- 3.2.38 It may have been possible for the Trust's land to be integrated into this Plan Change if supported by analysis, evidence, Objectives and other Provisions, but most of all the ability of the community to meaningfully comment on the regulatory future of what is undoubtedly a significant community asset. This has not occurred, nor has the submission by the Trust substantively changed this. We can only conclude that a separate specific process for this purpose, possibly defining areas within the QEC land for different activities within it,

would be the most appropriate way to achieve the outcome sought by the submitter.

Recommendations

3.2.39 Aurora Energy Ltd

Aurora Energy Ltd requested that PC19 be expanded to include land on the northern side of the State Highway (Lot 1 DP 11785 and Lot 1 DP 20596 and Lot 1 LT 383378) as Activity Area D (Yard Based Activities). It also sought to incorporate any adjoining land with compatible land uses [19/20/1].

This submission is supported by Quail Rise Estate Ltd [19/20/1/1] and Trojan Holdings Ltd [19/20/1/3] and opposed by Shotover Park Ltd [19/20/1/2].

This submission should be **rejected** for the reasons stated above. The further submissions by Quail Rise Estate Ltd and Trojan Holdings Ltd should be **rejected** for the reasons stated above. The further submission by Shotover Park Ltd should be **accepted** for the reasons stated above.

3.2.40 Brooks Family Trust

Brooks Family Trust requested that the northern rural land be included under Plan Change 19 for commercial subdivision and development and/or residential subdivision and development consistent with the Quail Rise Estate Zone. Provision should be made for integrated management of the Frankton Flats and the northern rural land, and the Objectives, Policies and Rules of PC19 should be amended to control the actual and potential effects of development of the Frankton Flats on the northern land [19/21/1] and [19/21/2].

This submission is supported by Quail Rise Estate Ltd [19/21/1/3], [19/21/2/2], Shotover Park Ltd [19/21/1/5], [19/21/2/3], and opposed by [19/21/1/1], Plethora Investments Ltd [19/21/1/2], Queenstown Airport Corporation [19/21/1/4], Manapouri Beech Investments Ltd [19/21/2/1].

This submission should be **rejected** for the reasons stated above. The further submissions by Quail Rise Estate Ltd and Shotover Park Ltd should be **rejected** for the reasons stated above. The further submissions by Plethora Investments Ltd, Queenstown Airport Corporation, and Manapouri Beech Investments Ltd should be **accepted** for the reasons stated above.

- 3.2.41 Brooks Family Trust seeks that Objectives, Policies and Rules of PC19 are amended to control the actual and potential effects of the development of Frankton Flats and the northern rural land [19/21/9].

This submission is partially supported by Shotover Park Ltd [19/21/9/1].

This submission should be **rejected** for the reasons stated above. The further submission by Shotover Park Ltd in partial support should be **rejected** for the reasons stated above.

3.2.42 **Ladies Mile Partnership**

Ladies Mile Partnership seeks that its land within the flats and low terraces of the Lower Shotover and Ladies Mile area is included within PC19 and on the Structure Plan to identify land for future development (low and medium density), wetland protection and river management, education [19/28/1].

This submission is supported by Debbie and Kelvin Jackson [19/28/1/3], Russell and Ruth Jones [19/28/1/4], Ministry for Education [19/28/1/5], Quail Rise Estate Ltd [19/28/1/6] Graeme Jones and Suzanne Thompson-Jones [19/28/1/9] and opposed by Air New Zealand Ltd [19/28/1/1], Jacks Point Ltd [19/28/1/2], Shotover Park Ltd [19/28/1/8], Queenstown Airport Corporation [19/28/1/7].

This submission should be **rejected** for the reasons stated above. The further submissions from Debbie and Kelvin Jackson, Russell and Ruth Jones, Ministry for Education, Quail Rise Estate Ltd, and Graeme Jones and Suzanne Thompson-Jones should be **rejected** for the reasons stated above. The further

submissions from Air New Zealand Ltd, Jacks Point Ltd, Shotover Park Ltd, Queenstown Airport Corporation, and Otago Regional Council should be **accepted** for the reasons stated above.

- 3.2.43 Ladies Mile Partnership submits that the zone be changed to incorporate a Shotover Delta River Management Area to achieve the above Objectives [19/28/2].

This submission is supported by Graeme Jones and Suzanne Thompson-Jones [19/28/2/2 & 6], Russell and Ruth Jones [19/28/2/3], Quail Rise Estate Ltd [19/28/2/4] and opposed by Air New Zealand Ltd [19/28/2/1], Shotover Park Ltd [19/28/2/5] and New Zealand Transport Agency [19/28/2/7].

This submission should be **rejected** for the reasons stated above. The further submissions from Graeme Jones and Suzanne Thompson-Jones, and Quail Rise Estate Ltd, should be **rejected** for the reasons stated above. The further submissions by Air New Zealand Ltd, Shotover Park Ltd, and New Zealand Transport Agency should be **accepted** for the reasons stated above.

- 3.2.44 Ladies Mile Partnership [19/28/4] submits that the resource management issues, Objectives, Policies and environmental results anticipated within Part 4 (District-wide issues) of the District Plan be amended to identify and provide for the urban catchment of the Frankton area as extending from Frankton to Lake Hayes.

This submission is supported by Quail Rise Estate Ltd [19/28/4/4] and Graeme Jones and Suzanne Thompson-Jones [19/28/4/6] and opposed by Air New Zealand Ltd [19/28/4/1] Otago Regional Council [19/28/4/2], Plethora Investments Ltd [19/28/4/3] and Shotover Park Ltd [19/28/4/5].

This submission should be **rejected** for the reasons stated above. The further submissions from Quail Rise Estate Ltd and Graeme Jones and Suzanne Thompson-Jones should be **rejected** for the reasons stated above. The further submissions from Air New Zealand Ltd, Otago Regional Council, Plethora

Investments Ltd, and Shotover Park Ltd should be **accepted** for the reasons stated above.

- 3.2.45 Ladies Mile Partnership [19/28/5] submits that the Frankton Flats (B) Zone issues, Objectives and Policies are amended to:
- (i) Identify, manage the effects of and enable development of low and medium residential growth, community housing and education facilities on the lower terraces and flats south of the Ladies Mile area;
 - (ii) Amend in any other manner intended to give affect to the relief sought in the Ladies Mile Partnership submission.

This submission is supported by Quail Rise Estate Ltd [19/28/5/2], Graeme Jones and Suzanne Thompson-Jones [19/28/5/4], and opposed by Air New Zealand Ltd [19/28/5/1] and Shotover Park Ltd [19/28/5/3].

This submission should be **rejected** for the reasons stated above. The further submissions by Quail Rise Estate Ltd, and Graeme Jones and Suzanne Thompson-Jones should be **rejected** for the reasons stated above. The further submissions by Air New Zealand and Shotover Park Ltd should be **accepted** for the reasons stated above.

- 3.2.46 Ladies Mile Partnership [19/28/6] submits that the Rules and related Assessment Matters of the Frankton Flats Special Zone (B) be amended to enable development of the Ladies Mile area and to give effect to the relief set out in the Lakes Mile Partnership submission.

This submission is supported by Quail Rise Estate Ltd [19/28/6/2] and Graeme Jones and Suzanne Thompson-Jones [19/28/6/4], and opposed by Air New Zealand Ltd [19/28/6/1] and Shotover Park Ltd [19/28/6/3].

This submission should be **rejected** for the reasons stated above. The further submissions from Quail Rise Estate Ltd and Graeme Jones and Suzanne Thompson-Jones should be **rejected** for the reasons stated above. The further

submissions by Air New Zealand Ltd and Shotover Park Ltd should be **accepted** for the reasons stated above.

- 3.2.47 Ladies Mile Partnership [19/28/7] seeks any consequential amendments necessary to achieve the intent of the Ladies Mile Partnership submission.

This submission is supported by Quail Rise Estate Ltd [19/28/7/2] and Graeme Jones and Suzanne Thompson-Jones [19/28/7/4] and opposed by Air New Zealand Ltd [19/28/7/1] and Shotover Park Ltd [19/28/7/3].

This submission should be **rejected** for the reasons stated above. The further submissions by Quail Rise Estate Ltd and Graeme Jones and Suzanne Thompson-Jones should be **rejected** for the reasons stated above. The further submissions by Air New Zealand Ltd and Shotover Park Ltd should be **accepted** for the reasons stated above.

3.2.48 **Long Shot Ltd**

Long Shot Ltd seeks that the land owned by Ladies Mile Partnership is rezoned to enable industrial uses [19/29/1].

This submission is opposed by Air New Zealand Ltd [19/29/1/1] and Otago Regional Council [19/29/1/2].

This submission should be **rejected** for the reasons stated above. The further submissions by Air New Zealand Ltd and Otago Regional Council should be **accepted** for the reasons stated above.

3.2.49 **Quail Rise Estate Ltd**

Quail Rise Estate Ltd [19/37/1] seeks that the land on the northern side of State Highway 6 currently zoned Rural General and Activity Area G of the Quail Rise Estate Zone be replaced with Frankton Flats Special Zone (B) as shown on the

plan attached to the submission. For completeness this should be extended to the corner of Hansen Road.

This submission is supported by the Thompson's [19/37/1/3] and partly supported by Shotover Park Ltd [19/37/1/2] and opposed by Queenstown Airport Corporation [19/37/1/1].

This submission should be **rejected** for the reasons stated above. The further submission by the Thompson's and the one given in partial support by Shotover Park Ltd should be **rejected** for the reasons stated above. The further submission by Queenstown Airport Corporation should be **accepted** for the reasons stated above.

- 3.2.50 Quail Rise Estate Ltd [19/37/2] requests that the resource management issues, Objectives, Policies and environmental results anticipated be amended to reflect the wider area of the zone. In particular, reference to Ferry Hill being in the foreground of the zone needs to be added.

This submission is supported by Peter and Margaret Arnott [19/37/2/1], Brooks Family Trust [19/37/2/2], L Hansen [19/37/2/3], Shotover Park Ltd [19/37/2/7], the Thompsons [19/37/2/8] and opposed by Jacks Point Ltd [19/37/2/4] Manapouri Beech Investments Ltd [19/37/2/5] and Plethora Investments Ltd [19/37/2/6].

This submission should be **rejected** for the reasons stated above. The further submissions by Peter and Margaret Arnott, Brooks Family Trust, L Hansen, Shotover Park Ltd, and the Thompsons should be **rejected** for the reasons stated above. The further submissions by Jacks Point Ltd, Manapouri Beech Investments Ltd and Plethora Investments Ltd should be **accepted** for the reasons stated above.

- 3.2.51 Quail Rise Estate Ltd [19/37/3] requests that Objective 3 Policy 3.5 be amended to include Quail Rise.

This submission is partially supported by Shotover Park Ltd [19/37/3/1] and supported by the Thompson's [19/37/3/2] and New Zealand Transport Agency [19/37/3/3].

This submission should be **rejected** for the reasons stated above. The further submission by the Thompsons and that in partial support by Shotover Park Ltd should be **rejected** for the reasons stated above. The further submission by New Zealand Transport Agency should be **accepted** for the reasons stated above.

- 3.2.52 Quail Rise Estate Ltd requests that a new Zone Standard be added preventing any residential dwellings to be located within 50m of the any overhead high voltage power lines on the north side of the State Highway.

This submission is supported by the Thompson's [19/37/4/2] and partially supported by Shotover Park Ltd [19/37/4/1].

This submission should be **rejected** for the reasons stated above. The further submission by the Thompsons, and that in partial support by Shotover Park Ltd, should be **rejected** for the reasons stated above.

3.2.53 **Trojan Holdings Ltd**

In summary, Trojan Holdings Ltd submits the following:

- providing sufficient industrial land for the District is important, however PC19 provides limited opportunities in this regard;
- the Site and Zone Standards discourage the proposed Industrial zoning;
- the Site and Zone Standards are too complicated and onerous;
- the industrial provisions within the District Plan already (with modifications) are better than PC19 provisions for industrial activities; and
- Trojan Holdings Ltd have an agreement to buy Lot 15 from Shotover Park Ltd, the entire lot should be included within PC19.

- 3.2.54 Trojan Holdings Ltd [19/42/1], requests an amendment to PC19 provisions as outlined in its submission, or in any other manner that will give effect to the submissions set out in paragraphs 1.0 to 7.0 of Trojan Holdings Ltd's submission.

This submission is opposed by Air New Zealand Ltd [19/42/1/1], Manapouri Beech Investments Ltd [19/42/1/2] and Plethora Investments Ltd [19/42/1/3] however is supported by Shotover Park Ltd [19/42/1/4].

The general submission should be **rejected** for the reasons stated above. The further submissions in opposition from Air New Zealand Ltd, Manapouri Beech Investments Ltd, and Plethora Investments Ltd should be **accepted** for the reasons stated above. The further submission in support by Shotover Park Ltd should be **rejected** for the reasons stated above.

- 3.2.55 Trojan Holdings Ltd [19/42/2] requests that the Objectives and Policies be amended with regard to the Frankton Flats (B) Zone issues, Objectives and Policies in accordance with the changes set out in the appendix (provided with their submission) or in any other manner intended to give affect to the relief sought in Trojan Holding Ltd's submission.

This submission is supported by Shotover Park Ltd [19/42/2/2] and opposed by Air New Zealand Ltd [19/42/2/1].

The general submission should be **rejected** for the reasons stated above, The further submission in opposition from Air New Zealand Ltd should be **accepted** for the reasons stated above. The further submission in support by Shotover Park Ltd should be **rejected** for the reasons stated above.

- 3.2.56 Trojan Holdings Ltd [19/42/4], requests a structure plan change to the boundaries of Activity Area D to take in all of the land owned by Grant Road Properties Limited (thereby removing the effect of Activity Area C) and include all of the area of Lot 15 Glenda Drive in accordance with the changes to the

structure plan set out in Appendix [C] or in any other manner to give effect to the relief set out within this submission.

This submission is supported by Air New Zealand Ltd [19/42/4/1] and Shotover Park Ltd [19/42/4/2].

The general submission should be **rejected** for the reasons stated above. The further submissions in support from Air New Zealand Ltd and Shotover Park Ltd should be **rejected** for the reasons stated above.

3.2.57 **Queenstown Events Centre Trust**

The Queenstown Events Centre Trust [19/39/2], requests that the QEC land be rezoned as part of proposed PC19 from Rural General to an Activity Area that specifically provides for recreation activities and facilities identified in the Queenstown Events Centre Master Facility Plan.

This submission is supported by Remarkables Park Ltd [19/39/2/1], and Shotover Park Ltd [19/39/2/2].

This submission should be **rejected** for the reasons above. The further submissions in support should also be **rejected** for the same reasons.

3.3 Manapouri Beech Site and Activity Area B

Issue

- 3.3.1 Manapouri Beech Investments Ltd owns a site on the State Highway frontage, close to the eastern end of the Plan Change area. It wishes to protect the ongoing viability of an existing garden centre on the site, as well as future-proof it for a range of additional activities that it considers may be desirable on the site. This was proposed to us by way of varying the proposed provisions to create Activity Area B1 and using it, subject to new provisions, to apply to the site. This in turn came in response to the s42A report prepared by Ms Hutton,

where Activity Area B was proposed to apply to the site instead of Activity Area A, (which was detailed in the notified version of the proposed Plan Change).

Discussion & Reasons for Recommendations

3.3.2 Expert evidence was presented to us that it was inappropriate to include the site and its existing operation within Activity Area A (open space setback). This was agreed by the Council's experts in the modified structure plan presented as part of the s42A report prepared by Ms Hutton. We accept this evidence, subject to specific controls we will discuss shortly. That will ensure the site provides a sympathetic contribution to the open space setback intended by Activity Area A. We were not convinced that zoning an existing activity and buildings as open space setback, with specific additional rules prohibiting development within the remaining Activity Areas until the open space setback had been established (i.e. the site purchased, structures demolished, and landscaping implemented), is either an effective or efficient means of promoting sustainable management. Specifically, more direct methods such as outright purchase of the land in question by the Council, would seem more appropriate. The question then becomes what should take the place of Activity Area A in the Manapouri site?

3.3.3 Counsel for Manapouri, Ms Walker, and a consultant planner, Mr Walsh considered that the most appropriate way to promote sustainable management on this site would be by providing a 'spot' Activity Area applying only to the site, subject to provisions and controls including an Activity Table of Permitted through to Prohibited Activities. This was to be named Activity Area B1, and was based on the provisions of Activity Area B as appended to the s42A report. From questions from us it was accepted that there were deficiencies with the proposed Activity Area B1 provisions initially put to us. Revised provisions were then put to us, with the Council's experts, coordinated by Ms Hutton, concurring that the revised relief sought would be more appropriate. We addressed direct questions to these experts on the necessity of such a seemingly long-winded method of providing the relief sought by the submitter. Ms Walker and Mr Walsh however confirmed their view that it was appropriate.

3.3.4 We also oversaw discussion on alternative means to access the site should the State Highway access be removed. Alternative access would need to be via land to the south or from the proposed Eastern Access Road. These discussions did not lead to a viable alternative to the existing State Highway access being identified. Other issues, such as the need for Outline Development Plan (ODP) and Urban Design Panel processes, were constructive and had a bearing on those specific matters (as will be discussed later). This raised issues for us about future development on the site that may considerably increase intensity and possible impacts on the State Highway. We were also interested to hear how residential activities, sought by the submitter as a Permitted Activity, would be appropriate given the proximity of the site to the State Highway and the potential nuisance from traffic. However, while we received evidence on what uses should be provided for, we heard no evidence on *why* any of them would be appropriate, especially those that are not proposed to be provided for on the land within the notified Plan Change document itself.

3.3.5 We deliberated considerably over this submission. While the technical evidence presented to us was clear in its support of the 'spot zone' approach, this expert evidence was simply not convincing. First, we are satisfied that the site is in lawful activity now protected in perpetuity by Section 10 of the RMA. This will allow for existing activities and activities with the same or similar effects to occur on the site, without any changes to the proposed Plan Change. Secondly, and although we acknowledge this particular site is worthy of unique recognition in the context of this proposed Plan Change, this falls short of justifying the significant inefficiency of inserting an entire Activity Area replete with several provisions into a District Plan simply to keep open to the submitter as many future options as possible. We note that many of these are beyond both the current District Plan provisions and those proposed in the notified proposed Plan Change, and have not been recommended to us with any corroborating evidence on their appropriateness, effects, or suitability. In particular, the activities sought could lead to a considerable increase in site intensity than exists today. No evidence on the impacts of such an outcome on the State Highway and existing vehicle access was given to us. Thirdly, the

activities sought by the submitter are not particularly different from those sought by submitters on adjacent areas of land within the proposed Plan Change area.

3.3.6 Thus we find ourselves in a position of disagreement with the methods of achieving the relief identified by representatives called on behalf of the submitter and the Council, yet still in overall agreement with what is sought as an end result from the relief sought in the written submission. That is, special provisions for the Manapouri site given the nature of its existing use, its State Highway exposure and access, and its location near the north-eastern edge of the Plan Change area.

3.3.7 This brings us to a discussion on how to proceed. We are bound by the scope of this submission. We are also mindful that expert evidence on the matter is not something we comfortably set aside. However ultimately we are also bound by the requirements of section 32 of the Act and must come to our own judgement on how to most appropriately promote sustainable management and achieve the Objectives.

3.3.8 On that basis, and having regard to all factors and information available to us through the public hearings, we recommend that the most appropriate way to achieve the purpose of the RMA and the proposed Objectives on this site would be by applying Activity Area E1 to it (refer to Section 3.9). This Activity Area provides for buildings, commercial, and even some residential activities, which we consider would be appropriate to this environment. In the provisions relating to this Activity Area, a specific control should be additionally added that identifies the Manapouri site and prescribes additional provisions relating to it. These should include that on Lot 2 DP 23542:

- the garden centre and ancillary activities on the site are a permitted activity; and
- a 15m building setback from the State Highway shall be retained, but this may be used for at-grade parking and manoeuvring.

3.3.9 Overall therefore we recommend that:

- the site should be excluded from Activity Area A;
- the site exhibits unique characteristics in the context of this proposed Plan Change that do warrant specific provisions ; and
- the most appropriate manner in which to provide these is through specific provisions for the site in question, and overlaid onto Activity Area E1.

3.3.10 In related matters, there is a narrow strip of land between the eastern edge of the Manapouri site and the western edge of Glenda Drive. It was common ground at the hearing that it would serve no practical effect to require this strip as Activity Area A. We recommend that it be zoned Activity Area E1 as with the remainder of that block of land.

3.3.11 For clarity, we note that aside from these exceptions for the Manapouri site and the narrow strip of land adjacent to it, that Activity Area A should apply along the whole of the FFSZ(B) or State Highway frontage. This will include what came to be referred to as the ‘glasshouse’ site which lies to the west of the Manapouri garden centre site.

Recommendations

3.3.12 Manapouri Beech Investments Ltd

Manapouri Beech Investments Ltd seeks amendment to the Objectives and Policies to acknowledge the existing development and commercial activities that exist on the site and the fact that it does not currently provide for an open space buffer to existing and future development [19/30/1].

This submission is supported by Plethora Investments Ltd [19/30/1/3] and Shotover Park Ltd [19/30/1/4] and opposed by Air New Zealand Ltd [19/30/1/1] and Queenstown Airport Corporation [19/30/1/3].

This submission should be **accepted in part** for the reasons stated above and inasmuch as we concur with the relief sought but not the specific methods recommended to us. The further submissions in support by Plethora Investments Ltd and Shotover Park Ltd should be **accepted in part** for the

reasons stated above. The further submission in opposition by Air New Zealand should be **rejected** for the reasons stated above.

- 3.3.13 Manapouri Beech Investments Ltd seek amendment to the zone to enable buildings and commercial activities as a Controlled Activity, for residential to be a Permitted Activity and that a garden centre, including the use of the land and buildings to produce and sell goods for yard and soft landscaping, growing plants, manufacturing compost, producing garden furniture and water features, advising on landscaping and ancillary office use, also to be a Permitted Activity [19/30/2].

This submission is supported by Shotover Park Ltd [19/30/2/3] and opposed by Air New Zealand Ltd [19/30/2/1] and Queenstown Airport Corporation [19/30/2/2].

This submission should be **accepted in part** for the reasons stated above, inasmuch as the provisions proposed to apply to Activity Area E1 provide an appropriate opportunity for buildings, commercial, and residential activities. Specific additional controls relating solely to this site can also confirm the Permitted Activity status of existing lawfully established garden centre and ancillary uses. The further submission in support from Shotover Park Ltd should be **accepted in part** for the same reasons. The further submissions in opposition from Air New Zealand Ltd and Queenstown Airport Corporation should be **rejected** for the reasons stated above.

- 3.3.14 Manapouri Beech Investments Ltd seek to maintain existing access to the Manapouri site off the State Highway and avoid being adversely affected by the construction of the proposed new arterial road links. [19/30/3].

This submission is supported by Brooks Family Trust [19/30/3/2] and Shotover Park Ltd [19/30/3/3] and opposed by Air New Zealand Ltd [19/30/3/1].

This submission, inasmuch as it relates to issues within the lawful control of the Queenstown Lakes District Council and not the New Zealand Transport

Agency, should be **accepted in part** for the reasons stated above, inasmuch as we agree that access from the State Highway should continue for this activity and future activities of similar intensity. We are satisfied there will be no adverse effect on the site from construction of the Eastern Access Road in the alignment we have been shown and have indicated on the revised structure plan. The further submission in support by Brooks Family Trust and Shotover Park Ltd should be **accepted in part** for the same reasons. The further submission in opposition by Air New Zealand Ltd should be **rejected** for the reasons stated above.

- 3.3.15 Manapouri Beech Investments Limited [19/30/4] seek any consequential changes to be made to address the concerns raised in their submission.

This submission is supported by Jacks Point Ltd [19/30/4/3], Manapouri Beech Investments Ltd [19/30/4/4] and Shotover Park Limited [19/30/4/7]. It is opposed by Air New Zealand [19/30/4/1], Five Mile Holdings Ltd [19/30/4/2], Queenstown Airport Corporation [19/30/4/5] and Remarkables Park Limited [19/30/4/6].

This submission should be **accepted in part** for the reasons stated above, inasmuch as we agree that specific changes as outlined should be made to the proposed District Plan provisions to reflect appropriate opportunity for uses on this unique site. The further submissions in support should be **accepted in part** for the same reasons. The further submissions in opposition should also be **accepted in part** for the reasons stated above and inasmuch as we do not support the specific relief sought, or the full range of land use activities that were proposed to us during the hearing.

3.4 Infrastructure

Issue

- 3.4.1 The Frankton Flats Special Zone (B) would be a 'greenfield' development. Infrastructure services are not currently available on the land. A number of

submissions raised questions over practical serviceability as well as the equity of providing for development through this proposed Plan Change.

Discussion & Reasons for Recommendations

3.4.2 While many written submissions identified infrastructure as a primary concern, few oral submissions were focussed on it. Nonetheless we heard from a number of experts for the parties. One of these was Mr Lee, an experienced local engineering expert, on behalf of Remarkables Park Ltd and Shotover Park Ltd. Additional evidence relied on by us included the report “*Frankton Flats Infrastructure Servicing and Funding*” prepared by Mr Guy of Rationale Ltd and included by the Council as a part of its Section 32 report package. This identified two particular facts relevant to our consideration of this issue:

1. that the Council operates a District-wide growth and population model, updated on an annual basis to assist and coordinate its long term asset planning; and
2. that the Council’s modelling has identified that up to 2,400 new households could locate within the FFSZ(B) area by 2026 (this includes demand-side population growth projections rather than just a supply-side land area calculation of theoretical capacity). Accordingly at 2026 the model still assumes additional household capacity would remain on the land.

3.4.3 We will focus here on water, wastewater, and stormwater concerns. Transport will be addressed separately, in Section 3.8.

3.4.4 There was no evidence-based disagreement with the principle underpinning the Council’s approach. That is to provide new infrastructure as new development occurring within the proposed Plan Change area, and from there where the community as a whole, requires it. Development contributions under the Local Government Act 2002 are to be used to help meet the capital costs of the infrastructure (as defined by the term ‘Community Facilities’ within that Act). Development contributions are a recently introduced funding tool. Throughout the hearings process there was essentially no discussion on funding and delivery issues or options per se. We note our understanding that the

development contribution tool in particular may lead to changes in the timeframe within which infrastructure is provided. This will be to expose communities to the least possible overall financial risk, transferring as much of it as possible to developers. This intention is made clear within the Council's reports on this matter.

- 3.4.5 It strikes us as likely that one result of this funding approach may be a more direct and timely connection between infrastructure provision and the subsequent development that will be contributing a potentially significant portion of its costs. Thus, although funding issues beyond any RMA financial contribution are beyond our scope here, an understanding of how the Council's infrastructure funding model will work in practice is still relevant to the issues we will discuss next.
- 3.4.6 Mr Lee raised questions with the Council's commitment and / or ability to meet these service requirements, and the implications this may have on new development instead having to consume remaining capacity in the District's networks. He asked questions of the robustness of Council's thinking on this proposed Plan Change given the apparent lack of a clear infrastructure 'master plan' showing exact details, population capacities, and staging of infrastructure solutions.
- 3.4.7 He made an argument that were this zone approved, the overall supply of zoned land within the District could induce a higher rate of population growth. This could accelerate consequential uptake of infrastructure capacity ahead of the Council's assumptions and funding timeframes. This in turn could create capacity problems for other areas of existing zoned land before necessary service improvements planned around a lower rate of growth were in place. This would not be fair to those existing landowners if their development plans were impeded, he concluded. Ultimately his evidence amounted to a criticism of the Council's growth model and its integrity as a basis for planning.
- 3.4.8 The Council's view was that the overlay of a land use zone looking to provide for future demand on an area of land (not purely in response to an existing

undersupply), would not in itself induce a greater rate of growth. Rather, the location that a part of that identified growth (or possibly all, depending on market factors) chooses to settle may change as a result. We have considered Mr Lee's evidence very carefully. It seems to rely on an assumption that the current growth rate in Queenstown would be higher if more land was zoned for development than is currently available today. This in turn relies on another assumption, that there must be some scarcity or other supply-to-demand shortfall of zoned land within the settlement. Thus, the new FFSZ(B) would be something of a growth release valve for those migrants presumably already looking to live in Queenstown but presently deterred by a lack of zoned land or choice, or inferred resource scarcity-driven affordability issues. Mr Lee did not give us any evidence to substantiate this view from Queenstown or any other settlement.

3.4.9 One could nonetheless draw support for his theory in lay terms by conceiving the relatively high residential property values that exist in Queenstown as an indicator of over-demand relative to supply, and resultant competition to live here (or at least own property). An intuitive response could be to suggest that if more land were available, prices would drop, and the many people previously competing and establishing such high prices could all settle. However these values exist despite what we understand to be an existing supply of zoned vacant land for residential purposes in Queenstown which has not been enjoying a particularly rapid uptake. This would presumably not be the case if demand for settlement here was truly so high that a new zone itself could notably affect the overall growth rate due to a resultant population surge. We are additionally aware that many settlements across New Zealand have growth rates (including negative ones in some cases) that do not correlate with the amount of zoned residential land available.

3.4.10 An argument could nevertheless be made that greater land supply could reduce unit prices which could make Queenstown more accessible, and hence induce more migration to the settlement. This would need to be supported by an acceptance that land supply was so constrained that it created significant cost burden that could be amended by increasing supply. We are aware of

affordability debates relating to land supply elsewhere in New Zealand. There are arguments supporting all sides of this issue. In this instance, we were given no evidence to support Mr Lee's position that affordability is a supply side problem in Queenstown.

- 3.4.11 Ultimately there has been no evidence to us that such a growth 'choke' exists in Queenstown, or indeed that there is currently any near future shortage of land for any activity (excluding industrial land, according to the Council but not according to Remarkables Park Ltd's expert). We understand instead that the focus of this proposed Plan Change is to help maintain satisfactory land for future needs and otherwise promote greater short-term competition and choice in local property markets. We are sure that all parties would hope that some affordability benefit from this approach may also occur. But the evidence, as we see it, simply does not support Mr Lee's recommendations.
- 3.4.12 The nub of the submissions in opposition to the proposed Plan Change was a principle that any excess capacity within the public network today should have a moral ownership in the hands of those landowners enjoying an existing zone. Removing this capacity from them may undermine their own plans to develop (either by way of a delay until additional capacity is provided by the Council, or, through increased development costs of having to contribute to those new networks rather than enjoying existing free capacity established prior to the development contributions regime). We did not hear any specific evidence or case supporting this principle of 'claim'. While we can easily see it having some possible relevance in the context of an imminent near-future development being hamstrung after considerable planning costs had been incurred by a landowner, we see it having less relevance for unspecified, general future development intent.
- 3.4.13 The suggestion that a zone grants land within it a perpetual reserved development right (including rights over general public infrastructure capacity), to be taken at any point in the future at the landowners leisure, does not sit comfortably with us. Overall however, we have not formed any final opinion on the question other than to observe that to agree with it, we would also need to

agree that it was appropriate to conclude that the Council would not, or may not, provide additional capacity as required by new growth. We heard no evidence to support that this was a real threat, therefore the question becomes something of a moot point. We accept at face value the Council's evidence that it will provide infrastructure in a competent and timely manner, in line with relevant statutory requirements such as within the Local Government Act and indeed its own carefully drafted and publicly scrutinised Policies. The built-in protections of this proposed Plan Change, which require land use consents to be obtained for virtually any development, provide additional opportunity to confirm satisfactory infrastructure arrangements exist prior to any building or use commencing.

3.4.14 On a similar note, the New Zealand Fire Service submitted seeking assurance that SNZ PAS 4509:2003 (relating to water pressure) would be met during development. The Council confirmed to us that it requires compliance with this Standard for its own and all private development within the District, and that infrastructure on the FFSZ(B) land will meet this service or be denied resource consent / building consent / service connection, as may be appropriate. We heard no technical evidence to the contrary. On that basis we have no grounds to contemplate that it will not be satisfactorily met.

3.4.15 Overall, no evidence was given to us that the necessary infrastructure for the proposed zone could not be provided in a technical sense. Instead the focus was on timing, perceived equity, and whether the Council would ensure satisfactory levels of service were achieved. Points were raised relating to the unspecified end population or staging planned within the FFSZ(B). We do not agree that planning should (or indeed can) always be on the basis of supply / land-based theoretical maximum capacities. As demonstrated by the figures put forward by some experts during the hearing, these do not always reflect practical realities on a site or the real-world costs and difficulties of actual development on a large scale as would be provided in the Zone. The approach also proves deficient when, such we have been advised by the Council is the case in this instance, a new Zone and planning framework is intended to take more than the 10 year life of a District Plan to develop. While such simple

models may have some expedience in discrete, homogeneous, single-use land zones, we agree that they seem less suitable in denser, mixed use zones where any multitude of land use combinations may eventuate over a 30 year (or more) period. If applied to the entire District, the result of such an approach is also likely to result in a theoretical 'total' development yield far beyond any short or medium term reality. It could also demand an excessive level of shorter term infrastructure investment unless tempered with the imposition of artificial assumptions of staging and likely "actual" growth over time anyway. In circumstances where land did not get developed to its theoretical maximum, inefficient and expensive overcapacities across a District may result in a cumulatively significant and ultimately unnecessary burden being imposed on a community. A more practical approach seems necessary.

3.4.16 The Council's approach is instead to focus on a demand-based District-wide capacity estimate. This is undertaken by calculating likely rates of population growth for the District as a whole in distinct funding horizons, and then using this as the basis for total capacity planning. Growth can choose to locate in any of several identified locations of which the FFSZ(B) would be one, with tailored development contributions allowing the relative servicing issues of each location to be equitably factored in. The primary limitation of this approach is that it could deliver something of a constantly moving target depending on the actual rates of growth which eventuate. However the Council's proactive approach of continually reviewing its model with the latest data and projections available gives us confidence that this limitation is being ably managed.

3.4.17 We are satisfied that the Council's approach is appropriately rigorous. We accept that in any scenario, there is inadequate infrastructure today to meet future needs in Queenstown, whether the FFSZ(B) proceeds or not. This will need to be improved by investments over time, led by the Council. We agree that the timing and scale of these investments in larger scale mixed development zones cannot themselves be reasonably included as requirements of the Council in the District Plan. Managing a degree of uncertainty is one inevitable necessity in resource management plan making. While we can understand a desire from some members within the community

to have every scenario completely charted out into the future, there are limits on what level of prediction is appropriate or even plausibly possible.

3.4.18 Ultimately it seems to us that there are two scenarios before us. One is to base infrastructure planning around land area and theoretical maximum capacities: “design so that investment can support a maximum development outcome”. This is not without appeal. But the risks of this approach include that any future potentiality on the land or change in market preferences may be lost to what is considered ideal today. Similarly, if for whatever reason, land is not used to its theoretical maximum, an over investment in infrastructure may result. The other scenario is to take a less certain approach for any one area of land but base infrastructure planning around the total number of users likely to require a service within a given timeframe: “design so that investment responds to likely need”. This perhaps more pragmatic approach may expose a community to notably less financial risk, but in so doing can give owners of zoned land less certainty about exactly when and how easy it will be for them to develop.

3.4.19 On the evidence before us, we are ultimately satisfied that the Council’s proposed approach will be the most appropriate way to promote the sustainable management of resources.

Recommendations

3.4.20 **Albion Trustee Ltd, Sarah Crosbie, Neville Dennis, Simon Forshaw, Rodney James Hodge, Rong Qian, Mandy Reriti, Phillipa Saxton, Duane Tepaa, Lane Vermaas**

Albion Trustee Ltd [19/1/2],, Sarah Crosbie [19/2/2], Neville Dennis [19/3/2], Simon Forshaw [19/4/2], Rodney James Hodge [19/7/2], Rong Qian [19/10/2], Mandy Reriti [19/11/2], Phillipa Saxton [19/12/2], Duane Tepaa, and Lane Vermaas [19/13/2] submit that the pressure on infrastructure created by PC19 may restrict existing landowners from making connections to wastewater infrastructure in the future. Additionally it is considered there will be insufficient capacity within the wastewater network to accommodate future growth,

although the exact quantity of this growth is unknown due to a lack of household equivalents, growth and staging information provided.

Supporting further submissions were made by: Air New Zealand Ltd [19/1/2/1] [19/2/2/1], [19/3/2/1], [19/4/2/1], [19/5/2/1], [19/6/2/1], [19/7/2/1], [19/8/2/1], [19/9/2/1], [19/10/2/1], [19/11/2/1], [19/12/2/1], [19/13/2/1], [19/14/2/1], Queenstown Airport Corporation [19/1/2/2], [19/2/2/2], [19/3/2/2], [19/4/2/2], [19/5/2/2], [19/6/2/2], [19/7/2/2], [19/8/2/2], [19/9/2/2], [19/10/2/2], [19/11/2/2], [19/12/2/2], [19/13/2/2], Remarkables Park Ltd [19/1/2/3], Shotover Park Ltd [19/1/2/4], [19/2/2/3], [19/3/2/3], [19/4/2/3], [19/5/2/3], [19/6/2/3], [19/8/2/3], [19/9/2/3], [19/10/2/3], [19/11/2/3], [19/13/2/3], [19/14/2/2], and Trojan Holdings Ltd [19/1/2/5], [19/12/2/3].

The submissions should be **rejected** for the reasons stated above. The further submissions in support should be **rejected** for the reasons stated above.

3.4.21 **Albion Trustee Ltd [19/1/3], Sarah Crosbie [19/2/3], Dennis Neville [19/3/3], Simon Forshaw [19/4/3], Rodney James Hodge [19/7/3], Rong Qian [19/10/3], Mandy Reriti [19/11/3], Philippa Saxton [19/12/3], Duane Tepaa [19/13/3], Lane Vermaas [19/14/3]** seeks any alternative, additional, consequential changes to be made to any relevant part of the Plan.

The submission is supported by Air New Zealand Ltd [19/1/3/1], [19/2/3/1], [19/3/3/1], Jacks Point Ltd [19/1/3/2], [19/2/3/2], [19/3/3/2], [19/4/3/1], [19/5/3/1], [19/6/3/1], [19/7/3/1], [19/8/3/1], [19/9/3/1], [19/10/3/1], [19/11/3/1], [19/12/3/1], [19/13/3/1], [19/14/3/1], Plethora Investments Ltd [19/1/3/3], [19/2/3/3], [19/3/3/3], [19/4/3/2], [19/5/3/2], [19/6/3/2], [17/7/3/2], [19/8/3/2], [19/9/3/2], [19/10/3/2], [19/11/3/2], [19/12/3/2], [19/13/3/2], [19/14/3/2], Remarkables Park Ltd [19/1/3/4], Shotover Park Ltd [19/1/3/5], [19/2/3/4], [19/3/3/4], [19/4/3/3], [19/5/3/3], [19/6/3/3], [19/7/3/3], [19/8/3/3], [19/9/3/3], [19/10/3/3], [19/11/3/3], [19/12/3/3], [19/13/3/3], [19/14/3/3].

The submissions should be **rejected** for the reasons stated above. The further submissions in support made by Jacks Point Ltd [19/17/3/1], Plethora

Investments Ltd [19/7/3/2] and Shotover Park Limited [19/7/3/3] should be also **rejected** for the reasons stated above.

3.4.22 **Jacks Point Ltd and Plethora Investments Ltd**

The submissions by Jacks Point Ltd and Plethora Investments Ltd addressed the adequacy of the Council's wastewater network when promoting residential, visitor accommodation and educational activities. The submitters do not believe that there is sufficient treatment facilities for this rezoning of land, the Rationale Ltd report does not identify the number of household equivalents to be created by PC19 and the analysis regarding the capacity of the oxidation ponds relies on assumptions that particular events will occur in particular timeframes. These outcomes do not facilitate the provision of sustainable communities in line with Part II of the RMA.

The submissions should be **rejected** for the reasons stated above

3.4.23 **Remarkables Park Ltd**

Remarkables Park Ltd submit that PC19 fails to provide adequately for infrastructure, in a sense that the servicing report is generic and does not meaningfully assess current infrastructure capabilities.

The submission should be **rejected** for the reasons stated above.

3.5 **Airport Operation**

The Outer Control Boundary

Issue

- 3.5.1 A number of submissions questioned the appropriateness of the proposed Plan Change relative to the ongoing operation of the Queenstown Airport. This topic has been broken into two issues that overlap somewhat. This first part will discuss issues with regard to the operation of the Airport and, in particular,

issues relating to noise control boundaries. The second part will consider implications on land uses within the proposed Plan Change area but beyond the Airport's Outer Control Boundary.

Discussion & Reasons for Recommendations

- 3.5.2 As with many airports, the activities of the Queenstown Airport are protected by Noise Control Boundaries, or contours, which are recorded in the District Plan. The Outer Control Boundary (OCB) is a principal noise control boundary. It contains the area within which certain activities are restricted because they are particularly sensitive to noise. Outside the OCB there are generally no controls restricting land usage because of airport noise.
- 3.5.3 At present, Queenstown Airport Corporation (QAC) is in the process of reviewing the appropriate locations of the noise control boundaries and to that end has commissioned "extensive noise assessment and modelling work" (Ms Noble for QAC). This exercise assesses noise from both existing and anticipated activities at the Airport for a period extending out some 30 years. The noise contours which were provisionally established as a result of that exercise became the subject of a public consultation document, and the entire noise assessment and modelling work was referred for peer review. The peer review exercise has been completed and has resulted in a slight shift in the location of the boundaries originally promulgated and shown on the notified structure plan.
- 3.5.4 We understand that QAC intends to apply to the Council for a Private Plan Change so that amended noise control boundaries are incorporated into the District Plan. The contours have been modelled to reflect the requirements for the Airport up until 2037 and take into account the intention of QAC and its principal users, to install requisite equipment and obtain requisite consents for night flying in and out of Queenstown up to 10pm and possibly up to midnight.
- 3.5.5 The draft (peer reviewed) noise contours indicate that there should be a change to the current location of the OCB. The location would change by

varying amounts, but in summary would extend further into the proposed Plan Change area than is the case with the present boundary.

