

**Queenstown Lakes District Proposed District Plan – Stage 1**

**Section 42A Hearing Report  
For Hearing commencing: 28 November 2016**

**Report dated: 2 November 2016**

Report on submissions and further submissions  
**Chapter 13 - Wanaka Town Centre**

File Reference: Chp. 13 - S42A

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I have also referred to and relied on the following evidence filed alongside this section 42A report:

Dr Stephen Chiles, Acoustic Engineering – statement dated 2 November 2016.  
Mr Timothy Church, Urban Design – statement dated 2 November 2016.  
Ms Sian Swinney, Alcohol Licensing – statement dated 2 November 2016.

## 1. EXECUTIVE SUMMARY

1.1. It is recommended that the majority of the provisions in the Wanaka Town Centre (**WTC** or **WTCZ**) Chapter 13 of the Proposed District Plan (**PDP**) should be retained generally as notified and as supported in the section 32 (**s32**) assessment (see **Appendix 3**). The provisions, as recommended to be amended in this report, are considered to be more effective and efficient than the notified version, and an appropriate means of achieving the purpose of the Resource Management Act 1991 (**RMA**).

1.2. Key reasons include:

- a. The objectives provide for the Town Centre to continue to be the principal commercial, entertainment, and cultural centre for the wider Wanaka area in a manner that enables the community to provide for its social and economic wellbeing while appropriately managing effects on character and amenity;
- b. The policies and rules achieve the objectives by enabling some intensification through relaxing height and coverage in parts of the Town Centre; requiring high quality development through design control and guidelines; maintaining a human scale throughout the Town Centre; and allowing an increase in noise in parts of the town while ensuring that effects on sensitive uses are minimised;
- c. The framework and style is concise and legible; and
- d. The key resource management issues are addressed.

1.3. I have recommended several changes to the proposed provisions in order to better achieve the purpose of the RMA. These are shown in the tracked changes version of the chapter attached as **Appendix 1**. A number of these relate to minor changes, or wording changes that provide better expression but do not amount to substantive policy shifts. The following key changes are recommended:

- a. A minor amendment to notified Policy 13.2.3.1 and a small extension of the height precinct by amending Planning Map 21;
- b. A minor amendment to apply more restrictive noise limits on those sites north of Ardmore Street;
- c. A new maximum building coverage rule (redraft 13.5.13) on developments covering an area more than 1,400m<sup>2</sup>;
- d. A minor amendment to notified Policy 13.2.6.1 to acknowledge that traffic and car parking management are integral to enhancing pedestrian amenity;

- e. A minor amendment to notified Policy 13.2.2.1 to further clarify the role of the Town Centre Transition overlay; and
- f. A minor amendment to notified Rule 13.4.4 relating to discretion over natural hazards when considering consents for buildings.

1.4. Section 32AA evaluations (in **Appendix 4**) have been undertaken in relation to the small extension of the height precinct; the application of more restrictive noise limits on those sites north of Ardmore Street; the new maximum building coverage rule on developments covering an area more than 1,400m<sup>2</sup>; and the amended matter of discretion in relation to natural hazards.

## 2. INTRODUCTION

2.1. My name is Victoria (Vicki) Sian Jones. I am a private consultant contracted by the Queenstown Lakes District Council (**Council**) to prepare the Section 42A report on Chapter 13 of the PDP. I am a full member of the New Zealand Planning Institute. I hold the qualifications of Bachelor of Resource and Environmental Planning (first class honours), with a major in economics from Massey University. I have over 21 years' planning experience, and have worked as a planner in the Queenstown Lakes District (**District**) for 17 years. During my time in this District, I have held the positions of Consent Planner, Policy Planner, and Policy Manager with CivicCorp Limited; Strategy and Planning Manager with the Council and have worked as a planning consultant for the past 9 years. During that time, I have presented Environment Court evidence in the hearings on the (now operative) District Plan and was responsible for a large number of variations and plan changes to that Plan (either as the author or in a management role).

2.2. Specifically relevant to the Wanaka Town Centre chapter, I provided planning advice to the Council in respect of the Wanaka 2020 Plan (2002); established and was a member of the Wanaka Urban Design Panel (2006); project managed the initial Wanaka Structure Plan process (2004) and the Commercial Land Needs – Queenstown Lakes District Study (2006); and was the author of the Three Parks Zone plan change, which is intended to provide a second, complementary commercial centre for Wanaka as it matures.

2.3. I note that I was not the author of the notified WTC chapter in the PDP.

## 3. CODE OF CONDUCT

3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I am authorised to give this evidence on the Council's behalf.

#### **4. SCOPE OF THIS EVIDENCE**

- 4.1. My evidence addresses the submissions and further submissions received on the notified WTC chapter and any subsequent amendments to the planning maps as they relate to the Town Centre Height Precinct. It is acknowledged that this is a change to the planning maps, but in considering submissions it was apparent that the location of the Town Centre Height Precinct was directly related to the submissions on height, and therefore I have recommended that mapping change in this report.
- 4.2. The Table in **Appendix 2** outlines whether individual submissions are recommended to be accepted, accepted in part, rejected, considered to be out of scope, or deferred to another hearing stream.
- 4.3. Although this evidence is intended to be a stand-alone document and to meet the requirements of s42A of the RMA, the Wanaka Town Centre Section 32 report is also attached as **Appendix 3**.
- 4.4. In this evidence, I discuss the issues raised by submitters under broad headings, and where I recommend significant changes of substance to the proposed provisions I assess those changes in terms of Section 32AA of the RMA (as set out in **Appendix 4**).

#### **5. STATUTORY BACKGROUND AND RELEVANT BACKGROUND DOCUMENTS**

- 5.1. The following legislation and higher order statutory and planning documents are relevant when considering the appropriateness of Chapter 13.

##### **The Resource Management Act (RMA)**

- 5.2. The RMA and in particular the purpose and principles in Part 2, which require councils to promote the use, development and protection of the natural and physical resources for current and future generations in order to provide for the 'four well beings' (social, economic, cultural and environmental). While Chapter 13 does not relate to any matters of national importance (s 6) the following s 7 matters are relevant and shall be had regard to when preparing the chapter:
  - a. The efficient use and development of natural and physical resources;
  - b. the maintenance and enhancement of amenity values;
  - c. maintenance and enhancement of the quality of the environment; and
  - d. any finite characteristics of natural and physical resources.

