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**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL  
AT QUEENSTOWN**

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the Publicly Notified Plan Change  
50

**AND**

**IN THE MATTER** of Submissions by Kelso  
Investments Limited and Chengs  
Capital Investments Limited,  
Queenstown Gold Limited and Man  
Street Properties Limited

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**LEGAL SUBMISSIONS REGARDING JURISDICTIONAL ISSUES**

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## Introduction

1. Kelso Investments Limited and Chengs Capital Investments Limited ("Kelso and Chengs") (50/35/01) and Queenstown Gold Limited ("Queenstown Gold") (50/38/01) made submissions on the notified version of the Queenstown Lakes District Council District Plan, Plan Change 50 ("PC50") on the basis that land owned by the submitters should be included within the PC50 boundary.
2. Man Street Properties Limited ("Man Street") made a submission on PC50 on the basis that the Plan Change should be declined unless the height limits and setbacks imposed within the Town Centre Transitional Zone ("TCTZ") are amended through PC50 (50/27/01, 50/27/02, 50/57/03, 50/27/04).
3. The section 42a report produced in relation to PC50 has suggested that the above submissions are not 'on' PC50 in accordance with sch 1 cl 6 of the Resource Management Act 1991 (the "Act") and therefore should be rejected.<sup>1</sup> The purpose of these legal submissions is to demonstrate that the above submissions are in fact 'on' PC50 and therefore it is within the Commissioner's jurisdiction to consider them.

### Kelso and Chengs' Submission

4. Kelso and Chengs own five contiguous parcels of land bordered by Stanley Street, Gorge Road and Shotover Street. These parcels of land are 1, 3 and 5 Shotover Street, 67 Stanley Street (with the exception of one unit); and 2 and 4 Gorge Road. These sites are currently zoned High Density Residential Sub Zone A. The majority of the sites and units have been used for commercial use for many years. Kelso and Chengs submission is that their land should be included within the plan change boundary and added to the Queenstown Town Centre zone ("QTCZ"). The basis of Kelso and Chengs' submission is that the Site (along with neighbouring properties owned by the Queenstown Lakes District Council ("QLDC")) present a more logical and natural extension of the QTCZ than much of what has been proposed by PC50 (50/35/01). This block of land is located immediately adjacent to the QTCZ and is surrounded by land used for commercial or community purposes. In making their submission Kelso and Chengs noted that the reports and assessments that lead to the initiation of PC50 identified their land and its surrounds as being the most appropriate location for the extension of the Queenstown Town Centre zone.

### Queenstown Gold's Submission

5. Queenstown Gold owns two contiguous parcels of land on the eastern side of upper Brecon Street, Lot 1 DP306661 and Lot 2 DP27703. Both blocks are bound by Brecon Street to the west with a Council Local Purpose Reserve, the Aurora Energy Substation

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<sup>1</sup> Nigel Bryce *Planner's Section 42A report for Plan Change 50: Queenstown Town Centre Zone Extension* (6 November 2014) at [6.17] & [6.18]

and the New Zealand Fire Service to the north and east. The complex of buildings containing the Queenstown Medical Centre adjoins the southern boundary of the land. The land is currently zoned High Density Residential Sub Zone A with a commercial precinct overlay. The land is currently used for commercial purposes. While part of the commercial precinct overlay, being that on the opposite side of the road to the submitter's land, is proposed to be rezoned QTCZ, the submitters land has not been included in the PC50 boundary. Queenstown Gold's submission is that their land should be included within the plan change boundary as to rezone only part of the 'commercial precinct' is anomalous (50/38/01). Further, the submitters land presents a more logical and natural extension of the Queenstown Town Centre zone than much of what has been proposed by PC50.