3.5.6 QAC submitted that this proposed Plan Change should be deferred until such time as it has determined “*the operationally required extent of the Airport Noise Control Boundaries*”, and sought changes to the Airport designations and relevant District Plan chapters to reflect this. Counsel for Air New Zealand, in a letter dated 13th October 2008, presented to us prior to the resumed hearings, said that it would be “*prudent to delay finalisation of the Plan Change until the new noise boundaries of Queenstown Airport have been accurately mapped and incorporated into the District Plan*”. The Council's officers, in response to this position, was that the OCB (by then peer reviewed) was satisfactorily robust that we could confidently accept it.

3.5.7 The location of the OCB is unquestionably a matter of considerable importance in relation to proposed Plan Change 19. Certain activities which are proposed for the Plan Change land come within a definition of “Activities Sensitive to Aircraft Noise” (ASAN) which it is suggested should be incorporated into the District Plan. We felt that excellent definitions for these were provided during the hearing. Essentially all activities which might be particularly sensitive to aircraft noise such as residential activities and certain community facilities (including educational facilities) should be prohibited from being carried out on the land which is inside the OCB. The OCB is fixed at a point reflecting the modelled 55dBA Ldn line. Although there is some debate (to which we will refer shortly) about whether there should be further controls outside the OCB, it was common ground that there should be controls on ASAN within the OCB. Non-ASAN activities would be appropriate within the OCB.

3.5.8 It strikes us that compatibility with Airport operations is one reason the Council proposes to zone the land immediately adjoining the Airport for lower employee-density industrial use. Prohibiting activities that are sensitive to aircraft noise from this area should not compromise the purpose or attractiveness of the land for the primary activities for which it is to be used. It will, if anything, help improve the likelihood that the land uses intended here will

actually eventuate (we were told this did not occur in the existing Glenda Drive industrial development).

- 3.5.9 We will fully discuss land use issues later, but in summary we heard evidence that providing for industrial land uses adjacent to the Airport would undermine the high amenity visual character that visitors are exposed to upon arrival by air to Queenstown. This could amount to an adverse effect, and hence industrial activities should be prevented from locating in proximity to the Airport. We prefer the evidence given to us that the Frankton Flats area amounts to a scarce resource of highly usable land. Urban development is appropriate here to promote sustainable management, and from this conclusion the question then becomes what is the most appropriate specific land use for this interface given all of the opportunities and constraints? We agree that industrial land uses with their generally lower employment densities, and often loud operational noise of their own (subject to amenity controls as proposed by the Council), are the most appropriate outcome in proximity to the Airport, having regard to the effective and efficient use of this scarce land resource. We do not agree that any views of well designed and screened industrial activities either from the air or from within the Airport (which could additionally provide its own boundary screening if it felt there was an issue), will lessen the Queenstown experience for visitors.
- 3.5.10 At present, the best information available to us on which we can base a recommendation on proposed Plan Change 19, is the set of provisional boundaries and in particular the OCB as currently proposed by the QAC. We understand QAC has applied to the Council for a Plan Change. Assuming that the Council would accede to a request for a Plan Change for this purpose, it would still be some considerable time before the change, in its final form, could be adopted and become part of the District Plan. Any appeals to these outcomes would likely add further delay until an agreed change became operative.
- 3.5.11 A Private Plan Change does not take effect upon notification, and is of no effect until finally adopted by a Council (or approved by the Court), having proceeded

through the statutory Plan Change or any subsequent appeal process. The Plan Change process is lengthy, and we have little doubt that the Plan Change applied for by QAC in respect of the noise boundaries would attract significant public interest, particularly if it is coupled with provisions allowing flights into and out of Queenstown up to midnight. Allowing for advertising for submissions, cross-submissions, followed by preparation for and the conducting of hearings, the preparation and release of recommendations, the consideration of those recommendations by the Council, and possible appeals to the Environment Court, we think it extremely unlikely that final resolution of a Plan Change fixing new airport noise contours will be finally resolved until a date well advanced into 2011, and possibly even towards the end of that year.

3.5.12 Within that time there are doubtless other matters likely to have a bearing on how the proposed FFSZ(B) relates with the District that will also require new or different redress. These include NZTA and Council transport network planning and funding issues becoming clearer; market trends and preferences towards or away from particular development types emerging; evolution of the use and sophistication of development contribution policies; improvements in aircraft technology and nuisance mitigation; and new or different business development issues including the severity (and costs) of development challenges within Queenstown's main centres.

3.5.13 Certainly, deferring resolution of proposed Plan Change 19 until that time would give final certainty on issues dependant on the location of the noise contours and in particular the OCB. However, it is just as likely that new areas of uncertainty will arise to replace them. There is also a statutory time limit of two years for completion of a Plan Change process, and deferral of proposed Plan Change 19 as requested would result in this time limit being missed by at least one to two years. Secondly, proposed Plan Change 19 has been under consideration for a long period, and throughout that time landowners affected have been in doubt about the zone which will apply to their properties. It is not appropriate that they should be kept in doubt for any longer than is reasonably necessary for PC19 to be properly dealt with. The community is also entitled to resolution of issues on this important piece of land. We are conscious of our

duty under Section 21 of the RMA to avoid unnecessary delay in carrying out our functions in considering the proposed Plan Change before us.

3.5.14 The reality of urban development issues is that they are constantly changing, evolving, and reappearing in response to social, economic, and environmental factors of the time. The complexity of integrated and holistic resource use and development issues in constrained settings such as Queenstown means that very difficult decisions which may not suit the ideals of every single interest seem to be becoming more frequently necessary. Traditional expediences such as time delays to let conflicts work themselves out (or at least for a clear, dominant theme to emerge), or the physical separation of competing use demands from one another with distance, seem to us to be decreasingly viable in dense urban settings. We have concluded that we would not be serving our purpose if we simply looked to such devices instead of truly grappling with the issues affecting this proposed Plan Change.

3.5.15 The critical issue affecting Queenstown is its landform and setting. This will be discussed in more depth later, in Section 3.6. But suffice to say there is very limited land that is suitable for the land uses and in particular effective spatial networks required in an efficient, prosperous settlement. We have concluded that these limitations are of such an extraordinary degree in Queenstown that simply relying on generic practices and idealistic methods suitable in other settlements will not always be satisfactory. As it happens, some of the most suitable land for intense, well integrated urban activities within the District is the Frankton Flats. This is also the logical location for the Airport. There will be inevitable competition between the ideal amenity and environmental characteristics of these outcomes. It seemed to us to be common ground, including notably an acknowledgement from the QAC through counsel, that in this instance an overall workable balance must ultimately be struck between these two vital functions.

3.5.16 We accept that it can be necessary resource management practice to adopt a restrictive, precautionary approach when uncertainty and potential severity outweigh possible benefits and overall wellbeing. But we do not accept that the

existence of some uncertainty alone is a satisfactory basis to avoid complex and difficult resource management decisions being made.

3.5.17 Weighing up all matters and specifically the evidence we have been given, we are satisfied that we can make a recommendation to the Council on proposed Plan Change 19, which the Council can safely adopt, without waiting for final determination of the exact location of the noise contours. In questioning of Mr Osborne, a planning consultant called by the Council who specialises in issues relating to airports, he indicated that he had experience of proposed noise boundaries shifting during the processing of a Plan Change relating to them. In his experience, the movements of the lines were small, perhaps 20 to 30 metres laterally at most – unless the original model is found to be, as he put it, “seriously wrong”. Given that the model that has been used has been peer reviewed we think the prospect of that is now satisfactorily slight. We think that for the purposes of the proposed Plan Change before us, it is sufficiently likely that the provisional noise contour lines will either remain as they are proposed, or move within the parameters of 20 to 30 metres as indicated by Mr Osborne. In the context of this proposed Plan Change that is not a significant amount, being little more than the width of a carefully located road corridor. The Council’s experts were clear to us that there was sufficient robustness in the proposed OCB that we could rely on it. We also note that QAC’s concern was not that the outcomes proposed by the Plan Change were inappropriate relative to the Airport and its operational requirements. By the end of the hearing we feel their position, through counsel, was more that the issue was one of certainty over where the OCB, and from there an appropriate distribution of activities, was to be located. This is a critical distinction for us to make, and we feel that the QAC at no time indicated any lack of confidence in the technical work it had undertaken (quite the opposite). There has been no evidence given to us that would lead us to conclude that the work undertaken by the QAC leading to the peer reviewed OCB location we were presented with was anything less than technically credible and generally accurate.

3.5.18 Mr Castiglione, speaking to a submission made by Trojan Holdings Ltd, discussed with us the merits of a land use buffer adjoining the OCB into Activity

Area C. This would afford those proximate land uses additional protection for the benefit of all interested parties including end users on the land. This is a suggestion we feel has considerable merit, especially in light of the safeguards it additionally provides for any subsequent slight movement of the OCB and the certainty it could give users of those buildings. As will be detailed in the accompanying proposed Plan provisions, we recommend a 50m buffer edge in Activity Area C2 along its edge with Activity Area D and the currently proposed OCB boundary. This could result in some well insulated ASAN sitting slightly within the OCB if it did shift, however we are of the opinion that this outcome would not undermine the Plan Change, the respective Activity Areas, the safe and efficient operation of the Airport, or the promotion of Sustainable Management. Based on the evidence given to us at the hearing, we understand that an internal acoustic level of Ldn 40dBA is the appropriate level of acoustic amenity.

- 3.5.19 We were also asked to consider more stringent acoustic insulation controls for internal spaces within buildings throughout the Zone. Our recommendation on this matter is that subject to restrictions on ASAN and the use of a specific OCB buffer into Activity Area C2, no further restrictions beyond those proposed within the Plan Change have been justified by the evidence.
- 3.5.20 As we will discuss later it is recommended that Activity Areas within the proposed Plan Change area be fixed partly by reference to the new modelled (peer reviewed) contour lines, rather than those which are in the District Plan at present. Given the activities which we will recommend for the area just outside the OCB in the modelled noise contours, and the supporting recommended provisions of the District Plan, we believe the effect of any such movement of the contours in a direction away from the noise sources (outward from the Airport) will not impact on the integrity of the proposed Plan Change. Alternatively, if the contours are moved towards the Airport this would mean that it is possible that a small amount of land could have been included in a different Activity Area in the proposed Plan Change. In our view that is of little practical effect. Further, should it be desirable to shift the boundaries between

Activity Areas by the small amounts of variation which may result from the Airport Plan Change process, that could be dealt with in a further Plan Change.

- 3.5.21 Overall therefore we conclude that it is preferable to proceed with proposed Plan Change 19 on the basis of the modelled (peer reviewed) contour lines and supported by additional controls within the Plan Change which we are satisfied sit within the scope of submissions. We do not concur that deferral of proposed PC19 would be the most appropriate course.

Imposition of Controls on Activities outside the Queenstown Airport OCB

Issue

- 3.5.22 A number of submitters requested that there should be controls imposed on activities on the proposed Plan Change land, in areas falling outside the OCB of the Queenstown Airport.

Discussion & Reasons for Recommendations

- 3.5.23 In his submissions on behalf of Air New Zealand Ltd, which were adopted by the QAC, counsel Mr Gardner-Hopkins drew our attention to the requirements of section 32 of the Act which requires an overall broad judgment, and allows for a comparison of conflicting considerations and the relative scale and degree of them. He pointed out the requirement that Objectives proposed for the District Plan are to be the most appropriate way of promoting sustainable management, and the Policies, Rules or Other Methods are to be the most appropriate for achieving the proposed and settled Objectives (emphasis added), having regard to their efficiency, effectiveness, benefits and costs. He stressed the requirement for the proposed Plan provisions to be the most appropriate, which he said, are to be more than merely acceptable, rather to be better than or superior to other options. We do not agree that the plan making process is necessarily as linear or clear cut as the 'and settled' interpretation suggests, whereby Objectives can be agreed in isolation, and with Policies, Rules, and Other Methods then looked at separately. A degree of co-dependence may exist between these distinct Plan elements as resource

management instrument 'packages', which precludes such a methodical, top-down approach. We suggest that this very plan change includes such provisions. We nonetheless accept the thrust of Mr Gardner-Hopkins' legal submission on the use of s32.

- 3.5.24 The principal concern of Air New Zealand Ltd and QAC is reverse sensitivity, which is the legal vulnerability of the established activities of the Airport and user airlines to complaints resulting from introduction of a new land use into the area. It is acknowledged that the established uses of the Airport do cause adverse environmental impacts (primarily noise) on nearby land. Therefore both Air New Zealand Ltd and QAC seek to have appropriate controls placed on the use of land within the proposed Plan Change area to minimise the prospect of reverse sensitivity issues at a later date.
- 3.5.25 In the proposed Plan Change, ASAN are prohibited within the OCB.
- 3.5.26 Mr Gardner-Hopkins told us that ordinarily Air New Zealand Ltd would not seek to extend controls on ASAN outside airport noise contours. In the case of Queenstown Airport however he maintained that there is a good case to do so. He cited a number of reasons, and we will deal with these in turn. In so doing we will refer to the evidence of Mr Osborne called for the Council at the resumed hearing.
- 3.5.27 First, Mr Gardner-Hopkins indicated that the noise contours might change. We presume, as did Mr Osborne, that this is a reference to the process currently underway which we have referred to in this recommendation. As noted, we do not recommend that the proposed Plan Change be deferred until the precise location of the OCB is finally set. Nor do we think that the possibility of it being shifted by a moderate degree from the presently mooted (peer reviewed) location is a reason to extend controls right across the Plan Change land beyond the OCB, as proposed by Air New Zealand Ltd and QAC. Any movement of the OCB from the position presently recommended is likely to be slight, and ASAN are not contemplated in Activity Areas D and E. Within Activity Area C2, we recommend a 50 metre buffer outside the OCB in which

there must be specific acoustic design of buildings to achieve indoor acoustic amenity of 40dBA Ldn. Thus a change in the location of the OCB by up to 50 metres further from the Airport is most unlikely to result in any significant level of reverse sensitivity effects.

- 3.5.28 Secondly, Mr Gardner-Hopkins cited as a reason for further controls that the relevant land is within proximity to the Airport and will be affected by the Airport's noise. That applies to all land around airports and is not a specific factor sufficient to encourage us to depart from the established practice around airports in New Zealand that controls on land use activities cease at the 55dBA Ldn line which is set as the OCB. The possible exception to this is Christchurch where the matter is still in debate. Indeed, land at Flat Bush in East Tamaki within the OCB of Auckland Airport has recently been rezoned for medium density residential purposes, and land at Takanini, within the OCB of Ardmore Aerodrome (the country's busiest general aviation aerodrome) is currently in the process of being rezoned for residential purposes.
- 3.5.29 Thirdly, Mr Gardner-Hopkins noted that the OCB contour is not a "magic" cut-off point and that people who live outside of the OCB can, and do, complain about noise from the Airport. We accept that is the case. However, it is not the criterion for imposing controls outside the proposed OCB. Indeed, conceptually the notion of further controls beyond that contour line is inconsistent with the line being what it is - an outer control boundary.
- 3.5.30 Obviously aircraft noise is noticed by and is the subject of complaints from those who live outside the OCB. Research presented to us by Mr Osborne clearly demonstrates however that the level of complaint falls away dramatically at that point. This is shown on the Bradley Curve, which has been produced as a result of international research into community response to aircraft noise. Between the 55dBA contour and the 50dBA contour, the percentage of the population sufficiently annoyed to complain about noise drops from 12% to 4%. Mr Osborne said that whilst *"...any control based on a plan contour can be depicted as arbitrary, it is derived from a well accepted scientific approach which has been adopted in a specifically and well regarded*

New Zealand standard which has been used at Airports around New Zealand for over a decade. There is in my view no basis for adopting a different approach at Queenstown". To help our consideration of this issue, we observed several aircraft taking off from and landing at the Airport from within the proposed Plan Change area.

- 3.5.31 Mr Gardner-Hopkins pointed out that "the relevant land is greenfields and currently subject to a Rural General Zoning". Again, we do not see this as a distinguishing feature from the land around many airports in New Zealand. Although it may be easier to impose controls on future ASAN before there are any ASAN present, the question in the first instance is whether those controls should be imposed, not whether it is easy to do so. No evidence was given that Queenstown Airport differs in any material way from other airports in terms of causing noise to occupiers of adjacent or nearby land.
- 3.5.32 More importantly, to us, the land subject to this proposed Plan Change is acknowledged to be the last remaining land available for development in the vicinity of Queenstown and Frankton, apart from the land on the south side of the Airport to which similar considerations would apply. It will be an immensely important land use resource for the development of Queenstown in coming decades. Restrictions on its use should be carefully thought out. However we also acknowledge how crucial the Airport is to the District. We agree with Mr Gardner-Hopkins that now is the appropriate time to introduce requirements based on reverse sensitivity effects. We note his concern that the proposed introduction of night flying to midnight is likely to cause more noise complaints. But those are matters to be dealt with if and when that application is made, not in this particular process.
- 3.5.33 Weighing up all the material before us it is our view that there should not be any further controls on activities outside the OCB, other than a buffer we propose, relating to ASAN or any other activities, than are already proposed in the proposed Plan Change. We are satisfied that controls based on an OCB modelled on the 55dBA Ldn noise contour are appropriate because the standard imposing that level is well respected, of long term use, and is soundly

scientifically based. We do not consider that there are any reasons in relation to the proposed Plan Change area to deviate from a set of controls based on that standard.

3.5.34 For these reasons it is not necessary for us to debate at any length the request by Air New Zealand Ltd and QAC that we impose requirements in the District Plan that “no complaint covenants be placed on the titles to all the land in the Plan Change area”. We have noted and considered the legal arguments. Indeed as the Environment Court in *Ngatarawa Development Trust Limited v Hastings District Council W017/2008* observed: “such covenants do not avoid, remedy and mitigate the primary effects – nothing becomes quieter, less smelly or otherwise less pleasant simply because a covenant exists”. We think it is over stating the position to say, as Air New Zealand Ltd did, that these covenants are widely accepted by the Courts. We agree with Mr Foster, a planning expert called on behalf of Remarkables Park Ltd and Shotover Park Ltd, that the requirement for such covenants is not an attractive resource management tool. Broad imposition of covenants of the kind proposed, over the Plan Change area, is not in our opinion consistent with the requirement to promote the sustainable management of this resource, or necessary for the sustainable management of the Airport and its operations.

3.5.35 If the Airport is operated in accordance with the noise boundaries set after a rigorous Plan Change process, it has little to fear from complaints. Those who create adverse environmental effects will always be subject to complaints – that is part of the way the community operates. We see no reason to give any form of further protection against this democratic process. In our opinion, sustainable management of noise issues is better promoted by a constructively engaged partnership between the creators of the noise and the community, such as has been implemented at Port Lyttelton, Port Otago, Port Nelson, and the Port of Timaru. It is essential to the Queenstown community that the Airport is sustained as a resource, and QAC has an opportunity by its pending Plan Change process to seek the impositions of controls on land use that will suitably protect its projected operations through to 2037.

- 3.5.36 In addition to requesting “no complaints” provisions, Air New Zealand Ltd also asked for provisions to be placed in the District Plan which would incorporate consideration of reverse sensitivity effects as part of the Outline Development Plan process. ASAN are Prohibited Activities within the OCB so this would be unnecessary in that area. Outside that area we do not believe this is necessary for the reasons we have given. Suitable consideration of reverse sensitivity effects is appropriately had in the formulation of Activity Areas and provisions for activities within them. We have undertaken this consideration and it is not appropriate to allow this issue to be re-litigated on a development by development basis.
- 3.5.37 In proposed Objective 14 and Policy 14.2, there is reference to a need to control aircraft noise in relation to the use of Queenstown Airport. We accept Air New Zealand Ltd and QAC’s view that the inclusion of this item is inappropriate. If this issue is to be pursued it can be done so during the Plan Change process on Airport noise contours.
- 3.5.38 Finally, there should be a definition of Activities Sensitive to Airport Noise and we accept the submission of Air New Zealand Ltd on how this should be worded.
- 3.5.39 As part of these considerations we had regard to the various building height, bulk and location controls provided for within the zone. These will be discussed in further detail in Sections 3.6, 3.7, 3.9, and 3.10. However in summary we were satisfied that there was inadequate evidence justifying changes to the notified provisions beyond those which we will recommend in those sections.

Recommendations

- 3.5.40 **Albion Trustee Ltd, Sarah Crosbie, Neville Dennis, Simon Forshaw, Rodney James Hodge, Rong Qian, Mandy Reriti, Phillipa Saxton, Duane Tepaa, Lane Vermaas**

Albion Trustee Ltd, Sarah Crosbie, Neville Dennis, Simon Forshaw, Rodney James Hodge, Rong Qian, Mandy Reriti, Phillipa Saxton, Duane Tepaa, Lane

Vermaas submit that proposed PC19 will create the following issues relative to Airport operations:

- Objectives and Policies fail to take into account growth and operations of the Airport;
- proposed PC19 fails to take into account noise from aircraft activities and the quality of living environments;
- Rules, Policies and Objectives are inconsistent, particularly when proposed uses and future airport expansion are considered; and
- residential activities need higher noise standards than industrial and yard based activities.

These submissions should be **accepted in part** for the reasons stated above, inasmuch as the sensitivities of residential land uses and users are an issue that can be dealt with by direct prohibition of Activities Sensitive to Aircraft Noise within the OCB, and other methods including our recommended OCB buffer.

3.5.41 **Jacks Point Ltd and Plethora Investments Ltd**

Jacks Point Ltd [19/15/2] and Plethora Investments Ltd [19/16/2] submit the following in relation to proposed PC19 (and seek that PC19 is rejected):

- the ability to expand the Airport is vital to the future economic and social wellbeing of Queenstown;
- PC19 does not take into account the noise from aircraft operations;
- Policies, Objectives and Rules are inconsistent in that they do not mitigate against the adverse effects that arise for Airport operations;
- Policy 14.1 fails to acknowledge the adverse effects on health and amenity;
- Policy 14.2 does not specify what is meant by high buildings standards;
- Policy 14.3 is unworkable;
- Rule 12.19.5.2(viii) fails to consider that noise insulation does not mitigate the effects of aircraft noise when people are outside or windows are open;

- 12.19.5.2(vii) (a) and (b) fails to take into account differences in noise standards; and
- other design methodologies are not specified.

This submission is supported by Air New Zealand Ltd [19/15/2/1] & [19/19/1/1], Plethora Investments Ltd [19/15/2/2 & 3], Remarkables Park Ltd [19/15/2/4], Shotover Park Ltd [19/15/2/5], [19/16/2/2], Trojan Holdings Ltd [19/15/2/6], Jacks Point Ltd [19/16/2/1], and Five Mile Holdings [19/16/1/2]. This submission is opposed by the Ministry of Education [19/5/2/2].

These submissions should be **accepted in part** for the reasons stated above inasmuch as the airport is vital to the economic and social wellbeing of Queenstown, and the methods we have identified are available to safeguard this. Also, the sensitivities of residential land uses and users are an issue that can be dealt with by direct prohibition of activities sensitive to aircraft noise within the OCB, and other methods we have identified. The further submissions in support should be **accepted in part** for the same reasons. The further submission in opposition should be also **accepted in part** for the reasons stated above inasmuch as we have rejected several of the requests of the submitter, and ultimately agree that the FFSZ(B) appropriately responds to the limitations imposed by the Airport's proximate location.

3.5.42 **Air New Zealand Ltd**

Air New Zealand Ltd seeks that noise sensitive activities be prohibited within the entire zone [19/19/1] and [19/19/6].

This submission is supported by Queenstown Airport Corporation [19/19/1/5], Shotover Park Ltd [19/19/1/6] Trojan Holdings Ltd [19/19/1/7], supported in part by Albion Trustee Ltd [19/19/1/1] Jacks Point Ltd [19/19/1/2], Plethora Investments Ltd [19/19/1/4] and opposed by the Ministry of Education [19/19/1/3].

This submission should be **accepted in part** for the reasons stated above and inasmuch as the prohibition of noise sensitive activities within the OCB and specific methods for the associated buffer area in Activity Area C2 is supported. The further submissions in support should be likewise **accepted in part** for the reasons stated above. The further submission in opposition should be **accepted in part** for the reasons stated above and inasmuch as it is not appropriate to prohibit noise sensitive activities from the entire proposed FFSZ(B).

- 3.5.43 Air New Zealand Ltd seeks that a definition of “Noise Sensitive Activities” is provided within proposed PC19, given the reference to these in the Policies and Objectives. Such a definition should incorporate all activities that could potentially be affected by noise arising from existing or future operations [19/19/2].

This is supported by Shotover Park Ltd [19/19/2/2] and opposed by Ministry of Education [19/19/2/1].

This submission should be **accepted** for the reasons stated above. The further submission in support should be **accepted** for the reasons stated above. The further submission in opposition should be **rejected** for the reasons stated above.

- 3.5.44 Air New Zealand Ltd submits that should noise sensitive activities be provided for in proposed PC19, sufficient and robust controls and activity standards should be included to ensure that any reverse sensitivity effects are avoided, remedied or mitigated. The Council should retain control over all activities as either Non-Complying or full Discretionary [19/19/3].

This submission is supported by Shotover Park Ltd [19/19/3/1].

This submission should be **accepted in part** for the reasons stated above and inasmuch as sufficient and robust controls and activity standards are included to manage reverse sensitivity effects, but we do not agree that all activities in

the Zone should be fully Discretionary or Non Complying. The submission in support should be likewise **accepted in part** for the reasons stated above.

- 3.5.45 Air New Zealand Ltd [19/19/4] submits that the requirement for acoustic insulation under Zone Standard 12.19.5.2 must be extended to include educational facilities.

This submission is supported by Shotover Park Ltd [19/19/4/1].

This submission should be **rejected** for the reasons stated above and inasmuch as our inclusion of Educational Facilities (buildings) in the definition of ASAN will appropriately address the noise issue without the need for this additional outcome. The further submission in support should be **rejected** for the reasons stated above. The prohibition of ASAN within the OCB and buffer area, which includes educational facilities, is considered to satisfactorily manage educational facilities.

- 3.5.46 Air New Zealand Ltd [19/19/5] submits that subdivision should be Non-Complying or at least fully Discretionary to provide the Council with the discretion to consider all effects of proposals, including the potential impacts of any proposal to increase the intensity of land use on the future operational requirements of the airport [19/19/5].

This submission is supported by Five Mile Holdings Ltd [19/19/5/1], Shotover Park Ltd [19/19/5/3] and New Zealand Transport Agency [19/19/5/4] and opposed by the Ministry of Education [19/19/5/2].

This submission should be **accepted in part** for the reasons stated above inasmuch as subdivision standards can be used that will require proposals that exceed Site or Zone Standards for site size or intensity to be considered as Discretionary or Non-Complying activities. However we do not agree that all subdivision that complies with Site and Zone standards should also require Discretionary or Non Complying consent. The submissions in support should be likewise also **accepted in part** for the reasons stated above. The

submission in opposition should be **accepted in part** for the reasons stated above, inasmuch as we agree that any subdivision should not be inherently Discretionary or Non-Complying Activities.

3.5.47 **Five Mile Holdings Ltd**

Five Mile Holdings Ltd seeks that in the last sentence of the first paragraph (12.19.1 Resources and Values) after the words “reverse sensitivity” the following words should be added “within the air-noise boundary” [19/23/2]

The submission is supported by the Ministry of Education [19/23/2/2] and New Zealand Transport Agency [19/23/2/4] and opposed by Air New Zealand Ltd [19/23/2/1] and Shotover Park Ltd [19/23/2/3].

This submission should be **rejected** for the reasons stated above and inasmuch as our recommendations include appropriate consideration of reverse sensitivity across the entire Zone. The submission in further support by the Ministry of Education and New Zealand Transport Agency should be **rejected** for the reasons stated above. The further submission in opposition by Air New Zealand Ltd and Shotover Park Ltd should be **accepted** for the reasons stated above.

3.5.48 Five Mile Holdings Ltd [19/23/9] submits that Policy 2.7 should be struck out.

This submission is opposed by Air New Zealand Ltd [19/23/9/1], Queenstown Airport Corporation [19/23/9/2] and Shotover Park Ltd [19/23/9/3].

This submission should be **rejected** for the reasons stated above and inasmuch as we agree that the Zone should be planned and developed in a manner that is complimentary to the ongoing operation of the Airport. We have furthermore concluded that with our recommendations this will occur. The further submissions in opposition by Queenstown Airport Corporation and Shotover Park Ltd should be **accepted** for the reasons stated above.

- 3.5.49 Five Mile Holdings Ltd [19/23/27] submits that Objective 14 and its attendant Policies should be struck out.

This submission is opposed by Air New Zealand Ltd [19/23/27/1], Queenstown Airport Corporation [19/23/27/2] and Shotover Park Ltd [19/23/27/3].

This submission should be **rejected** for the reasons stated above and inasmuch as integration between the FFSZ(B) and the Airport is a major element in the structuring logic of the entire structure plan and distribution of Activity Areas. Without this policy framework the Plan Change would lose in inappropriate degree of focus. The further submissions in opposition should be **accepted** for the reasons stated above.

3.5.50 **Peninsula Road Ltd**

Peninsula Road Ltd [19/35/1] submits that the processing of proposed PC19 be placed on hold until the Council or Queenstown Airport Corporation release information necessary to enable the submitter to assess the adequacy of the capacity of the existing airport noise control boundaries.

Air New Zealand Ltd [19/35/1/1], Jacks Point Ltd [19/35/1/3], Queenstown Airport Corporation [19/35/1/4], Shotover Park Ltd [19/35/1/5] and Trojan Holdings Ltd [19/35/1/6] support the submission while Five Mile Holdings [19/35/1/2] oppose the submission.

This submission should be **rejected** for the reasons stated above. The further submissions in support are rejected. The further submission in opposition by Five Mile Holdings should be **accepted** for the reasons stated above.

- 3.5.51 Peninsula Road Ltd [19/35/2] submit that proposed PC19 should be placed on hold until Queenstown Airport Corporation has completed, and the Council has adopted, the Airport Master Plan referred to in proposed PC19 and this is made available to the public.

The submission is supported by Air New Zealand Ltd [19/35/2/1], Plethora Investments Ltd [19/35/2/2], Shotover Park Ltd [19/35/2/3] and New Zealand Transport Agency [19/35/2/4].

This submission should be **rejected** for the reasons stated above. The further submissions in support should be **rejected** for the reasons stated above.

- 3.5.52 Peninsula Road Ltd [19/35/3] requests that within provisions 12.19.1 through to 12.19.4, all existing references be amended where necessary to refer to the existing and future operational capability and capacity of Queenstown Airport.

This submission is supported by Air New Zealand Ltd [19/35/3/1] and Shotover Park Ltd [19/35/3/2].

This submission should be **accepted in part** for the reasons stated above and inasmuch as appropriate reference should be made to the reasonably foreseeable future operational capability and capacity of the Airport. The further submissions in support should be also **accepted in part** for the reasons stated above.

- 3.5.53 Peninsula Road Ltd [19/35/4] requests that Objective 2 Policy 2.7 is amended to ensure that activities sensitive to airport noise do not locate where they may constrain the current and future operation of the Airport.

Air New Zealand Ltd [19/35/4/1] and Shotover Park Ltd [19/35/4/2] support the submission.

This submission should be **accepted in part** for the reasons stated above, and inasmuch as it is appropriate to acknowledge in a Policy that one Method to be used within this proposed Plan Change is the management of Activities Sensitive to Aircraft Noise. However we do not agree with the specific words proposed by the submitter. The further submissions in support should be also **accepted in part** for the reasons stated above.

- 3.5.54 Peninsula Road Ltd [19/35/5] requests that such consequential changes to proposed PC19 are made to the Objectives and Policies in relation to noise sensitive activities as necessary or appropriate to achieve the amended Policy 2.7 quoted in the previous submission.

This submission is supported by Air New Zealand Ltd [19/35/5/1] and Shotover Park Ltd [19/35/5/2].

This submission should be **accepted in part** for the reasons stated above inasmuch as consequential changes to the plan change as we have identified are appropriate to reflect the management of Activities Sensitive to Aircraft Noise. Most notably this includes a definition of ASAN, slight changes to the notified OCB line and Activity Area boundaries to reflect the most current (peer reviewed) OCB boundary, and the addition of a 50m OCB buffer area. The further submissions in support should be also **accepted in part** for the reasons stated above.

- 3.5.55 Peninsula Road Ltd [19/35/6] requests that Objective 14 Policy 14.1 is reviewed and amended if necessary and appropriate after consideration of the additional information referred to above to be provided by the Council and/or Queenstown Airport Corporation.

The submission was supported by Air New Zealand Ltd [19/35/6/1] and Shotover Park Ltd [19/35/6/2].

This submission should be **accepted in part** for the reasons stated above and inasmuch as we have been satisfied that on the information we have received the Policy has been reviewed and with amendment is appropriate. The amendments will emphasise the use of Activity Areas to help distribute activities, and that ASAN are most appropriate within Activity Areas C1 and C2. We do not agree that further information or analysis is required for us to reach that conclusion. The further submissions in support should be also **accepted in part** for the reasons stated above.

- 3.5.56 Peninsula Road Ltd [19/35/7] submits that Policy 14.2 be amended to read *“To ensure that the design and standard of construction of buildings takes into account existing and future aircraft noise while achieving and maintaining appropriate indoor noise levels”*.

This submission is supported by Air New Zealand Ltd [19/35/7/1] and Shotover Park Ltd [19/35/7/2].

This submission should be **accepted** for the reasons stated above. The further submissions in support should be also **accepted** for the reasons stated above.

- 3.5.57 Peninsula Road Ltd [19/35/8] requests that proposed PC19 is amended to provide that all noise sensitive activities are Prohibited Activities in Activity Areas D and E.

This submission is supported by Air New Zealand Ltd [19/35/8/1] and Shotover Park Ltd [19/35/8/2].

This submission should be **accepted in part** for the reasons stated above inasmuch as virtually all of Area D is within the OCB and proposed prohibition on Activities Sensitive to Aircraft Noise. That part of Area E within the OCB will also be subject to that limitation. However we will recommend that within Activity Areas E1 and E2, some ASAN will be appropriate. Most notably, Visitor Accommodation should be Prohibited, and residential should be Non Complying. The further submissions in support should be also **accepted in part** for the reasons stated above.

- 3.5.58 Peninsula Road Ltd [19/35/9] requests that Table 2B (Rule 12.19.5.2 Zone Standards) is amended to add a requirement that noise sensitive internal spaces of buildings containing noise sensitive activities must achieve appropriate daytime and night time internal noise levels, taking into account existing and future aircraft operations at Queenstown Airport, assuming those internal spaces do not have opening external windows and doors (i.e. an outcome-based rule in addition to a “how to achieve rule”).

This submission is supported by Air New Zealand Ltd [19/35/9/1] and Shotover Park Ltd [19/35/9/2]

This submission should be **rejected** for the reasons stated above and inasmuch as further controls on activities outside the OCB beyond those proposed within the Plan Change have not been demonstrated as being appropriate. The further submissions in support should be **rejected** for the reasons stated above.

- 3.5.59 Peninsula Road Ltd [19/35/10] submits that if proposed PC19 is to provide for noise sensitive activities, a Rule requiring the noise-sensitive internal spaces of buildings containing noise sensitive activities to be constructed such that they do not have external opening of doors or windows should be included (to ensure achievement of intended internal noise level outcomes).

This submission is supported by Air New Zealand Ltd [19/35/10/1] and Shotover Park Ltd [19/35/10/2].

This submission should be **rejected** for the reasons stated above. The further submissions in support should be **rejected** for the reasons stated above.

- 3.5.60 Peninsula Road Ltd [19/35/11] asks that the Council make any alternative and/or additional, and/or consequential changes to any relevant part of proposed PC19 appropriate or necessary to address the issues and concerns raised in this submission and in particular to ensure the protection of the existing and future capacity and capability of Queenstown Airport.

This submission is supported by Air New Zealand Ltd [19/35/11/1] and Shotover Park Ltd [19/35/11/2].

This submission should be **rejected** for the reasons stated above and inasmuch as we have not been satisfied that further changes beyond those we

have indicated above are appropriate or justified on the evidence. The further submissions in support should be also **rejected** for the reasons stated above.

3.5.61 **Queenstown Airport Corporation**

Queenstown Airport Corporation submits that proposed PC19 should be withdrawn until it has determined the extent of the Airport Noise Control boundaries (and corresponding alterations to the existing designation), a process that is currently underway. In addition, noise sensitive uses should continue to be Prohibited Activities, rather than provided for as a Controlled Activity.

This submission should be **rejected** for the reasons stated above, and inasmuch as activities sensitive to aircraft noise will be prohibited within the OCB. However we do not agree that it is necessary to withdraw the Plan Change.

3.5.62 Queenstown Airport Corporation [19/38/16], request that rule 12.19.5.2iv (a) relating to building height within Activity Areas A and B be deleted.

This submission is supported by Air New Zealand Ltd [19/38/16/1] and partially supported by Shotover Park Ltd [19/38/16/2].

This submission should be **accepted in part** for the reasons stated above and inasmuch as there shall be no buildings within Activity Area A. Although Activity Area B is proposed to be deleted, we are recommending a level of buildings and height greater than that proposed within the notified Activity Area B hence this aspect of the submission is not agreed with. The further submissions in support should be also **accepted in part** for the reasons stated above.

3.5.63 Queenstown Airport Corporation [19/38/21] requests that rule 12.19.5.2vi (iii) (landscaped setback in Activity Area B) be deleted.

This submission is supported by Air New Zealand Ltd [19/38/21/1] and partially supported by Shotover Park Ltd [19/38/21/2].

This submission should be **accepted in part** for the reasons stated above and inasmuch as we are removing Activity Area B and replacing it with, amongst other things, Activity Area C and an additional 15m building setback from the 50m deep Activity Area A boundary. The further submissions in support should be also **accepted in part** for the same reasons.

- 3.5.64 Queenstown Airport Corporation [19/38/22] requests deletion of rule 12.19.5.2vii (a) (noise provisions).

This submission is supported by Air New Zealand Ltd [19/38/22/1] and partially supported by Shotover Park Ltd [19/38/22/2].

This submission should be **rejected** for the reasons stated above. The further submissions in support should be also **rejected** for the reasons stated above. The controls proposed within the Plan Change for activities outside the OCB are considered appropriate.

- 3.5.65 Queenstown Airport Corporation [19/38/23] requests that rule 12.19.5.2vii (b) deletes reference to Activity Area D (noise provisions).

This submission is supported by Air New Zealand Ltd [19/38/23/1] and partially supported by Shotover Park Ltd [19/38/23/2].

This submission should be **rejected** for the reasons stated above. The further submissions in support should be also **rejected** for the reasons stated above. The controls proposed within the Plan Change for activities outside the OCB are considered appropriate.

- 3.5.66 Queenstown Airport Corporation [19/38/24] requests that rule 12.19.5.2vii (d) (noise provisions) be deleted.

This submission is supported by Air New Zealand Ltd [19/38/24/1] and partially supported by Shotover Park Ltd [19/38/24/2].

This submission should be **rejected** for the reasons stated above. The further submissions in support should be also **rejected** for the reasons stated above. The controls proposed within the Plan Change for activities outside the OCB are considered appropriate.

- 3.5.67 Queenstown Airport Corporation [19/38/25] requests that rule 12.19.5.2viii relating to Airport and State Highway noise related measures be deleted.

This submission is supported by Air New Zealand Ltd [19/38/25/1] and partially supported by Shotover Park Ltd [19/38/25/2].

This submission should be **rejected** for the reasons stated above. The further submissions in support should be also **rejected** for the reasons stated above. The controls proposed within the Plan Change for activities outside the OCB are considered appropriate.

3.6 Landscape Values and Building Mass

Issue

- 3.6.1 Several submitters raised questions about whether proposed PC19 satisfactorily responded to the Remarkables backdrop sitting behind the proposed Plan Change area when viewed from the State Highway. The proposed provisions, it was claimed, would result in development that would obscure views of the Remarkables to such an extent that sustainable management would not be promoted.

Discussion & Reasons for Recommendations

- 3.6.2 This topic enjoyed the benefit of input from several technical experts. We heard from Mr Stephen Brown, Mr Barry Rae, Mr Nick Karlovsky, Ms Marion Read, and Mr Paddy Baxter. We also read a report prepared by Ms Liz Kidson, and a statement by Mr Nick Barrett-Boyes. It is fair to say that in this instance the line

between where expertise on landscape values and sensitivity ended, and where urban design began, became somewhat muddied. Emphasis was almost exclusively focussed on views from the State Highway. This struck us as odd given that views from within this substantial development area to the Remarkables from new public spaces and streets might also be of great interest, given the likely amenity, character, identity, and landscape visibility opportunities it could present to users (including visitors).

3.6.3 It was common ground that:

- the Remarkables is an Outstanding Natural Landscape (ONL);
- landscape classification of the FFSZ(B) is an Other Rural Landscape (ORL);
- a building setback of at least 50m from the Highway was appropriate;
- views between the State Highway and the Remarkables were largely a function of the height and setback of the front line of buildings relative to the Highway. The line formed between the viewer's eye and this 'leading edge' forms a plane. Above the line would be views of the Remarkables. Beneath it and mostly out of sight would be the remainder of buildings within the proposed Plan Change area. View shafts and other building gaps along the length of the FFSZ(B) frontage of course make it more complicated than this. However, the initial height and setback of buildings from the Highway is the starting point for any discussion on appropriate building height in the FFSZ(B).