## **The Local Government Act 2002 (LGA)**

5.3. The LGA and in particular section 14, which emphasises the importance of taking an intergenerational approach to decision-making and the need to take into account the four well beings.

## **Operative Otago Regional Policy Statement (1998) (Operative RPS)**

5.4. Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must "*give effect to*" any regional policy statement. In particular Chapter 9 of the Operative RPS relates to the Built Environment.

5.5. The relevant objectives and policies include Objectives 9.4.1 and 9.4.3 and Policies 9.5.1 - 9.5.5. Together these strive to achieve sustainable management of the built environment in a manner that meets the needs of the community and which avoids, remedies, or mitigates adverse effects by recognising cultural relationships; promoting the efficient development and use of infrastructure (including the transport network); minimising effects of urban development on the environment (including in relation to noise, amenity, and community values); and enhancing people's quality of life (including people's health and safety).

5.6. In my opinion, for the reasons outlined in the Section 32 evaluation (in **Appendix 3**), the WTCZ chapter is consistent with this policy framework, contributing toward a compact urban core, which makes efficient use of resources, will meet foreseeable future needs, minimises adverse effects, and indeed, strives to result in positive effects.

## **Proposed Otago Regional Policy Statement 2015 (PRPS)**

5.7. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed Regional Policy Statement. The PRPS was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016.

5.8. The following objectives and policies (referring to the decision numbering) are relevant to Chapter 13:

- a. Objective 4.4 (notified as 3.6) and Policy 4.4.6 (notified as 3.6.6);
- b. Objective 4.5 (notified 3.7 and 3.8 combined) and policies 4.5.1, 4.5.3, 4.5.4, 4.5.5, 4.5.6 (notified as 3.8.1, 3.7.1, 3.7.2, 3.7.3, 3.7.4); and
- c. Objective 5.3 (notified 4.3) and Policy 5.3.3 (notified as 4.3.4).

- 5.9. In summary, together these objectives and policies aim to ensure energy supplies to communities are secure and sustainable; that urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments; and that sufficient land is managed and protected for economic production.
- 5.10. The changes made to the PRPS that are relevant to the WTCZ chapter, through its decision, are relatively minor and in my opinion, will not have any effect on the appropriateness of the recommended revised PDP chapter 13. I consider that revised Chapter 13 will give effect to the PRPS (when it becomes operative).

### **Iwi Management Plans**

- 5.11. When preparing or changing a district plan, section 74(2A) of the RMA states that local authorities must "take into account" any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. Two iwi management plans are relevant:
- a. *The Cry of the People, Te Tangi a Tauria: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)*; and
  - b. *Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)*.

### **Monitoring Report for the Town Centre Zones - May 2012**

- 5.12. This report monitored the efficiency and effectiveness of the operative Town Centre provisions. It was based on a desk-top analysis of consent applications processed between 2004 and 2011 and the findings from this were considered alongside the consultation that was undertaken as part of preparing the respective Town Centre strategies. In summary, the monitoring report identified that:
- a. The provisions are relatively effective but that various changes were necessary to improve effectiveness, including a need for stronger objectives and policies, a revision of the provisions in order to better manage reverse sensitivity in regard to noise, and a review of site and zone standards and assessment matters.
  - b. An average of six resource consents were processed annually for activities/ development within the Wanaka Town Centre between 2003 and 2011, with none being notified; a relatively high proportion being for restricted discretionary and non-complying activities (39%), and a relatively high proportion being for (full discretionary) licensed premises (24%), although I note that those recorded only equal 94%. No analysis of costs was undertaken.

### PDP Strategic Directions Chapter 3

- 5.13. This chapter sets out the over-arching strategic direction for the management of growth, land use and development in the District and gives direction to the rest of the plan. The following objectives<sup>1</sup> are relevant to Chapter 13:

*Objective 3.2.1.1 - The Queenstown and Wanaka town centres are the hubs of New Zealand's premier alpine resorts and the District's economy.*

*Objective 3.2.1.4 - The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.*

*Objective 3.2.1.5 - Development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.*

*Objective 3.2.2.2 - Development in areas affected by natural hazards is appropriately managed.*

*Objective 3.2.3.1 - A built environment that ensures our urban areas are desirable and safe places to live, work and play.*

*Objective 3.2.3.2 - Development is sympathetic to the District's cultural heritage values.*

*Objective 3.2.6.3 - A high quality network of open spaces and community facilities.*

*Objective 3.2.6.4 - Safe and healthy communities through good quality subdivision and building design.*

- 5.14. Chapter 13, as recommended (see **Appendix 1**), is considered to implement these objectives and the supporting policies which, in my view, provide clear and concise direction in relation to how the Council aims to maintain and enhance the existing key commercial, civic and cultural hubs of the District.

### Urban Development - Chapter 4

- 5.15. This chapter sets out the objectives and policies for managing the spatial location and layout of urban development within the District. The following objectives<sup>2</sup> are relevant to Chapter 13:

*Objective 4.2.1 - Urban development is integrated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.*

*Objective 4.2.3 – Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.*

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1 Strategic Direction Hearings – Recommended Revised Chapter – Reply 07/04/2016

2 Strategic Direction Hearings – Recommended Revised Chapter – Reply 07/04/2016

*Objective 4.2.8 - Manage the scale and location of urban growth in the Wanaka Urban Growth Boundary.*

- 5.16. Chapter 13, as recommended, is considered to be consistent with these objectives and the supporting policies which, in my view, provide clear and concise direction in relation to how the Council aims to manage growth within the urban growth boundaries.

**Tangata whenua - Chapter 5**

- 5.17. This chapter sets out the objectives and policies for ensuring tangata whenua issues are appropriately considered throughout the District Plan. The following objective and policy<sup>3</sup> are most relevant to Chapter 13:

*5.4.2 Objective - Provide for a Ngāi Tahu presence in the built environment*

*5.4.2.1 Collaborate with Ngāi Tahu in the design of the built environment including planting, public spaces, use of Ngāi Tahu place names and interpretive material.*

- 5.18. Particularly with the inclusion of notified Policy 13.2.2.4, I consider that Chapter 13 is consistent with this objective and policy.