### **Man Street's Submission.**

6. Man Street is the registered proprietor of the podium level that exists on top of the underground Man Street car park building. The site is legally described as Lot 1 Deposited Plan 399240. The site is currently located within the Queenstown Town Centre Transitional Zone ("TCTZ"). Man Street's submission is that with the possibility of significantly increased building heights on land located to the north of Man Street and Thompson Streets, combined with the 12 metre building height limit for the majority of the existing QTCZ, the TCTZ will have a considerably lower building height limit than the majority of surrounding land. In order to avoid an illogical planning outcome, the height limits and building coverage restrictions of the TCTZ should be dealt with as part of PC50 (50/27/01). Specifically Man Street seeks that the building height limit of its site should be increased to 12m above 327.1m above sea level in two areas and four metres above 327.1 metres above sea level in two additional areas (50/27/02). Man Street also requests that the maximum building coverage for its site be increased to 80% and the minimum building set back from Man Street be decreased to 3m (50/20/03, 50/27/04). Man Street submits that if the above changes are not dealt with by way of PC50 then PC50 will result in development that will impact adversely on the Man Street's site and so should be rejected in its entirety.

### **Clause 6, Schedule 1 of the Resource Management Act 1991**

7. Clause 6, Schedule 1 of the Resource Management Act 1991 (the "Act") states:

#### ***"6 Making of submissions***

*(1) Once a proposed policy statement or plan is publicly notified under clause 5, the persons described in subclauses (2) to (4) may make a submission on it to the relevant local authority....[emphasis added]."*

8. The clause grants certain persons the right to make a submission to the relevant local authority in relation to a proposed plan change provided that such a submission is 'on' the plan change.

### Determining whether a submission is 'on a plan change'

9. The question of what it means for a submission to be 'on' a plan change has been the subject of a significant amount analysis by the New Zealand Courts. The leading authority on the matter is the High Court case of *Clearwater Resort Limited v Christchurch City Council*.<sup>2</sup> In that case the High Court established a two stage legal test through which a local authority can determine whether a submission is 'on' a plan change.
10. Whether a submission is 'on' a plan change can be determined by answering two questions:
  - (a) Does the submission address the change to the status quo arising from the plan change; and
  - (b) Is there a real risk that people affected by the plan change (if modified in response to the submission) will be denied an effective opportunity to participate in the plan change process.
11. The Clearwater test was endorsed by the High Court in the 2013 case of *Palmerston North City Council v Motor Machinists Limited*,<sup>3</sup> which was decided after the latest amendments to the Act made by way of the Resource Management (Simplifying and Streamlining) Amendment Act 2009. The Amendment Act made no amendment to the provisions of Clause 6 of Schedule 1.

### Kelso and Chengs and Queenstown Gold

*Do the submissions address the change to the status quo arising from the plan change?*

12. The following demonstrates that rezoning the land owned by Kelso and Chengs and the land owned by Queenstown Gold (the "Sites) addresses the change to the status quo arising from PC50 as such rezoning is an incidental extension of PC50 to which further s 32 analysis is not required.
13. In *Palmerston North*, the High Court held that that the first limb of the Clearwater test requires a bipartite assessment. The consent authority should first assess the breadth of the alteration to the status quo arising from the proposed plan change. Second, the consent authority should assess whether the submission at issue addresses that alteration.<sup>4</sup>

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<sup>2</sup> AP35/02

<sup>3</sup> [2013] NZHC 1290.

<sup>4</sup> *Ibid* at [80].

14. The High Court found that the extent of the s 32 analysis made in respect of a plan change significantly determines the breadth of that plan change. The Court stated that an appropriately thorough analysis of the effects of a proposed plan or activity is fundamental to sustainable development as defined by the Act. In the context of a plan change such thorough analysis is achieved through the s 32 analysis and report whereby a comparative evaluation of efficiency, effectiveness and appropriateness of options is undertaken.<sup>5</sup> Accordingly, a submission seeking to extend the plan change boundary is more likely to fall within the breadth of a plan change if further s 32 analysis is not required to inform those affected of the merits of the change.<sup>6</sup>

15. The Court stated,<sup>7</sup>

*"Incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s 32 analysis is required to inform affected persons of the comparative merits of that change. Such consequential modifications are permitted to be made by decision makers under schedule 1, clause 10(2). Logically they may also be the subject of submission [emphasis added]."*

16. The stated central purpose of PC50 is to increase the amount of commercially zoned land in the Queenstown Town Centre in order to address the issues identified in the McDermott Miller Strategies Limited study (the "McDermott study").<sup>8</sup> The Section 32 report in respect of PC50 states,<sup>9</sup>