3.6.4 There were to us three sequential questions that needed to be answered:

1. How significant is the view and to what extent should it be retained?
2. On that basis, what should the height limit and setback be for the front line of buildings?
3. What supporting regime of viewshafts, breaks, and other voids should be imposed through the proposed Plan Change area?

Question 1 – How significant is the view?

- 3.6.5 We heard a range of opinions on this matter, and our attention was also drawn to previous studies, including the *Queenstown Entrances Study* and the many provisions within the Operative District Plan relating to landscape protection and identity. We considered as a starting point the provisions of the approved FFSZ(A), which provides for a height of 9m setback 50m from the highway. Mr Brown and Mr Rae both advised us against adopting this for FFSZ(B), although no comprehensive rationale for why this was so was forthcoming other than that the FFSZ(B) would have a much longer frontage than FFSZ(A). Due to the linear length of the combined FFSZ(A) and FFSZ(B) frontages, the loss of views to the Remarkables which has been enabled within the FFSZ(A) is of a suitably 'minor' extent that the remaining view available from over the FFSZ(B) area and above buildings within the FFSZ(A) will still allow sustainable management to be promoted. We have reviewed the documentation on the FFSZ(A) and we could find no corroborating information to support the justification of building heights and setbacks on that land based on the FFSZ(B) area being kept as the primary viewing area of the Remarkables. We likewise do not agree with the assumed Resource Management approach of Messrs Brown and Rae that because the FFSZ(A) represents only a 'minor' length of the total frontage, that this was somehow a form of mitigation or otherwise an acceptable resource management threshold for compromising landscape values along and within it. Our reading of the FFSZ(A) documentation is that the height and setbacks approved have been reached on the basis of sound and comprehensive analysis of that land on its own merits, including the effects of development on views obscured by people moving in front of it, not because the area next door now referred to as FFSZ(B) somehow made up for or could compensate an otherwise inappropriate degree of development. If this was indeed the case then the FFSZ(B) land should have been included within the FFSZ(A) re-zoning, with land development implications for FFSZ(B) as a required view area included by way of restrictive provisions. This has not occurred.
- 3.6.6 There is no question that, perhaps fortuitously, the lack of development on the proposed FFSZ(B) land (including any real rural use) allows spectacular views from the Highway to the Remarkables, from almost their base to their top. Mr

Brown invited us to take what he called an “opportunity” to permanently safeguard the views available today for future generations by deliberately suppressing building height, density, and location.

3.6.7 Mr Brown presented an argument that despite the FFSZ(B) land not being an Outstanding Natural Landscape in and of itself, its key role in providing views to an ONL from the Highway means that it should be considered as a sort of ‘ancillary’ Outstanding Natural Landscape, which was essential for the ONL proper to be recognised. He opined that development on the FFSZ(B) land, while not physically affecting the Remarkables, could therefore still be said to risk undermining the Remarkables ONL (by weakening the view of it). We can understand his logic, but we are not sure that S6(b) of the Act can be robustly stretched this far. Irrespectively, we do not agree that the integrity of the Remarkables landscape will be inherently compromised by development on this clearly separate area of land. Indeed no suggestion was or could be made that development on the FFSZ(B) land will have any direct effect on the Remarkables at all. What will be affected is one view of an ONL from one public location, enjoyed over the airspace above private land. The question then becomes to what extent will screening of the Remarkables by development along the Highway frontage amount to an amenity, character, or visual effect; or other source of wellbeing, being compromised such that sustainable management could no longer be promoted? This is not a small site subject to an exclusively private development outcome; it will include several new public roads and open spaces. We found it anomalous in this critical consideration that none of the expert landscape witnesses we heard from, in coming to their conclusions, seriously looked to quantify or consider the impact that those new public views of the Remarkables formed within the FFSZ(B) Zone as a consequence of its development may have. These may go some way to partially remedy or mitigate some of the effects caused by development in the Zone on current views of the Remarkables from the Highway. They must certainly be included in an overall balanced perspective of the landscape impacts of this Plan Change on public views to and appreciation of the Remarkables landscape.

3.6.8 On that issue we have considered the approach of the RMA towards adverse effects. They are clearly contemplated by the RMA and indeed in the development of Plan provisions, with the only actual direct reference to minimising effects sitting within s5(2) and of course in s17. Other relevant RMA sections including s6, s9, s32, s74, s75, and s76 provide for many other factors to be taken into account. Adverse effects are only one matter to which regard is to be had within this complexity. This is different to a requirement that Rules themselves need to be primarily (or even solely) based around minimising effects. This is given further weight by the wording of s17 and its requirement that effects be avoided, remedied or mitigated over and above compliance with any Rules. So it would appear that District Plan Rules can provide for development that may result in at least some adverse effects. It could be that development of the FFSZ(B) creates more than 'minor' adverse effects on the quality of views as seen from the Highway. However this would not in itself be sufficient to conclude that sustainable management could no longer be promoted. We note that the evidence of many experts throughout the hearings process looked to relate sustainable management as being largely based on the outcomes they felt would generate the least amount of adverse effects. But there is more to the definition of sustainable management than just s5(2)(c).

3.6.9 Sections 85(3) and 85(6) (and 9(1)) of the RMA are also relevant. The prospect of heavily restricting the use of such a significant developable area of land to maintain one (albeit prominent) public view is one that we feel should have very compelling force to it before being given precedence. This is especially so considering the effects which may arise from activities being displaced to other possibly less effective or efficient locations as a consequence of those restrictions, or of otherwise being prevented from occurring outright. Creating an effect of equal or greater overall magnitude in area or of type "B" just to avoid it in area or type "A" is not sound planning. Also critical to the discussion are comments we have made previously in respect of the development pressures affecting this land and the contribution it could make to accommodating economic, social, and environmental (e.g. such as through reduced vehicle use) wellbeing opportunities. Overly restricting the use of this

land in the context of Queenstown with its growth demands, and limited opportunities to accommodate them, is not reasonable.

3.6.10 We heard that the view of the Remarkables over the FFSZ(B) is an important part of the experience of entering (and departing) Queenstown. The experience of 'entrance' to Queenstown is quite a prolonged one. Mr Brown and Ms Read engaged with us at length on the point. Based upon our site visits through the course of the hearings, and with due deference to the *Queenstown Entrance Study*, we consider the experience relevant to the FFSZ(B) land to broadly include:

- a. the experience of 'pure' rural landscapes between adjoining townships prior to arrival at the Shotover River;
- b. the physical threshold of crossing the Shotover River via the Highway bridge. This is not a picturesque, heritage structure such as one might find on a quiet tourist trail; its design clearly communicates a functional purpose to move large vehicle volumes as part of a major urban transport system;
- c. the unambiguous presence of substantial urban development (not just a rural 'main street') of mixed business development in the Glenda Drive area, including views of it extending along the Frankton Flats visible when approaching and crossing the Shotover River. These uses are of a relatively high intensity;
- d. the views of the Remarkables as one moves along the Frankton - Ladies Mile straight leading to Ferry Hill;
- e. the roundabout marker and service station at the intersection of SH6 and SH6A (Frankton Road);
- f. the winding Frankton Road with its mixed-style, often multi-unit residential development perched on the southern flanks of Queenstown Hill, and views across the lake itself to development along Peninsula Road; and
- g. the elbow into Stanley Street and the final descent into Queenstown proper.

- 3.6.11 This is a journey of some 9 kilometres from the start of the Shotover River Bridge. While there are undoubtedly some extraordinary geological features to be seen along this entrance journey, it is experienced from an unmistakably modified, urban landscape. Our experience was that the overall extent and intensity of land uses visible on this journey presents a clearly substantial urban settlement to visitors.
- 3.6.12 We therefore concur with Ms Read and Mr Baxter that the experience of the Remarkables and other features viewed from this entrance is from the context of an urban setting, rather than a rural one. Whether this is desirable, deliberate, regrettable, or otherwise is not a question for us. It is simply a reflection of the context to which we must now respond.
- 3.6.13 The evidence before us is clear, but not simple. While the view to the Remarkables from the Highway is a distinct and rare one, it is not in itself of such a fundamental, unique significance that it should impede reasonable urban development on the Plan Change land. Although not argued strongly by any of the experts, we also note that it may not be fair to consider that the loss of views from the Highway as part of an 'entrance' equates to a loss of public views per se. Many of the views 'lost' from the Highway can be 'reclaimed' from within the development area through sensitive planning and the many new public streets and other public spaces which will eventuate. The Outline Development Plan process proposed by the Council seems to be a helpful tool in this respect. It is entirely conceivable to us that the overall quality of views to the Remarkables possible from within the developed FFSZ(B) could ultimately be greater than those currently possible along the Highway. These are overwhelmingly enjoyed from within vehicles travelling at high speed.
- 3.6.14 We agree that the proposed Eastern Access Road in particular offers the potential for a significant new public visual experience of the Remarkables to emerge. We are mindful that the ability to market some specific views as a 'feature' of various activities such as visitor accommodation, conference facilities, and key public open spaces is also a legitimate expectation of landowners and developers. This could become a major point of identity and

even competitive advantage for development within the FFSZ(B) area that landowners could market in pursuing their own wellbeing.

- 3.6.15 Lastly, it seems to us that the conversion of a generally exclusive public view of the Remarkables enjoyed by users of the Highway (predominantly vehicle occupants) to one that can be enjoyed by a far larger population at any one time is worth consideration. Having more people undertaking a much wider range of activities in a non-transient capacity where they can much more meaningfully appreciate views, could result in an overall greater net community ability to appreciate the ONL landscape than is possible today. We are particularly mindful that the current pedestrian experience of these views is along a busy and noisy Highway. Our direct experience is that this does inevitably take something away from the purely visual aspect of the landscape and in particular any sense of its 'naturalness'. The landscaped open space now abutting the Highway provides some substantial relief to this detraction, however it is a very expensive feature on what we understand is intended to remain private land. It should not be mistaken as a free public amenity.
- 3.6.16 Through the hearings we asked questions of experts relating to the existing Rural General Zone and its provisions as they relate to height and other barriers between the State Highway and the Remarkables. This seems to have been misunderstood by many participants, as subsequent to this line of enquiry we were presented with a number of opinions on the permitted baseline for the remainder of the hearing process.
- 3.6.17 There is no permitted baseline or associated 'effects discount' in respect of a Plan Change, as we understand the Resource Management Act and relevant case law. We have taken no regard of any evidence to us on that matter.
- 3.6.18 A number of submitters have however sought that the proposed Plan Change be rejected. Landscape issues were one of the main reasons put forward. For us to agree with this view, we need to be more than just convinced that the proposed provisions are deficient in one or more aspect, or that they would result in landscape effects. We would need to ultimately conclude that under

section 32 of the Act the existing Rural General Zone and its provisions were more appropriate to promote sustainable management than the proposed ones (including any changes we could make within the scope of submissions). We cannot reach this view without therefore understanding the existing provisions and their implications on the landscape matters in question. It would be poor practice for us to reject the proposed Plan Change on the basis of inappropriate landscape effects, if the very Rural General Zone provisions we endorsed as a preference could lead to more severe landscape effects.

3.6.19 Central to this discussion seemed to be an assumption by some of the experts that 'rural' equated to idyllic open pasture as passive visual outlook space. However as can be seen directly opposite the proposed FFSZ(B) land along the northern edge of the State Highway, 'rural' in the sense of agricultural industry means much more than this. Of immediate note to us were the considerable lengths of continuous shelter belt vegetation, built to the boundary and in some cases, we estimate, up to 10m high. Vegetation in urban zones is often used purely for amenity. It can be quite malleable in its location, size, and extent. This is not the case in rural areas where vegetation has a far more economic and practical utility. A shelter belt outcome, permitted within the Rural General Zone as we understand it, and thus presumably also satisfactorily in accordance with landscape sensitivities and environmental effect tolerances within the District Plan, would completely obscure views from the Highway to the Remarkables along the FFSZ(B) frontage. This obstruction would be of a considerably greater extent than any of the FFSZ(B) building scenarios proposed through the hearings.

3.6.20 We conceived a continuous shelter belt, maintained over time, and compared it to a line of buildings of equivalent height and horizontal extent, similarly maintained over time. Trees could take between 8 to 12 years to establish. Likewise construction of a length of buildings could take a similar timeframe. We asked Mr Brown to help us understand what difference in landscape effects (views) might exist between them if they resulted in the same degree of obscurement to the Remarkables. Mr Brown responded that there was a difference, largely because the shelter belt was a) "natural", in that it was

composed of trees and would presumably be less adverse on landscape values; and b) “temporary” in that it could be more easily removed if necessary. We do not agree that the distinction is that clear. Buildings approved under the Building Act typically have a design life of between 50 to 100 years. Well maintained and cared for shelter belt trees as part of a long term agricultural management program can also be reasonably expected to live within this duration, indeed some individual specimens can live longer. Furthermore, if the belt is maintained to ensure a continuous cycle of old, juvenile, and young specimens, it can exhibit a continuously solid aspect over the course of several generations.

3.6.21 To clarify, there was no suggestion from anyone that a shelterbelt is being considered on the FFSZ(B) land; it was a purely theoretical (but in our view non fanciful) example we developed to help us evenly and fairly evaluate the alternative Objectives, Policies, and Methods as required by s32, and, as necessary, to evaluate submissions calling for the retention of those existing provisions. We note that theoretical building and capacity ‘envelopes’ were used widely to evaluate the proposed provisions of the FFSZ(B) land by submitters and in particular their experts. It seemed anomalous to us that participants felt they could undertake robust comparisons and analysis against the Rural General Zone (the ‘do nothing’ option) without a similar level of probation and understanding of likely environmental outcomes.

3.6.22 We have considered this matter at some length. It seems that the lack of development on the FFSZ(B) land to date has given rise to an expectation that what amounts to a ‘retirement’ of the land from even rural use is a plausible outcome here. This is not supported by the evidence. While some submissions call for rejection of the proposed Plan Change, these have the effect of calling for the Rural Zone and existing provisions (including building and other development rights that may lead to considerable obscurement of the Remarkables) to be retained if enthusiastically, but legitimately, pursued. No submission is calling for a more restrictive outcome for the whole FFSZ(B) area than enabled by the existing Rural General Zone provisions. This is however

what we feel would be required in order to deliver the almost conservation-based outcome suggested as ideal by Mr Brown.

- 3.6.23 Looking purely at landscape views from the Highway to the Remarkables, it seems to us that in many respects the outcomes theoretically possible under even the most intense urban development scenario presented to us are likely to result in a degree of view obscurement no greater, and indeed possibly even appreciably less, than those theoretically possible under the existing zone provisions. These provisions, we noted earlier, include controls over buildings similar to those approved by the Environment Court for the FFSZ(A) area, and one can presume they are also satisfactorily consistent with the landscape protection policy content of the District Plan.
- 3.6.24 Taking an overall broad judgement of all relevant opportunities and potentialities for the FFSZ(B) land, we initially conclude on this landscape issue relating to views of the Remarkables, that some manner of rezoning of the land known as FFSZ(B) will be more appropriate to promote sustainable management than retention of the existing Rural General Objectives, Policies, and Methods. We turn then to the next question: which of these scenarios is most appropriate?

Question 2 – Height and setback

- 3.6.25 Notwithstanding the above discussion, there is merit in the evidence given to us that views to the Remarkables are important and should be reasonably maintained. The critical word here is ‘reasonably’. Mr Rae and Mr Brown recommended a scenario of extensive setbacks of 100m or more, with sparse structures designed to resemble pavilions surrounded by open space. Mr Karlovsky and Ms Read recommended a more urbanised approach, although tiered such that only two level structures were possible between 50 – 100m of the Highway. Mr Baxter argued an alternative approach, based on buildings up to 50m of the Highway up to 9m in height, provided that controls governed the design and articulation of this height such that the predominant or average height presented to the Highway was in the order of 6m.

- 3.6.26 For Remarkables Park Ltd, K2Vi Ltd produced scaled images indicating the impact of a continuous line of height as proposed within the Council's proposed Plan Change. We had height poles erected along the proposed front line of development to help us properly visualise this impact.
- 3.6.27 Mr. Goldsmith, who appeared for Five Mile Holdings Ltd (in receivership), pointed out that if development is too greatly restricted, it will not be developed well, if at all. This would amount to an inefficient use of scarce land resources. He agreed, however, in response to questions from us, that it may be possible to 'cross subsidise' lower intensity development along the Highway frontage with higher intensity development further back but within the view 'plane' established by that frontage. This may create problematic packaging issues for the land if it were to be released to developers in smaller units, and otherwise create complicated staging and financing issues, but the concept could nonetheless deliver effective and efficient outcomes.
- 3.6.28 We discussed several options of height variation. Although not appearing as an expert on this topic, Mr Goldsmith nonetheless provided helpful input to us on this matter. It occurred to us that given the relevance of both height and setback, a varied horizontal setback from the State Highway may also be as relevant as varied vertical building heights when viewed from the Highway. This was considered by the Council's experts prior to the reconvened hearing. Detailed analysis presented by Mr Karlovsky confirmed that overall the benefits of such an approach were not as effective, in his view, as focussing on getting the height controls right. We accept his evidence on this matter.
- 3.6.29 On the matter of setbacks, and agreeing that a uniform 'building line' is appropriate, we heard that a range of setback distances may be appropriate. These ranged from 50m to 150m. In many cases a regime of building height and density was also proposed to us corresponding with the setbacks, such that each increased with distance from the Highway.

- 3.6.30 We also discussed a non-horizontal height limit in response to the evidence that the leading edge of front building height would set the level of landscape obstruction. It seemed to us that an efficient way of considering height could be to develop a cross section from the Highway through the FFSZ(B) land. The plane that an angle from the average viewer height on the Highway, to the top edge of front building development, if continued inwards across the site, could result in buildings up to or over 10 storeys in height eventuating within Areas D and E, while still being screened behind that top edge of front buildings. Essentially, the buildings closest to the Highway will project a height shadow over the FFSZ(B) land that gets taller and taller as it progresses into the site away from the Highway. It struck us that such an approach may overcome Mr Goldsmith's concerns that suppressing height along the frontage may undermine the business viability of its development (by increasing the cross subsidy value of other land within the FFSZ(B) land).
- 3.6.31 We discussed this with various participants at the hearings. While there was general consensus that the approach seemed legitimate, there were no specific opinions either way that helped take the matter further. Ultimately we have determined that this method, while clearly allowing the most efficient use of the land, also created conditions most likely to make low density, low height development along the frontage viable. But it is also problematic. The greatest height limits would apply to what are intended to be large lot, lower value industrial and business uses near the Airport. We have not been convinced that these activities would operationally require such height. There are also considerations of locating increasing density closer to the major nuisance source at the Airport. Height would therefore need to plateau and then be lowered or otherwise managed from the boundary of Area C2 southwards. Ultimately, despite being within scope of submissions, all of the expert evidence presented on height called for more conventional, 'horizontal' limits. We have acceded to this advice.
- 3.6.32 The progression of this debate over the course of the hearings was reflected in increasingly clarified advice from the Council's experts. At the reconvened

hearing, a 'third draft' of possible provisions was put forward and spoken to by Mr Karlovsky. These reflected much of the debate that had occurred.

These called for:

- a. a setback of 65m within which no buildings shall occur (this provides for a 50m Activity Area A setback and a minimum 15m for a local road abutting the open space setback);
- b. between 65m and 100m from the Highway a height limit of 6.5m / 2 storeys (+ up to 1.5m for roof articulation);
- c. between 100m and 150m from the Highway a height limit of 9.5m / 3 storeys (+1.5m for roof articulation);
- d. between 150m and 200m from the Highway a height limit of 12.5m / 4 storeys (+1.5m for roof articulation);
- e. beyond 200m from the highway a height limit of 15.5m / 5 storeys (+1.5m for roof articulation);
- f. within Areas D and E a maximum height limit of 10m would apply.

3.6.33 These limits also provided for what Mr Karlovsky recommended were podiums for residential buildings up to 1.0m above the level of the street with semi-basement parking beneath them (which would not count as a storey). This podium arrangement was identified to us from within the principles of New Urbanism as facilitating a better quality connection to streets, and a delineation of public and private ownership of space in contexts where a front yard setback was considerably reduced or non-existent. In effect, we heard that it accords more privacy to the interiors of buildings thus elevated than occurs when buildings and public spaces are on the same level and in close proximity to one another. Principles of New Urbanism, we were told, underpin much of the proposed Plan Change. This was questioned by Mr Rae (at least in respect of the structure plan). Ultimately however we do not consider that we need to approve of New Urbanism or the Council's interpretation of it to progress a recommendation on this proposed Plan Change and its overall effect in promoting sustainable management.

- 3.6.34 The regime suggested by Mr Karlovsky in our view is the closest of the experts to what we consider to be most appropriate. We do not agree with Mr Brown or Mr Rae that the setbacks and suppressed heights they seek are appropriately justified from an overall resource management perspective. We agree that Mr Baxter's suggestion of varied heights has merit, however we do not agree that 9m height at 50m from the Highway is overall the most appropriate outcome for this sensitive site notwithstanding that it was deemed appropriate for the adjacent FFSZ(A). Applying his approach to a lower height limit seems to us to be an unreasonable burden on an already low level development.
- 3.6.35 Considering the development of land known as Area E and the mixed business uses planned for it, we agree with submissions calling for a maximum height of up to 12m, subject to the Highway proximity setbacks outlined above. There was no convincing evidence against this height presented to us. This will give added flexibility for a broad range of activities to occur locally in addition to the District-wide industrial land focus within Area D.
- 3.6.36 Our remaining concern relates to the heights proposed for land 150m and beyond from the Highway. The proposals within 150m put forward by Mr Karlovsky are in our view an appropriate balance of intensity / proximity, view interference, and overall character sensitivity as seen from the Highway.
- 3.6.37 We are aware that intensification beyond the 3-level medium density level has proven difficult across the country as the costs of converting to structured car parking, providing lift shafts, building sturdier structures, and so on preclude a linear increase in height and unit yield with profitability or viability.
- 3.6.38 Of critical note, we are aware of a relevant example in Tauranga (Plan Change 44) where a desire for compact intensification along New Urbanism lines similar to that proposed in this Plan Change has proven extremely challenging for the local community (including developers) to reconcile. It is currently in a process of appeals and internal re-consideration by the Council in conjunction with reviews initiated by the sub-regional Smart Growth group. In that same city, we are aware that an initiative called 'Smart Living Places' for intensification of

identified centres has been deferred, with one reason being questions over whether 3-5 level compact apartments can actually be built. Submitter research there indicated that viability per unit actually began to decrease beyond 3 level terraced housing due to the substantial increase in costs that would be incurred (despite the higher unit yields possible). This reflects similar conclusions reached by the Auckland Regional Growth Forum in its 2007 'Growing Smarter' review of the Auckland Regional Growth Strategy, and in a more general way the Department of Internal Affairs in its 'Building Sustainable Urban Communities' 2008 discussion document. At the same time we are mindful that achievement of the purpose of this proposed Plan Change will not occur if the land is developed at intensities similar to those already in existence in the district and which can be summarised as being largely 'car based'. We accept the evidence that a 'critical mass of density of activity and population is necessary on this land if it is to achieve any meaningful level of self sufficiency and pedestrian trip internalisation.

- 3.6.39 There have been some notable exceptions to this observed development ceiling, including within central Queenstown itself. These are in our view possible in rare circumstances where significant amenity (such as direct coastal access) and very high prices are possible. But such property values here, assuming they would be viable, would not be consistent with the Council's desire for a more affordable level of development to occur. We therefore take Mr Goldsmith's suggestions, that viability and developability must accompany landscape and other considerations in resource management plan making, very seriously. None of the experts discussing height limits gave us any real advice on the costs, viability, or developability of what were in all cases mostly landscape-based limits. We are conscious of not endorsing an approach that has a superficial integrity but which is so removed from the realities of development that it can never actually be achieved. Such blunt idealism will not promote sustainable management.
- 3.6.40 We have therefore agreed with Mr Goldsmith's concerns, and have determined that due to the sheer significance of enabling development within the FFSZ(B) to achieve a critical mass of walkable self sufficiency, and for the long-term

wellbeing of Queenstown, an additional step in height from the 150m setback will be the most appropriate way to achieve the Plan Change Objectives. While this may result in a negligible increase in view obstruction to the Remarkables, the set-back nature of this height in conjunction with gaps and breaks between buildings, will convey a lesser impression of view obstruction and dominance than if that height were planed back to the initial and more immediate 65m building line. Critically, it will justify the lower intensity of development and land utility we recommend within the 150m setback including the 50m wide Activity Area A where no buildings will eventuate.

3.6.41 We recommend that between 150m – 200m in Activity Area C2 heights up to 15.5m / 5 storeys be provided, and beyond 200m heights up to 18.5m / 6 storeys be provided. Heights within the Industrial D and E Activity Areas should be lower to help ensure the land remains viable and attractive for the purposes intended therein. We are satisfied that were this to eventuate, it would maintain an appropriate sense of landscape connection from State Highway 6 to the Remarkables while also meaningfully delivering a level of viable mixed use intensification. It is also, in our view, necessary to justify the reduction of possible intensity between 50m – 150m from the Highway now proposed by the Council's experts, and disagreed with by Mr Baxter on behalf of Five Mile Holdings Ltd (in receivership). The 150m+ and 200m+ height limits within Activity Area C2 will however not be provided with a 1.5m allowance for roof articulation. At this distance from the highway we are satisfied there will be negligible additional visual effects, coupled with appreciable social and economic benefits. Related to this however we also recommend that for all development within the FFSZ(B), that all plant and services be screened and otherwise designed to sit within the prescribed height limits (such as by being located behind a parapet).

3.6.42 We have drawn authority to recommend this new height limit within Activity Area C2 from the following:

- a. The Notified provisions at 12.19.5.2(iv)(a) identified that 25% of buildings within Activity Area C could exceed 15m in height as a zone standard (to

an unlimited height), reaching or exceeding the 18.5m we propose as a maximum. This became a more permissive site standard (12.19.5.1(i)) in the Council Officer provisions presented to us at the commencement of the hearing. At the hearing, Activity Area C was proposed by Officers to be some 25.6ha, of which 6.4ha could include 25% of buildings to an unlimited height above 15m at 150m from the highway (notified Rule 12.19.5.1(b)). These could feasibly be oriented to present their widest building faces to the highway. Our recommended provisions would allow 9.74ha of Area C2 to be developed to between 15.5m - 18.5m, all beyond 200m from the Highway.

- b. Although only 25% of a building could exceed the 15m limit, it would be incorrect to assume that this meant that only 25% of the frontage would be occupied by buildings above that limit. For example, buildings seeking good solar access and views could orient an upper level (or levels) in an east-west fashion with the 75% of building less than 15m being located to the north or south. This could ultimately result in a majority of the frontage being built to heights above 15m.
- c. It is therefore our view that buildings built to 18.5m at least 200m from the Highway will be no higher than, and thus largely within the height envelope which was notified.
- d. Five Mile Holdings Ltd made a written submission emphasising the need for a dense, urban outcome to achieve the purpose of the Plan Change. It stated "*The height thresholds are too restrictive to enable a range of accommodation including a substantial contribution to the stock of affordable worker housing....*" It included a request to relax height limits (as a matter of discretion at the Outline Development Plan stage), which would in our view allow for consideration of buildings at the heights we propose.
- e. Mr Goldsmith, speaking on behalf of Five Mile Holdings Ltd (in receivership), further emphasised to us the need to ensure that the zone was developable and realistic in its bulk and location controls, particularly in respect of reduced capacities and yields in proximity to the State Highway.

Question 3 – Voids and viewshafts

- 3.6.43 We turn lastly to the question of horizontal interruptions in building mass along the length of the FFSZ(B) land. It was common ground that continuous length along the frontage would be undesirable.
- 3.6.44 There was discussion around building breaks, varied building mass and heights, and the role of streets. The orientation of the site means that in urban design terms it is well suited to north-south dominant street orientation. Mr Rae confirmed that this orientation gives good solar access to development as well as allowing buildings to emphasise a positive connection to streets. This orientation will also give long view shaft-type views through to the Remarkables. The opportunity to emphasise north-south dominant streets is one that we recommend should be added to the considerations of Outline Development Plans in Areas C1 (the village centre) and C2, as will be further discussed later. The structure plan should also be amended to reflect this intent.
- 3.6.45 The development controls proposed also address building coverage, continuous building length, and design quality. We agree however that additional certainty is warranted, which we recommend is most appropriately achieved through an ODP requirement and subdivision Assessment Matter. In conjunction with the opportunity and natural desirability, on this land, for north-south oriented streets (with the narrow side of blocks presented towards the Highway) we are satisfied that an appropriate occurrence of voids and view shafts will eventuate.

Recommendations

3.6.46 Brooks Family Trust

Brooks Family Trust [19/21/6] submits that Policy 7.2 be amended to read: *“To ensure that the design, placement, and bulk of any buildings located within the limited development (Activity Area B) buffer is such that effects on the State Highway and the adjoining landowners to the north of the State Highway are avoided, and the amenity of the entrance to Queenstown and the adjoining*

landowners to the north of the State Highway are enhanced and the short, medium, and long range views of the mountains beyond are not compromised”.

This submission is supported by Quail Rise Estate Ltd [19/21/6/1] and partly supported by Shotover Park Ltd [19/21/6/2].

This submission should be **accepted in part** for the reasons stated above, and inasmuch as development within the area identified on the notified structure plan as Area B will occur in a manner that gives appropriate recognition to the entrance to Queenstown as well as views from the Highway and land to the north of it. The further submission in support should be **accepted in part** for the reasons stated above. The further submission in partial support should be **accepted in part** for the reasons stated above.

- 3.6.47 Brooks Family Trust [19/21/7] submits that Zone Standard 12.19.5.2(iv) (a) be amended to provide for 6m as a maximum height above ground level in Activity Area B.

This submission is opposed by the Ministry of Education [19/21/7/1] and partly supported by Shotover Park Ltd [19/21/7/2].

This submission should be **rejected** for the reasons stated above. The further submission in opposition from the Ministry of Education should be **accepted** for the reasons stated above. The further submission in partial support by Shotover Park Ltd should be **rejected** for the reasons stated above. Six metres is inadequate to accommodate two habitable levels, a semi-basement podium of up to 1.0m, and any roof shape. We are satisfied that the height regime we have proposed will most appropriately meet the Objectives.

- 3.6.48 **Queenstown Airport Corporation**

Queenstown Airport Corporation [19/38/11] requests that 12.19.5.1iii (c) relating to building coverage within Activity Area B be deleted.

This submission is supported by Air New Zealand Ltd [19/38/11/1] and partially supported by Shotover Park Ltd [19/38/11/2].

This submission should be **accepted in part** for the reasons stated above and inasmuch as Area B is not supported by us, including the provisions recommended for it. On the issue of building coverage at the location of Activity Area B, we are satisfied that the combination of building height and site coverage we propose will be most appropriate to implement the Objectives. The further submission in further support should be **accepted in part** for the reasons stated above. The further submission in partial support should be **accepted in part** for the reasons stated above.

3.6.49 **Shotover Park Ltd and Remarkables Park Ltd**

In their submission Shotover Park Ltd and Remarkables Park Ltd raise a number of issues concerning landscape provisions:

- PC19 accommodates development with a level of setback, building heights and yards that would be insufficient to retain the primacy of the iconic views currently available from the State Highway;
- it will result in an extent and intensity of urban development that contradicts the concept of a greenfield entrance to Queenstown;
- instead of reinforcing the concept of a balanced entry, in which there is a predominance of open space and related activities, PC19 as proposed would ultimately accommodate a mixture of residential development – wedged in between the Airport, industrial area and Highway that is of utilitarian character and composition;
- the development will degrade the experience of driving into and entering Queenstown;
- proposed PC19 will compromise key Objectives of the *Queenstown Entrances Study*;
- instead of respecting the nationally/internationally recognised foundation for the very town's existence, proposed PC19 represents a major step

towards a form of development that will ultimately compete with its landscape setting;

- proposed PC19 represents nothing short of the major degradation of QLDC's responsibility in relation to Sections 6(b), 7(c) and (f) of the Resource Management Act;
- the proposed landscape strip within the landscape report attached to the Section 32 report recommends an 80-150m wide strip while in the Section 32 report only a 50m strip is identified;
- the Council could more appropriately protect long views of the Remarkables by restricting buildings Activity Areas A and B more than is proposed;
- the Frankton Flats are almost certainly not suited for livestock production but could have other rural based uses. For example tourism uses such as a model farm or an agri-dome, interpretive vineyard or more traditional agricultural uses such as high value intensive cropping, flower production and horticultural uses;
- proposed PC19 should be supporting the establishment of a village not a town centre;
- proposed PC19 is inconsistent with the Remarkables Park Zone.

These submissions should be **accepted in part** for the reasons stated above, inasmuch as the notified approach to heights, setbacks, and landscape protection were deficient. However this has now been remedied with revised provisions stated above. However other than this, we have not agreed with the submitter.

3.6.50 **Five Mile Holdings Ltd**

Five Mile Holdings Ltd [19/23/15] submits that Objective 7 and its Policies should be deleted as development should have a hard edge.

This submission is opposed by Shotover Park Ltd [19/23/15/1] who believes the additional buffer area afforded by Activity Area B is desirable.

This submission should be **accepted in part** for the reasons stated above and inasmuch as Area B is not supported. The further submission in opposition by Shotover Park Ltd should be **accepted in part** for the reasons stated above and inasmuch as development along the highway frontage should not have a 'hard edge'. We are of the view that a 'hard edge' along the interface of Activity Area A is not appropriate, and consider that the 65m building line setback and requirement for a public street at this location (see section 3.10) to be the most appropriate outcome.

3.6.51 **Alexa Forbes**

Alexa Forbes [19/25/3] submits that development not be allowed that would affect the view corridor to the Remarkables. Proposals for this area should build on the Events Centre as a recreation area - open spaces, protection of the airport noise boundary, spaces and pedestrian and cycleway link to the existing areas in Remarkables Park, Lake Hayes Estate and Quail Rise Estate.

This submission is supported by Air New Zealand Ltd [19/23/3/1] and Shotover Park Ltd [19/25/3/2].

This submission should be **rejected** for the reasons stated above and as provisions can be used that will appropriately provide for high value public views. The further submissions in support should be **rejected** for the reasons stated above.

3.6.52 **John Hilhorst**

John Hilhorst submits that varied rooflines and roof-scapes should be encouraged to provide an attractive foreground to the Remarkables.

This submission should be **accepted in part** for the reasons stated above and inasmuch as provision for 1.5m in height for roofscape variation will result in a varied roofline to development.

3.6.53 **Cath Gilmore and John Hilhorst**

Cath Gilmore [19/26/2] and John Hilhorst [19/27/2] submit that view corridors be retained both within the development and from the State Highway.

This submission is supported by Shotover Park Ltd [19/26/2/1] and [19/27/2/1].

This submission should be **accepted in part** for the reasons stated above and inasmuch as provision for regular street openings and other controls on the extent of building mass will ensure that view shafts are provided.

3.7 Land Use Types

Issue

- 3.7.1 A number of submitters questioned the land uses proposed. The submissions related to either numeric demand for given land uses, or other amenity-based issues of compatibility. This section of the recommendation will canvas what land uses are considered appropriate within the FFSZ(B) area. Issues of their location, as well as Activity Area specific controls, will be addressed in the 'Urban Design and the Structure Plan' sections at 3.9 and 3.10.

Discussion & Reasons for Recommendations

- 3.7.2 The proposed Plan Change provides for two clear functions. One relates to the provision of industrial and business development land intended to ensure that the community is able to meet its needs for the foreseeable future. The other relates to a desire to zone the land for mixed use and residential purposes in a manner whereby the density and mix achieved will result in a form characteristically distinct from other settlement patterns in the District to date. This is to be a community with a high degree of self containment and self sufficiency in that many daily needs will be met locally, within a walkable distance (including employment at business and industrial activities). The density of population will furthermore support a more effective passenger

transport system to move users beyond the FFSZ(B). As a part of all this it is hoped that greater affordability in housing will also result.

- 3.7.3 It was largely taken as read by the Council that we were familiar with the theories underpinning urban intensification around nodes, and its merits. Throughout the hearings process, while numerous questions were raised about detailed issues and the chances of success for the Council's approach, no evidence was presented to us that its theoretical position on the merits of dense, mixed activity was unsound. We therefore accept the principles underpinning the Council's approach.

Open space and recreation

- 3.7.4 Our understanding of the proposed Plan Change is that a pattern of lifestyle is likely to emerge which is quite different to the typical habits of Queenstown residents. It is likely that existing approaches to open space and reserve provision will not suit this much denser and more mixed community.

- 3.7.5 The Council's preference to manage this through development contributions as either cash or land as the case justifies is appropriate. We are in no doubt that the recreational needs of future residents will be readily met with the combination of existing and additional new reserve and public space assets. Mr Sergeant, for Remarkables Park Ltd and Shotover Park Ltd suggested that more provision for open space and recreation activities be provided within FFSZ(B). Given the strategic significance of this area of land it would not in our opinion be effective or efficient to locate more of this here, including commercial recreation land, without far more compelling evidence on actual demand and need for these uses than we were shown. We prefer the provision of open space to be based around quality of 'product', and accessibility to users rather than a more simplistic formula of minimum land quantum per unit of households delivered.

Tourism and visitor accommodation

3.7.6 We heard from Mr Hamilton (for Remarkables Park Ltd and Shotover Park Ltd) on the matter of tourism. He advised that sustainability, for tourism, was partially about getting the maximum prices for each unit of accommodation possible. Visitor accommodation in the FFSZ(B) would not be as attractive as in other possible locations (such as the high amenity Kawarau Falls Station) and hence would likely support lower prices per unit of accommodation. He therefore concluded that visitor accommodation would not be sustainable here and instead recommended affordable 'workers housing'. We do not disagree with his points, especially on the merits of the FFSZ(B) for residential, 'worker' housing. But we are not convinced that market innovation and competitive consumer choice possibly involving the FFSZ(B) land should not also have some opportunity to enrich the overall visitor accommodation experience of Queenstown. The legitimacy of a more affordable level of visitor accommodation in Queenstown to complement premier experiences was not satisfactorily rebutted by Mr Hamilton to convince us to restrict it further than is proposed within the provisions.

Residential activities

3.7.7 No compelling evidence against residential activity was raised against the FFSZ(B) land, other than it being placed in the context of landscape, open space, and transport constraints (to be discussed later). We agree with the Council that the FFSZ(B) land, by virtue of both flat topography, orientation, and location relative to other clusters of urban development around Queenstown and transport infrastructure, is a logical location for dense (i.e. non suburban) residential activity in close proximity to other activities.

3.7.8 We are also convinced that although housing affordability in Queenstown is much more than a land supply-based problem, providing greater competition for residential activities to locate beyond the existing stock of zoned land will have only benign (at worst), to positive (at best), price effects for housing in the District.

Broader land use mix and demand

- 3.7.9 There were two key expert witnesses relevant to understanding what land uses (and at what extent) should be provided for. These were Mr David Mead (for the Council but also Five Mile Holdings Ltd) and Ms Natalie Hampson (for Remarkables Park Ltd and Shotover Park Ltd). These witnesses reached very different conclusions. Each prepared comprehensive data looking to understand existing patterns and, subject to a range of assumptions and judgements, projected them into theoretical future scenarios. Although the recommendations differ, we are satisfied that each is technically competent within the constraints of their respective methodologies. Together they gave a significant robustness to the hearings process. Many other people also appeared, in various capacities, to give opinions on what land uses should occur and where within the proposed Plan Change area.
- 3.7.10 One of the key reasons for the difference in statistical ‘output’ between Mr Mead and Ms Hampson relates to assumptions on likely changes to the economic structure of Queenstown over time. These, from which all subsequent model output was calculated, are ultimately subjective, based on experience and professional judgement. Fundamentally, Mr Mead assumes a higher degree of structural change than Ms Hampson. We did not find either brief of evidence on this question particularly more appealing or logical than the other.
- 3.7.11 Of key interest to us, the Council’s notified proposed Plan Change, as shown on the structure plan and drawing from Mr Mead’s advice, provided for:
- a. 22ha (Area C): Mixed use commercial and residential. This is partially supplemented by a further 3.6ha (Area B) limited development area.
 - b. 20ha (Area D): Industrial and yard-based business uses.
 - c. 13.8ha (Area E): Industrial, trade service, and mixed-business zone.
- 3.7.12 Ms Hampson’s ultimate conclusion (remotely peer reviewed by Professor Tim Hazeldine at the University of Auckland) was that there was no real case for zoning any additional industrial or business land in Queenstown to 2026.

At 7.2 of her main evidence, she notes:

“Key findings of the CLDCA report for the Queenstown Catchment are as follows:

- *No additional greenfield zoned area is required for commercial centre zoning in the medium to long term. There is sufficient zoned capacity to cater for projected growth.*
- *No additional greenfield zoned area is required for business zoning in the medium to long term. There is sufficient zoned capacity to cater for projected general business growth.*
- *No additional greenfield zoned area required for general industrial or yard based zoning in the medium to long term. There is sufficient zoned capacity to cater for projected general industrial and yard-based growth.”*

3.7.13 This is quite at odds with the conclusions reached by Mr Mead and relied upon by the Council. It is supported by very comprehensive analysis prepared by Ms Hampson and her colleague at market Economics Ltd, Dr Fairgray.