**Proposed National Policy Statement on Urban Development Capacity (NPSUDC)**

- 5.1. The Minister for the Environment notified the Proposed NPSUDC for public consultation on 2 June 2016, with submissions closing on 15 July 2016. The scope of the proposed NPSUDC relates to the provision of development capacity in local authority plans to address both housing and business needs. The NPSUDC is in draft only and does not hold any statutory weight.
- 5.2. The proposed NPSUDC identifies Queenstown as a 'secondary urban area' and a high growth urban area as Queenstown is projected to experience population growth of over 10% in the next 10 years. The NPSUDC applies objectives and policies for local authorities to implement through its planning documents. I note that QLDC lodged a formal submission (dated 14 July 2016) with the Ministry for the Environment which, amongst other matters, seeks clarification as to the extent of the geographic area that the NPSUDC would apply to (i.e. whether the references to 'Queenstown' include the entire Wakatipu Basin). Insofar as the remaining geographic area of the District, Wanaka is not listed as a 'main urban area' or a 'secondary urban area' in Appendix 1 of the NPSUDC Consultation Document, as such the NPSUDC has less bearing on areas of the District outside of Queenstown.
- 5.3. The following objectives of the proposed NPSUDC are of relevance:

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3 Queenstown Lakes District Council Proposed District Plan 2015 – Revised Chapter – Reply 07/04/2016

- i. OA1: To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.
- ii. OA2: To provide sufficient residential and business development capacity to enable urban areas to meet residential and business demand.
- iii. OA3: To enable ongoing development and change in urban areas.
- iv. OB1: To ensure plans and regional policy statements are based on a robust, accurate and frequently-updated evidence base.
- v. OC1: To promote coordination within and between local authorities and infrastructure providers in urban areas, consistent planning decisions, integrated land use and infrastructure planning, and responsive planning processes.
- vi. OD1: To ensure that planning decisions enable urban development in the short, medium and long-terms.
- vii. OD2: To ensure that in the short and medium terms local authorities adapt and respond to market activity.

5.4. The above objectives (although they hold no legal weight at present) are reflected in the BMUZ provisions through enabling more capacity within the Zone than that enabled by the ODP Business Zone for both residential and business activities.

5.5. I became aware on 1 November 2016, when finalising this s42A report, that the final National Policy Statement on Urban Development Capacity<sup>4</sup> has been approved. I have not had an opportunity to consider the approved version in this s42A, but will do so prior to the Business hearing.

## **6. SCOPE ISSUES**

6.1. Submitter 156 (Kai Whakapai) requests that, in relation to notified Policy 13.2.5.7, buskers licences from premises should be encouraged, where their location and outside space is appropriate, with a 10pm curfew. Other than the comments made below in terms of the relaxation of noise after 10 pm (which will go some way to addressing the relief sought), the issues raised by the submission are managed by the Control of Activities in Public Places Bylaw (2016), rather than the District Plan, and is therefore beyond scope of the District Plan. I recommend that this submission is rejected.

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<sup>4</sup> [http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/National\\_Policy\\_Statement\\_on\\_Urban\\_Development\\_Capacity\\_2016-final.pdf](http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/National_Policy_Statement_on_Urban_Development_Capacity_2016-final.pdf)

- 6.2. Submission 303.1 (Steve Maluschnig) requests the provision of electric vehicle charging stations in existing and future parking areas in high use areas of Wanaka and a move to an electric vehicle fleet by the QLDC. This submission is beyond the RMA/ District Plan and as such no recommendation has been made on it.
- 6.3. Submission 218.1 (John Barlow) requests that a large parking building should be built close to the centre of town. This part of the submission is beyond the scope of Stage 1 of the District Plan with some also being beyond the scope of the RMA/ District Plan and as such no recommendation has been made on it.
- 6.4. Submissions 110.10 and 110.1 (Alan Cutler) were reallocated to the residential hearing stream (Issue Reference 4) and submission 230.5 (Loris King) has been reallocated to the hearing on mapping.
- 6.5. Submission 9 (Terry Drayron) (opposed by FS1305.1 (Wanaka Watersports Facility Trust) and FS1285.4 Nic Blennerhassett) relates to the Lake Wanaka lakefront and was reallocated to the Rural hearing stream, at which it was recommended to be rejected.

## 7. OVERVIEW OF THE ISSUES

- 7.1. The purpose of the WTCZ is to serve as the focal point for community activities and amenities in Wanaka, providing a range of retailing, business, and entertainment options for the growing population yet remaining compact and accessible.
- 7.2. The review of the operative provisions sought to address a number of key issues, providing more targeted objectives and policies, amending some key rules, and increasing the overall legibility of the Plan. As outlined in the Section 32 report,<sup>5</sup> the proposed zone provisions strive to address the following resource management issues:
- a. Development capacity and opportunities for expansion: Given that the McDermott Miller report<sup>6</sup> and the peer review thereof<sup>7</sup> conclude that, with the recent consenting of the Three Parks mixed use area, commercial land supply will exceed demand in Wanaka until at least 2031, there is a risk that the relevance and success of the Wanaka Town Centre will become compromised by competition from Three Parks if supply is not well managed and the quality of the Town Centre environment maintained and enhanced. As there is no shortage of commercial land in supply in the wider Upper Clutha area then, at

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5 Section 32 Evaluation Report for Wanaka Town Centre, Pages 3 - 4.

6 Review of District Plan Business Zones Capacity and Development of Zoning Hierarchy (November 2013) undertaken by McDermott Miller Strategies Limited & Allan Planning & Research Limited ("McDermott Miller report"): [http://www.qldc.govt.nz/assets/OldImages/Files/District\\_Plan\\_Review\\_Brochures/Business\\_Zones\\_Capacity\\_15\\_Nov\\_2013.pdf](http://www.qldc.govt.nz/assets/OldImages/Files/District_Plan_Review_Brochures/Business_Zones_Capacity_15_Nov_2013.pdf). A link to this report is also on page 30 of the WTCZ section 32 report.