*"The resource management issue to be addressed by this plan change is a shortage of commercially zoned land in the Queenstown town centre."*

And further,<sup>10</sup>

*"The undersupply of commercial land in the town centre was established in the report by McDermott Miller Strategies Ltd (November 2013) (refer Appendix A attached) commissioned by the Council."*

17. The McDermott study discussed two options for addressing the undersupply of commercial land in the Queenstown Town Centre. The first option was to allow uncoordinated private and public plan changes and development initiatives to continue. This option was rejected as being unproductive and likely to be damaging for the town centre. The second alternative assessed was the intensification of urban development within an agreed district economic strategy. This second alternative was recommended as the best option as it was likely to,<sup>11</sup>

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<sup>5</sup> Ibid at [76].

<sup>6</sup> Ibid at [81].

<sup>7</sup> Ibid at [81].

<sup>8</sup> Mitchell Partnerships, *Plan Change 50, Queenstown Centre Zone Extension, Plan Change Including Section 32 Report and Assessment of Environmental Effects*, 26 August 2014, at p 4-6 & 8.

<sup>9</sup> Ibid, at p 5 [2.4].

<sup>10</sup> Ibid at P 5 [2.4]

<sup>11</sup> Ibid at [5.3].

*“generate agglomeration economies within the Queenstown-Wakatipu area by stimulating and enabling intensification of economic activity in Queenstown Centre specifically.”*

18. The McDermott study recommended that the Council significantly increase the amount of commercially zoned land in the town centre and identified the most logical areas to be rezoned.<sup>12</sup> The areas of recommended expansion includes the Sites.

19. The study recommended that the Council,<sup>13</sup>

*“Extend Queenstown Town Centre as defined in the District Plan to encompass at least the area of possible expansion identified on page 39 of the Queenstown Town Centre Strategy 2009 (see map over page Figure (5.1)); and, preferably further along Gorge Road to the North and to the South-West between Lake Esplanade and Ben Lomond Scenic Reserve. [emphasis added]”*

See page 6 herein for Figure 5.1.

20. Although the above recommendation refers specifically to the ‘Areas of Possible Expansion’ marked on Figure 5.1 (which was taken from the 2009 Queenstown Town Centre Strategy, developed by the Queenstown town centre working party), it is clear from the balance of the McDermott study that the author intended for the areas marked ‘Queenstown Town centre’ as shown on Figure 5.1, which are not already zoned QTCZ as part of the District Plan, to be included in the expanded zone.<sup>14</sup> It may be that the McDermott study erroneously assumed that such land was already zoned QTCZ on account of Figure 5.1 identifying such land as being part of the ‘Queenstown Town centre’.

21. Interestingly, a large portion of the land now proposed to be zoned QTCZ by way of PC50 was not recommended for inclusion in the extended QTCZ.

22. The McDermott study goes on to discuss the importance of establishing a district hierarchy of centres. The study recommends that the Council do so,<sup>15</sup>

*“to clarify the respective economic and commercial roles of the urban centres within Queenstown Lakes District; and, to guide sustainable development of the centres of growth development in each centre.”*

23. A part of this hierarchy the study recommends that,<sup>16</sup>

*“The existing Queenstown Town Centre and Gorge Road, together with Town Centre Transition Zone and other areas adjacent to them which have been identified for CBD expansion, should be considered as a single centre with less internal functional differentiation[emphasis added].”*

<sup>12</sup> McDermott Miller Strategies Limited in association with Allan Planning and Research Ltd: Business Zone Capacity and Zoning Hierarchy Report (15 November 2013), at [5.3] and Figure 5.1, [6.6] & [7.4].

<sup>13</sup> Ibid, at [5.3].

<sup>14</sup> Ibid, at [6.6.2], [7.4.3], [7.4.4].

<sup>15</sup> Ibid, at [7].