3.7.14 Ms Hampson then provided what seemed an inconsistent addition:

- *“Under a worst-case scenario, 8-12 ha (gross) of greenfield land could be zoned for yard-based uses to cater for long term demand.”*

3.7.15 This seemed peculiar to us for two reasons. Firstly, she made no similar ‘worst case’ allowance for commercial centre or business uses. There was no corroboration to explain where this figure came from within her evidence in chief, so we turned to the reports she helped prepare for her client. These were the *Queenstown Lakes District Commercial Land Demand and Capacity Assessment*, (the CLDCA) and *Queenstown Lakes District Large Format Retail Assessment* (the LFRA) In the *Commercial Land Demand and Capacity Assessment* more information on this matter is provided on p 73.

3.7.16 That report suggests that by 2026, a total of 8ha (3ha for business/industrial, and 5ha for yard/depot activity) may be required, but only in the “...*unlikely event of a low development capacity outcome...*”. This is then rounded up to a figure of 8-12ha, with a partial definition of ‘worst case scenario’ being if “... *for*

example, all future yard-based businesses cannot sustain high land values in existing business and industrial zones...”.

- 3.7.17 In the context of commendably thorough statistical analysis elsewhere used within the MEL calculations for land demand estimates, a 50% addition to what was already an 8ha contingency, not seen as being likely to eventuate anyway, seemed uniquely generous.
- 3.7.18 Back to Ms Hampson’s evidence in chief, she then went on to discuss where this 8-12ha would be best located. It seemed to her that the most logical place for this would be adjacent to, and integrated with, the existing Glenda Drive industrial development.
- 3.7.19 It happens that her client owns 12ha of land (some of which is already zoned for industrial purposes) adjacent to the existing Glenda Drive industrial development. It has a desire to develop it, we were told by Ms Amanda Treharne (a planner called for Shotover Park Ltd), for industrial activity. In what we accept as a possibly unfortunate coincidence, her client could be the almost exclusive benefactor of Ms Hampson’s recommendations. We can understand why the Council’s officers were perhaps quick to conclude that some of the Remarkables Park Ltd / Shotover Park Ltd submissions should be rejected on the grounds of trade competition.
- 3.7.20 Our focus on Ms Hampson’s evidence became more particular when we re-examined our discussions with Ms Treharne. Through those we were shown plans for the subdivision and development of that 12ha land for business use. We understand that these plans form part of an already lodged subdivision consent application with the Council. We accept that such a subdivision may involve managed land release over several years. But we nonetheless conclude that this currently progressing uptake is not at all consistent with Ms Hampson’s view that the land (at least that part not currently zoned industrial), may be needed - and only in a very unlikely event - sometime up to 2026. This seems a significant divergence in the context of her demand estimates for the next 17 years. It instead aligns more closely with Mr Mead’s estimates.

- 3.7.21 So it would seem that perhaps her own client either does not agree with her land demand projections, or otherwise disagrees with her assumptions for how development should preferably locate within theoretically calculated existing greenfield or redevelopment sites zoned for those uses. Neither scenario gives us confidence in her conclusions.
- 3.7.22 We then considered a third alternative. This was that the Shotover Park subdivision application could represent a simple opportunity to undermine the alternative sites identified by Ms Hampson as ideal, and thus be an example of the undesirable outcomes she advised us against enabling. Or in fairness it could provide practical and indeed superior market location advantages. We do not imply a view that the application should or should not be granted consent, we are merely trying to provide context in light of Ms Hampson's evidence of what is more or less ideal for a settlement. It is otherwise not of interest to us and it will be considered in its own due process.
- 3.7.23 We asked Ms Hampson a number of questions on the issue of whether constraining land supply and forcing redevelopment into a theoretical existing capacity in the name of efficiency may price out smaller, new firms from entering a market. Cheap greenfield land such as we understand the Shotover Park subdivision could deliver, may enable an incubator function for smaller, start-up, riskier, less profitable, or less liquid ventures, such as we observe have been apparent in the Glenda Drive development to date. These can provide important opportunities for local wellbeing despite perhaps not registering highly on overall turnover or wealth generation statistics.
- 3.7.24 Presumably a community could take a view that overall wellbeing and the sustainable management of resources should include such a consideration of its economic 'small fish'. Ms Hutton, the Council's planner, suggested that this, and general affordability for locals was indeed a critical consideration of the Council. Ms Hampson did not agree that such interference was desirable. Her view was that the highest possible value land use should be given precedence within a carefully managed ideal spatial framework. If a market priced out these

'small fish', or they failed to adapt to prescribed operating conditions, then they would simply leave and locate elsewhere, even if it led to some activities or opportunities simply not being possible any more within a community. This was healthy, efficient market activity, she told us. We accept much of her logic.

- 3.7.25 But it also strikes us that particular consideration of the needs of lower-value uses and the advancement of wellbeing for non-visitor locals in Queenstown is a fundamentally important resource management issue. Queenstown is not a typical town. Its market seems quite clearly to be artificially boosted by the activity of externals and seasonal users. We are not convinced that the theoretically ideal-based market principles of Ms Hampson should be given an assumed sufficiency to promote sustainable management here.
- 3.7.26 No matter what way we have looked at the Shotover Park subdivision application, we simply cannot correlate this reality with Ms Hampson's theoretical evidence.
- 3.7.27 We do not believe that a subdivision of this scale would be seriously prepared without confidence by the applicant that there was satisfactory market demand for the product. As it happens, another submitter, Trojan Holdings Ltd, reinforced this to us in its submission detailing a contract to purchase one of these proposed lots.
- 3.7.28 It was then further evidenced by Ms Hampson's client directly. Mr Porter (a Director of both Remarkables Park Ltd and Shotover Park Ltd), appeared before us after experts called by those companies had concluded their presentations. He presented us with an alternative structure plan. We will discuss his plan and its particular merits later. However in summary he, as a prominent and experienced local developer with no small insight on actual and likely land use demands into the future himself, proposed a land use regime much closer to the projections of Mr Mead and the Council than Ms Hampson.
- 3.7.29 Ms Hampson was lastly not helped by many of the other experts called by Remarkables Park Ltd or Shotover Park Ltd. While her analysis was often

relied on to argue deficiencies with the Council's approach, her analysis featured much less in those experts' views of what should occur instead. We can only conclude from this that those experts, like her client, also did not seem to concur with her predictions.

Large format retail

- 3.7.30 Ms Hampson also raised the issue of retail (particularly large format retail). The notified provisions contained rules that, if developed in a particular way, could theoretically result in a significant amount of retail occurring on the FFSZ(B) land (Ms Hampson calculated 29,000m² gross floor area (GFA), a figure not contested by other experts). This would be inappropriate, she suggested. We could not understand why this would be so.
- 3.7.31 Her own analysis for her client has identified a shortfall of up to 50,000m² large format retail GFA in coming years for Queenstown. There seemed no argument that this is one land use activity that clearly does need a home. In summary, she led us through a discussion of why it would be more appropriate to provide this home in land owned by her client and the subject of a lodged proposed Private Plan Change (the Remarkables Park Private Plan Change (RPPPC)), than in the FFSZ(B). We are not sure that our Section 32 analysis can stretch to accept future private proposals that may or may not come about as viable alternatives when considering the merits of this particular proposed Plan Change area.
- 3.7.32 Be that as it may, despite our best efforts to reconcile her comments with what we understand of that proposed Private Plan Change, we cannot concur with her that that land exhibits any advantage over the FFSZ(B) area for large format retail whatsoever, even using nothing other than her own criteria of looking to create fewer, larger centres than more, smaller, dispersed ones. If anything the opposite seems the case – large format retail on FFSZ(B) can connect with FFSZ(A) with nothing other than Grant Road separating them. In our view, as it happens, this also lends itself to the landscaped, lower-height structures surrounded by open space called for by Mr Brown (landscape) and Mr Rae (urban design), and other experts called by Remarkables Park and

Shotover Park Ltd. The proposed RPPPC site in contrast would be separated from the existing Remarkables Park shopping centre by around 1km.

- 3.7.33 Mr Jeff Brown, a planner called for Remarkables Park Ltd confirmed to us that the RPPPC development would not in any practical way connect to or be part of that existing centre. An argument was suggested to us that the Remarkables Park area, with all of its distinct sub-centres, should be instead thought of as one overall large centre, thus helping explain Ms Hampson's preference for the RPPPC location for large format retail. Mr Brown described it to us as being one centre with three nodes in it. We do not have a view on this, but we are left with no satisfactory explanation of why the same logic should still not also be able to apply to the FFSZ(A) and FFSZ(B) as likewise one centre with two nodes in it. Either way, the arguments presented to us that large format retail would be an inappropriate use for the FFSZ(B) area were simply not convincing.
- 3.7.34 As it turned out however, the retail question become somewhat academic. All parties agreed that a large format retail centre was not preferred in Area C by the Council. The Council's experts confirmed that a local catchment-focussed 'village centre' was instead intended, of which large format retail could form perhaps a small part. Simple changes to Site and Zone Standards could ensure that this occurs.
- 3.7.35 We note for technical completeness and Section 32 RMA robustness that on the evidence given to us the prospect of large format retail occurring within the FFSZ(B) would be entirely appropriate, particularly should industrial or business uses not be. Aside from its appropriateness in Activity Area C, and adjacency to the FFSZ(A) area in location and building design terms, it would also be appropriate in Activity Areas D and E. Indeed, there is little else of high value that can feasibly locate in proximity to the airport and its nuisance.
- 3.7.36 In reaching this conclusion we note that there is an identified shortfall in zoned land for large format retailing. The RPPPC is at this point in time simply a developer's aspiration and in its own, rather than the public interest. It would

have no standing until formally adopted and as with the airport noise contour discussion earlier, this could be some years away, even assuming it was approved.

- 3.7.37 This retail discussion should not in any way be taken to imply that a view on the appropriateness or otherwise of that proposed Private Plan Change has been formed. It was not our role, nor have we attempted, to reach one. We expect its merits to be fully evaluated in its own process independent of this proposed Plan Change.

Evaluation of Hampson and Mead evidence

- 3.7.38 These points together required very deliberate consideration. Ms Hampson professionally engaged in a particularly extensive debate with us over her conclusions, and we are thankful to her for persevering with us. Her evidence was extremely thorough and of an overall strong academic and theoretical integrity.

- 3.7.39 Ultimately however we were not convinced by it. She took great lengths to explain the adverse effects that may arise to Queenstown, in her view, were we to agree with Mr Mead and should Mr Mead prove wrong (i.e. if a substantial over zoning of land results). We do not necessarily disagree with her that some or all of the effects she described could eventuate in that scenario. However she was not able to readily discuss with us, as we expected, what would happen were we to agree with her, but should she prove wrong (i.e. if a substantial under zoning of land results). She also opined in response to questions from us that the provision for efficiency within s7(b) RMA was the overriding imperative of Part II. This filter will have clearly influenced the formation of her conclusions around what should occur, where, and how. We do not concur with this analysis of the RMA.

- 3.7.40 One additional characteristic factored into Mr Mead's evidence and the Council's planning, is an attempt to include more of a practical 'on the ground' consideration in addition to pure statistical analysis. Of greatest importance, the Council pointed out to us that despite the theoretical land capacity that exists

for various land uses on paper, reality can be different. The current subdivision application for business uses on the Shotover Park land was a timely example to convince us of this.

3.7.41 The Council's experts furthermore explained that existing greenfield zones are owned by a comparatively small pool of major developers. We had these land areas (and owners) identified to us on planning maps. Ms Hampson confirmed to us that her analysis had not taken any landowner or land release issues into account. This, the Council felt, could greatly affect the rates with which land was released and not always correlate with the ideal levels that would support greatest economic and social wellbeing of the community as a whole. We accept the known principle that when in a monopoly (or an oligopoly), developers may be tempted to maintain higher prices by suppressing supply and thus maximising demand over time. The Council had a (not unreasonable) concern that should such market practices eventuate, they may not serve the overall interests of the District in sustainable management terms.

3.7.42 Of course, if more land is zoned to address this, there is nothing to stop those developers simply acquiring that additional land to maintain any market dominance they may enjoy.

3.7.43 Mr Porter, representing perhaps the most prominent of these landowners (in ownership terms), in contrast described to us his current intentions for releasing land for various uses in coming years. He discussed with us some of the procedural, technical, and financial issues that have affected the release of land to date. This included his frank appraisal of issues facing the FFSZ(B) land, for which we are grateful. If land was released in accordance with his estimates, which we accept at face value, this may help relieve some of the Council's concerns.

Recommendations

3.7.44 Having very carefully considered the technical evidence and layperson views given to us on this matter, we have ultimately resolved that the most credible evidence on which to rely as a basis for planning within the FFSZ(B) is that of

Mr Mead. The potential inefficiency of over zoning could manifest in some adverse effects, or it could alternatively mean only that it takes longer for zoned land to be exhausted. It seems clear to us that the risks of under zoning in Queenstown are far more significant in overall sustainable management terms.

3.7.45 We are also not satisfied that providing more zoned land than proves necessary over time, if managed well through appropriate plan provisions, will inherently lead to the adverse outcomes described to us in the hearings. We have considered the provisions carefully and are of a view that with suitable changes as primarily recommended in sections 3.9 and 3.10, they will be more than robust enough to manage issues of inadequate densities or low building quality. While we agree with the prospect of staged land release in principle, we are of the view that the Outline Development Plan processes are appropriate to manage this in Area C, and are otherwise unnecessarily restrictive in the development of efficient, affordable business land for the District and its effective economic development. We find the notion of staging and restricting the release of large site, yard-based industrial land particularly counterintuitive to the purpose of providing the most affordable, competitive, and attractive sites for lower-value, typically less attractive (as an operational reality) activities.

3.7.46 As a part of this, we have agreed with many of the criticisms made of the Council's notified approach. However in most cases these can be resolved by way of clarifications to the Site and Zone Standards.

3.7.47 We will also take this opportunity to explicitly comment on the Council officers' recommendations that many submissions be rejected on the grounds of trade competition. Some of that discussion has been referred to above. We do not concur with those officers that a necessary burden of proof has been established to support those recommendations.

3.7.48 **Shotover Park Ltd and Remarkables Park Ltd**

In their submission Shotover Park Ltd and Remarkables Park Ltd raise a number of issues concerning the town centre provisions:

- the Section 32 report or the accompanying documentation does not contain any assessment justifying the demand for a third Queenstown town centre to be located on the Frankton Flats;
- the *Commercial Land Needs Study* does not show demand for additional town centre land in its analysis, the focus being on business and industrial shortfalls;
- there are anomalies in the *Commercial Land Needs Study*. The *Market Economics Study* finds the proposed town centre activities in the proposed PC19 area are not justified;
- there will be implications for the existing centres within the District as well as loss of amenity in existing centres;
- the proximity of the area to the Remarkables Park Zone makes it unlikely that both areas can function effectively in the medium to long term;
- the section does not provide alternatives to providing retail in the proposed PC19 area, potentially adding to the Queenstown town centre or Remarkables Park Zone;
- the location of the site on the edge of an urban boundary will result in a disconnected and dysfunctional centre;
- the proposed town centre affects important landscape views;
- there is no economic argument to support the town centre; and
- there is an unsatisfied demand for large format retailing – this is not provided for in the zone, alternatively this could be provided at the Remarkables Park Zone.

These submissions should be **accepted in part** for the reasons stated above and inasmuch as clarification over the intended role of Area C to be a local-catchment oriented ‘village’ centre rather than a full town centre able or likely to compete with Queenstown or Remarkables Park centres means that changes to the notified provisions will ensure these issues are avoided. Other than the above point, the submissions should however be **rejected** for the reasons stated above.

3.7.49 Shotover Park Ltd and Remarkables Park Ltd raise a number of issues concerning the industrial provisions:

- there is no net demand for industrial or yard based zoning in the district until after 2026;
- under a worst case scenario only 7-9 hectares is required equating to approximately 8-10 hectares of the additional land for yards and depots;
- over provision of industrial land will result in a lack of cohesive and integrated development, inefficient use of infrastructure and slow uptake rates; and
- another negative of this is the sterilisation of land which could be better zoned for other uses for protected for future uses, when the need arises.

These submissions should be **accepted in part** for the reasons stated above and inasmuch as it is important to ensure that new development within the FFSZ(B) area creates cohesive, integrated outcomes that efficiently use infrastructure. Provisions are available that will ensure that this occurs.

3.7.50 **Foodstuffs (South Island) Ltd**

Foodstuffs (South Island) Ltd [19/24/2] submits that further retailing over and above the social and economic needs of the community be not allowed.

This submission is opposed by Five Mile Holdings Ltd [19/24/2/1] and supported by Remarkables Park Ltd [19/24/2/2] and Shotover Park Ltd [19/24/2/3].

This submission should be **rejected** for the reasons stated above and inasmuch as we have not been presented with compelling evidence to satisfy us that zoning more land than the minimum calculated quantum for any land use will inherently prevent sustainable management from being promoted. In any event, we have been satisfied that the provision for retailing we recommend for the FFSZ(B) is within the reasonable needs of the community

The further submission in opposition should be **accepted** for the same reasons. The further submissions in support should be **rejected** for the same reasons.

3.7.51 Foodstuffs (South Island) Ltd [19/24/3] submits that the Frankton Flats (B) proposed Plan Change should not inhibit the ability of a PAK n' SAVE development at Remarkables Park.

This submission is supported by Remarkables Park Ltd [19/24/3/1] and Shotover Park Ltd [19/24/3/2].

This submission should be **accepted in part**, for the reasons stated above and inasmuch as this proposed Plan Change will not affect the Zone in Remarkables Park, or the opportunity to locate a supermarket there.

3.7.52 **Shotover Park Ltd and Remarkables Park Ltd**

In their submissions Shotover Park Ltd and Remarkables Park Ltd raise a number of issues concerning the residential and housing provisions:

- the Section 32 report does not provide an adequate planning justification for visitor accommodation in the proposed PC19 area;
- there is no need for any additional supply of land for visitor accommodation in the District over and above what is already zoned;
- there is a need to ensure that any new supply of visitor accommodation is in optimal locations;
- visitor accommodation should be removed as a land use from proposed PC19;
- while Shotover Park Ltd and Remarkables Park Ltd are supportive of the need for affordable housing within the District, it is deemed there is sufficient residentially zoned land elsewhere within the District and therefore proposed residential activities should be removed from proposed PC19;

- the location of proposed residential areas in Activity Area C is not ideal given proximity of supporting and existing land uses and has the potential to lead to the creation of low amenity settings and reverse sensitivity issues;
- the Section 32 report does not provide sufficient justification for the need for further residential zoning within Activity Area C – or within the wider proposed PC19 area generally.

These submissions should be **rejected** for the reasons stated above. We have not been satisfied that either visitor accommodation or residential activities would be inappropriate within the FFSZ(B) area. On the contrary we agree with the evidence given on behalf of the Council that the FFSZ(B) is a strategically suitable location for residential and appropriate visitor accommodation uses.

Affordable Housing

3.7.53 Five Mile Holdings Ltd

Five Mile Holdings [19/23/3] submits within 12.19.2(ii) after the first sentence of this clause add the following: *“It is one of the few areas left with the capacity to contribute significantly toward the need for affordable housing at densities not hitherto achieved in the District”.*

This submission is opposed by Shotover Park Ltd [19/23/3/3] and by Air New Zealand Ltd [19/23/3/1].

We agree that the FFSZ(B) land is a critical resource. While the Remarkables Park zone may also offer opportunity for more intensive forms of affordable housing, it will also involve a degree of the typical detached suburban housing (as has exclusively been provided thus far). We have been satisfied that this housing type will tend to sit at the less affordable range of the housing spectrum for Queenstown into the future, hence the appropriateness of explicitly relating affordable housing with higher density outcomes. The

submission should be **accepted** for the reasons stated above. The further submissions in opposition should be **rejected** for the reasons stated above.

- 3.7.54 Five Mile Holdings [19/23/4] submits that under the associated explanation to 12.19.2(ii) the following should be added: *“Through good design and higher densities, the zone will enable the community to grow whilst avoiding the adverse environmental and social consequences of urban sprawl and high cost housing. At the same time, existing resources on the Frankton Flats will not be compromised”*.

This submission is opposed by Air New Zealand Ltd [19/23/4/1 and Shotover Park Ltd [19/23/4/2].

The submission should be **accepted** for the reasons stated above and inasmuch as the proposed explanation is entirely consistent with our understanding of what the zone and plan change is ultimately looking to achieve. The further submissions in opposition should be **rejected** for the same reasons.

- 3.7.55 Five Mile Holdings Ltd [19/23/29] submits that the further Objectives and Policies are added:

Objective 15: To make a significant contribution toward meeting the need for growth and the provision of affordable worker housing.

Policy 15.1 Through good design to provide a matrix within which high densities of development can be achieved without creating adverse effects.

Policy 15.2 Through the provision of higher densities to enable the provision of affordable worker housing.

This submission is opposed by Air New Zealand Ltd [19/23/29/1] and Shotover Park Ltd [19/23/29/2].

The submission should be **rejected** for the reasons stated above and inasmuch as we are satisfied that the Plan provisions will robustly enable affordable housing within the zone without the need for these additional provisions. The further submissions in opposition should therefore be **accepted**.

3.7.56 **Alexa Forbes**

Alexa Forbes submits to strictly limit visitor accommodation, and if possible second home ownership to reduce the pressure on the housing/rental market for locals.

We have not been given satisfactory evidence that limiting visitor accommodation or second home ownership will reduce pressure on the housing / rental market for locals. We are satisfied that the provisions we recommend will be the most effective and indeed efficient to promote more affordable housing forms, within the market constraints of Queenstown and the scope of this Plan Change. The submission should therefore be **rejected**.

3.7.57 **Cath Gilmore and John Hilhorst**

Cath Gilmore [19/26/7] and John Hilhorst [19/27/5] submit that visitor accommodation should be strictly limited and if possible, so too second home ownership.

Shotover Park Ltd, [19/26/7/1] and [19/27/5/3], made further submissions although it is not clear whether they support or oppose the original submission. Jacks Point Ltd [19/27/5/1] and Plethora Investments Ltd [19/27/5/2] oppose the submission of John Hilhorst.

We have not been given satisfactory evidence that limiting visitor accommodation or second home ownership will reduce pressure on the housing / rental market for locals. We are satisfied that the provisions we recommend will be the most effective and indeed efficient to promote more affordable housing forms, within the market constraints of Queenstown and the scope of this Plan Change. The submission should therefore be **rejected**. The further submissions in opposition should be **accepted** for the same reasons. For the avoidance of doubt we recommend the Shotover Park Ltd submission be **rejected**.

3.7.58 **Queenstown Airport Corporation**

Queenstown Airport Corporation [19/38/30] requests reference to residential, visitor accommodation and healthcare services be deleted from Part 14 and Table 1B.

This submission is supported by Air New Zealand Ltd [19/38/30/1], and partially supported by Shotover Park Ltd [19/38/30/2].

The submission should be **accepted in part** inasmuch as Table 1B is proposed to be varied from that notified. However ultimately we support residential, visitor accommodation, and possibly healthcare services and agree that provision should be made for them within the District Plan. The further submissions in support / partial support should also be **accepted in part** for the same reasons.

3.7.59 **Queenstown Lakes Community Housing Trust**

Queenstown Lakes Community Housing Trust [19/40/1] requests that within 12.19.3 Objectives and Policies, Policy 2.4 is retained.

This submission is opposed by Air New Zealand Ltd [19/40/1/1] and Shotover Park Ltd [19/40/1/2].

The submission should be **accepted** for the reasons stated above and inasmuch as we agree that suitable provision for affordable housing within the FFSZ(B) zone will help most to appropriately give effect to the purpose of the RMA and the Plan Change. The further submissions in opposition should be **rejected** for the same reasons.

- 3.7.60 Queenstown Lakes Community Housing Trust [19/40/2] request that the intention to provide for affordable housing as stipulated in Objective 2, Policy 2.4, be reflected as a requirement in the rules of proposed PC19 or, an alternative arrangement be made to the satisfaction of the Trust outside of the PC19 area that affordable housing be delivered in Frankton Flats.

This submission is opposed by Air New Zealand Ltd [19/40/2/1], Plethora Investments Ltd [19/40/2/2] and by Shotover Park Ltd [19/40/2/3].

The submission should be **accepted in part** inasmuch as consideration of affordable housing is a reasonable and appropriate inclusion within the matters considered for Outline Development Plans within Activity Areas C1 (the village centre) and C2. The further submissions in opposition should also be **accepted in part** for the same reasons.

- 3.7.61 Queenstown Lakes Community Housing Trust [19/40/3], request that 'whole Plan Change' affordable housing calculations be done in accordance with linkage zoning calculations as outlined in the Council's discussion document "*Proposed Plan Change 24: Community Housing Working Paper One and to be described in the forthcoming Plan Change 24*".

This submission is opposed by Air New Zealand Ltd [19/40/3/1], Jacks Point Ltd [19/40/3/2], Plethora Investments Ltd [19/40/3/3] and Shotover Park Ltd [19/40/3/4].

The submission should be **rejected** inasmuch as we prefer to let the Plan Change 24 process follow its own path. We have been satisfied that the proposed approach to affordable housing in this Plan Change process is

appropriate. The further submissions in opposition should be **accepted** for the same reasons

3.8 Transportation

Issue

- 3.8.1 A number of submitters question the transportation effects that may arise from development within the FFSZ(B) area. Some of these relate to network effects, but in particular many relate to the proposed Eastern Access Road / Eastern Arterial Road.
- 3.8.2 A number of submissions were received on the matter of roads shown on the structure plan and their status. This will not be considered in this section of the recommendation.

Discussion & Reasons for Recommendations

Effects on the network

- 3.8.3 The Council's evidence was that the resultant effects from development within the FFSZ(B) area, if assumptions relating to internal trip efficiencies, higher rates of pedestrianisation, and mode splits relative to passenger transport were achieved, would be within the capacity of the transport system to absorb. We had available to us a number of references prepared by the Council on transport related issues. We accept that in the specific configurations planned by the Council, vehicle trip generation rates per activity can be lower than in different configurations. No evidence was provided to us that the travel efficiencies claimed as possible within higher density, mixed use environments (such as vehicle trip generation per household) should be doubted.
- 3.8.4 Of critical interest to all parties is the safe and effective functioning of the State Highway. We note in that regard, Transit New Zealand (superseded by the New Zealand Transport Agency or NZTA), as the statutory operator of the Highway network, lodged a submission in at least partial support of this proposed Plan Change. We carefully read the NZTA submission, and in

particular the changes it sought. It raised no issue with the degree of development proposed on the land by the Council. We can only conclude that NZTA accepts the Council's evidence and is satisfied the development, if well managed and subject to its preferred alterations to the notified provisions, will be appropriate. This is an important starting point on the matter.

- 3.8.5 Mr Tony Penny was called for Remarkables Park Ltd and Shotover Park Ltd. He gave us evidence including excerpts from transport modelling his firm Traffic Design Group has undertaken. His evidence was that the effects may be more serious than have been assumed by the Council. His evidence was based on theoretical maximum capacities calculated from Site and Zone Standards within the notified proposed Plan Change, conversion to typical trip generation rates, and then the programming of these rates into transport modelling software simulating typical behaviour for users of different activities. A critical reference point, discussed earlier at Section 3.4, is that the Council assumes that by 2026 there will still be capacity in the FFSZ(B) area rather than it being fully developed.
- 3.8.6 He questioned whether passenger transport mode splits (20% is hoped for by the Council) would be achievable. On that issue, no party was able to give us specific evidence on whether it was more or less likely that the Council's assumed mode splits would be achieved. There was certainly no evidence that it could not be achieved.
- 3.8.7 He also took us through the main network segments and intersections, describing conditions into the future where congestion and levels of service at intersections may exceed what he felt were satisfactory levels. This was an extremely beneficial exercise for us.
- 3.8.8 Queenstown is an unusual case in transport planning, we were told. Its seasonal peak population can double the inter-peak population. To provide for a level of transport infrastructure that gives an ideal level of service to the peak population could result in a significant oversupply of costly infrastructure for the remainder of the year, with disproportionate costs falling on that reduced all-

year population. It may be difficult to maintain what would in reality amount to part-time infrastructure. At the same time, we agree that the ability of visitors to use Queenstown as something of a 'base' and conveniently connect to tourism and recreational opportunities around the District and beyond, is a key part of long term economic and social wellbeing for this settlement.

3.8.9 Standard transport assumptions, models, and theoretical calculations may therefore be of reduced applicability in practice for several reasons, given that Queenstown has:

- a substantial proportion of younger generation residents, both temporary and permanent, pursuing a wide range of outdoor activities often at distant locations;
- large swings in population due to seasonal fluctuations, both in terms of seasonal workers (lower disposable income) and visitors (higher disposable income);
- a number of smaller settlements connected only by road, with significant distances between them necessitating much travel to other centres for either work or play;
- limited physical space and other resources to continually provide wider or new links over time to perpetually provide a consistent level of convenience as vehicle volumes increase.

3.8.10 While the evidence on traffic issues differs it is clear that there will be significant traffic generation resulting from the Plan Change proposal. The range of variables that will dictate the eventual outcome is so extensive that the assessments, whilst helpful, must be regarded as only the start of the discussion on transportation issues rather than its end. Ultimately several assumptions that then link to further assumptions have to be made, some of which simply may not occur. For example:

- a. the quality, patronage and mode split of passenger transport is unpredictable. Many other examples suggest that achieving a level of 20% may ultimately necessarily require reduced levels of service and

- amenity for vehicle users to make such a degree of public transport take up attractive;
- b. there may, or may not, be one or more educational facilities within the FFSZ(B) area. These can generate considerable peak and non-peak traffic characteristics driven by such factors as:
 - (i) age of pupils;
 - (ii) where the pupils are drawn from;
 - (iii) available transport means;
 - (iv) times of start and finish;
 - (v) the extent to which they use community facilities and vice versa;
 - (vi) wealth and mobility preferences of parents and caregivers;
 - c. the rate of uptake of development relative to the timing of other transport network improvements. If development contributions are used, it may be difficult to fund improvements well before the development that will need them has occurred (and made payment);
 - d. although a range of land uses would be enabled within the FFSZ(B), the actual uses that will eventually establish cannot be predicted and will impact on traffic generation and peak network issues.

3.8.11 We were told that based on observation (and research) nationally and internationally of towns that have grown as Queenstown has grown, and is predicted to grow, reduced levels of convenience for vehicle users does considerably help effect changes in travel behaviour. We heard that changes in land uses and land use patterns over time, especially density and mix, can have a similar influence and in turn themselves be assisted by induced change in behaviour and lifestyle. We accept that this is part of the transition process from a smaller, low density, low land value settlement to a larger, higher density, higher land value one. We suggest, based on the lack of any evidence to the contrary, that a degree of congestion may be simply one of the side effects of being a successful, popular urban settlement.

3.8.12 All of the transport evidence concluded that traffic volumes will continue to increase with population growth. So it seems that some level of peak season, peak period congestion may ultimately be unavoidable given the particular

dynamics of Queenstown and the reality of transport infrastructure and capacity costs that exist here. If this were to occur, we have not been satisfied that this alone would preclude sustainable management being promoted. One could argue that the search for on-going efficiency for vehicles in transport networks is one legitimate focus of the Land Transport Management Act (with which we are familiar). But it is by no means an overriding purpose of the RMA, on which we are focussed here.

- 3.8.13 The question relevant to us was therefore: were congestion to eventuate, what would this mean for the promotion of sustainable management? That there may be adverse effects on capacity and perceived convenience resulting from the use and development of resources alone is not a satisfactory response to this question.
- 3.8.14 Like many other places, it seems that the local community is only just commencing the debate on what to do when building more roads is simply not possible – either physically or financially (or both). This proposed Plan Change and its ambitious mode split approach to change current patterns of land use and transport should be seen as a key part of the Council's initiative on this issue.
- 3.8.15 According to Mr Penny, much of the network would be very busy if development on FFSZ(B) occurred. We were most interested in those parts of the network where congestion would be worst, with levels of service at levels D-F on a scale from A-F (F being the worst condition). Assuming we accept that this may occur, the resource management challenge is then to understand what this actually means for the proposed Plan Change and future development scenarios.
- 3.8.16 Mr Penny explained to us that his modelling included future development of the proposed RPPPC large format development in Remarkables Park, as well as general development within the existing Remarkables Park Zone. We asked him several questions on this matter. It became impossible for us to understand the actual transport effects attributable to the FFSZ(B) without also in some

way considering those of the RPPPC. It occurred to us that based on his evidence we may need to recommend back to the Council that it is not possible to understand these two resource uses in isolation from one another and that some manner of joint process may be required.

- 3.8.17 In terms of the actual intersections where congestion was predicted to become unacceptable in traffic engineering terms, Mr Penny confirmed that in all cases some technical solution would exist; it would be a question of management, cost and complexity to deliver it. In some instances, likely solutions have already been identified. In others, there has been no formal agreement, particularly from NZTA, which in the case of the Highways would need to provide them. This does not in our view preclude them from being realistic solutions on which to base our recommendations.
- 3.8.18 In terms of overall network effects and the RPPPC, it was communicated to us shortly after Mr Penny had completed his presentation and departed Queenstown back to Christchurch on other business that he had been mistaken in his recollection of his transport model and its inclusion of development of the proposed RPPPC. We were told that, in fact, it did not include it. After then re-examining his evidence, this gave us confidence that it would be possible to understand transport effects in a way that would not necessarily require FFSZ(B) and RPPPC to be considered together.
- 3.8.19 We also considered entry to the FFSZ(B) area from State Highway 6, particularly for freight. We heard from Brooks Family Trust that freight should not use Glenda Drive for its main entrance. We agree with this given what we understand are to be access limitations on that route as discussed to us in evidence. It was common ground from the traffic experts that the Eastern Access Road should be the main freight route for the zone, with additional access via Grant Road also possible. We agree with this thinking.
- 3.8.20 Overall, we recommend that the Council's approach is appropriate. We accept its 20% mode split and other efficiencies theoretically possible within its mixed use zone, and are confident that they can be achieved with sound travel

demand management between now and 2026. We are also satisfied that the level of development Mr Penny has assumed within FFSZ(B) by 2026, and hence the traffic generation estimates used, are unlikely to fully eventuate based on the Council's population and growth modelling. On that basis, Mr Penny's predicted levels of congestion become notably less severe, and in any event as he confirmed to us there will be satisfactory improvements available should they then prove necessary over time anyway.

- 3.8.21 Overall, we have been satisfied that development of the FFSZ(B) area, although it will bring with it numerous technical transport challenges to be solved, can be satisfactorily managed so as to maintain an appropriate level of network performance. The additional loading of vehicle movements it will bring to the transport network, when considered alongside the mitigation and solutions available and the many other advantages and benefits the urbanisation of the land will bring for the community, will still be the most appropriate outcome to achieve the purpose of the RMA.

Eastern Access Road

- 3.8.22 On the notified map produced by the Council showing the location of Activity Areas within the proposed Plan Change area, there is depicted a location for a new roadway running from (and perpendicular to) the State Highway in a generally south eastern direction. For around two thirds of this distance it is shown to be straight but at a point where it meets lines drawn on the map as an extension of Grant Road it swings more to the south and then back to the south-east in a gentle curve, leaving the proposed Plan Change area close to its south-east corner. From there it is intended to run by a route yet to be determined around or across the eastern end of the Airport, in order to link the State Highway with the land lying generally to the south of the Airport land. It has become known as the Eastern Access Road and we will refer to it in this decision as the EAR. It is intended to be one of only two access roads from the State Highway directly into the proposed Plan change area, the other being the existing Grant Road. Glenda Drive will provide a third, limited, and indirect, access.

- 3.8.23 In the map referred to, the proposed line of the EAR forms, on its north-eastern side, a boundary between proposed Activity Areas C and E, for part of its distance. For a short distance, too, it runs along the boundary between proposed Activity Areas E and D.
- 3.8.24 When presenting the proposed Plan Change to us at the beginning of the hearing, Ms Hutton for the Council produced to us a quite different map showing activity areas, and on it was a different proposed location of the EAR. It had been moved to a location further to the west, by approximately 70m. Correspondingly, proposed boundaries between Activity Areas had also been shifted.
- 3.8.25 It was immediately apparent that if the defined Activity Areas in the proposed Plan Change were to bear a correlation with the location of the EAR then the final location of the EAR would be of critical importance to the outcome of the Plan Change. If, on the other hand, this were not to be so, and the EAR could simply bisect Activity Areas without consequence, then its location could be fixed at a later date with little regard to the consequential effect on land uses within the Plan Change area.
- 3.8.26 In our opinion it is preferable to locate the EAR as part of the Plan Change process taking into account the amount of land which we consider should be allocated to each Activity Area, avoiding so far as practically possible, a location which would result in arbitrary portions of Activity Areas being created.

This is for three reasons:

- a. The EAR will be a heavy traffic bearing arterial running from the State Highway in a direction which will allow road users to enjoy views to the Remarkables. It will itself be a gateway to large areas of land and should therefore, as far as practically possible, be an attractive road with land uses on either side drawn from the same range of land use options, meaning that the same Activity Area should be allocated on either side of the road to a depth that delivers realistic developable lots.

- b. It would not be sound planning to determine Activity Area boundaries without reference to the road. The later fixing of the road location could result in some parcels of land set aside for certain activities being unsuitable for those activities due to their shape or size. There may also be a relationship between the market viability of certain land uses and their access to a major roadway and passing trade.
- c. The evidence given to us was consistent that there needed to be a sound logic between the location of roads and the land use Activity Areas, and that ideally roads will have an equivalent land use on each side. We were repeatedly asked to ensure that land use outcomes were not compromised by the road layout and that, on the contrary, the road network should be subservient to appropriate land use needs.

3.8.27 Therefore we made it clear to the parties during the hearing process and subsequently, that the location of the EAR is in our opinion a paramount consideration. We are aware that the parties have conferred amongst themselves with a view to try and reach agreement on where, in their view, the road should be located.

3.8.28 Not to be lost sight of in this is the NZTA. It has the final say on the point at which the EAR is to join the Highway, and indeed the means by which this is to be achieved.

3.8.29 NZTA supports the recommendation to us that there should be only two access points into the proposed Plan Change area from State Highway 6 (excluding any indirect access from Glenda Drive), namely the existing access point off Grant Road and a new access point for the EAR now under discussion. At the latter point NZTA proposes to build a roundabout capable of accommodating two lanes of traffic. We were told that plans for the intersection are well advanced, but that a date for the works to commence had yet to be set. NZTA describes this as a relocation of the existing access point from Glenda Drive. Whilst it is proposed that access to Glenda Drive will still be achievable when approaching the present intersection from the east by means of a left-hand slip

lane, there will be no access to Glenda Drive from the State Highway when travelling from the west, nor any access in either direction from Glenda Drive to the State Highway.

- 3.8.30 We questioned Mr McCabe of NZTA in some detail about the point at which NZTA was proposing to locate the access point for the EAR. Mr McCabe identified a plan which had been produced to us by another submitter (Brooks Family Trust, but also appended to his evidence). He indicated that it represented the latest proposed location, at that time, to the best of his knowledge. This location was, so far as we can identify, the position identified by the Council staff on their proposed (revised) plan. Unlike any other plan provided to us on the EAR and its location, this plan actually showed a roundabout and road design in a detail we could engage with and consider. NZTA indicated through Mr McCabe that it had not taken a final position on the location, and accordingly had not finalised designs nor, therefore, yet sought a designation to enable the work on constructing the roundabout. It was made clear to us that NZTA was flexible on the final location of the EAR (within reason).
- 3.8.31 As will be apparent throughout this decision Remarkables Park Limited (RPL) and Shotover Park Limited (SPL) introduced a substantial body of evidence on a range of issues. In his evidence on behalf of these companies Mr Porter introduced an alternative plan of Activity Areas, incorporating within it a proposed location for an EAR and its intersection with State Highway 6. This location was also approximately the same as the location on the plan presented to us by Ms Hutton at the commencement of the hearing.
- 3.8.32 At the reconvened hearing in November 2008, Ms Hutton introduced another plan to us, with further changes to Activity Areas. However, the location of the EAR had not changed from the (revised) position she had earlier introduced to us through her s42A report. Other parties introduced new locations to us, which moved the EAR a further 70m westwards, such that it would either adjoin or bisect a prominent boundary between land owned by Five Mile Ltd and Shotover Park Ltd. This was the “SPL” location.

- 3.8.33 Early in February 2009 we received from Mr Green, counsel for RPL and SPL, a Memorandum in which he referred to the fact that in his closing address for the Council on 20th January Mr Todd, its solicitor, had stated that the Council would accept the location of the EAR (which he described as being “the SPL location”). Mr Green said that an alignment had been agreed to by the majority of relevant owners, and had resulted in a proposed location for the road which was shown on an amended structure plan which he described as annexed to the Memorandum and marked “A”. He also said that to enable us to make a comparison, he attached, also, the structure plan provided to us by Mr Porter, to which we have just referred. This, he said, was attached and marked “B”.
- 3.8.34 An examination of the plans attached to Mr Green’s Memorandum indicates that the plan marked “A” is in fact the plan produced to us by Mr Porter in evidence, so we infer that the plan marked “B” must depict the newly agreed EAR alignment referred to in the Memorandum. In other words attachments “A” and “B” are incorrectly labelled. The location of the EAR on Exhibit “B” is further to the west than the location on Exhibit “A” as previously promulgated by Mr Porter.
- 3.8.35 We also received a Memorandum from Mr Castiglione, counsel for Trojan Holdings, indicating that this submitter supported a location for the EAR shown on a plan attached to his Memorandum, which he understood to be the latest plan advanced by NZTA to the Commissioners. The plan attached to Mr Castiglione’s Memorandum differs in some respects from the plan attached as Exhibit “B” to Mr Green’s Memorandum for SPL and RPL, but the point at which the EAR joins State Highway 6 appears, as far as we can tell, to be the same on each plan. Likewise, the course of the EAR through the proposed Plan Change area also appears to be the same. Five Mile Holdings Ltd (in receivership) indicated that it did not support this proposal, however the difference of opinion amounted to minor relocation in the order of 20 metres around property boundaries, specifically whether the road should bisect property boundaries (with part of it on Five Mile Holdings Ltd land) or be

located adjacent to property boundaries (entirely off Five Mile Holdings Ltd land).