7 Peer Review of the McDermott Miller report (January 2014) prepared by McDermott Consultants Ltd: [http://www.qldc.govt.nz/assets/OldImages/Files/District\\_Plan\\_Review\\_Brochures/Business\\_Zones\\_Planning\\_Peer\\_review\\_January\\_2014.pdf](http://www.qldc.govt.nz/assets/OldImages/Files/District_Plan_Review_Brochures/Business_Zones_Planning_Peer_review_January_2014.pdf). A link to this report is also on page 31 of the WTCZ section 32 report, and a copy is attached to Mr McDermott's evidence for the Strategic Directions hearing, dated 19 February 2016, in Appendix A.

least from a capacity perspective, there is no pressure for the Wanaka Town Centre to expand beyond its present compact form.

- b. The appropriateness of the height, bulk, location and design of buildings, and the urban design outcomes resulting from the Operative District Plan (**ODP**). It is noted that the Town Centre Monitoring report identified some inefficiencies and ineffectiveness with the operative provisions, stemming from the fact that the Wanaka Town Centre Character Guideline 2011 (**the Guideline**) is non-statutory and is therefore limited in its ability to influence outcomes.
- c. Adverse environmental effects from town centre activities, in relation to noise issues in particular, as well as lighting, glare and the effects of activities such as industrial uses that are not appropriate in the town centre.
- d. Flood risk and whether the operative provisions are the most appropriate method of addressing this issue.

7.3. Having identified the resource management issues facing the Wanaka Town Centre, it is necessary to consider to what extent the ODP has been effective and efficient at addressing these issues or, in other words, consider what the issues or shortcomings of the ODP are. The Town Centre Zones Monitoring Report draws on resource consent information, the outcomes from consultation and from case studies. While it offered support to retaining the fundamental components of the operative chapter, the monitoring report and subsequent Section 32 report determined that it was appropriate to:

- a. Allow higher building coverage throughout the zone and increased building heights within a defined precinct within the existing zone.
- b. Amend some of the other bulk and location provisions in order to maintain or improve the quality of the streetscape and built form and to enable more efficient consenting. The amendments specifically identified were removing the maximum 80% building coverage, the minimum 3 m building height rule, the setback from open space, and the requirement to establish retailing at ground level on Helwick St, and slightly reducing the setback from residential zones.
- c. Add more detailed policies relating to matters such as quality and scale.
- d. Apply restricted discretionary status to all buildings in order to achieve quality design outcomes.
- e. Increase the noise limit within a newly established entertainment precinct and, to a lesser extent, elsewhere.

- f. Acknowledge the presence of commercial activities on the eastern side of Brownston St and along Russell St by retaining the Town Centre Zone boundary but providing a Town Centre Transition Overlay, over the adjoining medium density residential (**MDR**) zoned land. Note: this matter is considered in the Residential hearing stream rather than here.
- g. Retain the ODP rules relating to flood hazard mitigation.

## 8. ANALYSIS OF SUBMISSIONS

- 8.1. The PDP was notified on 26 August 2015. The submission period closed on 23 October 2015 and summaries of submissions were notified on 3 December and 28 January 2016. A total of 69 original submissions have been received on the Wanaka Town Centre Chapter (13) from 30 submitters and 51 further submissions have been received from 13 further submitters.
- 8.2. Submissions are generally considered by issue in this evidence and where applicable are considered by provision. The summary of the submissions received on the notified chapter and recommendations of whether the submission should be rejected, accepted, or accepted in part is attached at **Appendix 2**. I have read and considered all of these submissions.
- 8.3. The RMA, as amended in December 2013 no longer requires a report prepared under Section 42A or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions.
- 8.4. Some submission points canvass more than one issue, and will be addressed where they are most relevant within this evidence. At times they will be addressed under a number of topics.
- 8.5. I have discussed the relief sought in submissions under the following issues in this evidence:
  - a. Issue 1 - Building height and the height precinct
  - b. Issue 2 - Noise limits, the introduction of the Town Centre entertainment precinct (**TCEP**), and acoustic insulation
  - c. Issue 3 - The quality of urban design outcomes and built form (bulk and location and urban design-related provisions, including those relating to verandas)
  - d. Issue 4 - Transportation
  - e. Issue 5 - Miscellaneous.

## 9. ISSUE 1 – BUILDING HEIGHT AND THE INTRODUCTION OF A HEIGHT PRECINCT

9.1. In summary, the only recommended changes are to make a minor amendment to notified Policy 13.2.3.1 and to extend the height precinct (by amending notified Planning Map 21) to include those sites that front Helwick Street and are north of Dunmore Street.

### Relevant objectives and policy framework

9.2. Submitters 504 (Virginia Barbara Bush) and 156 (Kai Whakapai cafe-bar (legal name The Homestead Ltd)) support notified Objective 13.2.3 and Virginia Bush further supports notified Policies 13.2.3.1, 13.2.3.2, 13.2.3 and the rules that give effect to these provisions.

9.3. Submitter 505 (JWA & DV Smith Trust) requests that notified Policy 13.2.2.3 be amended as follows:

*Enable opportunities for further intensification of development in the town centre ~~by providing more generous~~ where such development complies with the building heights in the Wanaka Height Precinct.*

9.4. Submitter 505 (JWA & DV Smith Trust) requests that notified Objective 13.2.3 be amended as follows:

*Wanaka town centre ~~retains~~ provides a low scale built form where appropriate that maintains a human scale"*

And that, as a consequence, Policy 13.2.3.2 be deleted and Policy 13.2.3.1 be amended as follows:

*~~13.2.3.1 – Ensure~~ Encourage that development to generally comprise a scale of two ~~to~~ or three storeys, with potential in appropriate circumstances to develop a recessed fourth storey in the Wanaka Height Precinct.*

9.5. Submitter 240 (Gem Lake Limited) requests that consequential amendments be made to the objectives and policies as necessary, to reflect the submitter's request to extend the Height Precinct over part of Helwick Street within the Wanaka Town Centre Zone. The submitter owns Part Section 17 Block XII Town of Wanaka (28 Helwick Street, Wanaka).