<sup>16</sup> Ibid at [6.6.2]

Figure 5.1: Areas for Possible Expansion of the Queenstown Town Centre



Source: Queenstown Town Strategy 2009

24. The study assessed that the expanded QTCZ (including the Sites) should provide the greatest opportunities for intense physical development such as offices, entertainment and cultural activities, specialised shopping and major economic growth activities such as tourism.<sup>17</sup>

25. The McDermott study then went on to thoroughly address the costs and benefits associated with expanding the QTCZ to include the recommended area (incorporating the Sites). The study notes,<sup>18</sup>

*"The consequences of intensifying and concentrating of tourism accommodation, attractions and activities in an expanded Queenstown Town Centre zone are:*

- Existing agglomeration economies will be reinforced, rather than undermined as under the Dispersion scenario.*
- Concentration of commercial offices in the extended Town Centre will facilitate "Learning spillovers" between professional and business services which could contribute to development of markets outside the District ie help the diversification of the District's economic base as well as intensification of its principal industry.*
- Destination Queenstown will be able to present a more coherent product offer to the world as part of a marketing strategy involving matching differentiated tourism products to high-value market segments that if accommodation and other visitor facilities are increasingly dispersed.*
- Residents as well as tourists will benefit from accessibility (by foot) to retail and nightlife.*
- Provision of infrastructure to new buildings is likely to be more economic if these are concentrated rather than dispersed."*

26. When drawing its conclusions the McDermott study discusses its status in relation to the s 32 requirement for analysis to be undertaken prior to the change of a District Plan. The study notes that it,<sup>19</sup>

*"comprises the most substantial part of the investigation that has led to a proposal for a series of new objectives to plan for and manage the District's centres into the future. Its findings align with the aims of other strategic Council documents. Thus it is a key component of the section 32 analysis, which need only be summarised in the notified plan review."*

27. The breadth of the change to be brought about through PC50 is further demonstrated through its proposed policies and objects. PC50 proposes the addition of the following policy to the QTCZ provisions.

*"Proposed Policy 1.2*

*To provide for growth in business, tourist and community activities by zoning suitable additional land in close proximity to the town centre."*

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<sup>17</sup> Ibid, at p88 [7.4.3]

<sup>18</sup> Ibid, at [5.4]

<sup>19</sup> Ibid at [7.6].



- Existing Zone*
28. This policy supports the rezoning of the Sites to be included in the QTCZ as the Sites are on the border of the ~~proposed~~ QTCZ and therefore are in close proximity to the town centre. Further, the areas containing the Sites have been recommended by the McDermott study as 'suitable' for the expansion of the QTCZ.
29. The current circumstances are fundamentally different to those of the case of *Palmerston North*, in which the Court held that a submission was not 'on' the plan change to the Palmerston North City Council District Plan. The facts of that case were that a submitter submitted that its land, around ten blocks from the plan change boundary, should be rezoned as part of the plan change. The High Court determined that there was a disconnect between the primary focus of the plan change (which was a focus on main road rezoning and inclusion of two specific isolated lots) and the addition of the submitter's land some distance away.<sup>20</sup> The Court stated that in the circumstances the submission had 'come from left field.'<sup>21</sup>
30. In the present case the rezoning of the Sites is central to the purpose of PC50 and aligned with the key policy to the same, which is to provide for an increased amount of commercially zoned land around and in close proximity to the QTCZ in accordance with the recommendations made by the McDermott study. This study recommends that the areas containing the Sites be included in the extended QTCZ. The McDermott study adequately assessed the costs and benefits of including the Sites as part of the QTCZ as well as the alternatives to doing so as is required by s 32 of the Act. After doing so the report concludes that rezoning the areas encompassing the Sites would be best option for the extension of the QTCZ. In such circumstances the effect of Kelso and Chengs and Queenstown Gold's submissions are anything but 'coming from left field' or 'novel'. Rather they are an incidental extension of PC50 which fall within the breadth of the change intended by PC50.

*Is there a real risk that people affected by the plan change (if modified in response to the submission) would be denied an effective opportunity to participate in the plan change process?*

31. In *Palmerston North* the High Court stated that a second fundamental element of sustainable development is robust, notified and informed public participation in the evaluative and determinative process. A central purpose of the plan change process is to ensure that persons potentially affected are adequately informed of what is proposed and able to make submissions by way of clause 6 and 8 of schedule 1 of the Act.<sup>22</sup>

32. The High Court in *Palmerston North* pointed out that the purpose of s 8 is to,<sup>23</sup>

<sup>20</sup> [2013] NZHC 1290, at [88].