3.8.36 Thus we have before us a range of options for the location for the EAR. In our opinion it is appropriate for us to determine the point at which the EAR should enter the State Highway, and the course it should follow across the proposed Plan Change land.

3.8.37 To fix the location of the EAR it is necessary to have regard to the evidence put before us. Here it is important to record that although various options for the location of the EAR were promoted, as we have outlined, no technical evidence at all was given to support any location except for the location promoted by the Council at the opening of the hearings, this being the revised location put forward by Ms Hutton that shifted the road some 70m to the west of that shown on the notified plan. This was supported by the evidence of Mr Mander called by the Council, and Mr McCabe for NZTA. In particular, we have not received any expert evidence on traffic management which supports any other location, or in particular the latest location promoted in the Memoranda of Mr Castiglione and, so far as we can tell, Mr Green (The "SPL" location). Mr Goldsmith, on behalf of the receiver of Five Mile Holdings Ltd, has made it clear that this party does not support the February Memoranda location. We note too that NZTA proposed the location supported by the Council when opening its presentation of the proposed Plan Change to us, in its original submission, though left itself open to locating the intersection elsewhere if the parties should so agree. The "SPL" location has not been actually supported on any resource management grounds. To the best of our understanding, the negotiations between the parties have been focussed on limiting individual burden (in terms of either or both of the land required for the road, or any financial obligation to help fund it). We also lack confidence that the "SPL" location has procedural integrity given that it was introduced to us as new evidence at the reconvened Hearing in what was intended to be a forum of clarification (we explicitly said it was not for new evidence). This new evidence sought to directly supersede the evidence of parties which was properly given during their presentation of submissions to us at the initial Hearing.

3.8.38 In our opinion, the paramount consideration in relation to locating the EAR is to ensure that it accords with an appropriate allocation of land use areas, on a structure plan, that gives effect to our recommendation on the correct locations and sizes of Activity Areas. If the road were moved further to the west as promoted by some of the parties in their recent Memoranda, the area of land to be set aside as Activity Area C2 on the Council's third revised plan (introduced at the opening of the reconvened hearings) would be substantially reduced as a consequence of its north-eastern boundary being moved around 75 metres to the south-west. This could be up to 4ha. Alternatively, to retain a similar total area of C2 land, an area of C2 could be placed to the east of the strip of C3 land which borders the EAR, between C3 and Activity Area E. That would not reflect sound planning, in our view. Nor would it be consistent with the submissions we received that called for land use needs to lead road layout, not view versa. The strip of C2 between C3 and E would be narrow, and the resultant layout of Activity Areas would be plainly impractical. The only other alternative would be to entirely remove the area of C3 and set this land aside as C2. However the area of C3 land borders the eastern arterial road and in our opinion C3 uses focussed towards passing trade such as showrooms, are more appropriate for the sides of this arterial than C2 uses such as visitor accommodation. We also note that from the notified Plan Change the EAR could move westwards in the order of 150m, with considerable implications on the Activity Areas in the Plan Change area, and the overall balance of industrial / business land relative to mixed use / residential land. It is noted that the Activity Area C3 has subsequently, through the process of the hearing and our deliberations, become Activity Area E2, it being the land either side of the EAR.

3.8.39 We have therefore concluded that a structure plan incorporating the EAR in the location promoted by the Council's Officers in the s42A report should be recommended. Further discussion of the allocation of Activity Areas is to be found elsewhere in this recommendation, however for completeness we note that this alignment of the EAR will best support the land use outcomes we have also identified as most appropriate.

- 3.8.40 We have not lost sight of the fact that the proposed locations for the EAR put forward by some of the parties owning land in the proposed Plan Change area were based on negotiated agreements between them, and we surmise that they may have had practical advantages for them in terms of locating the EAR so as to minimise interference with title and ownership boundaries. In our view however, whilst those may be considerations of some merit for the parties concerned, the appropriate allocation of Activity Areas in the District Plan is of greater importance. We record too, that we were not given any reasons based on planning principles or resource management considerations, or indeed otherwise, for the locations promoted by the parties, whether relating to title boundaries or otherwise, apart from a reference by Mr. Green in his Memorandum dated 3rd February to the effect of the agreed location on title boundaries and to there having been an agreement for an exchange of land.
- 3.8.41 The most appropriate resource management outcome based on the strongest technical evidence must prevail in these circumstances.

Other matters

- 3.8.42 We understand that car parking is to be restricted along the EAR. The remainder of streets within the FFSZ(B) area will be provided with on-street parking as appropriate. But in all instances, car parking is preferred on site for all activities.
- 3.8.43 Five Mile Holdings Ltd made a number of submissions calling for changes to the Council's car parking approach. We did not hear any specific evidence on this matter but have read the written submissions received and the Council expert's response to issues raised. We are satisfied that the Council's approach of specifying a car parking standard for activities is generally appropriate, although we are aware that many District Plans still provide an additional consent opportunity for applicants, on a case-by-case basis to apply for alternatives. We accept the Council's proposed trip generation rates, rationale, and assumptions used. We do not agree with Five Mile Holdings Ltd submission that parking assessments prepared at the time of an Outline

Development Plan will be adequately detailed and specific enough to be reliable.

- 3.8.44 NZTA made a number of submissions in respect of funding mechanisms to help address the costs of transport infrastructure. We are satisfied that provision for NZTA to operate its network exists within the Land Transport Management Act. We are not convinced that it is desirable or necessary to provide further mechanisms within a RMA plan, nor were we presented with any specific evidence by NZTA to convince us otherwise.

Recommendations

3.8.45 Shotover Park Ltd [19/18/3] and Remarkables Park Ltd

In their submissions Shotover Park Ltd and Remarkables Park Ltd raise a number of issues concerning the transport provisions:

- QLDC, Shotover Park Ltd and Queenstown Airport Corporation have contractually agreed to realigning the Eastern Access Road (by agreement dated 8/11/2000, Clause 15.12). The proposed structure plan does not follow the realignments;
- the road is sited too far to the west at the intersection with SH6, this will fail to enable a new (and necessary) intersection with the existing Glenda Drive;
- there is no explanation or consideration as to why the carefully considered and professionally engineered road alignments have not been adhered to;
- Activity Areas D and E are not appropriate to front the Eastern Access Road, and these will affect the sense of arrival for all visitors and residents accessing the Remarkables Park Zone through the Frankton Flats Zone;
- the documentation fails to provide any justification for the realignment of Grant Road;
- car parking provisions are inconsistent with other 'similar' zones elsewhere in the District;

- in terms of the Link Road extending from Grant Road to the Eastern Access Road, the Council and Shotover Park Ltd have already realigned this road at its eastern end and vested it with the Council, proposed PC19 does not contain any explanation as to why the road is to be located further to the west nor how this road is proposed to be used;
- proposed PC19 fails to provide justification as to why the alignment for the proposed road bisecting Shotover Park Ltd land and adjacent Activity Area C is necessary.

Further submissions in support have been made by Air New Zealand [19/18/3/1] and Remarkables Park Limited [19/18/3/2].

These submissions should be **rejected** for the reasons stated above and inasmuch as we have resolved the most appropriate location of the EAR on the basis of transport efficiency and safety, and ideal land use Activity Area considerations. The Council is entitled to indicate roads within the substantial FFSZ(B) zone, which is one of the reasons behind having a structure plan rather than simply a zone boundary plan. The further submissions in support made by Air New Zealand and Remarkables Park Limited should also be **rejected** for the same reasons.

3.8.46 Remarkables Park Ltd [19/17/2] and Shotover Park Ltd [19/18/2] submit that if PC19 is not withdrawn, it is revised to ensure that it enables the realignments of the existing Eastern Access Road with a new (proposed) Eastern Arterial Road alignment consistent with the alignment depicted on the map attached to the submission.

This submission is supported by Trojan Holdings Ltd [19/17/2/2], Remarkables Park Ltd [19/18/2/2] and by the Ministry of Education [19/17/2/1]. The submission is opposed by Five Mile Holdings Ltd [19/18/2/1]

These submissions should be **rejected** for the reasons stated above. The further submissions in support should also be **rejected** for the reasons stated

above. The further submission in opposition should be **accepted** for the reasons stated above.

3.8.47 **Brooks Family Trust**

Brooks Family Trust [19/21/3] submits that Policy 5.2 be amended to read: *“to encourage the majority of heavy traffic entering the site to utilise Grant Road instead of Glenda Drive by traffic design measures”*.

This submission is partly supported by Shotover Park Ltd [19/21/3/2] and opposed by the Ministry of Education [19/21/3/1] and New Zealand Transport Agency [19/21/3/3].

This submission should be **accepted in part** for the reasons stated above and inasmuch as Grant Road, Glenda Drive, and the EAR will all have a role to play in accommodating the most efficient movement of vehicles, including freight. In respect of freight, the EAR is intended to be the main route. Glenda Drive is not intended to be a major freight access and we agree with this. The submission in partial support by Shotover Park Ltd should be also **accepted in part** for the reasons stated above. The further submissions in opposition by the Ministry of Education and New Zealand Transport Agency should be **accepted** for the reasons stated above.

3.8.48 Brooks Family Trust [19/21/4] seeks that a new Policy 5.14 be inserted to read: *“to ensure that any future access onto the State Highway from the Frankton Flats Special Zone shall be located in a position that does not compromise the access or egress of, or have any adverse effects on, the adjoining landowners to the north of the State Highway”*.

The submission is supported by Quail Rise Estate Ltd [19/21/4/1] and partially supported by Shotover Park Ltd [19.21.4.2].

This submission should be **accepted in part** for the reasons stated above and inasmuch as the detailed design of the roundabout will manage detail and

future access for landowners. We have no reason to conclude that the NZTA, in its detailed management of authorising access to any party onto the State Highway, will not satisfactorily take into account the needs and preferences of other interested parties. The location recommended is considered appropriate for this access function, and lastly there are limits on what can be imposed in a detailed-design sense on NZTA through this proposed Plan Change. The further submissions in support by Quail Rise Ltd and partial support by Shotover Park Ltd should be also **accepted in part** for the reasons stated above.

- 3.8.49 Brooks Family Trust also submits that Policy 13.6 be amended to read *“To ensure through appropriate network design, that the impact of commercial traffic on other activity areas within the zone and the adjoining landowners to the north of the State Highway are minimised”* [19/21/5].

This is partly supported by Shotover Park Ltd [19/21/5/1].

This submission should be **accepted in part** for the reasons stated above and inasmuch as the location of the EAR has taken into account the landowners to the north of the Highway. Beyond this however, there are limits on what can be imposed in a detailed-design sense on NZTA through this proposed Plan Change. The further submission in partial support by Shotover Park Ltd should be also **accepted in part** for the reasons stated above.

3.8.50 **Five Mile Holdings Ltd**

Five Mile Holdings Ltd [19/23/44] submits that the car parking provisions for industrial activities (Rule 12.19.5.1 (vi) Table 1B) be altered to 1.5 spaces per 100m².

This submission is opposed by Shotover Park Ltd [19/23/44/1].

This submission should be **rejected** for the reasons stated above. The further submission in opposition should be **accepted** for the reasons stated above.

- 3.8.51 Five Mile Holdings Ltd [19/23/13] submits that the word “two” should be removed from Policy 5.2. This relates to a policy whereby “two” accesses into the FFSZ(B) zone would be provided from State Highway 6.

This submission is supported by the Ministry of Education [19/23/13/1]. Shotover Park Ltd [19/23/13/2] oppose the amendment. Transit New Zealand [19/23/13/3] support the change as “two” could be ambiguous as the Grant Road intersection is not directly opposite the proposed PC19 area (suggesting that it may not count as one of the ‘two’ desired accesses) We indeed observe that technically access to the zone could be from Grant Rd (all access) and Glenda Drive (planned for limited, indirect access). This could meet the two-access requirement and unintentionally undermine efforts to establish a third access at the Eastern Access Rd.

The submission should be **accepted in part** for the reasons stated above and inasmuch as it would be clearer to simply state that access to the zone will be via Grant Rd, a new Eastern Access Rd, and in a limited sense via Glenda Drive. The further submissions in support should be **accepted**. The further submission in opposition should be **rejected**.

- 3.8.52 Five Mile Holdings Ltd [19/23/10] submits that Policy 3.1 be struck out.

This submission is supported by Shotover Park Ltd [19/23/10/1].

This submission should be **rejected** for the reasons stated above and inasmuch as we have been satisfied by the evidence calling for attractive, high quality streetscapes and as part of this symmetric land use activity on each side of streets. The policy will be an essential resource consent tool to ensure consistent street interfaces eventuate from individual land use consent applications. The further submission in support should be **rejected** for the same reasons.

- 3.8.53 Five Mile Holdings Ltd [19/23/14] submits that Policy 5.10 be amended to read:
“To provide for suitable and convenient safe and accessible areas for car parking on site off street rather than on street”.

This submission is opposed by Shotover Park Ltd [19/23/14/1] which believes the amendments sought are unwieldy and confusing. It is desirable for parking to be provided within the site for site users.

This submission should be **rejected** for the reasons stated above and inasmuch as we are satisfied that the policy framework and supporting provisions for car parking are clear and sufficient. Further changes such as are proposed will add confusion, and are otherwise unnecessary. The further submission in opposition by Shotover Park should be **accepted** for the same reasons.

- 3.8.54 Five Mile Holdings Ltd [19/23/25] submits that Policy 13.1 is amended and the word “carriageway” is struck out and replaced with the word “corridor”.

This submission is partially supported by Shotover Park Ltd [19/23/25/1].

This submission should be **accepted** for reasons of clarity and interpretation. The further submission in partial support should be **accepted** for the same reasons.

- 3.8.55 Five Mile Holdings Ltd [19/23/26] submits that within Policy 13.6 the word “connecting” should be replaced with the words “able to ultimately connect”.

This policy amendment is opposed by Shotover Park Ltd [19/23/26/1] as it creates uncertainty.

This submission should be **rejected**. We do not agree that the proposed revision adds clarity or is necessary. The existing provisions are sufficient and convey the appropriateness of connectivity at the earliest practical opportunity.

The further submission in opposition should be **accepted** for the same reasons.

- 3.8.56 Five Mile Holdings Ltd [19/23/34] submits that the wording of 12.19.3.3 Limited Discretionary Activities under Clause (vi) be changed from “all effects on the State Highway” to “potential effects on the State Highway”.

This submission is opposed by Shotover Park Ltd [19/23/34/1] and New Zealand Transport Agency [19/23/34/2].

This submission should be **rejected**. We do not agree that the words add any relevant clarity to the provision. The further submissions in opposition should be **accepted** for the same reasons.

- 3.8.57 Five Mile Holdings Ltd [19/23/43] believes that the use of Table 1 (Rule 12.19.5.1) should be sidelined where an acceptable parking assessment is approved as part of the Outline Development Plan process.

This submission is opposed by Shotover Park Ltd [19/23/43/1] and supported by NZTA [19/23/43/2] which believes that traffic generation and parking are relevant information in assessing an Outline Development Plan.

This submission should be **accepted in part** inasmuch as it can be more efficient to allow individual developments to demonstrate specific parking needs as an alternative to a fixed standard. We recommend retention of the standards, with a rule providing land use consent applications for development proposals which have enjoyed a detailed and full design process, to apply for a reduction in required spaces. The further submission in support should be **accepted in part** for the same reasons. The further submission in opposition should be **accepted in part** for the same reasons.

- 3.8.58 Five Mile Holdings Ltd [19/23/46] submits that the ratio of 1.25 spaces per residential unit only apply to dwellings above 143m² per unit. Smaller units should be assessed at a rate of one space per 3 units.

This submission is opposed by Shotover Park Ltd [19/23/46/1].

This submission should be **rejected** for the reasons above and inasmuch as we are satisfied that the ratio proposed by the Council will be appropriate, subject to a land use consent application being made possible for alternatives such as that sought by the submitter. The further submission in opposition should be **accepted** for the same reasons.

- 3.8.59 Five Mile Holdings Ltd [19/23/61] submits that clause (b) and (c) under point 15 be deleted (these relate to traffic management plans).

This is opposed by Shotover Park Ltd [19/23/61/1].

This submission should be **rejected** for the reasons above and inasmuch as the proposed traffic management plans will be an essential tool in advancing coordinated, integrated planning. They will also be complimentary, almost a pre-requisite, for later land use consent applications for individual uses to vary a parking requirement. The further submission in opposition should be **accepted**.

- 3.8.60 Five Mile Holdings Ltd [19/23/62] submits that the words “with no on street parking” under clause (h) of Item 15 – Assessment Matters be deleted.

Shotover Park Ltd [19/23/62/1] submits that car parking and requirements are required.

This submission should be **rejected** for the reasons above and inasmuch as we have been satisfied that the design of the Eastern Access Rd should not include on-street car parking. We have been furthermore satisfied that the land uses proposed to be located along this road are types which will not operationally benefit from on-street parking. The further submission in opposition should be **accepted** for the same reasons.

3.8.61 Five Mile Holdings Ltd [19/23/63] notes that Table 1B on page 35 of the proposed Plan Change is not consistent with Table 1B on page 22. It supports the provision of car parking standards as a Site Standard so that applications have the status of a Discretionary (restricted) Activity.

Shotover Park Ltd [19/23/63] submits that it is appropriate that car parking requirements are included, as they are appropriate and desirable.

On examination the tables differ in the requirements for 'Visitor Accommodation', and 'All Other Retail Outlets and Other Commercial Activities'. We agree that there must only be one clear set of requirements within the District Plan. This was put to the officers who reported back to us at the reconvened hearing with reconciled recommendations. We accept those recommendations, including that the standards should be a Site Standard. This submission should therefore be **accepted**. The further submission in opposition should be **rejected** for the same reasons.

Cath Gilmore

Cath Gilmore [19/26/9] and John Hilhorst [19/27/7] submit that there should be safe access/egress to State Highway 6.

Shotover Park Ltd, [19/26/9/1] and [19/27/7/1], makes further submissions, although it is not clear if they support or oppose the original submission. The submissions are supported by New Zealand Transport Agency [19/26/9/2] and [19/27/7/2].

This submission should be **accepted** inasmuch as safe access/egress to State Highway 6 will be a necessary outcome of development in the FFSZ(B) zone. The provisions we recommend, as well as NZTA's own statutory requirements, will ensure that this occurs. The further submission from New Zealand Transport Agency should also be **accepted** for the same reasons. The further submission from Shotover Park Ltd should be **rejected** for the avoidance of doubt.

3.8.63 Cath Gilmore [19/26/12] and John Hilhorst [19/27/9] submit that the Council needs to ensure that arterial roads through the Industrial Zone are landscaped as are other routes.

Shotover Park Ltd, [19/26/12/2] and [19/27/9/1], makes further submissions; it is not clear if they are in support or in opposition to the original submission. Air New Zealand Ltd [19/26/12/1] supports the submission.

This submission should be **accepted in part** inasmuch as landscaping on these routes is supported, but it may not be appropriate that they be landscaped to look like other routes; the differentiation of different roads on a hierarchy through landscaping is an important element of user legibility, and wider amenity, we were told. The further submission from Air New Zealand should be **accepted in part** for the same reasons. The further submission from Shotover Park Ltd should be **rejected** for the avoidance of doubt.

3.8.64 **Quail Rise Estate Ltd**

Quail Rise Estate Ltd [19/37/5] requests that provision is made to access the Zone on the northern side of the State Highway from one or more of the roundabouts being considered to access development on the southern side of the State Highway. This may require an amendment to the Activity Area A provisions for this to occur as a Permitted Activity.

This submission is supported by Shotover Park Ltd [19/37/5/1], the Thompson's [19/37/5/2] and New Zealand Transport Agency [19/37/5/3].

This submission should be **accepted in part** inasmuch as the recommended location of the EAR and its design as a roundabout will allow for future northern access until such time as this land is further urbanised. The further submissions in support should be **accepted in part** for the same reasons.

3.8.65 **New Zealand Transport Agency**

New Zealand Transport Agency [19/41/1] requests the retention of the provisions relating to the State Highway in proposed PC19 as outlined in the following sections: 12.19.1 (Resources and Values), 12.19.2(ii) (Resource Management Issues – Sustainable Development and Explanation). In particular, New Zealand Transport Agency supports the structure plan concept and the explanation; however later in its submission New Zealand Transport Agency seeks to amend the location of some arterial roads to reflect on-going negotiations with other parties including QLDC. In particular, New Zealand Transport Agency supports the first bullet point (ready access to public transportation). 12.19.2(iv) (Resource Management Issues: Integrating Land Use with Transportation). 12.19.2(v) (Resource Management Issues: Transport Networks and Explanation).

This submission is opposed by Manapouri Beech Investments Ltd [19/41/1/1], opposed by Plethora Investments Ltd [19/41/1/2], opposed by Remarkables Park Ltd [19/41/1/3], opposed by Shotover Park Ltd [19/41/1/4].

These submissions should be **accepted in part** inasmuch as the notified structure plan and provisions could better reflect the location of the EAR and matters relating to Highway access points. However substantively we agree with the proposed policy framework and its implications on the State Highway network. The further submissions in opposition should be also **accepted in part** for the same reasons.

3.8.66 New Zealand Transport Agency [19/41/2] supports the retention of the following Objectives and Policies:

- Objective 2 (Outline Development Plan process) and in particular, Policies 2.1 (Structure Plan and reverse sensitivity), 2.9 (buffer and setbacks) and 2.10 (commercial signage);
- Objective 3 (Connection to the surrounding community) and in particular Policies 3.2 (open space development), 3.3 (supporting pedestrian activity), 3.4 (movement network), 3.5 (cycle and pedestrian routes), and

the Explanation and Principal Reasons (transportation, land use and public transport integration);

- Objective 5 (Infrastructure, including efficient connection of streets) and in particular Policies 5.2 (connections to the State Highway in two places agreed with New Zealand Transport Agency), 5.5 (effective connection), 5.9 (transport node/terminal) and 5.12 (network of streets) and the Explanation and Principal Reasons. New Zealand Transport Agency submits that it is critical for the sustainability of the road network that growth is accommodated by public transport on the overall road network;
- Objective 7 (Activity Area B) and its Policies;
- Objective 8 (Activity Area C) and Policy 8.11 (additional levels of insulation to avoid the adverse effects of noise generated from the State Highway);
- Policies 12.3 (better public transport), 12.6 (park and ride facilities) and 12.8 (influencing travel behaviour).

This submission is opposed by Remarkables Park Ltd [19/41/2/1] and by Shotover Park Ltd [19/41/2/2].

These submissions should be **accepted in part** inasmuch as subject to suitable corrections and clarifications to these provisions which do not change their substantive intent, they should be retained. However in respect of Policy 5.2 (two connections to the state highway), Objective 2 (Outline Development Plans), and Objective 7 (Activity Area B), we disagree. Policy 5.2, as previously discussed, should be modified to delete the word “two”, given that in one interpretation there could ultimately be an expectation for four connections into the zone (i.e. if both Grant Rd and Glenda Drive (left in only) were discounted). In respect of the Outline Development Plan process, we recommend changing this to only apply in Activity Areas C1, C2, and E2. We do not support the retention of Activity Area B, hence those provisions should be deleted. The further submissions in opposition should be **rejected** for the same reasons.

3.8.67 New Zealand Transport Agency [19/41/3] supports the retention of the following Environmental Results Anticipated:

- 12.19.4(v) (reverse sensitivity);
- 12.19.4(vii) (travel options);
- 12.19.4(ix) (transport nodes).

This submission is opposed by Remarkables Park Ltd [19/41/3/1] and by Shotover Park Ltd [19/41/3/2].

These submissions should be **accepted in part** for the reasons stated above and inasmuch as these outcomes are entirely consistent with the intent of the plan change. The further submissions in opposition should be **rejected** for the same reasons.

3.8.68 New Zealand Transport Agency [19/41/4] supports the following Zone Purpose and Rules:

- 12.19.1 (Zone Purpose) in particular regarding developments being designed and located to recognise important physical resources including the State Highway.
- Rule 12.19.3.3(i) (Limited Discretionary Activities – Activity Area OS) in particular parts (d) (integration), (e) (public access), (f) (State Highway shading and glare) and 9g) (sight lines and signs).
- Rule 12.19.3.3(ii) (Limited Discretionary Activities – Outline Development Plan) in particular parts (e) (pedestrian and cycle links) and (l) (public transport).
- Rule 12.19.3.3(vi) (Limited Discretionary Activities – Connections with State Highway) in whole.

This submission is opposed by Remarkables Park Ltd [19/41/4/1] and by Shotover Park Ltd [19/41/4/2].

These submissions should be **accepted in part** inasmuch as subject to suitable corrections and clarifications to these provisions which do not change their substantive intent, they should be retained. However in respect of Rule

12.19.3.3(ii) (correctly re-numbered as 12.21.3.3(iii), we recommend that the ODP process should only apply in Activity Areas C1, C2, and E2. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.69 New Zealand Transport Agency [19/41/6], requests that Site Standards retain the following: Site Standard 12.19.5.1(vi) (1) (c) (Site Standards – Earthworks – construction traffic management plan). Site Standard 12.19.5.1(viii) (Site Standards – Car parking). New Zealand Transport Agency is supportive of this Site Standard in the interests of maintaining the functionality of the State Highway, for example by the provision of adequate parking, park and ride facilities, and avoiding parking on the State Highway.

This submission is opposed by Remarkables Park Ltd [19/41/6/1] and by Shotover Park Ltd [19/41/6/2].

These submissions should be **accepted** inasmuch as subject to suitable corrections and clarifications to these provisions which do not change their substantive intent, they should be retained. We heard no evidence to support their removal from the proposed provisions and we agree they will help give effect to the objectives of the Plan Change. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.70 New Zealand Transport Agency [19/41/7] requests Zone Standard 12.19.5.2(vii) (d) (Noise – Acoustic insulation, including from noise generated by the State Highway) provide consistency between this Rule and the provisions of Plan Change 26 (Riverside Stage 6).

This submission is opposed by Remarkables Park Ltd [19/41/7/1] and by Shotover Park Ltd [19/41/7/2].

These submissions should be **rejected** inasmuch as we have been satisfied that in this environment and context, and in light of the particular activities and outcomes anticipated within the FFSZ(B) zone, that the provisions put forward to most appropriately manage them are suitable. We were given no evidence

on why this relief would be appropriate to promote sustainable management. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.71 New Zealand Transport Agency [19/41/8] requests that Zone Standard 12.19.5.2(viii) (a) be consistent with New Zealand Transport Agency's own noise standard which is more stringent than that proposed in PC19. In regard to this matter consideration should be given to New Zealand Transport Agency's own noise and vibration standards. NZTA also notes that Table 2 requires construction to remedy noise. There is an assumption that the Table 2 remedy will also remedy aircraft noise. NZTA believes it would be prudent to confirm this from an appropriately qualified person.

This submission is opposed by Remarkables Park Ltd [19/41/8/1] and by Shotover Park Ltd [19/41/8/2].

This submission should be **rejected** inasmuch as on the evidence we have received and considered, we are satisfied that the provisions proposed by the Council are most appropriate. We agree that certification of every building erected within the zone should be obtained in respect of compliance with Table 2. However we consider this can be most effectively provided by specifying those requirements at the Building Consent process under the Building Act as part of each building consent.

- 3.8.72 New Zealand Transport Agency [19/41/9], requests that Zone Standards retain the following: Zone Standard 12.19.5.2(x) (Lighting and glare). Zone Standard 12.19.5.2(xvi) (Arterial roads).

This submission is opposed by Remarkables Park Ltd [19/41/9/1], opposed by Shotover Park Ltd [19/41/9/2].

These submissions should be **accepted** inasmuch as subject to suitable corrections and clarifications to these provisions which do not change their

substantive intent, they should be retained. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.73 New Zealand Transport Agency [19/41/10], requests that Resource Consent Matters retain the following: resource consent assessment matter (g) (Transport networks). Resource consent assessment matter (h) (Pedestrian and cycle accessways). Resource consent assessment matter (j) (9) (Earthworks and conservation – ensuring the indoor design sound level specified in the relevant Zone Standard is met). Resource consent assessment matter (j) (15) (Earthworks and conservation – Transportation) in whole.

This submission is opposed by Remarkables Park Ltd [19/41/10/1], opposed by Shotover Park Ltd [19/41/10/2].

These submissions should be **accepted in part** inasmuch as subject to suitable corrections and clarifications to these provisions which do not change their substantive intent, they should be retained. We agree that they are appropriate provisions to give effect to the Objectives and thus to the promotion of sustainable management. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.74 New Zealand Transport Agency [19/41/11], requests that Objective 12 is amended to read as follows: *“Objective 12. To enable comprehensive mixed use development within the Zone while providing for travel demand management”*.

This submission is opposed by Remarkables Park Ltd [19/41/11/1] and by Shotover Park Ltd [19/41/11/2].

These submissions should be **accepted** inasmuch as the wording of this Objective could be improved to better reflect what is actually intended and how sustainable management will be promoted. It will be through travel demand management and sound planning rather than on restricting single-occupant

vehicles from using the road network. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.75 New Zealand Transport Agency [19/41/12], requests that the third bullet point of Rule 12.19.3.2(ii) reads as follows: *“Traffic generation, vehicle access and direct and indirect effects on the State Highway network”*.

This submission is opposed by Remarkables Park Ltd [19/41/12/1] and by Shotover Park Ltd [19/41/12/2].

This submission should be **rejected** inasmuch as it is onerous and unnecessary to require each incremental activity to be assessed against its impacts on the state highway network. This will in each case be on the basis of trip generation and cumulative congestion / queuing given the restrictions on direct Highway access elsewhere discussed in our recommendation and reflected in our revised District Plan provisions. This is not a sound way to coordinate the integrated management of strategic infrastructure. We have concluded that the most appropriate scale at which to consider Highway effects is at the larger structure plan and Activity Area scales, which has occurred and the results of which we are satisfied with. It is not necessary or productive resource management practice to repeat this analysis over and over at the micro-level. The further submissions in opposition should be **accepted** for the same reasons.

- 3.8.76 New Zealand Transport Agency [19/41/13], requests that changes be made to Policy 13.9 and add a Rule regarding financial contributions as outlined elsewhere in submission.

This submission is opposed by Remarkables Park Ltd [19/41/13/1], Shotover Park Ltd [19/41/13/2] and by Trojan Holdings Ltd [19/41/13/3].

This submission should be **rejected** inasmuch as we heard no evidence to support, and otherwise do not support based on the evidence we did hear, the introduction of financial contributions into the plan change for the purpose of

helping NZTA fund the maintenance and operation of State Highway 6 or its adjacent network. The further submissions in opposition should be **accepted** for the same reasons.

- 3.8.77 New Zealand Transport Agency [19/41/14], requests that Zone Standard 12.19.5.2(i) (Structure Plan) – that the Structure Plan in its finalised form shall be attached to proposed Plan Change 19 as a replacement Figure 1.

This submission is opposed by Jacks Point Ltd [19/41/14/1], opposed by Remarkables Park Ltd [19/41/14/2], opposed by Shotover Park Ltd [19/41/14/3].

These submissions should be **accepted** inasmuch as the revised structure plan we propose should replace the notified version, and be appended to the revised provisions for proposed Plan Change 19. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.78 New Zealand Transport Agency [19/41/15], requests that Subdivision Rules clarify whether Zone Standard (xv) under 15.2.6.3 Zone Subdivision Standards (page 37 of the Change) was in fact intended as a Zone Standard in 12.9 and if so amend accordingly.

This submission is opposed by Remarkables Park Ltd [19/41/15/1], opposed by Shotover Park Ltd [19/41/15/2].

These submissions should be **accepted** inasmuch as it would benefit the clarity of the District Plan if this requirement were included within the Zone Standards relating to the structure plan. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.79 New Zealand Transport Agency [19/41/16]; requests that Zone Standard 12.19.5.2(xvii) be amended as follows: *“No activity in any Activity Area shall have direct access to the State Highway”*.

This submission is opposed by Remarkables Park Ltd [19/41/16/1], and opposed by Shotover Park Ltd [19/41/16/2].

This submission should be **accepted in part** inasmuch as it clearly articulates the expectation of new development within the zone. However, the existing garden centre operation on land owned by Manapouri Beech Investments Ltd will continue to use its lawful highway access. The further submissions should be **rejected** for the same reasons.

- 3.8.80 New Zealand Transport Agency [19/41/17], requests that a new rule be added requiring consent holders to undertake their developments in accordance with an approved Outline Development Plan, or as varied in agreement with affected parties.

This submission is opposed by Remarkables Park Ltd [19/41/17/1], and by Shotover Park Ltd [19/41/17/2].

These submissions should be **accepted in part** inasmuch as development should proceed in accordance with an approved Outline Development Plan or the tool becomes redundant. However we do not agree, nor were we given any evidence to support, the suggestion that private agreements by affected parties to vary approved ODPs are appropriate nor lawful. Changes to an ODP, as it is a type of resource consent, can be managed by the appropriate provisions for such within the RMA, or if necessary by a new ODP consent being applied for. The further submissions in opposition should be **accepted in part** for the same reasons.

- 3.8.81 New Zealand Transport Agency [19/41/18], requests that Objective 13, Policy 13.9 and Explanation and Principal Reasons – the retention of Policy 13.9 and that the following phrase be added to the Explanation and Principal Reasons: *“It is important to provide for the making of financial contributions to works on State Highways which are required as a result of proposed developments”*.

This submission is opposed by Remarkables Park Ltd [19/41/18/1], and opposed by Shotover Park Ltd [19/41/18/2].

This submission should be **rejected** inasmuch as NZTA gave us no evidence on why the collecting of financial contributions under the RMA was important either to give effect to the proposed Objectives, the purpose of the RMA, or for the general operation of the Highway given other tools and resources available to NZTA to maintain and operate its network, The further submissions in opposition should be **accepted** for the same reasons.

- 3.8.82 New Zealand Transport Agency [19/41/19], requests that Policy 13.3 be amended as follows: *“To require that safe and effective connections to the site from the State Highway are in place prior to a development becoming operational within the Zone”*.

This submission is opposed by Remarkables Park Ltd [19/41/19/1], opposed by Shotover Park Ltd [19/41/19/2].

This submission should be **rejected** inasmuch as access via Grant Rd and Glenda Dr is possible and should not affect the appropriate operation of the Highway until development within the zone is well advanced. All of the evidence given to us points to this being at least 10 if not 15 years away. Ultimately the provision of the EAR will be a matter led by NZTA and the Council, and it will be upon them to obtain the necessary designations and undertake works in a timeframe that is appropriate to the development of the zone. We see a prohibition on development until the EAR is in place to be inefficient, ineffective, and an unnecessary, significant burden on landowners. The further submissions in opposition should be **accepted** for the same reasons.

- 3.8.83 New Zealand Transport Agency [19/41/20], requests that Policy 13.9 be amended to read as follows: *“To secure appropriate contributions for the upgrade of infrastructure required as a result of development, including but not limited to contributions for the upgrading of State Highways 6 and 6A”*.

This submission is opposed by Remarkables Park Ltd [19/41/20/1], opposed by Shotover Park Ltd [19/41/20/2].

This submission should be **rejected** inasmuch as NZTA has failed to provide evidence why this approach is the most appropriate to achieve the purpose of the objectives, or to otherwise promote sustainable management. We also understand that in the Land Transport Management Act 2003 NZTA is given means to fund and operate its State Highway network, and have not been convinced that using the RMA 1991 to give it another means is entirely appropriate. The further submissions in opposition should be **accepted** for the same reasons.

- 3.8.84 New Zealand Transport Agency [19/41/21] requests the insertion of a new rule to 12.19.5.2(xix) Upgrading of Public roads to read as follows:

“Where the effects of a subdivision or development potentially adversely affect public roads, financial contributions taken may be used to upgrade those roads.

- a. *Circumstances when financial contributions may be taken. Council may require the payment of a financial contribution in those circumstances where subdivision or land use activities proposed result in a requirement to upgrade existing vehicular or pedestrian routes. Contributions shall be determined, paid and used in accordance with the provisions of this section.*
- b. *Determination of the maximum amount of financial contribution. Every financial contribution for traffic and pedestrian routes shall be determined as follows:*

$$\frac{b}{a+b} \times c + \text{GST}$$

Where:

(a) = the volume of vehicular traffic currently using routes that will require construction or upgrading as a consequence of the subdivision or development.

(b) = the volume of vehicular traffic directly attributable to the subdivision or development.

(c) = the cost of construction or upgrading of traffic and pedestrian routes as a consequence of the subdivision or development.

All inputs in the calculation of a financial contribution under this rule shall be exclusive of Goods and Services Tax (GST). All financial contributions are subject to GST under the Goods and Services Tax Act 1985.

c. Timing of calculation and payment

A financial contribution under this rule shall be calculated, either at the time of:

- (i) subdivision, in which case a financial contribution calculated under this section shall be paid prior to council issuing any Certificates under either section 223 or 224 of the RMA; or*
- (ii) resource consent, in which case a financial contribution calculated under this section shall be paid as a condition of that consent and prior to the activity commencing; or*
- (iii) building consent, in which case a financial contribution calculated under this section shall be paid prior to the issuing of any building permit.*

d. Purposes for which financial contributions will be used.

- (i) Any financial contributions taken under this rule shall be used for the purpose of constructing or upgrading traffic or pedestrian routes under the control of New Zealand Transport Agency that are affected by the subdivision or development.*
- (ii) Council may, at its discretion, use such financial contributions to; construct new roads and footpaths; or upgrade existing roads and footpaths, including widening and sealing or intersection improvements”.*

This submission is opposed by Remarkables Park Ltd [19/41/21/1], and by Shotover Park Ltd [19/41/21/2].

This submission should be **rejected**. We understand that the Council has made a policy decision under the Local Government Act on the use of Development Contributions and Financial Contributions. We hold the view that giving effect to this submission through this Plan Change may undermine what is intended to be a Council-made policy decision and that therefore this plan change may not be the appropriate forum for it to be considered. Ultimately however NZTA gave us no evidence on why this relief would be the most appropriate way of giving effect to the objectives, or how it would otherwise be desirable to promote sustainable management. The further submissions in opposition should be **accepted** for the same reasons.

3.8.85 New Zealand Transport Agency [19/41/22], requests that the Council take note of and make corrections to the following technical errors:

- proposed PC19 refers to Rule 12.7 instead of Rule 12.9 in a number of places, e.g. the definition of Permitted Activity Rules in 12.19.3.1;
- the numbering and layout of 12.19.3.3 (Limited Discretionary Activities) appears to be incorrect. Points (i) and (ii) are set out under bold titles; however the other sections are not bolded, and provide for separate activities which do not appear to follow from (ii).
- Outline Development Plan – presumably the non-bolded (ii) at the bottom of the left-hand side of page 16 is supposed to be (iii);
- The default Limited Discretionary and Discretionary default Rules, contained in 12.19.3.3(viii) and 12.19.3.4(i) respectively, appear to cover the same ground.

This submission is opposed by Remarkables Park Ltd [19/41/22/1] and by Shotover Park Ltd [19/41/22/2].

These submissions should be **accepted in part** inasmuch as suitable corrections and clarifications to the provisions are required including but not

limited to the matters identified within the submission. The further submissions in opposition should be **rejected** for the same reasons.

- 3.8.86 New Zealand Transport Agency [19/41/23] requests that a new Policy (Travel Demand Management) is added under Objective 12 as follows: *“Policy 12.x To provide for restraint on single occupancy private car use”*.

This submission is opposed by Remarkables Park Ltd [19/41/23/1] and by Shotover Park Ltd [19/41/23/2].

This submission should be **rejected** inasmuch as while this Plan Change looks to improve travel efficiencies including the reduction of avoidable vehicle use, we have been given no evidence that supports or in particular explains how to deliver a means whereby when users do use a vehicle they can be restrained from travelling alone. The further submissions in opposition should be **accepted** for the same reasons.

3.8.87 **Queenstown Airport Corporation**

Queenstown Airport Corporation [19/38/14], requests that 12.19.5.1viii be deleted and replaced with: *“Car parking – Industrial Activity Area E, 1 per 25m² areas used for manufacturing, fabricating, processing, or packing goods plus 1 per 100m² storage space”*.

This submission is supported by Air New Zealand Ltd [19/38/14/1] and partially supported by Shotover Park Ltd [19/38/14/2].

This submission should be **rejected** inasmuch as the submitter gave us no evidence on which to set aside that put forward by the Council. We have been satisfied that the Council's approach to parking is robust and appropriate. The submissions in support should be **rejected** for the same reasons.

3.9 Activity Area Specific Controls

Issue

- 3.9.1 Many submissions related to the specific nature of individual Activity Areas proposed within the FFSZ(B). There is a degree of overlap with other sections in this recommendation relating to overall land uses provided for, and the specific configuration of Activity Areas on the structure plan.