9.6. In response to these submissions, having considered the Section 32 report, the evidence of Timothy Church, and the Wanaka Town Centre Character Guideline (**the Guideline**)<sup>8</sup> (attached as **Appendix 5**), I am of the view that:

- a. The notified objectives are the most appropriate way to achieve the purpose of the RMA and align well with the recommended zone-wide Strategic Directions (3.0) and Urban Development (4.0) objectives and policies (referring to the right of reply version of these two chapters). Those of particular relevance recognise the Wanaka Town Centre as a

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<sup>8</sup> The Guideline has statutory weight via reference to it in notified Policy 13.2.4.1 and notified Rule 13.4.4.

high quality hub, promote compact well-designed and integrated urban growth, and provide for a mix of housing, including affordable housing.<sup>9</sup>

- b. The amendment to notified Policy 13.2.2.3 is unnecessary as the non-complying status and Policy 13.2.3.2 already clarify the very minor extent of height intrusion that would be acceptable in limited cases.
- c. Notified Objective 13.2.3 (which is the only objective that any submitter has sought be amended) is, in my view, more appropriate than the amended version sought by the submitter in that the notified wording seeks to retain a low scale built form that is of a human scale throughout the zone, (while not going so far as to maintain the existing low scale). The alternative suggested by the submitter suggests that it is appropriate that some parts of the Town Centre need not maintain a human scale which, in my opinion is inappropriate. While I accept that concepts of low scale and human scale are subjective, I qualify my view by saying that I consider that the scale enabled in the height precinct (i.e. 3 storeys at the street with a recessed 4<sup>th</sup> storey) can be undertaken in a manner that still provides a human scale at ground level.
- d. In turn, I do not recommend the deletion of notified Policy 13.2.3.2 as there will be times when minor height infringements are acceptable and result in an improved outcome.
- e. In regard to notified Policy 13.2.3.1 and the submission seeking that it should "encourage" rather than "ensure" 2-3 storey development with any 4<sup>th</sup> storey set back, I note that the notified rules do essentially "ensure" no more than 2 - 3 storey character at the street frontage, through non complying status and strong policy. While I accept that the rules do not prevent the development of a generous single storey development they do ensure against a 4<sup>th</sup> storey other than in the height precinct. I have therefore recommended a minor change to the wording to acknowledge this but essentially I consider that the policy, as notified, is consistent with and provides good support to the rules.
- f. While I have recommended extending the height precinct to Dunmore Street (refer later in this section), no consequential changes to the policy framework is required as a result of that.

## Rules

9.7. The monitoring report identified that 59% of all breaches in the Town Centre between 2004 and 2011 were for over-height buildings. Further, the following table provides a list of recent buildings that obtained resource consent for breaching the height rules in the Wanaka Town Centre.

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<sup>9</sup> Strategic Direction Hearing Recommended Revised Chapter – Reply 07/04/2016, particularly policies 3.2.1.1, 3.2.2.1, 3.2.6.1 and objectives 4.2.1 and 4.2.3.

Resource Consent	Building description/ location	Extent of breach
RM110596	93 Ardmore Street (Speights Alehouse), Wanaka. 2905306200 Val.	Breaches the building height limit in that the building does not breach the 10 m but does breach the 8 m maximum at the eave. Building comprises 2 storeys.
RM020072	155 Ardmore St. (Patagonia building) Val. 2905322700.	Meets the height limit. Building comprises 2 storeys plus basement.
RM010669	151 - 153 Ardmore St. Val. 2905322603	Breaches the 10 m building limit (10.75m) Consent allowed lowering of ground floor height of 150mm. Building comprises three storeys.
RM020318	31 Dunmore St (Spencer House). Val. 2905321201.	Meets the maximum height limits (8m high on perimeter 10m high at highest point).

9.8. Submissions on the height rules can be grouped into those who support the height rules (as notified or in an amended form); those who oppose the height rules (wanting them to be lower); and those who request that the height precinct (which allows higher buildings) be extended to allow greater heights over a wider area.

9.9. Submitters 13 (DD and KK Dugan Family Trust), 438 (New Zealand Fire Service), 650 (Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd), and 705 (Ardmore Holdings Wanaka Limited) support the height precinct and notified Rules 13.5.8 and 13.5.8, and request that they be retained as notified, citing (variously) that the proposed Height Precinct will enable more flexible building design, more land efficient use, and good quality urban design.

9.10. Submitter 238 (NZIA Southern and Architecture + Women Southern) (NZIA)<sup>10</sup> supports the proposed Wanaka Town Centre height provisions subject to:

- a. Reference to the Wanaka Town Centre Design Guidelines to ensure sun to streets is not blocked and that upper levels are set back where appropriate to retain solar access to public spaces, and all projects in the Wanaka Height Precinct being subject to design review; and
- b. Moving the proposed Wanaka Height Precinct to a more appropriate location on Ardmore Street, preferably to the north side of Upper Ardmore Street between Monley Lane and Hettich Street, citing that it is in the wrong place in the PDP as it will overshadow and diminish views.

9.11. In response to the general request of submitter 238 (NZIA) that reference be made to the Wanaka Town Centre Character Guideline to ensure sun to streets is not blocked and that upper levels are set back where appropriate to retain solar access to public spaces and that

<sup>10</sup> Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavillion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited)

all projects in the Wanaka Height Precinct be subject to design review, I am of the opinion that such concerns are sufficiently covered by notified Policies 13.2.4.1 and 13.2.4.2, which encourage consistency with the Guideline. I therefore do not support a requirement in the District Plan for such a review and my understanding is that it is ultra vires to trigger a different activity status if a review has or has not been undertaken.