<sup>21</sup> *Ibid*, at [89].

<sup>22</sup> *Ibid*, at [77].

<sup>23</sup> *Ibid*, at [43].

*"ensure that persons who are directly affected by submissions proposing further changes to the proposed plan change may lodge a further submission".*

33. The Court found that the difficulty to be remedied in respect of submissions not 'on' a plan change is not with a further submitters' right to lodge a further submission but with their being notified of the content of the original submission.<sup>24</sup> A central concern of the High Court in *Palmerston North* was that individuals who read a notified version of a plan change and concluded that there was nothing contained within it to affect them would be unlikely to read the submissions made under cl 6 and, therefore, would not have the opportunity to submit under cl 8. Such affected parties would be 'left out in the cold'.
34. It is submitted that the above situation would not occur in respect of the submissions of Kelso and Chengs and Queenstown Gold. Those persons who read the notified version of PC50 would have been aware of the possibility that the Sites would be rezoned as a consequence of PC50. The McDermott study was appended to the s 32 report and identified as the base document for the plan change. This study identified the areas encompassing the Sites as the best option for rezoning as QTCZ. Further, proposed policy 1.2 provides for the rezoning of additional sites in close proximity to the QTCZ. The Sites are on the periphery of the proposed QTCZ and have been identified as suitable for town centre zoning. Accordingly, the rezoning of the Sites is directly within the ambit of this policy.
35. In *Palmerston North*, the Court held that the submitter's submission was disconnected from the purpose of the plan change and had come from 'left field'. In such circumstances persons affected by the submission would have been left out in the cold should it have been accepted.<sup>25</sup> The circumstances are different in the present case. Parties affected by the submissions of Kelso and Chengs and Queenstown Gold would have been aware from reading the notified version of PC50 that there was potential that the Sites would be rezoned as a consequence of PC50 and also be the subject of submissions. Such parties had the opportunity to assess the cl 6 submissions on PC50 in relation to this matter and to make a further submission under cl 8. Public participation has been provided for in this case.

#### *Part 2 of the Act*

36. These submissions have demonstrated that the submissions of both Kelso and Chengs and Queenstown Gold are 'on' PC50. They fall within the breadth of the plan change as they address the primary issue raised by the study which forms the foundation of PC50. The effects of the submissions are aligned with the policies proposed in PC50. Sufficient s 32 analysis has been undertaken in respect of the effects of the outcomes sought in the submissions through the McDermott study which recommended that the areas

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<sup>24</sup> Ibid, at [43].

<sup>25</sup> Ibid, at [89].

containing the Sites are the best option for extending the QTCZ. Affected parties would have been aware of the potential for the Sites to be rezoned by way of PC50 as this was recommended in the McDermott study appended to the s 32 report and provided for through proposed policy 1.2. Appropriate and thorough analysis of the effects of the submissions has been undertaken and robust notified and informed public participation in the evaluative and determinative process has been provided for. In such circumstances accepting the submissions as 'on' the plan change will give effect to sustainable development as defined by the Act.

### **Man Street Properties Limited**

37. It is important to point out at first instance that the part of Man Street's submission which requests that PC50 be rejected in full on account of the adverse effects that the plan change will have on Man Street's property, should Man Street's requested changes not be made, has not been challenged as not within scope. The s 42a report restricts its criticism to the portion of the submission that proposes changes to the provisions of the TCTZ.

*Does the submission address the change to the status quo arising from the plan change*

38. Man Street submits that the effects of its submission fall within the scope of the changes proposed by PC50 as the changes proposed are a consequential expansion of PC50 to which adequate s 32 analysis has been made.

39. The purpose of PC50 is to,<sup>26</sup>

*"extend the Town Centre zone and to include new planning provisions that will enable the efficient and effective development of this land in a manner that compliments and contributes to the ongoing vitality of the Queenstown Town Centre zone".*

40. Man Street submits that in order to achieve the above purpose the provisions of the TCTZ must be addressed. If this is not done as part of the plan change then an incoherent planning situation will arise. The heights and building capacity within the TCTZ will be inconsistent with the subzone's surrounds. This will undermine the efficient and effective development of the land and the vitality of the QTCZ. For this reason the submitter's proposed amendments fall within the purpose of PC50.