Discussion & Reasons for Recommendations

Activity Area A

- 3.9.2 We are satisfied that there was common ground on the need for Activity Area A as an open space buffer between development and the State Highway. While some parties called for a larger setback (not necessarily an expansion of Activity Area A), no party called for a reduced setback.
- 3.9.3 Activity Area A has been almost fully implemented and for that reason Rules within the proposed Plan Change that prevent any development from occurring within the FFSZ(B) until it has been landscaped seem unnecessary. This is especially so, given that this landscaping will do little to soften the effects of development, say, of industrial activities next to the Airport. These will be in some places over 600m or more away. However we agree that ongoing requirements for landscaping are necessary to ensure it is maintained over time.
- 3.9.4 As noted earlier in this decision, we do not agree that Activity Area A is an appropriate response in respect of the Manapouri Beech site, or the narrow area of land between that site and Glenda Drive.
- 3.9.5 In respect of Activity Area C, as will be discussed in the next section, we have determined that a road along the boundary with Activity Area A will be an important tool to ensure its potential amenity and public access (avoiding unnecessary access from the Highway) is fully integrated into this zone rather than it perhaps mostly serving as a rather costly visual amenity for the Highway.

Activity Area B

- 3.9.6 The purpose of Activity Area B was to provide a low intensity development area. This would form something of a transition area between the open space of Activity Area A and the higher intensity development within Activity Area C. At the commencement of the hearings the Council's officers provided us with a new structure plan. This plan deleted Activity Area B, with the officers agreeing with a Five Mile Holdings Ltd submission that it was unnecessary.
- 3.9.7 Other participants did not agree. Activity Area B would also contribute to the landscape connection between the Highway and views to the Remarkables. The Policies also identify a role for this Activity Area in contributing to the gateway experience into Queenstown.
- 3.9.8 We agree with these principles within the 50m – 100m area from the Highway. No evidence was received suggesting that these are not important things to achieve. The question is whether the limited development area proposed by the Council is the most appropriate way of achieving the Objectives.
- 3.9.9 We are mindful of, and have discussed, the resource management issues facing this site, as well as our view of the overall appropriate landscape response that should be provided for based on an even perspective of all factors. We have also looked beyond the Objectives and Policies to the detailed Methods. These provide for a level of development that we do not agree is most appropriate to meet the Objectives and Policies. Of note:
- a. Rule 12.19.3.6 Table 1: It would be a Controlled Activity to undertake residential activities, commercial (greater than 500m² GFA) activities, or premises for the consumption of alcohol. Many additional activities are provided for as Limited Discretionary Activities. There are differences between this Activity Area and Activity Area C, but they are not especially dissimilar.
 - b. Building height as a Site Standard is 6m (Rule 12.19.5.1(a)). But as a Discretionary Activity Zone Standard this is 8m. The specific wording of

that Rule also allows (Rule 12.19.5.2(iv)(a)) 25% of each building to exceed 8m to an unspecified (we thus take it to be unlimited) height. Referring back to Rule 12.19.5.1(b), it is then noted that no building within 150m of the State Highway shall exceed 10m, which would therefore become the cap for the 25% of each building applied for. Interestingly to us, it is a Discretionary Activity for 75% of each building to exceed 6m in height but be less than 8m in height, but presumably a Controlled Activity for 25% of each building to be 10m in height, at 50m from the State Highway.

- c. Rule 12.19.5.1(iii)(c) confirms a 15% building coverage within the Activity Area. This can be extended as a Discretionary Activity to 20% in Rule 12.19.5.2(v). But it would be simplistic to thus expect that along the Highway frontage at least 80% of that length will be free of buildings. To maximise solar access, for example, buildings could orient longwise in a roughly east-west manner whereby while 15 – 20% building coverage was achieved this would be through open space areas at the front or back of a site rather than along the side of sites and between buildings. This could result in buildings that extend across most of a site's width. Thus alone it may be an ineffectual rule to control the horizontal extent of buildings as seen from the Highway.

3.9.10 Considering the evidence, we have concluded that the outcome sought does not require an Activity Area, but simply a proximity-based overlay of controls. We find the most appropriate way to achieve the Objectives of the proposed Plan Change as a whole would be to incorporate Activity Area B into Activity Area C. The management of building mass along the Highway frontage can be more effectively managed through the application of specific distance or setback-related Rules rather than a separate Activity Area.

Activity Area C

3.9.11 The Objectives state that Activity Area C is to be a village centre. The Policies reinforce this through calling for specific development configurations including a “mainstreet village environment” (8.5); and “active street frontages” (8.6). It is

clear that large format retail is anticipated, although this is not seen as the predominant use of the Activity Area.

- 3.9.12 The Council officers agreed with submissions in opposition to the notified Activity Area C that the specific Rules could enable land use outcomes not intended.
- 3.9.13 We asked throughout the hearing if the “village” character could be explained to us but no clear answer emerged. Mr Rae, on behalf of Remarkables Park Ltd and Shotover Park Ltd, told us that there really was no such thing as a ‘village’ in New Zealand. However taking all of the evidence and opinions given to us, we have taken a “village” in the context of this proposed Plan Change to mean a development whose primary retail activities are configured in a relatively compact area along a clear ‘mainstreet’, and which is primarily (but not exclusively) intended to serve a local catchment. Some large format-type retailing forming the role of ‘anchors’ to help draw additional catchment necessary to support smaller—scale and boutique type retailing and business activities would be appropriate as part of this.
- 3.9.14 This is an important distinction with which to separate consideration of what could otherwise become semantics between other town centres within the District which, such as the proposed RPPPC, would serve a non-local catchment much larger than its local one. Once this had been clearly established, the submissions against development of Activity Area C on the grounds of it becoming a competing town centre became quite less problematic.
- 3.9.15 The Council officers, in response, proposed to us a third iteration of the notified structure plan, this time dividing Activity Area C into two areas so as to clearly define and confine the ‘village centre’. This seems to us far more appropriate than the original approach. It seemed to satisfy several of the submissions in opposition to Activity Area C, but was objected to by Five Mile Holdings Ltd (in receivership) as being overly restrictive. Mr Goldsmith, on behalf of that submitter (in receivership), explained to us that the village centre could locate

in many other configurations than the one identified by the Council's officers. With respect to Mr Goldsmith, we do not agree. In Activity Area C (as a whole) the existence of the FFSZ(A) zone, the intended configuration of the EAR and its access arrangements, and the convenience of the Grant Rd access together make it clear that the only logical location of a village centre within the FFSZ(B) zone is in the approximate location identified by the Council's officers.

- 3.9.16 The balance of Activity Area C would include mixed uses including residential, commercial, visitor accommodation, and similar activities.
- 3.9.17 We are convinced that Activity Area C is appropriate. The supporting controls recommended to us over ground floor treatments, allowance for these to be raised above street level, and overall design quality are in our view robust.
- 3.9.18 We agree that Activity Area C, with suitable revisions including a more defined village centre area, will be appropriate. Critically, a considerable area of dense, residential and other activity will be required within the FFSZ(B) area if it is to meet its fundamental objectives. We therefore recommend Activity Areas C1 and C2, as will be seen on the accompanying structure plan. There was a suggestion that an Activity Area C3 (see Activity Area E) would be appropriate for live/work units and other residential activity fronting the Eastern Access Road. We disagree with this suggestion from the Council's experts; we prefer that such units locate in a cluster around the mixed use village core. It is unlikely that these will be compatible with the intensity of traffic along the EAR, and we prefer that its exposure value is given to those land uses which can invest in a high quality building response such as premier showrooms and prestige commercial / light industrial premises.

Activity Area D

- 3.9.19 Activity Area D is intended to be an industrial and yard-based area. It provides for large sites and has specific controls in place to prevent higher intensity employment uses establishing. Opportunities to accommodate higher intensity employment with greater land utility can be a key source of land price increases, and we agree that the constraints affecting Queenstown as a whole

make the active safeguarding of land suitable for larger, often noisier, and sometimes less picturesque activities a primary resource management concern.

3.9.20 We heard from many parties on this Activity Area. There seemed common ground (aside from Ms Hampson) that some form of employment activity was appropriate. While many witnesses described a desire for industrial activities consistent with the Council's proposal, these were however often for activities quite different from those sought by the Council.

3.9.21 As typified by Mr Castiglione for Trojan holdings Ltd, several submitters sought a much finer grain type of mixed business outcomes. He referred us to the existing pattern of development that had occurred at Glenda Drive as the model he would prefer for Activity Area D. Indeed the submission of Trojan Holdings was to combine Activity Areas D and E and enable them with the controls of the existing General Industrial Zone of the District Plan, which applies to the Glenda Drive Estate.

3.9.22 That pattern of land use, which we visited, includes a range of large industrial sites. But it also includes on balance a majority of small and multi tenant light commercial, office, retail and indeed permanent accommodation uses. With respect to the General Industrial Zone that applies to the Glenda Drive land the outcome strikes us as more akin to general business and commercial. We consider much of the development fits the kind of activity described to us by others as belonging more naturally within, and in proximity to, town centres. We asked questions to this end and we accept the evidence from Council officers that the outcomes developed on Glenda Drive are perhaps not what was ideally hoped for. We are particularly focussed on whether residential uses could establish within the Activity Area, which we do not agree with for several reasons.

3.9.23 We accept that part of the Council's desire to zone new industrial land in Activity Area D is to at least partially replace the industrial land it has lost in the Glenda Drive developments to date. We also conclude that it would not be

appropriate to allow for similar outcomes to eventuate here on what is clearly being shaped by the Council to be a long-term home for some of Queenstown's largest, land intensive, less clean employment activities.

- 3.9.24 On that matter, other submissions and expert evidence from some discussed the appropriateness of these industrial activities in proximity to the Airport and the arrival of visitors. As we will discuss in the next section, we are satisfied that the overall scale, context, and mitigation available through tools such as landscaping and site layout controls, will not compromise the overall arrival experience to Queenstown by air.
- 3.9.25 We have considered the development controls for Activity Area D in detail. We are primarily concerned that while a satisfactory quality of built environment is required for several reasons, the level of mitigation required should not be so much that it compromises the fundamental ability of the Activity Area to provide affordable, attractive industrial sites. Were that to not eventuate, it may justify a re-think about the overall suitability of the location for these activities. We agree with the evidence that there is no practical need for an Outline Development Plan requirement in this Activity Area subject to clear subdivision requirements. We have also looked carefully at the specific management of outdoor storage activities and manufacturing, as this has been raised in some submissions. We consider that outdoor storage is an appropriate activity associated with industrial activities and should be provided for within this Activity Area.
- 3.9.26 There was relatively little evidence given to us on the detailed provisions. It was suggested to us that the cumulative requirements for landscaping, car parking location and quantity, design and street frontage concessions, and building setbacks may create viability problems. However we received no evidence that they would be insurmountable.
- 3.9.27 There is also logic to controlling site size and activity type within this Activity Area. This is the main interface of the zone with the Airport and where most nuisance will occur (particularly within the OCB). Keeping employment density

down in this area will also reduce the level of conflict and nuisance that is experienced by site users.

- 3.9.28 Overall we agree that the Activity Area should be focussed on providing large industrial settings. There are several overlapping and mutually reinforcing reasons why this is the most appropriate outcome for this area. The development controls proposed by the Council officers at the reconvened hearing, subject to minor revision and clarification, are appropriate.

Activity Area E

- 3.9.29 This final Activity Area is intended to be a light industrial, mixed business area providing for outcomes including some similar to those that have been developed in the Glenda Drive Estate. The proposed Policies look for trade services and light industry to be the predominant land use in this area. But it will also provide for bulky goods retailing, show rooms, and business service activities. As with Activity Area D, we are satisfied that outdoor storage of goods is appropriately consistent with this and should be provided for.
- 3.9.30 It strikes us as being logical to locate 'like with like' here given that the area directly adjoins and can expand the existing Glenda Drive area.
- 3.9.31 One exception relates to the land and activities that will face the EAR. This in our view requires a more specific package of methods beyond those of a general business area. This was common ground by the conclusion of the hearings.
- 3.9.32 The development controls proposed provide for a wide range of activities to locate within this Activity Area. We recommend that specific sub-areas be established within Activity Area E namely, E1 and E2, with provisions that will encourage the highest quality and value uses to locate in the EAR corridor and help establish it as a street fronted by high quality business. We also agree with the evidence given to us that there is no need for the Outline Development Plan process in this Activity Area subject to clear subdivision requirements.

3.9.33 Overall we are convinced that Activity Area E and the land uses (and controls) it provides for, subject to the refinements identified above, will be the most appropriate way of achieving the proposed Plan Change Objectives.

3.9.34 As a part of this, building coverage was a popular issue amongst submissions. We agree that in Activity Area D this should remain lower to reflect the large and yard-based nature of activities sought. However, in Activity Areas E1 and E2 we agree that a higher building coverage will allow for higher value use of sites consistent with the land use outcomes sought within the Objectives and Policies.

Recommendations

3.9.35 Aurora Energy Limited

Aurora Energy Ltd [19/20/4] requests that the industrial requirements be amended to remove the requirement for an Outline Development Plan. Aurora Energy Ltd supports most of the Rules but is concerned as to the complexity of some. It seeks the retention of the Rules that allow service and industrial activities to establish as Permitted Activities within Activity Area D and allow commercial and offices to establish without resource consent if they are ancillary to a Permitted or Controlled Activity.

This is opposed by Shotover Park Ltd [19/20/4/1] so far as it is inconsistent with its original submission.

This submission should be **accepted in part** inasmuch as there is no need for an Outline Development Plan within Activity Area D. Many Rules can also be simplified and corrected. Substantively however, we agree with the direction proposed by the Council. The further submission in opposition should be also **accepted in part** for the same reasons.

Aurora Energy Ltd [19/20/6] submits that Rule 12.19.3.2(ix) not apply in Activity Area D relating to the storage of goods outdoors as well as any

manufacturing, altering, repairing, dismantling or processing of any materials or goods outside of a building.

This is opposed by Shotover Park [19/20/6/1].

This submission should be **accepted** inasmuch we have been given no evidence to suggest why outdoor activities in an industrial zone will be inappropriate within that zone. Our site visits to Glenda Drive identified that where larger, industrial activities had eventuated, outdoor activities seemed common. The further submission in opposition should be **rejected** for the same reasons.

- 3.9.36 Aurora Energy Ltd submits that the range of matters on which the Council could exercise control, listed under Rule 12.19.3.2(i) would discourage business uptake and therefore it seeks to minimise the range of matters available for Council to consider.

This submission should be **rejected** inasmuch as we have heard no evidence to suggest why this would be the case. The evidence we have heard and our own analysis is that while they will impose several burdens on development, these are neither unreasonable inappropriate, nor insurmountable.

- 3.9.37 Aurora Energy Ltd considers that Rule 12.19.5.2(ix) excessively limits the ability for outdoor storage associated with the proposed Area D zoning, considered an important requirement for the Zone. As such it is sought to amend this Rule to make Area D exempt, allowing a number of outdoor activities on site to be provided for.

This submission should be **accepted** inasmuch as we have agreed that outdoor storage and activity on large, industrial zoned sites is an appropriate activity for these types of land use.

- 3.9.38 **Five Mile Holdings Ltd**

Five Mile Holdings Ltd [19/23/19] submits that Policy 8.12 (preventing residential or visitor accommodation from locating within 25m of the boundaries of Activity Area D and E) be deleted or that any reference to Activity Area E be removed.

This submission is opposed by Air New Zealand Ltd [19/23/19/1] and partially supported by Shotover Park Ltd [19/23/19/2].

This submission should be **accepted in part** inasmuch as the proposed noise attenuation buffer within 50m of the OCB (and Activity Area D), as well as the creation of a new E2 sub-area along the interface of Activity Areas C and E with the EAR, will be more effective than the proposed Rule. Ultimately we agree with the Council that some manner of management of residential activities at these interfaces is a relevant inclusion. The further submission in opposition should be **accepted in part**, as should the further submission in partial support, for the same reasons.

3.9.39 Five Mile Holdings Ltd [19/23/16] submits that the words “above street level’ in Policy 8.1 be struck out. The effect of this relief would be to allow residential activities at street level rather than providing for them above a ground floor of business activity.

This submission is opposed by Shotover Park Ltd [19/23/16/1] who believe that visitor accommodation should not be provided underground where there is sufficient zoned areas in the District for residential and visitor accommodation uses. This is suggested as reflecting a misinterpretation of what the policy states although we appreciate how it could be interpreted in the way Shotover Park Ltd has.

The submission should be **accepted in part** for the reasons stated above and inasmuch as the changes to the structure plan map we propose and the division of Activity Area C into C1 (village centre) and C2 (mixed use area) give greater flexibility to manage the distribution of uses. Specifically, we recommend that in the village core, residential should only be provided above

the ground floor, with that street level access restricted to business uses. However in Activity Area C2, residential uses at ground floor will be an appropriate outcome. The further submissions in opposition should be **accepted in part** for the same reasons.

- 3.9.40 Five Mile Holdings Ltd [19/23/18] submits that within Policy 8.9 the words are replaced with the following: *“To encourage educational activities with associated residential activities and short term (visitor) accommodation in close proximity to the Queenstown Events Centre and other activities with which co-location is appropriate in order to create integrated precincts of complimentary activity”*.

This submission is opposed by Air New Zealand Ltd [19/23/18/1], Shotover Park Ltd [19/23/18/4] and Queenstown Airport Corporation [19/23/18/3] and supported by the Ministry of Education [19/23/18/1].

The submission should be **accepted** for the reasons stated above and inasmuch as there may be locations within the FFSZ(B), taking into account the OCB and ASAN issue, other than closely proximate to the Events Centre where educational activities are appropriate as part of an integrated precinct. The further submissions in opposition should be **accepted** for the same reasons. The further submission in support should be **rejected** for the same reasons.

- 3.9.41 Five Mile Holdings Ltd [19/23/24] requests that Policy 11.6 is struck out. This policy excludes residential and visitor accommodation from industrial areas.

This policy is opposed by Air New Zealand Ltd [19/23/24/1] and Shotover Park Ltd [19/23/24/2].

The submission is **rejected** for the reasons stated above and inasmuch as residential and visitor accommodation activities within the industrial zones, other than as an operationally necessary or otherwise in an ancillary capacity

will not be consistent with their purpose, notwithstanding the overriding prohibition proposed within the OCB area, The further submissions in opposition should be **accepted** for the same reasons.

- 3.9.42 Five Mile Holdings Ltd [19/23/51] requests that Rule 12.19.5.2(xiii) be deleted, this Rule states that no residential activities are to be located at ground floor level in Activity Area C. The consequence of the rule is that residential activities can only locate above ground floor.

This submission is supported by Shotover Park Ltd [19/23/51/1] who submit that residential activity should take advantage of the scenic qualities of the District, not be placed underground. This submission is suggested as being a misinterpretation of what the rule requires.

The submission should be **accepted in part** for the reasons stated above and inasmuch as residential activities would be appropriately located at ground level within Activity Areas C2, but not at ground level within Activity Area C1 (the village centre). The further submission should also be **accepted in part** for the same reasons.

- 3.9.43 Five Mile Holdings Ltd [19/23/21] submits that Objective 8 and the explanation and principal reasons for adoption should be amended to refer to a high expectation in terms of quality urban design in Activity Areas E1 and E2.

This submission is partially supported by Shotover Park Ltd [19/23/21/1] which believes that references to high quality urban design are empty if there are no rules or guidelines to require them.

This submission should be **accepted in part** inasmuch as the EAR interface will be a critical threshold into the zone and on to Remarkables Park. It will also frame a high amenity view to the Remarkables. On the evidence we received, high quality urban design will be important along this route. However for the remainder of the Activity Area, a lower requirement is justified. The further

submission in partial support should be also **accepted in part** for the same reasons.

- 3.9.44 Five Mile Holdings Ltd [19/23/23] requests that Objective 9 (Industrial and Yard Based Activities) and its related Policies are struck out.

This submission is opposed by Air New Zealand Ltd [19/23/23/1] and Shotover Park Ltd [19/23/23/1].

This submission should be **rejected** inasmuch as we concur that there is a strong resource management logic behind the provision of industrial and yard-based activities broadly along the lines that the Council has proposed. This is in terms of location, quantum, and management provisions proposed. We received insufficient evidence through the hearings that would support this relief. The further submissions in opposition should be **accepted** for the same reasons.

- 3.9.45 Five Mile Holdings Ltd [19/23/45] submits that the definition of stores “which sell fast moving goods” to be removed under Rule 12.19.5.1(vi).

This submission is opposed by Shotover Park Ltd [19/23/45/1].

This submission should be **rejected**. We do not agree that the deletion of the definition adds any clarity to the District Plan. Instead it is a relevant tool help to define specific types of land use activity which are being appropriately managed within the provisions. The further submission in opposition should be **accepted**.

- 3.9.46 **Cath Gilmore**

Cath Gilmore [19/26/3] generally supports the concept of the industrial zoning, but questions some of the land placement and states it is preferable to retain industrial uses next to the Airport. She suggests the allocation of yard based

industrial land to the south of the runway and denser residential uses in Five Mile.

This submission is supported by Shotover Park Ltd [19/26/3/2], Trojan Holdings Ltd [19/26/3/3] and opposed by Air New Zealand Ltd [19/26/3/1].

This submission should be **accepted in part** inasmuch as within the scope of this proposed Plan Change the relief sought is indeed being encouraged through the allocation and distribution of Activity Areas. It would be outside scope for us to recommend locating industrial uses in Remarkables Park, and we accept the evidence before us that it would be inappropriate to locate residential activities closer to the Airport than is being proposed. The further submissions in support should be **accepted in part**, and the submission in opposition should be **rejected**, for the same reasons.

- 3.9.47 Cath Gilmore [19/26/4] seeks the retention of the prohibition of residential activities within the industrial zoning.

This submission is supported by Air New Zealand Ltd [19/26/4/1], Jacks Point Ltd [19/26/4/2], Plethora Investments Ltd [19/26/4/3] and Shotover Park Ltd [19/26/4/4].

This submission should be **accepted** inasmuch as we agree that ASAN, including residential activities, should not be located within the OCB. This has been matched, as far as is possible, to the location of Activity Area D. However it may be possible for some ancillary residential uses, in very rare circumstances, to be demonstrably appropriate in Activity Areas E1 and E2 (although we nonetheless recommend consent be required as a Non Complying activity there given how problematic residential activities could be). The further submissions in support should be also **accepted** for the same reasons.

3.9.48 Cath Gilmore [19/26/5] asks whether the school is appropriately placed adjacent to the industrial zoning and whether there could be conditions in the industrial zoning to reduce impacts (noise, fumes etc).

This submission is partially supported by Shotover Park Ltd [19/26/5/3] and opposed by the Ministry of Education [19/26/5/2] and Air New Zealand Ltd [19/26/5/1].

This submission should be **accepted in part** inasmuch as the prohibition on Activities Sensitive to Aircraft Noise will prevent much of a school from locating within Activity Area D (provided the Ministry of Education agrees with those requirements in the case of a public facility given that they would not strictly speaking apply in the case of a Designation / Outline Plan of Works). This would avoid much of the potential nuisances raised in the submission from occurring. However outside of the OCB / ASAN restriction, a school could locate wherever an operator felt it was most appropriate, and where necessary approvals were obtained. The further submission in support should be **accepted in part** as should be the further submissions in opposition, all for the same reasons.

3.9.49 **John Hilhorst**

John Hilhorst [19/27/3] asks that less industrial land be accommodated within the development and more suitable sites be found for this land use such as below Glenda Drive, parallel to Glenda Drive and south of the Airport.

Shotover Park Ltd [19/27/3/1] opposes this submission.

This submission should be **rejected** inasmuch as we cannot consider the use of land beyond this plan change which have not been investigated or substantiated. Irrespective of the merits of other areas of land, we have assessed this particular area of land and have recommended the land use outcomes most appropriate for the environment and to promote sustainable

management. The further submission in opposition should be **accepted** for the same reasons.

3.9.50 **Pegasus Rental Cars Queenstown**

Pegasus Rental Cars Queenstown [19/34/1] submits that “affordable” industrial land be made available for rental car parking.

This submission is supported by Trojan Holdings Ltd [19/34/1/2] and opposed by Shotover Park Ltd [19/34/1/1].

This submission should be **accepted in part** inasmuch as the provision for affordable industrial land for a range of business uses that could include rental car parking can be ensured through a Plan Change. The further submission in support from Trojan Holdings Ltd should be **accepted in part** for the same reasons. The further submission in opposition from Shotover Park Ltd should be **rejected** for the same reasons.

3.9.51 **Queenstown Airport Corporation**

Queenstown Airport Corporation [19/38/6] requests that Site Standards within Activity Area E (as amended) require a minimum building coverage of 50% and a maximum building coverage of 80% per site, or like effect.

This submission is supported by Air New Zealand Ltd [19/38/6/1] and partially supported by Shotover Park Ltd [19/38/6/2].

This submission should be **accepted in part**, inasmuch as a Zone Standard providing for site coverage up to 80% of a site, if supported by specific Assessment Criteria related to landscaping, land use mix, reverse sensitivities, proximity to State Highway 6, and car parking, would be consistent with the outcomes sought within the zone. The submissions in further support should be also **accepted in part** for the same reasons.

3.9.52 Queenstown Airport Corporation [19/38/7] seeks the provisions proposed in PC19, specifically 12.19.3.3 Activities reflect the changes sought to the structure plan and Table 1 of 12.19.3.6 as follows:

- 12.19.3.3ii (k) – Delete;
- 12.19.3.3iii – Delete;
- 12.19.3.3 (v) – Delete reference to Activity Areas E and F.

This submission is supported by Air New Zealand Ltd [19/38/7/1], and partially supported by Shotover Park Ltd [19/38/7/2].

This submission should be **accepted in part** inasmuch as in 12.19.3.3(v) reference to Activity Area F should be removed. However aside from this, the relief sought has not been justified in evidence and we are not satisfied that it would lead to the most appropriate Rules being in place to support the Objectives. The further submissions in support should be also **rejected** for the same reasons.

3.9.53 Queenstown Airport Corporation [19/38/8], seeks the deletion of 12.19.5.1 (a), the 1st, 2nd and 4th bullet point relating to building heights.

This submission is supported by Air New Zealand Ltd [19/38/8/1] and partially supported by Shotover Park Ltd [19/38/8/2].

This submission should be **accepted in part** inasmuch as the height limits stated within the notified version of the Plan Change are recommended to be deleted but replaced with alternative requirements. However we are of the view that the land uses suitable for the FFSZ(B) zone include those justifying the retention of Activity Areas A, C1, C2, E1, and E2, with specific height limits for each. The further submissions in support should be **accepted in part** for the same reasons.

3.9.54 Queenstown Airport Corporation [19/38/9], requests the deletion of 12.19.5.1iii (a) and replacement of it with *“in Activity Area E, the building coverage shall be*

a minimum of 50% and a maximum of 80% depending on landscaping and access requirements”.

This submission is supported by Air New Zealand Ltd [19/38/9/1] and partially supported by Shotover Park Ltd [19/38/9/2].

This submission should be **accepted in part** inasmuch as with supporting provisions a site coverage of up to 80% may be appropriate within Activity Area E. We have been give no evidence to suggest that a minimum 50% coverage is appropriate or desirable. The further submissions in support should be also **accepted in part** for the same reasons.

- 3.9.55 Queenstown Airport Corporation [19/38/10] requests that the Rule relating to building coverage in Activity Area E be deleted, being 12.19.5.1iii (b).

This submission is supported by Air New Zealand Ltd [19/38/10/1], partially supported by [19/38/10/2].

This submission should be **accepted in part** inasmuch as changes to the Rule in question are recommended (as noted above to include an 80% maximum). The further submissions in support should be **accepted in part** for the same reasons.

- 3.9.56 Queenstown Airport Corporation [19/38/15], seeks deletion of 12.19.5.2ii (street scene setback) reference to Activity Area D.

This submission is supported by Air New Zealand Ltd [19/38/15/1], partially supported by [19/38/15/2].

This submission should be **rejected** inasmuch as quality streetscapes are a relevant consideration within Activity Area D, particularly in regard to views to the Remarkables and from the Airport into the Activity Area. We received insufficient evidence to convince us that such a setback is an unreasonable or

unnecessary resource management burden. The further submissions in support should be **rejected** for the same reasons.

- 3.9.57 Queenstown Airport Corporation [19/38/17], requests that with regards to 12.19.5.2iv (b) (relating to building height) in reference to Activity Area D is deleted.

This submission is supported by Air New Zealand Ltd [19/38/17/1], partially supported by Shotover Park Ltd [19/38/17/2].

This submission should be **rejected** inasmuch as within Activity Area D a maximum building height of 10m is entirely appropriate given proximity to the Airport and the range of activities likely to eventuate here. The further submissions in support should be also **rejected** for the same reasons.

- 3.9.58 Queenstown Airport Corporation [19/38/18], requests deletion of 12.19.5.2v (building coverage) and replacement of it with *“the minimum building coverage for all activities shall be 50% and the maximum building coverage for all activities shall be 80%”*.

This submission is supported by Air New Zealand Ltd [19/38/18/1] and partially supported by Shotover Park Ltd [19/38/18/2].

This submission should be **accepted in part**, inasmuch as a Zone Standard providing for site coverage up to 80% of a site, if supported by specific Assessment Criteria related to landscaping, land use mix, reverse sensitivities, proximity to State Highway 6, and car parking, would be appropriate. However we do not support a minimum coverage requirement within the Activity Area. The submissions in further support should also be **accepted in part**.

- 3.9.59 Queenstown Airport Corporation [19/38/19], seeks deletion of 12.19.5.2vi (i) in reference to Activity Areas C and D (minimum permeable surface).

This submission is supported by Air New Zealand Ltd [19/38/19/1] and partially supported by Shotover Park Ltd [19/38/19/2].

This submission should be **rejected** inasmuch as the permeable surface requirements will help separate buildings and structures, enable landscaping, and otherwise facilitate setbacks and other appropriate outcomes. The further submissions in support should be also **rejected** for the same reasons.

- 3.9.60 Queenstown Airport Corporation [19/38/20] seeks deletion of any reference to Activity Area D within 12.19.5.2vi (ii) (landscaped setback).

This submission is supported by Air New Zealand Ltd [19/38/20/1] and partially supported by Shotover Park Ltd [19/38/20/2].

This submission should be **rejected** inasmuch as landscaping and setbacks are important in Activity Area D to mitigate the adverse effects of industrial activities on pedestrian-friendly streets and public spaces (including views and visual amenity) The further submissions in support should also be **rejected** for the same reasons.

- 3.9.61 Queenstown Airport Corporation [19/38/26] requests that reference in 12.19.5.2ix (a) to Activity Areas B, C and D (storing of goods outside) is deleted.

This submission is supported by Air New Zealand Ltd [19/38/26/1] and partially supported by Shotover Park Ltd [19/38/26/2].

This submission should be **accepted in part**, inasmuch as outdoor storage is appropriate within Activity Areas D and E. We do not agree that outdoor storage (other than associated with temporary construction activities) would be appropriate in Activity Areas C1 or C2. The further submissions in support should be also **accepted in part** for the same reasons.

- 3.9.62 Queenstown Airport Corporation [19/38/27] requests that reference in 12.19.5.2ix (d) to Activity Area D (retailing of goods stored outside) is deleted.

This submission is supported by Air New Zealand Ltd [19/38/27/1] and partially supported by Shotover Park Ltd [19/38/27/2].

This submission should be **accepted** inasmuch as we have been given no evidence to support the provision in its notified form. The issue of retailing from a site in an industrial zone in our mind relates more to the proportion of the industrial activity that is actually retailing, rather than from whether it relates to indoor or outdoor goods, or is sold inside or outside. The further submissions in support should be also **accepted** for the same reasons.

- 3.9.63 Queenstown Airport Corporation [19/38/31], requests reference within the proposed Subdivision Rules to Activity Area D is removed.

This submission is supported by Air New Zealand Ltd [19/38/31/1] and partially supported by Shotover Park Ltd [19/38/31/2].

This submission should be **rejected** inasmuch as the proposed subdivision rules will be essential to help ensure that the desired industrial activities eventuate within the Activity Area. The further submissions in support should be **rejected** for the same reasons.

- 3.9.64 Queenstown Airport Corporation [19/38/28], requests that 12.19.5.2xiii (acoustic insulation requirements for residential) be deleted.

This submission is supported by Air New Zealand Ltd [19/38/28/1] and partially supported by Shotover Park Ltd [19/38/28/2].

The submission should be **rejected** for the reasons stated above and inasmuch as we do not support the submitter's replacement provisions including 'no complaints' covenants. We are satisfied that the approach towards reverse sensitivity of airport operation noise nuisance and residential

activities within the zone proposed by the Council is the most appropriate. The further submissions should also be **rejected** for the same reasons.

- 3.9.65 Queenstown Airport Corporation [19/38/29] requests within 12.17.6 Resource Consents Assessment Matters that the following be deleted: 12.17.6c, 12.17.6(7), 12.17.6(14), 12.17.6(15) (f), 12.17.6(15) (g). These relate to residential activities within the zone.

This submission is supported by Air New Zealand Ltd [19/38/29/1] and partially supported by Shotover Park Ltd [19/38/29/2].

The submission should be **accepted in part**, for the reasons stated above and inasmuch as the provisions are to be revised, partially including the matters raised in this submission. The further submissions in support / partial support should be **accepted in part** for the same reasons. However it is noted that overall we do not agree with the approach sought by the submitter being to restrict residential development within the zone. We have been convinced that residential (including visitor accommodation) activities are appropriate within the FFSZ(B), specifically the Activity Areas C1 and C2.

3.9.66 **Trojan Holdings Ltd**

Trojan Holdings Ltd [19/42/1], requests to amend PC19 provisions as outlined in its submission, or in any other manner that will give effect to paragraphs 1.0 to 7.0 of the submission.

This submission is opposed by Air New Zealand Ltd [19/42/1/1], Manapouri Beech Investments Ltd [19/42/1/2] and Plethora Investments Ltd [19/42/1/3]. However it is supported by Shotover Park Ltd [19/42/1/4].

This submission should be **rejected**, inasmuch as the evidence does not support the amalgamation of all business land into one Activity Area managed by the provisions of the existing General Industrial zone. The further

submissions in support should be **rejected** for the same reasons, while the further submissions in opposition should be **accepted** for the same reasons.

- 3.9.67 Trojan Holdings Ltd [19/42/2] requests that the Objectives and Policies are amended with regard to the Frankton Flats (B) Zone Issues, Objectives and Policies in accordance with the changes set out in the appendix (provided with their submission) or in any other manner intended to give effect to the relief sought in Trojan Holding Ltd's submission.

This submission is supported by Shotover Park Ltd [19/42/2/2] and opposed by Air New Zealand Ltd [19/42/2/1].

This submission should be **rejected**, inasmuch as the evidence does not support the amalgamation of all business land into one Activity Area managed by the provisions of the existing General Industrial zone. The further submission in support should be **rejected** for the same reasons. The further submission in opposition should be **accepted** for the same reasons.

- 3.9.68 Trojan Holdings Ltd [19/42/3], requests that the structure plan combine each of 'Activity Areas D and E' into one area identified as 'Activity Area D'.

This submission is supported by Air New Zealand Ltd [19/42/3/1] and Shotover Park Ltd [19/42/3/2].

This submission should be **rejected** for the reasons stated above and inasmuch as we do not agree that one zone with one set of implied provisions will satisfactorily manage the diverse range of business activities that could appropriately locate within the FFSZ(B). In particular, we understand from the evidence that the needs of large scale industry and yard-based industry, bulky goods retailing, general mixed business, light industry, and business to business services require very different operating conditions to thrive. The further submissions in support should be **rejected** for the same reasons.

- 3.9.69 Trojan Holdings Ltd [19/42/5], requests deletion of the proposed Rules and Assessment Matters entirely, as they apply to Activity Areas D and E, and replacement of them with the Rules and Assessment Matters of Part 11.3 and 11.4 of the Partially Operative District Plan (Industrial Zone) as at the date of the notification of proposed PC19 and in accordance with the amendments to those provisions set out in Appendix [D].

This submission is supported by Air New Zealand Ltd [19/42/5/1] and Shotover Park Ltd [19/42/5/2].

This submission should be **rejected** for the reasons stated above and inasmuch as the evidence as we understand it does not support a continuation of the business development patterns that have eventuated in Glenda Drive under the General Industrial provisions which apply there. We instead heard that more effective Rules and Criteria were required. The further submissions in support should also be **rejected** for the same reasons.

- 3.9.70 Trojan Holdings Ltd [19/42/6], requests that Rule 12.19.5.1(vii) Setback from Internal Boundaries and associated Assessment Matters be amended to ensure residential, retail, commercial, educational or visitor accommodation activities that may establish within Activity Area C, be set back at least 100 metres from the boundary of the consolidated Activity Area D.

This submission is supported by Shotover Park Ltd [19/42/6/2], opposed by the Ministry of Education [19/42/6/1].

This submission should be **rejected** for the reasons stated above and inasmuch as the evidence does not support the need for such a significant setback. No evidence was given to us on what should locate within this setback, which may not be desirable, suitable, or efficient if assumed to be simply open space reserve land. We are satisfied that the 50m acoustic buffer we have proposed along the interface of Activity Area C2 and Activity Area D will satisfactorily address any potential compatibility issues between land uses. The further submission in support should also be **rejected** for the same

reasons. The further submission in opposition should be **accepted** for the same reasons.

- 3.9.71 Trojan Holdings Ltd [19/42/7] requests that Rule 12.19.3.3(ii) Outline Development Plan is deleted entirely.

This submission is supported by Shotover Park Ltd [19/42/7/1].

This submission should be **accepted in part** inasmuch as no Outline Development Plan requirement has been compellingly demonstrated as being either efficient or effective in Activity Areas D and E1. However the requirement should remain in Activity Areas C1, C2, and E2 given the range of uses that could eventuate, their sensitivities, and the need to ensure high quality outcomes eventuate which attract high levels of non automobile-based activity. The further submission in support should be **accepted in part** for the same reasons.

- 3.9.72 Trojan Holdings Ltd [19/42/8] requests that Rule 12.19.5.1(iv) Outdoor Living Space and associated Assessment Matters is amended to ensure that no outdoor living space associated with a residential unit is located within 100m of the boundary of Activity Area D.

This submission is opposed by Jacks Point Ltd [19/42/8/1] and supported by Shotover Park Ltd [19/42/8/2].

This submission should be **rejected** for the reasons stated above and inasmuch as no evidence was produced to support that this imposition would be effective, efficient, or desirable to achieve the purpose of the Objectives. The further submission in support should be **rejected** for the same reasons. The further submission in opposition should be **accepted** for the same reasons.

- 3.9.73 Trojan Holdings Ltd [19/42/9] requests that Rule 12.19.5.2(viii) is amended to ensure any buildings associated with commercial, retail and educational

activities that may establish within Activity Area C are also insulated to achieve an indoor design sound level of 40 dBA Ldn.

This submission is supported by Air New Zealand Ltd [19/42/9/1] and Shotover Park Ltd [19/42/9/2].

This submission should be **accepted in part** inasmuch as specific acoustic design requirements should apply to the 50m buffer area of Area C adjacent to Area D and the OCB. Within this buffer, we hold the view that insulation to the level suggested by the submitter is appropriate. However we do not agree that beyond this buffer area such insulation is warranted. The submissions in support should be also **accepted in part** for the same reasons.

- 3.9.74 Trojan Holdings Ltd [19/42/10], requests deletion of the minimum allotment size of 3,000m² for subdivision within Activity Area D introduced into Rule 15.2.6.3 – Lot Sizes and Dimensions so that there is no minimum allotment size for subdivision within Activity Area D.

This submission is supported by Shotover Park Ltd [19/42/10/2] and opposed by Air New Zealand Ltd [19/42/10/1].

This submission should be **rejected** for the reasons stated above and inasmuch as the minimum lot sizes in Activity Area D will be essential to ensure that the land is used for the larger scale industrial uses it is intended to accommodate rather than finer grain, higher (employee) density and more general business activities. The further submission in support should be **rejected** for the same reasons. The further submission in opposition should be **accepted** for the same reasons.

- 3.9.75 Trojan Holdings Ltd [19/42/11] requests that the addition to Rule 15.2.6.3 requiring subdivision within Activity Area E to result in an arrangement of lots, cross lease and company lease capable of accommodating buildings and uses in accordance with the Permitted and Controlled Activity Rules and Site and

Zone Standards for the particular zone, and the requirements of Section 14 – Transport be deleted.

This submission is supported by Shotover Park Ltd [19/42/11/2] and opposed by Air New Zealand Ltd [19/42/11/1].

This submission should be **rejected** for the reasons stated above and inasmuch as it is appropriate that subdivision should allow later developments to comply with the District Plan. The further submission in support should be **rejected** for the same reasons. The further submission in opposition should be **accepted** for the same reasons.

- 3.9.76 Trojan Holdings Ltd [19/42/12], requests changes to Rule 15.2.3.3(vii) making all subdivision within the Frankton Flats Special Zone (B) a Limited Discretionary Activity.

This submission is supported by Shotover Park Ltd [19/42/12/2] and opposed by Air New Zealand Ltd [19/42/12/1].

This submission should be **accepted in part** for the reasons above and inasmuch as while Activity Areas C1, C2, and E2 can be managed by an Outline Development Plan and thus safely provide for subdivision as a Controlled Activity, this is not the case in Activity Areas D and E1. In these Activity Areas subdivision as a Limited Discretionary activity will help to ensure that through the Consent process integrated and coordinated outcomes can eventuate. The further submission in support should be **accepted in part** for the same reasons. The further submission in opposition should be **accepted in part** for the same reasons.