- 9.12. I note that nothing in the WTCZ chapter precludes the Council from commissioning an urban design review (either from a panel or an urban designer) as part of processing any application that raises urban design issues. It is my preference that commissioning a review (pursuant to Section 92 of the RMA) should be decided on a case-by-case basis and that requiring all applications to be processed in this manner will be unnecessary and inefficient at times. I note that matters of sunlight access and the setting back of upper levels (retaining a 1-3 storey character) are included in the Guideline<sup>11</sup> although I note that the Guideline has not been updated since 2011 and so does not acknowledge the existence of the height precinct or address the appropriateness of enabling 3 storey facades setting back the 4<sup>th</sup> storey in this area.
- 9.13. Submitters 202 (Graham Dickson) and 225 (Quentin Smith) oppose the proposed height overlay and height rules (notified Rules 13.5.8 and 13.5.9), with submitter 202 instead requesting that the height limit rule be simplified to state a maximum building height of 10m, with a maximum of 2 storeys. Submitter 225 (Quentin Smith) considers that more work needs to be done on the impact of proposed height limits and density changes on the parking and traffic issues associated with the increased demand, and that the introduction of a financial parking levy in lieu of providing onsite parking is essential. The latter part of this submission relating to imposing a financial levy in lieu of on-site parking, is recommended to be rejected as the Council collects development contributions under the LGA and its Development Contribution Policy 2016-2017 (**DC Policy**),<sup>12</sup> and it would be inefficient in my opinion to collect some levies under the PDP and others under the DC Policy.
- 9.14. In response to the suggestion that a better understanding is needed in regard to the parking and traffic effects of increasing density/ intensity (from allowing more height) I note that a considerable increase in gross floor area (**GFA**) is enabled by both the ODP and PDP provisions<sup>13</sup> simply due to the fact that the town has not yet been developed to its capacity. In my opinion, the increase in upper floor capacity as a result of the notified height precinct is not significant and is unlikely to result in parking or traffic issues that cannot be predicted and managed through initiatives over the coming decades. This is based on:

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11 Wanaka Town Centre Character Guideline 2011, pages 12 and 15.

12 <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>

13 "Within the current footprint the centre could easily add a further 4,000m<sup>2</sup> of retail floor space to a total of 20,500m<sup>2</sup>". Wanaka Land Needs Study 2007, Page 14

- a. the GFA calculations I have undertaken; and
  - b. the results of recent traffic modelling (prior to the height precinct being proposed).
- 9.15. The traffic modelling undertaken for the Council in 2015 was based principally on the ODP zonings (including known development proposals including the Northlake subdivision) and resident and visitor population projections. On this basis, the model forecast that the only parts of the network that would experience level of service (**LoS**) E by 2041 in the pm winter peak would be the Ardmore/ Brownston Street intersection. I note for completeness that this is a better outcome than was previously predicted by the Wanaka Transport and Parking Study (2008).<sup>14</sup>
- 9.16. While I am not a transport planner, given that the added GFA enabled by the introduction of the height precinct is relatively minor<sup>15</sup> (equating approximately to a 5% increase in capacity over and above ODP capacity) and that neither the strategic business case or the more recent updated model suggest any urgent issues with the network or parking that cannot be overcome, it would seem unlikely that the height precinct will result in additional traffic generation or parking needs that cannot be dealt with over time. I rely on the conclusions of the Wanaka Transport Strategic Business Case (2015)<sup>16</sup> and the subsequent 2015 traffic modelling and in the absence of any Evidence to the contrary, in coming to this conclusion.
- 9.17. Submitter 240 (Gem Lake Limited) requests that the WTC zoned part of Helwick Street is included within the Wanaka Height Precinct and that further or consequential or alternative amendments be made to give effect to this.
- 9.18. In response, for those reasons outlined in Mr Church's evidence I recommend extending the height precinct on the eastern side of Helwick Street only as far as Dunmore Street. While there may be some merit in including the whole Ardmore/ Dunmore/ Helwick block in order to be consistent with the adjacent block to the west of Helwick Street, there is no scope to enable this. I therefore concur with Mr Church that a perimeter block approach is appropriate in this instance and that the height precinct should be expanded to include 14-20 Helwick Street (Lot 1 DP 24259 Sec 4 Blk Vii Wanaka Tn). This change has been made in **Appendix 1** by amending notified Planning Map 21 and a Section 32AA evaluation is included in **Appendix 4**. I do not support extending the height precinct further down Helwick Street (i.e.

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[http://www.gldc.govt.nz/assets/OldImages/content/planning/transport\\_and\\_parking/transport\\_strategies/Wanaka\\_Transport\\_Strategy\\_2008.pdf](http://www.gldc.govt.nz/assets/OldImages/content/planning/transport_and_parking/transport_strategies/Wanaka_Transport_Strategy_2008.pdf)

15 The theoretical added capacity would be in the order of 15,000 m<sup>2</sup> GFA on the basis that the precinct is 19,800 m<sup>2</sup> in area and assuming one extra level of built form (and 95% building coverage) over 80% of the notified precinct and recognising that approximately 20% of this precinct has been recently built and is unlikely to be redeveloped in the foreseeable future. This is very likely an over-estimate in terms of what would realistically occur under the PDP rules as some sites are also captured by the recommended coverage rule and this has not been factored in and market demand for 4 storey buildings is likely to be limited, as evidenced by how many developments in the district do not maximise the number of floors allowed.

16 <http://www.gldc.govt.nz/assets/Uploads/Council-Documents/WCB/2015/15-April-2015/6-Wanaka-Transport-Strategy-Review.pdf>

to Brownston Street) as sought for the reasons outlined by Mr Church, which relate to character and the effectiveness of encouraging consolidation within a contained area, plus the fact that no information has been provided by the submitter with regard to the potential effects of the extra height in terms of shading, views, or character.

- 9.19. In response to the request that the height limit within the height overlay be simplified to a maximum building height of 10m with a maximum of 2 storeys, I note that while this would enable built form similar to many of the new buildings on Ardmore Street, it would not necessarily enable any meaningful opportunities for intensification or provide for a more diverse range of activities, including upper floor residential and visitor accommodation activities. As such, it would be considerably less effective at achieving notified Objectives 13.2.1 and 13.2.2. I note for completeness that I concur with Mr Church's conclusions that the location of the precinct is such that effects relating to shading, visual dominance, and views are acceptable.
- 9.20. In response to the general opposition to the height precinct, the Section 32 report cites the benefits of the height precinct as being that it focuses taller buildings in those areas where increased heights will not have significant adverse impacts, enables more efficient land use within the Zone therefore enabling consolidation of development, and enables more residential development within the Town Centre zone. The Section 32 report concludes that such benefits would outweigh the potential adverse effects in terms of shading and blocking views. Added to that, I note that there are also benefits in terms of better providing for increases in minimum floor levels for flooding (where these can be achieved without adverse urban design effects), avoiding unnecessary breaches and more efficient District Plan administration, providing a clear edge to town, enabling heights which are of an appropriate scale relative to the width of the streets, and providing for height where the effects on shading will be minimal.
- 9.21. In summary, the proposed height precinct enables well-designed 3 and 4 storey development thereby enabling an additional storey over and above that which is provided for under the ODP. As notified, this would increase the theoretical capacity of the Town Centre by approximately 15,000m<sup>2</sup>, which equates to approximately a 5% increase in upper floor capacity within the existing zone boundary. While there is no shortage of commercially zoned land in the wider Wanaka area<sup>17</sup>, enabling this additional capacity to be realised as the market dictates will assist the Town Centre in continuing to be the principal commercial, visitor accommodation and residential hub by adding diversity and increased landuse efficiency. While the increase from 8 m to 12 m at the eave is quite significant, relying in part on the evidence of Mr Church, I am satisfied that effects on sunlight, amenity, and views will not be significant and will be outweighed by the benefits previously mentioned.