41. Further, if the land above Man Street is to be rezoned QTCZ with the same height and development provisions, there will no longer be a need for the Transitional subzone. It would automatically become superfluous. Addressing, this effect is also within the scope of the plan change.

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<sup>26</sup> Mitchell Partnerships, *Plan Change 50, Queenstown Centre Zone Extension, Plan Change Including Section 32 Report and Assessment of Environmental Effects*, 26 August 2014, at p 9.

42. PC50 proposes that the following amended policy be added to part 4 of the District Plan,

*"Proposed policy 4.1*

*To promote an image for each town centre which reflects and respects the existing dominant building themes and where new developments promote overall visual coherence. "*

43. The benefits anticipated for this policy are,

*"the proposed amendment to this existing policy provides a more specific focus for new developments in the town centre zones. This proposed amendment complements the existing (and proposed) rules within the zone in reflecting that new developments will occur, and they should also reflect their setting and contribute positively to providing exciting and aesthetically pleasing town centres (emphasis added)."*

44. The amendments to the rules of the TCTZ, which have been proposed by Man Street fall within the above policy. Such amendments will allow any new development of the submitter's property to be carried out in a way that reflects the property's setting. This will promote the visual coherence between the QTCZ, the TCTZ and the proposed new subzones and will contribute positively to providing an exciting and aesthetically pleasing QTCZ. For this reason the amendments proposed by the submitter fall within the scope of the change proposed by PC50.

45. Adequate s 32 analysis has been undertaken in relation to Man Street's proposed changes. The costs and benefits of including amended policy 4.1 in the District Plan have been assessed by way of the s32 report. As discussed above the effects of the changes that Man Street proposes to be made to the TCTZ fall within the ambit of this amended policy. Further, the s 32 report has directly assessed the effects of increasing the height and density of form on the land directly behind the submitter's site (the Isle Street Subzone). The changes proposed by the submitter will blend into and form part of this change. Accordingly, the changes proposed by the submitter will not create any significant additional effects above those which have already been assessed by the s 32 report. Accordingly, no further s 32 analysis is required in relation to the the effects of Man Street's submission.

*Is there a real risk that people affected by the plan change (if modified in response to the submission) would be denied an effective opportunity to participate in the plan change process?*

46. As stated above the changes proposed by Man Street are consequential to the changes which have been notified as part of PC50. The effects caused by the changes proposed by Man Street will be absorbed into those effects which have been identified in the s 32 report. All affected parties had the opportunity to make submissions in relation to such effects by way of the cl 6 process. Further, most of those that would be affected by any change (being property owners on the upper side of Man Street) are submitters to the

plan change and would have seen Man Street's submission when they received or checked the summary of submissions. No person has raised jurisdictional concerns or complained about the lack of opportunity for submission.

47. Those who might be affected must have appreciated that if their land is to be rezoned QTCZ with the same or greater height limits than the existing QTCZ then there is likely to be a change to or no longer a need for the TCTZ.
48. Overall, there is no risk that affected parties will be denied an opportunity to participate in the plan change process should PC50 be amended in accordance with Man Street's submission.

*Part 2 of the Act*

49. These submissions have demonstrated that the submission of Man Street is 'on' PC50. The effects of the proposed changes fall within the breadth of the plan change as they give effect to the purpose of PC50 and fall within the ambit of the proposed amendment to policy 4.1. Further, these effects will be absorbed into the effects of the changes to the Isle Street subzone, which have been assessed in the s 32 report and notified as part of that report. Sufficient s 32 analysis has been undertaken in relation to the effects of the proposed changes and affected parties have had the opportunity to make submissions by way of cl 6. Appropriate and thorough analysis of the effects of the submissions has been undertaken and robust notified and informed public participation in the evaluative and determinative process has been provided for. In such circumstances accepting the submission of Man Street as 'on' the plan change will give effect to sustainable development as defined by the Act.

17 November 2014



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G M Todd  
Counsel for Kelso Investments Limited,  
Chengs Capital Investments Limited,  
Queenstown Gold Limited and Man Street  
Properties Limited.