- 3.9.77 Trojan Holdings Ltd [19/42/13] requests that such further, additional or consequential changes to any relevant part of the District Plan as are considered necessary to address the issues and concerns outlined in Trojan Holdings Ltd's submission and otherwise give effect to the relief sought.

This submission is supported by Shotover Park Ltd [19/42/13/2] and opposed by Air New Zealand Ltd [19/42/13/1].

This submission should be **rejected**, for the reasons stated above and inasmuch as no further relief other than that specifically identified in this recommendation has been justified to us on the evidence. The further submissions in support should be **rejected** for the same reasons, and likewise the further submissions in support should be **accepted** for the same reasons.

3.9.78 **Firth Industries Ltd**

Firth Industries Ltd has submitted that no change be made to the boundaries of Activity Areas D and E [19/22/1],

This submission is supported by Air New Zealand [19/22/1/1] and opposed by Shotover Park Limited [19/22/1/2] and Trojan Holdings [19/22/1/3].

This submission should be **rejected** for the reasons above and inasmuch as the notified locations of Activity Areas D and E did not optimally enable the Objectives. They treated the sensitivities of the Airport edge and existing Glenda Drive development as having an almost equivalent sensitivity, which is not the case. We agree that the airport is a far more appropriate location for Activity Area D, and the Glenda Drive development a far more appropriate location for Activity Area E. The further submission in support should be **rejected** for the same reasons. The further submissions in opposition should be **accepted** for the same reasons.

3.9.79 Firth Industries Ltd submit that any residential, visitor accommodation and staff accommodation within Activity Areas D and E be Prohibited activities [19/22/2].

This submission is supported by Air New Zealand [19/22/2/1], Jacks Point [19/22/2/2], Plethora Investments [19/22/2/3] and opposed by Shotover Park Limited [19/22/2/4].

This submission should be **accepted in part** for the reasons above and inasmuch as we agree that residential, visitor, and staff accommodation within

Activity Area D should be a Prohibited activity. However in Activity Areas E1 and E2, we prefer that a Non Complying activity status be used, such that in exceptional circumstances some limited provision for residential accommodation may prove appropriate ancillary to business activity. The further submissions in support should be **accepted in part** for the same reasons. The further submission in opposition should be **accepted in part** for the same reasons.

3.9.80 **Alexa Forbes**

Alexa Forbes [19/25/1] submits that provisions that allow housing above ground level be removed as there is a need for more residential sections on flat land.

This submission is supported by Air New Zealand Ltd [19/25/1/1] and Shotover Park Ltd [19/25/1/2].

We have interpreted that this submission calls for residential development mirroring the detached suburban development typified by the Quail Rise Estate. We have been convinced that using the FFSZ(B) land for this type of outcome would not be the most appropriate way of achieving the purpose of the RMA (in respect of Objectives which our analysis has concluded are desirable) nor of those Objectives themselves (in respect of Policies, Rules, and Other Methods). The submission should be **rejected** for those reasons. The further submissions in support should be **rejected** for the same reasons.

3.9.81 **New Zealand Transport Agency**

New Zealand Transport Agency [19/41/5] supports the following additions to the Subdivision Chapter of the District Plan: Proposed addition to Rule 15.2.6.3 (Subdivision Zone Standards – lot sizes and dimensions). Proposed addition of a Subdivision Zone Standard (xv) (the creation of an arterial road). New Zealand Transport Agency notes the reference to NZS4404:1981 which has

been replaced by NZS4404:2004. Proposed addition to Rule 15.2.7.1 (Controlled Activity subdivision activities – interconnecting roads).

This submission is opposed by Remarkables Park Ltd [19/41/5/1] and by Shotover Park Ltd [19/41/5/2].

These submissions should be **accepted** inasmuch as subject to suitable corrections and clarifications to these provisions which do not change their substantive intent, they should be retained. We agree with the minimum lot sizes proposed, the requirement of the EAR as a zone standard, and the update to reflect NZS4404:2004. The further submissions in opposition should be **rejected** for the same reasons.

3.10 Urban Design and the Structure Plan

Issue

3.10.1 Many submissions focussed on the proposed structure plan, which we take for the purposes of section 32 RMA to be a particular type of Method rather than an Objective or Policy (although it of course is described and enabled in Policies). This section of the report will focus on matters relating to the structure plan as a whole and not to specific Activity Area issues per se.

Discussion & Reasons for Recommendations

3.10.2 It was common ground that the structure plan was a particularly important part of this proposed Plan Change.

3.10.3 Through the hearings we were presented with a range of structure plans, notwithstanding the substantial additional information and commentary we received on specific detailed elements within it. However we consider that the main overall structure plans prepared are:

- a. The official notified version of the proposed Plan Change;

- b. The “revised second officer” plan presented at the commencement of the hearings;
- c. The “revised third officer” plan presented at the reconvened hearings;
- d. The “Porter” plan presented by Mr Porter in his appearance before us speaking to the Remarkables Park Ltd and Shotover Park Ltd submissions;
- e. The “revised Porter” plan submitted to us by Mr Green on behalf of Remarkables Park and Shotover Park Ltd in January 2009;
- f. The “Goldsmith” plan identified in the written submission from Five Mile Holdings Ltd, and submitted to us again by Mr Goldsmith on behalf of Five Mile Holdings Ltd (in receivership) in Attachment R(2/2) of his evidence.
- g. We additionally received additional plans from Mr Goldsmith on behalf of Five Mile Holdings Ltd (in receivership) and from Mr Castiglione on behalf of Trojan Holdings Ltd. These were slight revisions to plans identified above and for the purposes of this discussion are not considered to be ‘unique’ plans for analysis.

3.10.4 We heard from a range of experts on the matter. Mr Nick Karlovsky and Mr David Mead provided urban design and planning expertise, and spoke in support of the proposed Plan Change (subject to their own proposed revisions). They were supported by a written report prepared by Ms Rebecca Skidmore for the Council. Other qualified experts included Mr Barry Rae, speaking in support of the Remarkables Park Ltd and Shotover Park Ltd submissions. Those written submissions were also prepared with the assistance of Mr Clinton Bird. Mr Nick Barrat-Boyes, in support of Five Mile Holdings (in receivership) also submitted to us a written statement of evidence.

3.10.5 Mr Rae did not support the structure plan as notified, or the revision prepared by the Council’s officers and presented at the commencement of the hearing. He disagreed that either exhibited any outward indication of being based on New Urbanism principles. He also disagreed that it had any fundamental logic that he could relate to best-practice urban design principles in general. He

recommended that additional information should be shown on the structure plan map including more roads.

3.10.6 Conversely, Mr Goldsmith (supported later in expert evidence by Mr Barrat-Boyes) argued that less information should be shown on the structure plan.

3.10.7 On behalf of the Council, its experts presented a continually refined view of the structure plan through the hearing, such that the third iteration they submitted through Ms Hutton reflected a notable focus of the public discussions which had occurred. We note initially that we disagree with those submissions that claim there is little or no urban design logic behind the structure plan. While we have resolved to propose revisions to the structure plan (see attached Appendices), we were easily and logically able to follow the urban structuring approach that underpinned all of the plans described above once we understood what each was looking to achieve and prioritise in resource management terms. The Council's evidence was consistent in its 'structuring' logic of how actual Activity Areas should locate and relate to each other and the movement network. We are satisfied that each, if supported by appropriate controls and methods, could deliver a sound urban design outcome.

Roads

3.10.8 Ultimately all roads will be provided for by way of a designation process (public roads), or as a part of a subdivision consent. We expect that the Outline Development Plan process will also play a leadership role in developing an overall connected road network within the Zone in Activity Areas C1, C2, and E2. However we do not agree with suggestions that we should develop some manner of formal road 'zone'. The actual zoning of land will be whatever Activity Area underlies any identified road on the structure plan. There should however be Rules preventing development to occur in space identified as required for roads.

3.10.9 We agree that the Council's structure plan is somewhat confusing with its combination of solid and dotted lines representing roads. There seemed to be no supporting provisions discussing what this implied hierarchy meant. But on

that matter, we agree with those submissions that call for greater detail of future roads shown on the structure plan.

- 3.10.10 In particular, the Council itself emphasised that one aspect of high quality urban design, in its view, was that streets should enjoy the same (or similar) land use on each side. To ensure this there will need to be some fundamental constraints on the location of roads; for example a road could therefore be located no closer to an Activity Area boundary than a development site lot depth (typically one half of a uniform block depth) if it is to realistically enable the development outcomes sought. This became a relevant consideration in the location of the EAR.
- 3.10.11 We are also mindful that the written and background evidence in particular calls for a connected road network to facilitate convenient transport within the Zone. We suggest that setting out a minimum level of zone-wide connectivity will be essential if the intended outcomes of the proposed Plan Change are to be achieved.
- 3.10.12 We are inclined to formalise these two considerations by indicating with a dotted line on the structure plan where roads are necessary, but not necessarily finalised in location. We do not agree that providing complete freedom in road network issues will ensure the integrated, mixed outcomes sought are delivered given a) the size of the Zone, b) how to best maximise viewshaft opportunities, and c) the number of landowners within it – each with their own development objectives. Likewise, we agree that arguments calling for land use to govern road outcomes, not vice versa, to be oversimplified especially at the zone-wide level. Ultimately given the detail of the Activity Areas proposed and other Objectives of the proposed Plan Change, we are satisfied that taking this course of action will in itself be inherently responding to, not dictating, a land use prompt (the Activity Area boundaries). These will be supported by provisions that confirm their requirement (including connections to each other), as well as describing what degree of flexibility in movement we consider to be appropriate to give effect to the Objectives. We also recommend

that through Activity Area C1 the indicative location of the village main street be identified as a part of this.

- 3.10.13 On the matter of the Eastern Access Road / Eastern Arterial Road, we have determined elsewhere in this recommendation which alignment we prefer. This is a critical road in this proposed Plan Change and accordingly we conclude it must be indicated as a solid, non-negotiable line (subject to very slight changes due to detail design). We have likewise determined to indicate a road running along the southern boundary of the zone adjacent to the Airport as a solid, non-negotiable requirement. This alignment means that industrial development will need to front this road. The provisions relating to setbacks, landscaping, orientation of site activities, and so forth will combine to ensure outcomes deliver the highest possible quality character to visitors arriving in Queenstown. It will also allow for excellent views of the Remarkables Range, which will help to remedy some of the lost views currently enjoyed from State Highway 6. The key difference however is that we anticipate cars will be readily able to pull over and pause to enjoy the view with greater safety than if they attempted such along the Highway.
- 3.10.14 We had much discussion on the interface between Activity Areas A and C, and how this should be treated. Some evidence called for the market to resolve its own solution, claiming that the amenity of north-facing views and the landscape features would dictate a high quality, 'active' connection. Other evidence called for the requirement of a road along this frontage, to help ensure high quality, almost continuous access to Activity Area A from within the Plan Change area. This method, we were told by Mr Karlovsky, is also most consistent with best-practice urban design principles that call for clear and unambiguous delineations between 'public' and 'private' use areas (not necessarily the same as public and private land ownership).
- 3.10.15 We have therefore concluded that to ensure the high quality outcomes sought by the proposed Plan Change, and to most efficiently utilise the space reasonably required for building setbacks from the State Highway, we recommend a required, non-negotiable street between Activity Areas A and C.

We make no comment on whether this could be a narrow lane or full width street other than to note that given the public use purpose of Activity Area A, it seems that some degree of public car parking would be appropriate, possibly located on this street.

- 3.10.16 There was also much discussion about the western boundary of the proposed Plan Change, which was to include a land swap between the Council and Five Mile Holdings Ltd, resulting in a realignment of Grant Road. This discussion did not seem productive to us. As we have noted, we are not inclined to prescribe a 'road zone'. The boundary of the proposed Plan Change has been identified as appropriate by the Council and we heard no compelling evidence against this boundary in land development or other terms. On the matter of the land swap, we are satisfied that this proposed Plan Change can satisfactorily proceed whether Grant Road retains its existing alignment or that proposed by the Council.
- 3.10.17 We have however had to carefully think through our response on this issue given the range of road alignments that could eventuate. We are of a view that this is an important road in the FFSZ(B) network, and that it should ultimately help connect to the EAR through the southern part of this proposed Plan Change. We have recommended that the structure plan be based on the current Grant Road alignment, although the Council could through its own designation process change this alignment should it wish to pursue it in the future.
- 3.10.18 Thinking this through for the remainder of the proposed Plan Change, there are other parts where connectivity is important but a range of locations could eventuate. We have resolved that to address this connectivity, a third tier of roads should be shown on the structure plan. These will be 'indicative' roads where the conveniently direct connection between two or more points is the desired outcome rather than an actual exact alignment where a line indicates. These shall be supported by Assessment Criteria that the Council will consider at the appropriate consent stage to ensure that they are ultimately still

delivered, but are the best response to specific development and use outcomes.

Activity Areas

- 3.10.19 There was much debate on the matter of Activity Areas. It became complicated in that while some submitters called for new or different Activity Areas, others claimed to use the Activity Area names as described in the notified proposed Plan Change for quite different outcomes.
- 3.10.20 We agree that there is no need for Activity Area B. It is excessively restrictive given our conclusion on landscape sensitivity matters relating to the Highway, subject to our height and setback recommendations (65m as opposed to the originally notified 50m). In conjunction with the recommendation for a road frontage along the edge of Activity Area A and the active (likely residential) frontage it will deliver, we are satisfied that its use for Activity Area C activities is appropriate and will ensure a high quality interface between development and the Highway will eventuate.
- 3.10.21 We agree with the evidence that Activity Area C should be primarily focussed around providing a mixed use and residential area built around a local 'village-scale' hub. We see this predominantly serving its local catchment although note that some larger scale retail anchors, as we have had described to us, would also be appropriate here. While our analysis indicated that large format retailing would be appropriate within the FFSZ(B) area, there are no actual submissions calling for this as a predominant outcome. The Council has made it clear that such an outcome is not sought by this proposed Plan Change.
- 3.10.22 As discussed earlier in the land use demand section, we are not inclined to consider statistical land demand projections as a satisfactory sole (or even necessarily dominant) basis for land use planning. Resource management is not a purely technical exercise built from computer models; we see it as a process from which people are given satisfactory options and opportunities to best provide for their own needs and aspirations, ensuring as a part of this that environmental integrity is maintained. Technical considerations are only one

(albeit important) input, not the output. As resource management is centrally interested in people and their complex, varied, and sometimes non-rational actions, we agree with the Council's approach that in developing a Plan Change, the need to consider issues of practicality, simplicity, logic, opportunity, ease, and common sense should ultimately enjoy a generally equal footing with those purely technical inputs. Other obvious matters such as land ownership boundaries, land constraints, and the development interests of submitters directly affected by the provisions must also play an important role in coming to a sensible, workable outcome. We suggest that this is one reason the RMA may use the specific word 'appropriate' in the context of reaching a s32 preference, given the broad range of factors it inherently allows to be taken into account.

- 3.10.23 On that basis, while we have been guided by the land use demand projections prepared by Mr Mead, we are comfortable that an overall interest in an effective, efficient, but most importantly usable and reasonable solution must be the emphasis in reaching an outcome.
- 3.10.24 We agree with the Council officers (who acted in response to evidence presented in submissions and at the hearings), that it is appropriate to develop the notified Activity Area C, enlarged to take into account the former Activity Area B, into Activity Area C1 (village centre) and Activity Area C2 (mixed use). We agree with the specific land use activity status proposed by the officers in their 'third' structure plan. The location of Activity Area C1 is logically located adjacent to the FFSZ(A) zone and its possible higher-intensity retail uses, as well as the Grant Road entry to the FFSZ(B) area. We are satisfied that it has been planned according to a logical, realistic development scenario. As noted previously, we disagree with Mr Goldsmith's assertion that there may be many locations for a village centre other than in this location.
- 3.10.25 We heard much evidence that the EAR should be a high quality gateway experience into the Zone, as well as serving as an important viewshaft opportunity to the Remarkables. We concur with this. In particular, we agree with the suggestion of Mr Porter that for its length through this Zone a special

activity overlay with unique landscaping, building design and setback, and land use activity controls is most appropriate. The Council's officers seemed to partially agree with Mr Porter in their promotion of an Activity Area C3 that lined the EAR until the boundary with Activity Area D. We do not agree that the desirability of a high quality experience along the EAR should end simply because one has entered Activity Area D. Notwithstanding its emphasis on larger scale industrial type activities, we consider it is appropriate that the EAR frontage condition be continued. Any activities sensitive to aircraft noise that could locate within that EAR overlay would of course be prohibited from extending into the OCB as indicated on the structure plan, and would otherwise need to comply with the 50m acoustic buffer we recommended earlier.

3.10.26 We have considered the activities likely to locate in this overlay area, which we were told should include higher value showrooms and other premier businesses looking to exploit the passing trade of the EAR (which we agree will be too hostile to support the street-based local retail activities sought in Activity Area C1). It is our view that these are more aligned with the activities proposed in Activity Area E than Activity Area C. Activity Area C is more of a mixed, residential-compatible environment. Activity Area E is more employment focussed, although it will provide for a range of businesses at relatively high employee density. It is our recommendation that this EAR overlay area should therefore be classified as a subset of Activity Area E (E2).

3.10.27 Activity Areas D and E are logical. We support their approximate extent and location as shown on the third revised Council officer plan. Firstly, Activity Area D, for large and yard based industries, location proximate to the Airport is most appropriate. That land is subject to Airport nuisance and is well suited for industrial uses (as long as effective transport links are provided, which we are satisfied they will be). That nuisance will also help suppress land values and make affordable industrial sites eventuate relative to competing, higher-value uses that might otherwise look to locate here. This is in our view the most appropriate long term outcome for this land, whether there seems to be a demand for industrial land uses right at this particular time or not. Extending Activity Area D to share a boundary approximate with the OCB line is also

logical. It helps practically administer the location of activities sensitive to aircraft noise, which will in many cases also present reverse sensitivity risks to large, open, and noisy yard based industries. We have been provided with the results of the noise control boundary peer review by QAC. There are slight changes in the OCB line (albeit still proposed) and we are comfortable adjusting the outer extent of Activity Area D to retain this relationship.

3.10.28 Activity Area E (lighter industry and mixed business) provides for a range of businesses including some similar to those existing in Glenda Drive. It is logical that such 'like with like' land uses should locate adjacent to each other.

3.10.29 A revised structure plan based on our recommendations is appended to this decision. For completeness we note that although the Activity Areas and activities within them has changed from the notified plan change, we have taken care to ensure that overall the balance of land uses and their extent is consistent with what was intended in the notified provisions. In summary we provide the following approximate information (all areas are gross and include the land required for roads, open spaces, and such):

	Activity Area "A"	Activity Area "A1"	Activity Area "A2"	Activity Area "B"	Activity Area "C"	Activity Area "C1"	Activity Area "C2"	Activity Area "C3"	Activity Area "D"	Activity Area "E"	Activity Area "E1"	Activity Area "E2"	TOTAL OF ACTIVITY AREAS
NOTIFIED STRUCTURE PLAN	3.23ha	N/A	N/A	3.62ha	23.18ha	N/A	N/A	N/A	13.41ha	20ha	N/A	N/A	63.44ha
"SECOND" OFFICER PLAN	3.23ha	N/A	N/A	N/A	25.59ha	N/A	N/A	N/A	13.53ha	21.10ha	N/A	N/A	63.45ha
"THIRD" OFFICER PLAN	2.4ha	N/A	N/A	2.54ha	N/A	3.88ha	15.32ha	5.91ha	13.14ha	20.24ha	N/A	N/A	63.43ha
"PORTER" PLAN	N/A	3.23ha	3.7ha	N/A	17ha	N/A	N/A	N/A	13.2ha	N/A	17.3ha	10.2ha	64.63ha
"REVISED PORTER" PLAN	N/A	3.23ha	3.7ha	N/A	17.0ha	N/A	N/A	N/A	11.5ha	N/A	21.7ha	6.1ha	63.2ha
"GOLDSMITH" PLAN	N/A	N/A	N/A	N/A	39.6ha	N/A	N/A	N/A	N/A	N/A	10.9ha	11.4ha	61.9ha
COMMISSIONER RECOMMENDATION	2.75ha	N/A	N/A	N/A	N/A	3.88ha	14.47ha	N/A	13.97ha	N/A	17.65ha	10.62ha	63.34ha

Urban Design Controls

3.10.30 We have listened to the evidence presented on the degree of controls proposed to manage built form quality. While there have been many inaccuracies and other minor opportunities for improvement raised in submissions, we largely agree with the Council's proposed approach of Site and Zone Standards, as well as specific controls over subdivision and land use development.

3.10.31 It was common ground that with appropriate urban design controls high quality outcomes could be achieved in the proposed Plan Change area.

Urban Design Panel

3.10.32 The notified version of the proposed Plan Change had Rules that would require input from the Council's Urban Design Panel. Specific wording suggested that the Urban Design Panel, through its like or dislike of a given proposal, could set the activity status of consents required under the RMA. We agree with those submitters that felt this would be an ultra vires function.

3.10.33 We note that Council officers also agreed with this view by the conclusion of the hearings.

3.10.34 It was common ground that the Urban Design Panel can play a significant role in improving the quality of development. But we agree that it should be managed with caution by the Council to ensure statutory processes associated with this significant proposed Plan Change area are not impeded or undermined. We are conscious that 'urban design' legitimately includes input from all of the built environment professions. The range of qualifications and backgrounds of people we heard from professing some urban design expertise through the course of the hearings attests to this. But simply because an expert may have an interest in, or perceived overlap with, urban design from his or her specific technical specialty, this does not necessarily make that person an urban design expert.

- 3.10.35 We note this because the advice we received on urban design issues was of considerably variable and inconsistent quality between witnesses and between issues (and in particular the spatial scales being considered). We also found that several non-urban design experts contributed significantly to what were ultimately urban design issues.
- 3.10.36 It occurred to us that a differing 'mix' of expertise may be required to consider the varying challenges that development within the proposed Plan Change area will raise. This will include structure plan level issues, Outline Development Plan level issues, comprehensive infrastructure planning and designations, large-scale subdivision and development consent applications, and individual building level applications. The variation of technical emphasis required for these different scales may be somewhat masked by reliance on a 'general' Urban Design Panel approach to address all relevant issues depending on its membership or own technical bias.
- 3.10.37 Because of this and the stated importance of urban design to this proposed Plan Change we considered whether specific provisions should be included within PC19 relating to urban design assessments, the use of the Panel, and Other Methods that could be more or less appropriate to achieve the purpose of the proposed Plan Change Objectives.
- 3.10.38 We have concluded that the inclusion of additional provisions that require urban design assessments from suitably qualified personnel to accompany applications for Outline Development Plan applications, and all other subdivision or land use development consent applications comprising more than 1.0ha of (gross) land will be the most appropriate way of implementing the Objectives and otherwise promoting sustainable management. These assessments will specifically address the extent to which proposals have responded to the relevant criteria also identified within this proposed Plan Change, and best-practice urban design principles. We consider that the Urban Design Panel could be one such party to undertake these analyses. We are satisfied this is within the scope of submissions seeking high quality urban design outcomes.

3.10.39 We encourage the voluntary use of the Queenstown Urban Design Panel by applicants and the Council as appropriate for all other applications, or possibly as reporting experts on RMA applications used by the Council under s42A RMA.

Outline Development Plans

3.10.40 The notified provisions called for the use of Outline Development Plans as an intermediary development stage requiring resource consent. On the evidence presented to us at the hearing we accept that in principle, the ODP is an appropriate Method.

3.10.41 However questions were raised over how the ODP would 'work' relative to the structure plan and development consents (including subdivisions). At one end of the spectrum, they may be idealistic and highly conceptual master plans that bear no resemblance to what will actually be developed several years hence. At the other end they may amount to garnished subdivision scheme plans. Mr Rae also raised legitimate questions over how the 'edges' of Activity Areas and ODP application areas would integrate. We spent some time going over the ODP provisions and understanding how they would work in practice.

3.10.42 There was much evidence supporting their use, particularly in Activity Areas C and E2. We concur with this logic given that the success of these area will depend on achieving a connected, coherent, integrated mix of activities. Such an outcome is somewhat new in (greenfield) Queenstown and this adds a further justification for taking a careful, comprehensive approach to planning the detail within this significant development area. We agree however that more explanation in the provisions behind how an ODP relates to the structure plan and subsequent resource consents would make their use easier for participants to understand. We have recommended such provisions based on the various submissions relating to ODPs.

3.10.43 In Activity Areas D and E1 we are less convinced of their appropriateness. We agree that these Activity Areas will be more homogenous in their activity range,

and their focus on employment will mean the range of design factors taken into account will be narrower than in mixed and residential areas. This will in turn lead to less general variety in the approaches to subdivision and development likely to eventuate. We are satisfied that robust controls and Assessment Criteria for resource consents will ensure the most appropriate outcomes eventuate in these areas in the most effective and efficient manner.

3.10.44 It was common ground that Activity Area A, as a landscape-only non-development area, did not require any sort of additional comprehensive planning requirements. We also note for completeness that we are satisfied that the proposed provisions allowing for the various degrees of notification for different activities in the respective Activity Areas are appropriate, subject to a zone interface landscape buffer adjacent to the Queenstown Events Centre, which we will discuss shortly.

Landscaping

3.10.45 Turning to landscaping, it was common ground that quality landscaping has an important part to play in development within the FFSZ(B) area achieving the purpose of the proposed Plan Change and ultimately the purpose of the RMA.

3.10.46 The provisions proposed by the Council seem generally appropriate, however our analysis of the provisions raised a number of points. These required much more detailed consideration.

3.10.47 We first of all support the requirement for landscaped setbacks within business areas from streets. We exclude Activity Area C1 (village centre) from this requirement given its particular intent to be a dense, intimate and 'urban' feeling environment. Landscaping within the street will suffice to achieve the character we understand is sought there.

3.10.48 In respect of provisions proposed to apply along Grant Road opposite the Queenstown Events Centre (QEC), we agree that quality landscaping here would be beneficial for several reasons. These include the value of views from the QEC looking outwards for community wellbeing (particularly if electronically

broadcast in association with an event). But we are also cautious about the cumulative impact of costly landscaping, in addition to other building quality requirements on the viability of industrial activities. Usable, affordable industrial sites were emphasised to us as one of the key purposes of Activity Area D.

3.10.49 Alternatively it cannot be easily located on the QEC property (especially in relation to outdoor sporting events), due to space constraints. This would have otherwise been our preference, especially given that it is the QEC that has, in particular, raised this interface concern.

3.10.50 We are also mindful that the Grant Road realignment, as pointed out by submitters, may not eventuate along this zone 'edge'. This would have several implications for land use interface here. Notably, instead of the 'fronts' of industrial properties facing out across Grant Road to the QEC, it is likely that some configuration of their 'backs' would instead. Emphasising front landscaping may not help achieve the outcome sought by QEC in that scenario, and due to other controls in the proposed Plan Change the outcome would in fact concentrate and present the lowest amenity parts of industrial activities directly to the QEC.

3.10.51 Overall therefore we have concluded that the issue here relates to ensuring a high quality landscape buffer is established at the interface of the FFSZ(B) area and the QEC, for a minimum depth of 10m from the zone boundary. To that end, we recommend a requirement for a comprehensive landscaping solution along the zone boundary. This does not mean however that we consider a minimum 10m of dense landscaping is desirable or satisfactory; the intent is that within a 10m minimum deep area a sensitive, practical landscaping solution can be agreed on. This could take the form of landscaping on one or both sides of a realigned Grant Road, possibly including the frontage of industrial lots along it; or, it could take the form of private land elsewhere (side or rear) of industrial lots depending on where Grant Road does eventuate and how lots are configured. This will ensure the best quality interface with the QEC will be delivered no matter what configuration of land uses is built. Within this minimum 10m area there will be a specific consent requirement as a Restricted

Discretionary Activity that a high quality landscape interface is required. This is to be demonstrated through whatever resource consent process first triggers it as the case may be. Although the Council would not be bound by that consent requirement were it to pursue a designation process to realign Grant Road through this overlay area, we expect its existence on the structure plan will make it an inevitable resource management issue that will need to be addressed in the application for designation and thus also possibly allow the road to be a part of the solution.

- 3.10.52 Once a landscape solution had been approved, such as in an ODP consent, this could be referred to by subsequent or other resource consents, or designation processes in the overlay area so as to prevent needless repetition of landscape considerations from occurring. But we can see a scenario where conditions on a designation and a subdivision consent require all elements to play a defined part of a well planned and integrated solution. It could be limited notified or fully notified as appropriate, allowing the QEC to be fairly consulted on the matter.
- 3.10.53 We are otherwise satisfied that the general building design controls proposed for Activity Area D will ensure a complementary interface will eventuate. Ultimately it must be accepted that while existing views over the FFSZ(B) land from the QEC are excellent, it is not reasonable to assume that this land should be maintained in a state of unproductive use for the visual benefit of users on other sites. We have already concluded that industrial activity, for several reasons, is the most appropriate long term outcome here, and the reasonable impact of this on current views must be accepted as still allowing sustainable management to be promoted.
- 3.10.54 We concur that the EAR should be the subject of its own unique landscaping outcome and that is one of the reasons why we are recommending the creation of a dedicated E2 Activity Area drawing specific activities from both the notified E and C Activity Areas.

3.10.55 Lastly we note that for urban legibility purposes, we suggest that the Council, through the appropriate mechanism, looks to establish a clear hierarchy of street trees and road landscaping that complements the pattern of development which does eventually develop. This could look to use larger species in more formalised plantings along the main routes, with smaller, more sporadic, and less formal specimens used on lower order roads. This is not something we feel can be planned before development and an overall road network eventuates, so this recommendation must be understood as an advice note supporting the proposed Plan Change rather than a specific provision that should be added to the Plan.

Other matters

3.10.56 It was suggested to us by many parties that a school (and possibly other educational facilities) may locate within the FFSZ(B) area. It would not be (fully) able to locate within the OCB given its Activities Sensitive to Aircraft Noise (ASAN) prohibition. Were the Ministry of Education to initiate a designation process, it could theoretically result in significant disruption to the achievement of an integrated, well connected and walkable urban outcome as intended by the proposed Plan Change. This would be unfortunate, however we have concluded that this is a risk that affects all greenfield areas of re-zoning, and is not a matter that we can prevent. We are however confident that the Ministry would engage in constructive consultation with the Council and key stakeholders before focussing on an outcome that was directed solely in its own interest.

3.10.57 We are of the view that some manner of school could be highly appropriate for the FFSZ(B) and wider Queenstown community. In particular, we respectfully suggest that a compact, 'urban' configuration that shared other publicly available open spaces (such as in Activity Area A or the QEC), rather than a larger suburban campus, could be considered by the stakeholders.

3.10.58 We have also been advised that a future passenger transport hub is hoped for within the FFSZ(B) area. This is likewise something that we cannot definitively locate at this time, and its ideal location relative to possible catchments and

densities will in reality need to respond to the development that does occur in the area over time. We are therefore comfortable that this issue, although important to the concept of a walkable, dense community, does not need to be resolved now. We nonetheless recommend that consideration of likely future passenger transport routes and locations should be a matter for consideration within the Outline Development Plans in Activity Areas C1 (especially) and C2.

Recommendations

3.10.59 Shotover Park Ltd and Remarkables Park Ltd

In their submissions Shotover Park Ltd and Remarkables Park Ltd raise a number of issues concerning the structure plan and related provisions:

- the Outline Development Plan process is cumbersome and unnecessary, and seems to be included in the proposed Plan Change instead of including a comprehensive structure plan;
- the structure plan and Outline Development Plan process will inhibit cohesive and integrated development as landowners are forced to develop their sites in isolation with little direction or guidance on how their development relates to others in the Zone;
- proposed PC19 is silent on how the proposed link roads through the Activity Areas will be implemented;
- the proposed Rules (and structure plan) need to be consistent with the buffer area agreements;
- urban design guidelines should be made available to parties to comment on, to enable submitters to gain an understanding of what design philosophy and level of detail accompanying future proposals is likely;
- suggestions that the structure plan is little more than a sub-zone for land use activities and there is no urban design justification for what appear to be arbitrary Activity Area boundaries;
- boundaries are un-related to topographical features, cadastral boundaries, road boundaries or functional considerations;
- concerns as to the location of yard based activities adjacent to the Airport;
- there is inadequate design criteria contained within proposed PC19;

- the provisions fail to define key design elements, such as what is required for a main street and as such there is no assurance that quality, integrated and coordinated development on one site will be replicated on an adjoining site.

These submissions should be **accepted in part**. In respect of bullets 1 and 2, we have been convinced by the evidence in support of the ODP as a relevant and effective planning tool that can help articulate planning outcomes at the intermediate level between the very high level structure plan and the site-based detail of individual developments. We have concluded that this will be relevant in Activity Areas C1, C2, and E2. In respect of bullets 3, 4, 6, and 7, we agree that the structure plan as notified provided less guidance than it should, and based on the evidence we heard we have recommended changes including refined Activity Areas, the clear location of the EAR and the basic road network. We are satisfied that the detail we now recommend is sufficient. In respect of bullet 5, we have received no evidence to convince us that the guidelines that may be used within an ODP should be subject to broad public debate. The fundamental built form compatibility of development will be managed through the Activity Areas, location of streets such that they will in all cases have the same land use types on each side, and the basic bulk and location controls prescribed within the Rules. Beyond this there is no inherent need for specific design and similar detail preferences to be negotiated. In respect of bullet 8, we disagree that there is any shortcoming in locating yard based industries close to the Airport. There are obvious sensitivities and any emission of dust or similar material into the atmosphere that interferes with the Airport operation (of which we heard no evidence), is a matter that we are satisfied will be adequately managed during the land use consent stage. Lastly, in respect of bullets 9 and 10, we agree that additional design guidance within the District Plan would be desirable. The Council officers, primarily through Mr Karlovsky, also agreed with this by the conclusion of the Hearings, and had proposed possible design criteria for us which we agree with.

3.10.60 Remarkables Park Ltd [19/17/4] and Shotover Park Ltd [19/18/4] submit that if proposed PC19 is not withdrawn, it should be revised to ensure it enables:

All the land in proposed PC19 to the west of a line drawn perpendicular to SH6 on the western boundary of the western most small lot, west of the existing Glenda Drive connection to State Highway 6:

- (i) retains large open space areas so that views are protected;
- (ii) has low site coverage requirements in respect of buildings;
- (iii) provisions for recreational and tourism uses;
- (iv) provision for surface parking at grade, including parking and ride stations;
- (v) has buildings designed as pavilions within the open space areas;
- (vi) has buildings that are of a low height;
- (vii) has a significant set back from State Highway 6;
- (viii) land uses which integrate with Queenstown Airport as an existing physical resources; and
- (ix) does not extend the boundary of Frankton Flats Special Zone (A) village within the Northern Frankton Flats either to the east of Grant Road.

This submission is supported by Air New Zealand Ltd [19/17/4/1], the Ministry of Education [19/17/4/2], Shotover Park Ltd, Remarkables Park Ltd [19/18/4/2] and Five Mile Holdings Ltd [19/18/4/1].

These submissions should be **rejected** for the reasons stated above and inasmuch as this outcome has not been demonstrated to us as being a more appropriate way to implement the Objectives (or the purpose of the Act) than the provisions proposed to us by the Council. Furthermore, they are at odds with the proposition put to us by Mr Porter in his proposed structure plan, and from which we have (amongst other things) developed the recommended Activity Area E2. The further submissions in support should be also **rejected** for the same reasons.

3.10.61 **Aurora Energy Ltd**

Aurora Energy Ltd [19/20/3] seeks the removal of the Outline Development Plan altogether from the Rules of PC19 or in the alternative, for that part of Activity Area A located on the northern side of the State Highway.

This submission is opposed by Shotover Park Ltd [19/20/3/2].

This submission should be **rejected** for the reasons above and inasmuch as there is to be no Activity Area A on the northern side of the Highway. The ODP will also be an essential planning tool in Activity Areas C1, C2, and E2. The further submission in opposition should be **accepted** for the same reasons.

- 3.10.62 Aurora Energy Ltd [19/20/8] requests that Rule 12.9.3.3(vii) be deleted – this rule requires all buildings that require resource consent as a Limited Discretionary activity to be accompanied by a statement from the Urban Design Panel.

This submission is opposed by Quail Rise Estate Ltd [19/20/8/1] and Shotover Park Ltd [19/20/8/2].

This submission should be **accepted** for the reasons above. The further submissions in opposition should be **rejected** for the reasons above.

- 3.10.63 Aurora Energy Ltd [19/20/9] opposes Rule 12.9.3.4(ii) which requires resource consent for all buildings listed as Limited Discretionary Activity which do not have the support of the Urban Design Panel.

This submission is opposed by Shotover Park Ltd [19/20/9/1].

This submission should be **accepted** for the reasons above. The further submission in opposition should be **rejected** for the reasons above.

- 3.10.64 **Five Mile Holdings Ltd**

Five Mile Holdings Ltd [19/23/20] submits that Policy 18.4 be deleted as residential and visitor accommodation should be able to occur at ground level.

This is opposed by Shotover Park Ltd [19/23/20/1] which believes that residential and visitor accommodation activities should not be located at ground level within the village area.

This submission should be **accepted in part** inasmuch as it is appropriate for these uses to have ground level access in Activity Area C2, intended to be a more generally mixed use environment. However residential should not be located at ground level in Activity Area C1 given that it is intended to be a dense, mixed use village centre. Here we prefer only businesses to occupy ground level, with residential and visitor accommodation above. Entrances to residential and car parking associated with it may locate on the ground level in Activity Area C1 however. The further submission in opposition should be also **accepted in part** for the same reasons.

- 3.10.65 Five Mile Holdings Limited [19/23/17] submit that in Policy 8.2 the words “owned by the community” are replaced with “available to the community”.

This submission is opposed by Shotover Park Limited [19/23/17/1].

This submission should be **rejected** inasmuch as we accept that public realm in the context of this Plan Change refers primarily to public spaces in public ownership such as streets, parks, and squares. We do not agree that private spaces (including views across private land) have been satisfactorily demonstrated to be within the public realm, notwithstanding that they may be available to and can be enjoyed by the general public. The further submission in opposition should be **accepted** for the same reasons.

- 3.10.66 Five Mile Holdings Ltd [19/23/22] requests the addition of a second paragraph for Objective 8 as follows: *“There may be similar synergies between the educational activities and associated visitor accommodation with restaurants,*

commercial and industrial activities. The co-location of activities in such situations is encouraged”.

This submission is opposed by Air New Zealand Ltd [19/23/22/1], Shotover Park Ltd [19/23/22/4] and supported by the Ministry of Education [19/23/22/2 & 3].

This submission should be **accepted in part** for the reasons above and inasmuch as there are many activities that can be designed in a manner so as to provide synergies with educational activities. Revisions to Objective 8 are therefore proposed that acknowledge this, without making direct reference to visitor accommodation, restaurants, commercial, or industrial activities. The further submissions in opposition should be **accepted in part**, as should be the further submission in support, all for the same reasons.

- 3.10.67 Five Mile Holdings Ltd [19/23/28] submits that QLDC wishes to legitimise the standard of the Urban Design Panel, it should give it status under Section 42A of the RMA and seeks its advice by way of a report. If this is the approach taken by QLDC the words “prior to lodgement of a resource consent application” should be deleted.

This submission is opposed by Shotover Park Ltd [19/23/28/1]

This submission should be **accepted in part** for the reasons above. The further submission in opposition should be **rejected** for the reasons above.

- 3.10.68 Five Mile Holdings Ltd [19/23/30] submits that the last sentence in 12.19.1 Zone Purpose reads as follows:

“The Outline Development Plan will show road linkages, heavy goods vehicle network, public transport network (where applicable), pedestrian and cycle routes, stormwater and water supply network, open space network and building height matrix and should be accompanied by Design Guidelines to apply to all buildings and layout within the area concerned”.

This submission is supported by Air New Zealand Ltd [19/23/30/1], New Zealand Transport Agency [19/23/30/3] and opposed by Shotover Park Ltd [19/23/30/2] which believes that any design guidelines should be designed by the Council and subject to public input.

This submission should be **accepted in part** for the reasons above and inasmuch as it helps add clarity and direction to the ODP process. However we prefer that the explanation should sit within the explanation for Objective 2 (Structure Plan and Outline Development Plan) rather than the Zone purpose. The further submissions in support should be **accepted in part** for the same reasons. The further submission in opposition should be **rejected** for the same reasons.

- 3.10.69 Five Mile Holdings Ltd [19/23/31] submits that in Rule 12.19.3.2 the fourth bullet point after “(i) All buildings that are Controlled Activities in Table 1, in respect of...” be struck out.

This submission is opposed by Air New Zealand Ltd [19/23/31/1] and Shotover Park Ltd [19/23/31/2]

This submission should be **rejected** for the reasons above and inasmuch as these matters will allow the Council to ensure all development integrates into the Zone. Given the degree of pedestrianisation and mixed use envisaged, such integration will be essential. The further submissions in opposition should be **accepted** for the same reasons.

- 3.10.70 Five Mile Holdings Ltd [19/23/32] submits that items (a) to (v) be struck out from 12.19.3.3 Limited Discretionary Activities and be replaced with the following:

- a. Transport movement network;
- b. Public transport network;
- c. Cycle network;

- d. Pedestrian network;
- e. Water supply and stormwater disposal networks;
- f. Open Space network including view shafts from State Highway 6 through to the Remarkables;
- g. Building height matrix;
- h. Building coverage.