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<sup>17</sup> Review of District Plan Business Zones Capacity and Development of Zoning Hierarchy (November 2013) undertaken by McDermott Miller Strategies Limited & Allan Planning & Research Limited ("McDermott Miller report") and Peer Review of the McDermott Miller report (January 2014) prepared by McDermott Consultants Ltd.

## 10. ISSUE 2 - NOISE LIMITS, THE INTRODUCTION OF THE ENTERTAINMENT PRECINCT, AND ACOUSTIC INSULATION

- 10.1. In summary, the only recommended change is a minor amendment to apply more restrictive noise limits on those sites north of Ardmore Street (notified Rules 13.5.10.3, 13.5.10.4 and 13.5.10.5).
- 10.2. As outlined in full in paragraphs 4.3, 12.3, and 12.51 - 12.53 of the S 42A for the Queenstown Town Centre Zone (**QTTCZ**), I have also recommended making consequential amendments to Chapter 36 (noise) in order to ensure consistency and therefore improved administrative efficiency between that Chapter and Chapter 13. Six original and further submitters<sup>18</sup> who lodged submissions on Chapter 36 (Noise) are considered to be potentially (although unlikely to be) affected by the amendments proposed to that Chapter through that report. As such, all of them have been served notice of this hearing stream and provided the opportunity to be heard. These submitters are listed in a separate table in Appendix 2 of the QTTCZ S 42A report and the recommended amendments to Chapter 36 are contained in Appendix 1 of the QTTCZ S 42A report.

### Objectives and policy framework

- 10.3. Submitter 196 (Whitney Thurlow) opposes the policy framework that recognises greater noise limits (notified Objective 13.2.1 and particularly notified Policy 13.2.1.3). Submitters 728 (Wanaka Residents Association) and 707 (Wanaka on Water) support notified Objective 13.2.5 (regarding imposing limits to minimise effects), but Wanaka on Water and the Wanaka Residents Association oppose notified Policy 13.2.5.2 and Wanaka on Water also opposed notified Policy 13.2.5.3, which offer policy support to the TCEP concept.
- 10.4. In my opinion, the objectives strive to achieve an appropriate balance in that they anticipate the Town Centre continuing to prosper as an important activity hub while minimising (but not avoiding) noise (and other) effects. Notified Policies 13.2.1.3 and 13.2.5.2 are necessary to enable this to occur in that the continued development of restaurants and bars is important for the Town Centre to continue to be the principal focus for entertainment in the wider Wanaka area. For this to occur, the noise levels need to be increased to enable such development. As such, I do not recommend any amendments in response to these submissions.

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<sup>18</sup> Submitters 433.110 (Queenstown Airport Corporation), FS1211.6 (New Zealand Defence Force), FS1097.396 (Queenstown Park Limited), FS1117.156 (Remarkables Park Limited), 714.15 (Kopuwai Investments Limited), and 1365.12 (New Zealand Defence Force)

## **The Town Centre Entertainment Precinct (TCEP)**

- 10.5. Various submitters<sup>19</sup> support the TCEP as proposed and seek any additional or consequential relief to the PDP as necessary, and seek that if other TCEPs are promoted then the TCEP in the notified PDP be given primacy over others (noting that NZIA's support is conditional on a management plan to ensure that this precinct is actively controlled by QLDC and further definition of the zone). To the contrary, submitter 707 (Wanaka on Water) requests that the TCEP be deleted.
- 10.6. In response to these submissions and relying in part on Dr Chiles' evidence, I am of the opinion that the TCEP is an appropriate method of providing for restaurants and bars without the burden of having to obtain resource consent for activities which are entirely consistent with the night time atmosphere that is anticipated in a resort town such as Wanaka while minimising effects on residentially zoned land. This method will encourage consolidation of such activity in the most appropriate location which, in turn, discourages such activity in the balance of the Town Centre. I do not recommend adding the requirement for management plans for all premises within the TCEP but note that the provision of such a management plan is likely to be required as a condition of consent to operate a licensed premise after 11 pm or to breach the noise limits, much in the same way as it is currently.

## **Noise Rules**

- 10.7. Submitters 9 (Terry Drayton), 196 (Whitney Thurlow), 707 (Wanaka on Water), and 728 (Wanaka Residents Association) request that the operative noise rules be retained and Wanaka on Water also requests that any noise mitigation be undertaken by noise producers (and any additional or consequential relief to give effect to this submission).
- 10.8. Submitter 707 (Wanaka on Water) also requests that appropriate amendments be made such that no bar or restaurant activity occurs on road reserves and reserve land beyond the ODP noise limits (and any additional or consequential relief to give effect to this submission).
- 10.9. Submitters 90 (Trout Bar) (opposed by FS1028 (Wanaka on Water Body Corporate 63238)) and 466 (Thomas Wild) support the changes to the noise limits.
- 10.10. In response to these submissions and relying in part on Dr Chiles' evidence, I have reached the following conclusions. the proposed noise limits are an appropriate way of achieving the purpose of the RMA and the proposed objectives, except in respect of the level of noise that could be received in the adjacent residential zone, where no transition zone exists.