# District Plan Review

## Queenstown Town Centre Issues and Options

The town centre zone is shown below with possible areas for expansion shown in yellow (see over).



map indicative only

The complete set of objectives, policies and rules for the Queenstown Town Centre Zone can be seen at [www.qldc.govt.nz/district\\_plan](http://www.qldc.govt.nz/district_plan)

### What are we doing?

We're currently reviewing the District Plan and looking at what works well and what needs to be changed.

The Queenstown Town Centre Zone sets out the objectives, policies and rules that manage activities and development in the land zoned Queenstown Town Centre.

The town centre is generally bounded by Man Street, Henry Street, Coronation Drive and Queenstown Bay.

### Noise and Signs

Consultation on Noise issues has already taken place.

We'll be consulting on Signs later in the review process so check the QLDC website for further updates.



QUEENSTOWN  
LAKES DISTRICT  
COUNCIL



# District Plan Review

## The Current Situation

Rules controlling activities and development in the District's three Town Centre Zones vary from town to town.

The purpose of the Queenstown town centre zone is to allow for a wide range of activities which will enhance the town centre while preserving the important physical and natural character which gives the town its outstanding qualities and image.

As a result relatively few activities require consent, however the zone contains a number of development controls relating to built form, open space, traffic management, heritage protection and pedestrian amenity.

### Buildings

Currently all buildings require consent from the Council before they can be built. The Council exercises control over what the building looks like and other matters. This includes matters such as: design and appearance, height and site coverage

### Retail, Residential, Recreational and Commercial Activities

Currently all of the above activities are anticipated in the town centre and may not need resource consent.

### Bars and Visitor Accommodation

Visitor Accommodation is a controlled activity meaning a consent is required but it must be granted.

Bars are generally permitted in the town centre, but require a resource consent to operate between 11 pm and 7am.

## Proposed Changes

While most provisions are working, monitoring and feedback have raised some areas where people think the plan could be improved.

You can see these documents at: [www.qldc.govt.nz/strategies\\_and\\_publications](http://www.qldc.govt.nz/strategies_and_publications).

Possible changes for consideration:

### Revision of the objectives and policies

#### Building Design and Appearance

Should the District Plan have greater ability to influence building design in the town centre through the District Plan?

### Protecting Pedestrian Connections

Should we continue to identify and protect key pedestrian links in the District Plan?

### Viewshafts

Should key viewshafts be identified in the District Plan to ensure they aren't blocked by development?

### Expansion

The Town Centre Strategy identified a number of areas where it may be appropriate to consider town centre zoning in the future. These are shown on the map overleaf.

Should these areas differ from the town centre in terms of the mix of activities, or the scale or character of buildings?

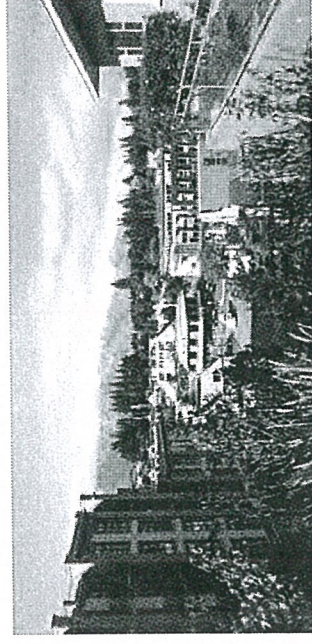
### Parking

Should new development in the town centre be required to make a financial contribution towards meeting associated parking demands?

Should this apply to any new areas added to the town centre?

### Building Height

Should we consider options to allow minor increases in building height where we can avoid compromising access to sunlight and character.



## What do you think?

Have we identified the issues for Queenstown Town Centre correctly?

Are there any other issues we should be considering?

Please send your comments to: Policy & Planning  
Queenstown Lakes District Council  
Private Bag 50072, Queenstown 9348

Email [services@qldc.govt.nz](mailto:services@qldc.govt.nz)

### Or comment online at

[www.qldc.govt.nz/district\\_plan\\_review](http://www.qldc.govt.nz/district_plan_review)

Comments should be received by **30 September 2012**.

# queenstown town centre