An application for an Outline Development Plan must consist of a series of layered plans and be accompanied by the following information:

- design guidelines to apply to the form and disposition of buildings and activities within the area concerned;
- information on traffic generation and parking needs in relation to the mix of land uses proposed and the methods of providing for these;
- Methods of restraining long term parking in areas associated with commercial development;
- Methods of waste collection and disposal;
- Methods and Standards of indoor noise attenuation for noise sensitive activities.

In the case of any conflict between the terms and standards in the District Plan and in an approved Outline Development Plan, the latter are to take precedence and be adopted as the standards against which any further resource consents are to be judged.

This submission is opposed by Shotover Park Ltd [19/23/32/1] as they are vague and uncertain.

These submissions should be **accepted in part** inasmuch as a new Rule can include the matters identified in bullet points above relating to what an ODP must consist of. This will add clarity and direction to the preparation of ODPs. However matters a-h above are not considered to be superior to the existing provisions. The further submission should be **accepted in part** for the same reasons.

3.10.71 Five Mile Holdings Ltd [19/23/35] requests the striking out of 12.19.3.3.(vii).

Queenstown Airport Corporation [19/23/35/1] and Shotover Park Ltd [19/23/35/2] oppose this submission

This submission should be **accepted in part** inasmuch as applications should not be required to have an Urban Design Panel report. Instead, only applications for ODPs and other applications covering more than 1ha in area should automatically require such scrutiny. The further submissions in opposition should be **accepted in part** for the same reasons.

3.10.72 Five Mile Holdings Ltd [19/23/37] submits that the following changes are made to Table 1 within 12.19.3.4(ii):

- Residential activities to be Limited Discretionary in Activity Area E;
- Commercial activities greater than 500m² to be Controlled in Activity Areas C and E;
- Educational Activities to be Limited Discretionary in Activity Area E;
- Visitor Accommodation to be Permitted in Activity Area C and Limited Discretionary in Activity Area E;
- Panel beating, spray painting, motor vehicle dismantling, fibre glassing, sheet metalwork, bottle or scrap storage (except underground) and motor body building to be a Non-Complying in Activity Area E.

This submission is opposed by Air New Zealand Ltd [19/23/37/1] and Shotover Park Ltd [19/23/37/3] and is supported by the Ministry of Education [19/23/37/2].

These submissions should be **rejected** for the reasons stated above and inasmuch as Activity Area E is intended to be business focussed. This would be somewhat undermined by providing for residential, visitor accommodation, and educational activities within it. In respect of the last bullet, we are satisfied that these uses could appropriately locate within Activity Area E1 as we propose, away from the premier frontage along the EAR in Activity Area E2.

The further submissions in opposition should be **accepted** for the same reasons.

- 3.10.73 Five Mile Holdings Ltd [19/23/38] submits that Clause 12.19.4 be amended so that it where it refers to Section 93 the words “or served in accordance with section 94” be inserted.

These submissions are opposed by Air New Zealand Ltd [19/23/38/1] and Shotover Park Ltd [119/23/38/2].

This submission should be **rejected** inasmuch as the proposed provisions, while providing for no full notification, still provide for a limited notification of applications where this is appropriate. This seems to us to be sensible and will help manage issues between sites and Activity Areas, such as Mr Rae for Remarkables Park Ltd and Shotover Park Ltd encouraged us to consider. Giving relief to the submitter would prevent this from occurring. The further submissions in opposition should be **accepted** for the same reasons.

- 3.10.74 Five Mile Holdings Ltd [19/23/40] submits that Rule 12.19.5.1 (a), (b) and (c) relating to building coverage be deleted and considered at Outline Development Plan stage.

This submission is opposed by Shotover Park Ltd [19/23/40/1] which believes these provisions should be contained within the District Plan.

This submission should be **rejected** for the reasons stated above and inasmuch as we have not been convinced that the ODP stage can manage such site-specific, detailed design matters. We prefer the evidence that supports site coverage as Rules within the District Plan. The further submission in opposition should be **accepted** for the same reasons.

- 3.10.75 Five Mile Holdings Ltd [19/23/41] believes Rule 12.19.5.1(iv) relating to the provision of outdoor living spaces should be deleted.

This submission is opposed by Shotover Park Ltd [19/23/41/1] as outdoor living spaces should be contained within the District Plan.

This submission should be **rejected** for the reasons stated above and inasmuch as outdoor living space is an essential amenity component of residential developments. The further submission in opposition should be **accepted** for the same reasons.

- 3.10.76 Five Mile Holdings Ltd [19/23/42] submits that Rule 12.19.5.1(vii) relating to setbacks from internal boundaries should be deleted.

This submission is opposed by Shotover Park Ltd [19/23/42/1] which believes setbacks are required between buildings.

This submission should be **accepted in part** inasmuch as buildings built to boundaries and adjoining one another may be appropriate in parts of Activity Areas C1, however not in the other Activity Areas. The further submission in opposition should be **accepted in part** for the same reasons.

- 3.10.77 Five Mile Holdings Ltd [19/23/47] submits that Rule 12.19.5.2(ii) relating to street scene setbacks be deleted.

This submission is opposed by Shotover Park Ltd [19/23/47/1].

This submission should be **accepted in part** inasmuch as Activity Area C1 is intended to be an intimate, urban environment that may not require setbacks in the creation of high amenity streetscapes. However in the remaining Activity Areas including Area C2, we disagree with the submitter and instead prefer the evidence calling for high amenity streetscapes supported by appropriate landscaped setbacks. The further submission in opposition should be **accepted in part** for the same reasons.

- 3.10.78 Five Mile Holdings Ltd [19/23/48] submits that Rule 12.19.5.2iv (a), (b) and (c) relating to Zone Standards for height be deleted.

This submission is opposed by Shotover Park Ltd [19/23/48/1].

This submission should be **accepted in part** inasmuch while Rules will be retained, they should be different to the Rules notified by the Council. However it is noted that we do not support the broad submission of Five Mile Holdings Ltd that building height should be managed through the ODP process with no Rules on the matter specified. The further submission in opposition should be **accepted in part** for the same reasons.

- 3.10.79 Five Mile Holdings Ltd [19/23/49] submits that Rule 12.19.5.2(v) be deleted and replaced within the Outline Development Plan process.

Shotover Park Limited [19/23/49/1] has submitted in opposition.

This submission should be **rejected** for the reasons stated above and inasmuch as we do not agree that the ODP should (or could) be used to determine very detailed design matters and their appropriateness without becoming extremely long, drawn out, and costly processes. Based on evaluation of all evidence before us we prefer to provide basic bulk and location controls as Rules within the District Plan. The further submission in opposition should be **accepted** for the same reasons.

- 3.10.80 Five Mile Holdings Ltd [19/23/50] requests that Rule 12.19.5.2(v) relating to permeable surface be deleted.

This submission is opposed by Shotover Park Ltd [19/23/50/1] which insists that permeable surfaces are required.

This submission should be **rejected** for the reasons stated above and inasmuch as we have been satisfied that permeable area is an important tool to help promote landscaping, separation and gaps between buildings, and visual amenity. The proportions proposed within the Plan Change for permeable surface are reasonable and will not undermine the intended development

outcomes on sites. The further submission in opposition should be **accepted** for the same reasons.

- 3.10.81 Five Mile Holdings Ltd [19/23/52] submits that within Rule 12.19.5.2(xviii) the words “an arterial” are struck out from the Rule. This Rule refers to State Highway access.

Shotover Park Ltd [19/23/52/1] submits that there should be limited access to the State Highway because of safety and other traffic issues. New Zealand Transport Agency partly supports the submission [19/23/52/2].

This submission should be **accepted** for the reasons stated above and inasmuch as the clarity of the provision would be improved by the removal of these words. The further submissions should be also **accepted** for the same reasons.

- 3.10.82 Five Mile Holdings Ltd [19/23/53] submits that all the Assessment Matters under 12.17.6 (resource consent assessment matters) Controlled and Discretionary Activity should be deleted. Failing that, consequential amendments will be sought if relief sought through other submissions is accepted. The first bullet point in 12.17.6 (a) for instance, should have the reference to a 100m setback removed and the word “soften” replaced with by “complement”. In the third point after the word mitigate, “the” should be replaced with “any adverse”.

It is not clear whether the further submission by Shotover Park Ltd [19/23/53/1] opposes or supports the submission.

This submission should be **accepted in part** inasmuch as the provisions require corrections and other revision for clarity and accuracy. However beyond this we do not agree that deleting the criteria will result in the most appropriate provisions to implement the Objectives. They are necessary to help guide the ODP, subdivision, and land use consent processes. The further submission should be **rejected** in the interests of clarity.

- 3.10.83 Five Mile Holdings Ltd [19/23/54] submits that item (c) should be deleted (assessment matters for outdoor living space).

This submission is opposed by Shotover Park Ltd [19/23/54/1].

This submission should be **rejected**. The provisions for outdoor living space are technically sound and were not challenged in evidence during the hearings. We agree that they will be an important part of residential amenity within the zone. The further submission should be **accepted** for the same reasons.

- 3.10.84 Five Mile Holdings Ltd [29/23/55] submits that 12.17.6 (d) Streetscape – in the last sentence of the third bullet point, the clause is amended to read: “Uses trees and plants as landscape features for neighbourhood identity” – deleting the words “maximising the use of”.

Shotover Park Ltd 19/23/55/1] submits that planting should be encouraged to ensure good streetscape amenity.

This submission should be **rejected** for the reasons stated above and inasmuch as the provision appropriately looks for the greatest possible amount of landscaping where appropriate. The further submission should be **accepted** for the same reasons.

- 3.10.85 Five Mile Holdings Ltd [19/23/56] submits that under 12.17.6 – Assessment Matters – Item J, Earthworks and Conservation be renamed so it more accurately reflects the range of assessment matters under that heading.

Shotover Park Ltd made a further submission on this point [19/23/56/1].

This submission should be **accepted** as the range of items addressed goes beyond just earthworks and conservation. There are numerous numbering and formatting inconsistencies within this part of the Provisions, and we are recommending several streamlining revisions to it. The Earthworks and

Conservation provisions will be simplified to relate to Earthworks, with the non-earthworks criteria distributed amongst other provisions as appropriate. The further submission should be **rejected** in the interests of clarity.

- 3.10.86 Five Mile Holdings Ltd [19/23/57] submits that under 12.17.6 Resource Consent Assessment Matters (j) Earthworks and Conservation, the reference to Rule 12.19.33 (ii) in point 10 be followed by the words “where relevant”.

Shotover Park Ltd opposes this amendment as it creates uncertainty [19/23/57/1].

This submission should be **rejected** for the reasons stated above and inasmuch as the provision does not require any additional clarity to be readily usable. The further submission in opposition should be **accepted** for the same reasons.

- 3.10.87 Five Mile Ltd [19/23/58] submits that point 11 (Setbacks from Roads and Internal boundaries) be deleted.

Shotover Park Ltd [19/23/58/1] opposes the deletion. Setbacks are required to ensure separation between buildings and breaks in built form. A consent application should be required to establish a planning justification for a lesser setback.

This submission should be **rejected** for the reasons stated above and inasmuch as there is already a (recommended) reduced requirement for setbacks within Activity Areas C1 and C2. Assessment matters are critical to ensure that landscaping is used to best integrate and soften the various different activities within the Zone. The further submission in opposition should be **accepted** for the same reasons.

- 3.10.88 Five Mile Ltd [19/23/59] submits that point 12 under 12.17.6 Resource Consent Assessment Matters, Earthworks and Conservation be deleted. This refers to

landscaping within Activity Areas E and within 30m of the boundary with Activity Area C.

Shotover Park Ltd [19/23/59/1] opposes the deletion.

This submission should be **accepted in part** inasmuch as the provisions relating to the new Activity Area E2 supersede the provision in question and replace them. However they still include setbacks and consideration of landscaping and visual amenity. The further submission in opposition should be **accepted in part** for the same reasons.

3.10.89 Five Mile Ltd [19.23.60] submits that point 13 of the 12.17.6 Assessment Matters be deleted. This concerns the use of Discretionary building height.

This is opposed by Shotover Park Ltd [19/23/60/1] which submits that it is appropriate that building height be controlled.

This submission should be **rejected** for the reasons above and inasmuch as we have carefully determined the appropriate regime of building height and mass to most appropriately give effect to the proposed Objectives. These are different to those notified but ultimately we do not propose any height as a Zone standard over and above what is available as a Site standard. We do not agree with the submitter that height should be a matter not specified within the Rules but left instead to the discretion of participants involved in the Outline Development Plan process. The further submission in opposition should be **accepted** for the same reasons.

3.10.90 Five Mile Ltd [19/23/64] submits that the structure plan be removed and replaced with the submitter's structure plan [19/23/64].

This submission is partially supported by Manapouri Beech Investments Ltd [19/23/64/1] which submits that the Activity Areas should not include its site. Shotover Park Ltd has made a further submission [19/23/64/2] however, it is not clear whether it supports or opposes the original submission.

This submission should be **rejected** for the reasons above and inasmuch as having assessed the submitter's plan, we have concluded that it is less effective and less efficient than the structure plan we propose. The further submissions should be also **rejected** for the same reasons.

- 3.10.91 Five Mile Ltd [19/23/65] submits that the zoning plan be amended to reflect the removal of the 50m landscape corridor.

Shotover Park Ltd [19/23/65/1] made a further submission, it is not clear whether it supports or opposes the original submission.

This submission should be **rejected** for the reasons above and inasmuch as Activity Area A is a necessary part of the Plan Change and zone development concept. The further submission should be **rejected** for reasons of clarity.

3.10.92 **Queenstown Airport Corporation**

Queenstown Airport Corporation [19/38/12], requests that 12.19.5.1(iv) relating to outdoor living space be deleted.

This submission is supported by Air New Zealand Ltd [19/38/12/1] and is partially supported by Shotover Park Ltd [19/38/12/2].

This submission should be **rejected** for the reasons above and inasmuch as we have determined that residential activities will be an appropriate land use within parts of FFSZ(B). These will require high amenity, functional outdoor living spaces and we have been satisfied that the Council's proposals for such are appropriate. The further submissions should be also **rejected** for the same reasons.

- 3.10.93 Queenstown Airport Corporation [19/38/13] requests that 12.19.5.1(vii) be deleted and replaced with: *"The minimum building setback from any internal*

boundary to an adjacent activity area shall be the following: Activity Area E – 5m, Activity Area A – 2m”.

This submission is supported by Air New Zealand Ltd [19/38/13/1] and is partially supported by Shotover Park Ltd [19/38/13/2].

This submission should be **rejected** for the reasons stated above and inasmuch as we do not support the consolidation of Activity Areas into Activity Area E. On that basis, the setback proposed for Activity Area D is still required. The further submissions should be also **rejected** for the same reasons.

3.10.94 **Alexa Forbes**

Alexa Forbes [19/25/2] submits that the site of the proposed education facilities be changed in favour of a location further from the Airport.

This submission is supported by Air New Zealand Ltd [19/25/2/1], Jacks Point Ltd [19/25/2/2], Russell and Ruth Jones [19/25/2/3], Plethora Investments Ltd [19/25/2/5], Queenstown Airport Corporation [19/25/2/6] Shotover Park Ltd [19/25/2/7] and opposed by the Ministry of Education [19/25/2/4].

This submission should be **accepted in part** inasmuch as provision of Activities Sensitive to Aircraft Noise will limit the proximity of educational facilities to the Airport. However ultimately the location of a school will either be the subject of a Ministry of Education Notice of Requirement, or if private, some manner of land use consent. It is not something we believe can be lawfully fixed on the structure plan. The further submissions in support should be **accepted in part** for the same reasons. The further submission in opposition should be **accepted in part** for the same reasons.

3.10.95 **Queenstown Airport Corporation**

Queenstown Airport Corporation [19/38/3 & 4] submits that Activity Areas B, C and D are merged with Activity Area E and are subject to the provisions of

Activity Area E, and that Activity Area A is retained as open space. Queenstown Airport Corporation seeks activity provisions within the Zone to comply with the Table attached to their submission.

This submission is supported by Air New Zealand Ltd [19/38/3/1] and [19/38/4/1, partially supported by Shotover Park Ltd [19/38/3/4] and [19/38/4/2]. It is opposed by the Ministry of Education, [19/38/3/2] and [19/38/3/3].

This submission should be **rejected** for the reasons stated above and inasmuch as the evidence does not support the creation of one large-scale general business area on the FFSZ(B) land. The further submissions in support should be **rejected** for the same reasons. The further submission in opposition should be **accepted** for the same reasons.

3.10.96 Queenstown Airport Corporation [19/38/5] submit that the structure plan be amended to show Activity Areas B, C and D as Activity Area E.

The submission is supported by Air New Zealand [19/38/5/1] and partly supported by Shotover Park Limited [19/38/5/2].

The submission should be **rejected** for the reasons above and inasmuch as we do not support the amalgamation of the Activity Areas into Activity Area E nor that the FFSZ(B) has been justified as being appropriately used as a large general business area. The further submissions in support should be **rejected** for the same reasons.

3.11 Other Discrete Issues

Issue

3.11.1 A number of submissions were made on important but discrete issues, for which there was limited depth of discussion held at the hearings. This section of the report will not provide a full discussion of the issues and our evaluation of them; rather it will discuss each of these submissions individually.

Recommendations and Reasons

3.11.2 Albion Trustee Ltd, Sarah Crosbie, Neville Dennis, Simon Forshaw, Rodney James Hodge, Rong Qian, Mandy Reriti, Phillipa Saxton, Duane Tepaa, Lane Vermaas

A number of pro-forma submissions suggested there has been a lack of formal consultation and time in which to enable submitters to consider proposed PC19 compared to other Plan Changes.

We have enquired of the Council who have confirmed that the progression of the Plan Change to our hearings complied with statutory requirements within the RMA. We recommend that these submissions be **rejected** on the grounds that the Plan Change has been progressed in compliance with statutory requirements.

Further submissions in support by Air New Zealand [19/1/11/1] and Remarkables park Limited [19/11/12] should be rejected for the same reasons.

3.11.3 Five Mile Holdings Ltd

Five Mile Holdings Ltd [19/23/1] submits that no part of Lot 2 DP 25073 be included within the proposed PC19 area and that the part of Lot 1 DP 23278 shown as Area A be removed from PC19.

The submission is supported by L Hansen [19/23/1/2], Manapouri Beech Investments Ltd [19/23/1/4] and opposed by Foodstuffs (South Island) Ltd [19/23/1/1], Jacks Point Ltd [19/23/1/3], Plethora Investments Ltd [19/23/1/5], Queenstown Airport Corporation [19/23/1/6], Shotover Park Ltd [19/23/1/7] and Trojan Holdings Ltd [19/23/1/8].

The lots in question relate to the landscaped area running parallel to the State Highway, which have been recently landscaped. The use of this land is related to the use of the proposed Plan Change area, including the rationale for a road to be provided along the northern edge of Activity Area C with Activity Area A

and also overall building height and setback. We see greater merit in these lots being included within the proposed Plan Change than excluded. We recommend that the submission be **rejected**. The further submissions in support should be **rejected** and the further submissions in opposition should be **accepted**, all for the same reasons.

- 3.11.4 Five Mile Holdings Ltd [19/23/33] submits that the reference to Rule 12.17.3.2(i) be changed to 12.19.3.2(i) as it is presumed that this is the intent.

This submission relates to corrections within the proposed Plan Change text. It is recommended that it be **accepted** for reasons of clarity and practicality.

Further submissions in partial support from Remarkables Park Limited [19/23/33/1], and Shotover Park Limited [19/23/33/1], should be **accepted** for the same reasons.

- 3.11.5 Five Mile Holdings [19/23/36] submits that Rule 12.19.3.4(ii) be deleted (being any activity that is not listed as a Prohibited Activity that does not comply with one or more or more of the relevant Zone Standards is a Non-Complying Activity).

This submission is opposed by Air New Zealand Ltd [19/23/36/1] and Shotover Park Ltd [19/23/36/2].

This provision is a standard provision within District Plans. It seems consistent with the Council's careful approach to the planning and development of this land. Presumably the Council considers that the provisions of s77C of the RMA may be too permissive or otherwise interfere with the policy approach it is looking to take. We are satisfied that the Council's approach will promote sustainable management and that inclusion of this provision is important to most appropriately achieve the objectives of this proposed Plan Change. It is recommended that this submission be **rejected**. The further submissions should be **accepted** for the same reasons.

- 3.11.6 Five Mile Holdings Ltd [19/23/7] submits that Policy 1 and the corresponding explanation and principal reasons for adoption should be amended so the last paragraph reads *“when viewed primarily from the State Highway” deleting the words “and the Queenstown Events Centre”*.

Shotover Park Ltd believes this is misconceived and that the explanation does not intend to preserve the views from the proposed Five Mile site to the Queenstown Events Centre – it is intended to preserve views from those locations toward the outstanding natural features (i.e. Remarkables etc.) [19/23/7/1].

Landscape views over the FFSZ(B) land to Outstanding Natural Landscapes and features (namely the Remarkables) are important, and in our recommendation have been provided for appropriately. We agree with Shotover Park Ltd as to the intent of the provision. There is no need to delete the words sought by Five Mile Holdings Ltd.

This submission should be **rejected**. The further submission in opposition from Shotover Park Ltd should be **accepted** for the same reasons.

- 3.11.7 Five Mile Holdings Ltd [19/23/11] submits that Policy 3.3 be amended by removing the last 16 words of the Policy *“good visual connections should be provided through different parts of the zone to the Events Centre”*.

This submission is partially supported by Shotover Park Ltd [19/23/11/1].

The issue of connections to the Events Centre is primarily, in our view, about physical connections especially for residents and pedestrians who may go to and enjoy the facility. The issue of good visual connections is secondary. This submission should be **accepted in part** inasmuch as the policy should emphasise the ability of people to readily see and gain access (primarily along well connected and direct streets) to the Queenstown Events Centre. We have recommended partial rewording accordingly The further submission in partial support should also be **accepted in part** for the same reasons.

3.11.8 Cath Gilmore

Cath Gilmore [19/26/13] submits that there should be a time limit on zoning to prevent land banking, possible with activities moving from more permissive provisions to Discretionary Activities over a period of, say, 10 to 15 years.

Shotover Park Ltd [19/26/13/1] opposes a time limit of development rights [19/26/13/2]. Air New Zealand Ltd also opposes the submission.

This submission is not considered necessary to achieve the purpose of the Act. Although s76(4) RMA acknowledges that Rules may apply for a specified period, we have not been provided with any evidence of how or why the purpose of the Act would be better served by a regime that looked to encourage development as early as possible.

It is recommended that this submission be **rejected**. The further submissions in opposition should be **accepted** for the same reasons.

3.11.9 New Zealand Fire Service

The New Zealand Fire Service (NZFS) [19/31/1] requests that QLDC ensures that the provisions of SNZ 4509:2003 are met, practically, in respect of adequacy of water supply and reticulations and infrastructure as the zone develops. This is to ensure the NZFS can meet its statutory obligations in terms of being an effective emergency service.

This submission is supported by Remarkables Park Ltd [19/31/1/1] and Shotover Park Ltd [19/31/1/2].

The Council confirmed to us in discussions on infrastructure matters that it requires this standard to be achieved in all public and private development. We heard no evidence that this standard could not be achieved. It is therefore recommended that this submission be **accepted**. We have recommended that

this be noted within the provisions as applying to all development within the Structure Plan area. The further submissions in support should also be **accepted** for the same reasons.

3.11.10 **New Zealand Historic Places Trust**

The New Zealand Historic Places Trust [19/32/1] submits that the architectural requirements of the Historic Places Act 1993 (HPA) be brought to the attention of the prospective land developers in the area subject to the PC19 and to proceed with PC19.

The question of integration between the Historic Places Act and the RMA is a legitimate consideration, however we are unclear on exactly what specific implications this may have for the proposed Plan Change. We are of the view that Assessment Criteria for resource consents identifying the need to consider heritage issues including those set out within the HPA 1993 will satisfactorily address this submission. It is recommended that it be **accepted** for those reasons.

3.11.11 **Otago Regional Council**

The Otago Regional Council [19/33/1] submits that proposed PC19 refer to the Bio-Security Act and Pest Management Plan regarding the planting and control of Pinus Contorta.

This submission is supported by Shotover Park Ltd [19/33/1/1].

This is an appropriate matter to include given the emphasis on landscaping within this proposed Plan Change. The submitter has not provided clarity on what it means by the term 'refer', and whether it should just be a reference or instead be a more fundamental inclusion in the content of the Provisions. It is recommended that suitable provision be made within the Plan Change provisions and that the submission be **accepted**. However for clarity and simplicity we prefer that a formal requirement of compliance be introduced as a

Rule. We have recommended that this be included within the landscape assessment criteria of the provisions. The further submission in support should also be **accepted** for the same reasons.

- 3.11.12 The Otago Regional Council [19/33/2] submits that minor spelling, grammatical and formatting errors should be corrected, as identified in the submission.

This submission is supported by Shotover Park Ltd [199/33/2/1].

This submission is self explanatory and is supported. This submission should be **accepted**. The further submission in opposition should be **accepted** for the same reasons.

- 3.11.13 **Queenstown Lakes District Council**

QLDC [19/36/1] requests that the numbering mistakes are corrected in PC19 so they are consistent with the formatting of the remainder of the District Plan.

This submission is supported by Remarkables Park Ltd [19/36/1/1] and Shotover Park Ltd [19/36/1/2].

This submission is self explanatory and should be **accepted**. The further submissions in support should be **accepted** for the same reasons.

- 3.11.14 QLDC [19/36/2] requests that the phrase “N/A” (Not Applicable) is not used in the Table 1 (12.19.3.6).

This submission is supported by Remarkables Park Ltd [19/36/2/1] and Shotover Park Ltd [19/36/2/2].

The inclusion of the words N/A is confusing and leaves doubt as to what activity status applies. It is recommended that this submission be **accepted in part** inasmuch as those activities where N/A has been proposed and which are intended to be Non Complying Activities, need to be changed within the

provisions. We have recommended this within our attached provisions. The further submissions in support should also be **accepted in part**.

3.11.15 **Queenstown Events Centre Trust**

The Queenstown Events Centre Trust [19/39/1] requests that PC19 provides for “recreation activities, including outdoor and indoor recreation facilities, on the Frankton Flats”.

This submission is supported by Remarkables Park Ltd [19/39/1/1] and by Shotover Park Ltd [19/39/1/2].

This is an important point, however on our analysis we are satisfied that appropriate provision has been made within the proposed provisions to enable this relief. The submission should therefore be **accepted in part** for the reason that the provisions will ensure adequate recreation activities eventuate in the Zone. The further submissions in support should also be **accepted in part** for the same reasons.

3.11.16 The Queenstown Events Centre Trust [19/39/3], requests that the Issues, Objectives and Policies of the Frankton Flats Special Zone (B) be amended to provide for recreation activities and facilities identified in the Queenstown Events Centre Master Facility Plan.

This submission is supported by Remarkables Park Ltd [19/39/3/1], supported by Shotover Park Ltd [19/39/3/2].

The Queenstown Events Centre Trust [19/39/4], request that the Rules and Assessment Matters of Frankton Flats Special Zone (B) be amended to provide for recreation activities and facilities identified in the Queenstown Events Centre Master Facility Plan.

This submission is supported by Remarkables Park Ltd [19/39/4/1] and by Shotover Park Ltd [19/39/4/2].

We have deliberated extensively on the activities that would be most appropriate for the land included within the proposed FFSZ(B) area. Our analysis is that the land is most appropriately used for urban activities and that in particular, there is no local shortfall of land needed for recreation activities and facilities, on the evidence we heard. This submission should be **rejected**. The further submissions in support should be **rejected** for the same reasons.

- 3.11.17 The Queenstown Events Centre Trust [19/39/5], requests that provision be made for transport, pedestrian, cycleway and open space linkages to the Queenstown Events Centre.

This submission is supported by Remarkables Park Ltd [19/39/5/1], supported by Shotover Park Ltd [19/39/5/2], supported by New Zealand Transport Agency [19/39/5/3].

The ability of people to conveniently connect to the QEC and its facilities will provide a substantial amenity value for users of the FFSZ(B). However we are satisfied that the provisions we have recommended will ensure that as far as is practicable this will be achieved. It is therefore recommended that this submission be **accepted**. The further submissions should also be **accepted** for the same reasons.

- 3.11.18 The Queenstown Events Centre Trust [19/39/6], requests any such alternative, similar, and/or consequential amendments be made to the Partially Operative District Plan, and to any other relevant Part of the Partially Operative District Plan, as are appropriate to address the issues and concerns raised in the Queenstown Events Centre Trust submission.

This submission is supported by Remarkables Park Ltd [19/39/6/1] and Shotover Park Ltd [19/39/6/2].

This submission should be **rejected** inasmuch as we have not been given any evidence on which to conclude that the Objectives, Policies, Rules, and Other

Methods we are recommending to the Council are not the most appropriate ones, specifically in respect of recreational activities and facilities that could be located within the FFSZ(B). The further submissions should likewise be **rejected** for the same reasons.

3.11.19 **Pegasus Rental Cars Queenstown**

Pegasus Rental Cars Queenstown questions whether the rezoning of land will include the ability for rental car parking. Additionally it is questioned whether allotments will be kept affordable and who are likely purchasers, land bankers or owner operators.

This submission should be **accepted in part**. The proposed provisions do provide for activities such as rental car parking lots (especially in Activity Area D). However while we have taken pains to ensure the provisions facilitate the greatest possible level of affordability in business lots, it is not something that can be mandated through the District Plan.

3.12 Accept or Reject the Plan Change

Issue

- 3.12.1 We come to those submissions that call for an overall acceptance, withdrawal, or rejection of the proposed Plan Change.

Discussion & Reasons for Recommendations

- 3.12.2 As the preceding sections of this recommendation show, the submissions and hearings process allowed a substantial amount of technical and lay information to be presented in a forum that we ensured was fair and open for those parties taking an interest in this public Plan Change.

- 3.12.3 Looking solely at the written submissions, there seemed to be a considerable weight of local opinion calling for the rejection or withdrawal of the proposed Plan Change. The reasons included alleged levels of doubt, inadequate or insufficient technical investigations, and unworkable provisions. In the most

elaborate submissions, considerable input by independent experts was apparent. While some submissions were not clear on why specific relief was being sought, most were articulated clearly enough that we could at an ordinary every-day reading understand the issues that were of concern. We thank participants in this respect.

3.12.4 Having read these submissions and the supporting information provided by the Council prior to the commencement of the hearings, we were surprised that the evidence presented orally took a markedly different tone. While calls to reject the proposed Plan Change were duly made by counsel for submitters in opposition, these often lacked any real support from the evidence actually presented. Indeed of all expert witnesses called for the submitters over the course of the hearings, only Mr Tansley, on behalf of Remarkables Park Ltd and Shotover Park Ltd, provided a consistent, clear statement of evidence in opposition to the proposed Plan Change. All other experts focussed on modifications, alternatives, and other changes that would in their view make the proposed Plan Change appropriate.

3.12.5 We have evaluated all of this evidence and information. Overall we find that the evidence against this proposed Plan Change proceeding, on the whole, to be inconsistent, often contradictory, and ultimately lacking the weight of the evidence in support of the proposed Plan Change. We were in particular unconvinced by the subset of expert evidence that called for the rejection or withdrawal of proposed PC19 on the basis of some actual, detailed solutions needed in the future not being fully 'locked down' at this time. We find that this is an unrealistic expectation, especially given that none of those witnesses was able to demonstrate, despite specific invitations from us to do so, that there was any particular technical problem that could not be overcome. We take at face value, as we believe is good resource management practice, this Territorial Local Authority's commitment that it will undertake to deliver on commitments it has made through this public process in an open and transparent manner, and as is required of that Authority under the Local Government Act 2002 (and other statutes as relevant).

- 3.12.6 This is not to say however that several important deficiencies in the notified Plan Change provisions have not been identified through the hearings process with the invaluable assistance of submitters. We take the time here to in particular acknowledge the commitment of those submitters who invested substantial resources to call expert witnesses (in some cases several experts). The combined expertise available to us through the hearings made our challenging assessment and consideration of the many complex issues affecting this Plan Change considerably more robust.
- 3.12.7 However on examination of those deficiencies our analysis – which commendably and professionally often included advice given by experts against their client’s submission for rejection of the proposed Plan Change - has indicated that revisions or alternative provisions will in every case provide a more appropriate, effective, and efficient outcome for Queenstown than would eventuate with the rejection of this proposed Plan Change.
- 3.12.8 In respect of the information in support of the proposed Plan Change, we are satisfied that the overwhelming conclusion of expert evidence on the matter is that some manner of rezoning of the land identified in the FFSZ(B) from the existing rural general provisions is the most appropriate manner in which to promote sustainable management. Our analysis is that overall the information we were presented with, including the important local lay information we received, is likewise in favour of the proposed Plan Change being accepted.
- 3.12.9 We have evaluated the many competing alternatives put forward with special regard to all evidence given to us on actual and likely rates of land use type and land capacity demands. We have analysed and measured, for completeness, the content of each successive version of the structure plan put forward by all parties including the Council’s officers. We have considered the minutiae of every proposed Objective, Policy, Rule, Assessment Criteria, explanation, definition, and note within the proposed provisions. We have conceived and followed through a number of development scenarios within each of the proposed Activity Areas and hypothetically taken those scenarios

through the 'process' that has been set up by the provisions in their totality to test their loopholes and general robustness.

3.12.10 We are ultimately satisfied, in accordance with the procedural requirements imposed on our management of the hearings process (including those set out within section 32 RMA), and having due regard to all relevant matters, that:

- a. the proposed Plan Change Objectives (subject to our revisions) are the most appropriate to achieve the purpose of the RMA;
- b. the proposed Plan Change Policies and Methods (including the structure plan map, and subject to our revisions) are the most appropriate to achieve the purpose of the Objectives;
- c. the proposed Objectives, Policies, Rules, and Other Methods are in accordance with the requirements of Part 5 of the RMA;
- d. the proposed Plan Change will enable activities to be undertaken in compliance with the requirements of Part 3 RMA, particularly Sections 16 and 17 RMA.

3.12.11 It is our recommendation to the Queenstown Lakes District Council that it accept this Plan Change, subject to the revisions we have set out in the attached provisions and structure plan map.

Recommendations

3.12.12 Shotover Park Ltd and Remarkables Park Ltd

Remarkables Park Ltd [19/17/1] and Shotover Park Ltd [19/18/1] request PC19 is withdrawn.

This submission is supported by Air New Zealand Ltd [19/17/1/1], Foodstuffs (South Island) Ltd [19/17/1/3] [19/18/1/2], Jacks Point Ltd [19/17/1/4], [19/18/1/3], Plethora Investments Ltd [19/17/1/5], [19/18/1/5], Queenstown Airport Corporation [19/17/1/6], [19/18/1/6] and Remarkables Park Ltd [19/18/1/7].

The submission is opposed by Five Mile Holdings Ltd [19/18/1/1] and Manapouri Beech Investments Ltd [19/18/1/4]

These submissions should be **rejected** for the reasons above. The further submissions in support by Air New Zealand, Foodstuffs (South Island) Ltd, Jacks Point Ltd, Plethora Investments Ltd, Queenstown Airport Corporation, and Remarkables Park Ltd should be **rejected** for the reasons above. The further submissions in opposition by Five Mile Holdings Ltd and Manapouri Beech Investments Ltd should be **accepted** for the reasons above.

- 3.12.13 Remarkables Park Ltd [19/17/5] and Shotover Park Ltd [19/18/5] submit that any such alternative, similar, and/or consequential amendments to the Partially Operative District Plan and to any other relevant part of the PODP, as are appropriate to address the issues and concerns raised by the submission.

These submissions are supported by Air New Zealand Ltd [19/17/5/1], Shotover Park Ltd [19/17/5/2] Remarkables Park Ltd [19/18/5/2] and opposed by Five Mile Holdings Ltd [19/18/5/1].

These submissions should be **rejected** for the reasons above and inasmuch as our analysis of the evidence has led us to the specific recommendations we have made. The further submissions in support should be also **rejected** for the same reasons. The further submission in opposition should be **accepted** for the same reasons.

3.12.14 **Jacks Point Ltd**

Jacks Point Ltd [19/15/1] and Plethora Investments Ltd [19/16/1] request the rejection of PC19 in its entirety.

These submissions are supported by Air New Zealand Ltd [19/15/1/1], [19/16/1/1], Jacks Point Ltd [19/15/1/3], Queenstown Airport Corporation [19/15/1/5], [19/16/1/4], Remarkables Park Ltd [19/15/1/6], Shotover Park Ltd [19/15/7], [19/16/1/5], Plethora Investments Ltd [19/16/1/3] and opposed by

Five Mile Holdings Ltd [19/15/1/2]. [19/16/1/2] and the Ministry of Education [19/15/1/4].

These submissions should be **rejected** for the reasons above. The further submissions in support should be **rejected** for the reasons above. The further submissions in opposition should be **accepted** for the reasons above.

3.12.15 **Foodstuffs (South Island) Ltd**

Foodstuffs (South Island) Ltd [19/24/1] submits that proposed PC19 is assessed in light of, and in conjunction with the Remarkables Park Private Plan Change.

This submission is supported by Remarkables Park Ltd [19/24/1/1] and Shotover Park Ltd [19/24/1/2].

This submission should be **rejected** although it is noted that when we considered the evidence we evaluated the necessity and merits of this suggestion, particularly in respect of transportation and retail land use issues. Ultimately it is not necessary to consider PC19 with the RPPPC to understand its resource management implications. The further submissions in support should be also **rejected** for the same reasons.

3.12.16 Foodstuffs (South Island) Ltd [19/24/4] submits that QLDC reject the Frankton Flats Plan Change until the Wakatipu PAK n' SAVE development is approved.

This submission is supported by Remarkables Park Ltd [19/24/4/1] and Shotover Park Ltd [19/24/4/2].

This submission should be **rejected** for the reasons above and inasmuch as we have had no evidence in resource management terms that connects a Pak n' Save supermarket with the Plan Change area or the uses envisaged on it. The further submissions in support should be **rejected** for the same reasons.

3.12.17 Queenstown Airport Corporation

Queenstown Airport Corporation [19/38/2] submits in the alternative to withdrawing PC19 that it be rejected (other relief sought in the Queenstown Airport Corporation submission is secondary to this primary relief sought).

This submission is supported by Air New Zealand Ltd [19/38/2/1] and partially supported by Shotover Park Ltd [19/38/2/2].

This submission should be **rejected** for the above reasons and inasmuch as our analysis of the evidence presented to us has led us to the provisions we are recommending in preference to other alternatives. The further submissions in support should be **rejected** for the same reasons.

3.12.18 Queenstown Airport Corporation [19/38/1] submits that proposed PC19 be withdrawn until such time as Queenstown Airport Corporation has determined the extent of the Airport noise control boundaries and sought changes to the Airport designations to reflect this.

This submission is supported by Air New Zealand Ltd [19/38/1/1], Jacks Point Ltd [19/38/1/2], Plethora Investments Ltd [19/38/1/3], Shotover Park Ltd [19/38/1/4], Transit New Zealand [19/38/1/5], and Trojan Holdings Ltd [19/38/1/6].

This submission should be **rejected** for the reasons above and inasmuch as we have not been convinced that this relief would be desirable or appropriate. We have been satisfied that based on the information available to us the Plan Change proceeding (subject to our revisions) will be the most appropriate way to promote sustainable management. The further submissions in support should be **rejected** for the same reasons.

3.12.19 Queenstown Airport Corporation [19/38/32] requests any such consequential and incidental amendments, deletions or additions to the Objectives, Policies, Rules, reasons for Rules, Assessments Matters and any other part of proposed

PC19 as may be necessary or expedient to give effect to the purpose and intent of the decisions sought in the above paragraphs.

This submission is supported by Air New Zealand Ltd [19/38/32/1], partially supported by Shotover Park Ltd [19/38/32/3], opposed by Five Mile Holdings Ltd [19/38/32/2].

This submission should be **rejected** for the above reasons and inasmuch as our analysis of the evidence presented to us has led us to the provisions we are recommending in preference to other alternatives. The further submissions in support should be **rejected** for the same reasons. The further submission in opposition should be likewise **accepted** for the same reasons.

3.12.20 **Air New Zealand Ltd**

Air New Zealand Ltd opposes PC19 in its entirety, claiming it fails to promote the sustainable management of resources and fails to achieve the purpose of the RMA consistent with Part II. Additionally it will not enable efficient use and development of the Airport and its surrounds, and does not provide enough scope to “meet the reasonably foreseeable needs of future generations”.

These submissions should be **rejected** for the reasons above and inasmuch as the evidence before us does not support these conclusions.

3.12.21 **Albion Trustee Ltd, Sarah Crosbie, Neville Dennis, Simon Forshaw, Rodney James Hodge, Rong Qian, Mandy Reriti, Phillipa Saxton, Duane Tepaa, Lane Vermaas**

Albion Trustee Ltd [19/1/1], Sarah Crosbie [19/2/1], Neville Dennis [19/3/1], Simon Forshaw [19/4/1], Rodney James Hodge [19/7/1], Rong Qian [19/10/1], Mandy Reriti [19/11/1], Phillipa Saxton [19/12/1], Duane Tepaa [19/13/1], Lane Vermaas [19/14/1] state that they consider parts of PC19 to be inconsistent with the matters detailed in Part II of the RMA and fail to provide for the sustainable management of natural and physical resources.

Further submissions were made by Air New Zealand Ltd [19/1/1/1], [19/2/1/1], [19/3/1/1] and Remarkables Park Ltd [19/1/1/2].

These submissions should be **rejected** for the reasons above and inasmuch as the evidence before us does not support these conclusions. The further submissions should be also **rejected** for the same reasons.

END OF RECOMMENDATIONS AND REASONS