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<sup>19</sup> Submitters 112 (Iain Weir), 705 (Ardmore Holdings Wanaka), 156 (Kai Whakapai cafe-bar (legal name the homestead ltd), 129 (Lake Bar Limited), 260 (Roger Gardiner), and 238 (NZIA Southern and Architecture + Women Southern) (opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavillion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited).

- 10.11. Whereas the Town Centre transition overlay along Brownston and Russell Streets provides some form of buffer between the Town Centre and the residential zone (accepting that residential and visitor accommodation uses within that buffer may be subject to higher noise level from the Town Centre), I am concerned that no mechanism is proposed to ensure lower, more appropriate noise levels at the interface with residentially zoned properties along Monley Lane and Hedditch Street.
- 10.12. I recommend rectifying this by amending the rules such that notified Rules 13.5.10.3, 13.5.10.4, and 13.5.10.5 (which enable more lenient noise limits for voices and music and do not require such noise to meet the residential limit at the zone boundary) do not apply to the Town Centre-zoned sites north of Ardmore Street. This will have the effect of ensuring that all noise generated in that area must be mitigated such that it complies with the residential limit at the boundary. In effect, this means the noise levels allowed at this interface are similar to those of the ODP, thereby partially accepting the relief sought by many submitters to not increase noise limits. This change has been made in **Appendix 1** (notified/redraft Rules 13.5.10.3, 13.5.10.4, and 13.5.10.5) and a Section 32AA evaluation is included in **Appendix 4**.
- 10.13. The modest increases in noise levels (voices are allowed to be 10 dBA higher and music and other noise 5dBA higher) in noise levels in the Town Centre Zone (outside of the TCEP but excluding sites north of Ardmore St), coupled with the establishment of the Town Centre Transition overlay (over those residentially-zoned properties at the boundary), is the most appropriate method of achieving notified Objectives 13.2.1 and 13.2.5. If the noise limits remained at the ODP levels then restaurant and bar activity after 10 pm would be very difficult without obtaining resource consent (especially outdoors). This is what has traditionally occurred in order to enable the Town Centre to develop into the vibrant place that it is, but it is an inherently inefficient means of achieving the desired ends and is not supported. In this respect, I refer the Panel to Dr Chiles' evidence regarding noise limits in comparative towns (paragraphs 3.6, 4.1, 11.4 and Section 4 of the 2009 URS Report, being Appendix A to Dr Chiles' evidence).
- 10.14. In response to Wanaka on Water's (707) request that noise generators should mitigate the effects of such noise. Dr Chiles' evidence (paragraph 12.1) is that even to achieve the increased PDP noise limits, noise mitigation and management will usually be required by operators. While such mitigation should bring noise to an acceptable level beyond the Town Centre Zone and the Town Centre Transition Overlay, I continue to hold the view that if people wish to develop residential or visitor accommodation within the Town Centre then it will not always be practical for noise generators to avoid effects on them through noise mitigation at the source, and it is reasonable to also expect visitor accommodation/ residential uses within the Town Centre to insulate and install ventilation. In saying this, I note that this

requirement also reflects the fact that such sensitive uses are locating in a busy and active area where night time noise is to be expected and is unavoidable and unable to be regulated on the streets and in public places.

### **Other related matters**

- 10.15. Various submitters<sup>20</sup> request that the curfew for outside drinking/ dining is extended to 11pm (from 1 November to 30 April or year around) or, alternatively, Kai Whakapai (156) suggests allowing the conditions of liquor licence applications to reflect the circumstances of each individual case.
- 10.16. While there is no rule in the PDP imposing such a 'curfew' and the conditions imposed on liquor licences is beyond the scope of the RMA and the District Plan, a response is still considered helpful in this case as I believe there may be some confusion amongst submitters.
- 10.17. In response, it seems from paragraph 4.9 of Ms Swinney's evidence that reference to the 10 pm curfew derives from the fact that resource consents for breaching noise limits routinely impose conditions such that all customers must be inside after 10 pm with all windows and doors closed. This is a function of the fact that the stricter noise controls are imposed from 10 pm onwards, which essentially prevents outside drinking and dining, which is presumably seen as a pseudo curfew. While there is no such 'curfew' in the PDP (or ODP) and the night time noise period is proposed to continue to commence at 10 pm, the noise limits have been increased, especially for voices and music in most of the Town Centre and most markedly in the TCEP. This will have the effect of enabling the same sort of noise that is allowed in the day time (i.e. 60dBA) to continue into the evening which should enable the continuation of some outdoor dining and drinking after 10 pm. As such, no amendment to the provisions is recommended but I am of the view that the relief sought by the submitters is likely to be satisfied by the recommended provisions.
- 10.18. Submitter 707 (Wanaka on Water) requests amendments so that no bar or restaurant activity occurs on road reserves and reserve land beyond the ODP noise limits (and any additional or consequential relief to give effect to this submission).
- 10.19. In response to the issue of bars etc. on roads and reserve land, I note that:
- a. As in the ODP, roads are not zoned through Stage 1 of the PDP. Therefore any bar or restaurant on road reserve would not be subject to the noise limits but would be subject to a liquor licence (assuming alcohol is being served), a Licence to Occupy, and a table

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<sup>20</sup> Submitters 156 (Kai Whakapai cafe-bar (legal name The Homestead Ltd), 129 (Lake Bar Limited) (both opposed by FS1028 (Wanaka on Water Body Corporate 63238)), 260 (Roger Gardiner), 466 (Thomas Wild), and 90 (Trout Bar).

and chair permit and through such processes conditions could be imposed relating to noise and other matters).

- b. Unless it falls under the definition of a temporary event (in which case it would be exempt from the noise limits for the reasons outlined in Dr Chiles' evidence (paragraph 5.1) and the Section 32 evaluation report) then any bar or restaurant located on public reserve land would still need to comply with the noise standards, as well as a liquor licence and potentially a license under any reserve management plan).
- c. I am comfortable that the non-RMA processes and methods outlined above are appropriate to achieve the objectives and the purpose of the RMA and note that the Council is considering the issue of road zoning as part of Stage 2 of the District Plan review.

## **11. ISSUE 3 - QUALITY OF THE URBAN DESIGN AND BUILT FORM**

- 11.1. This section considers those submissions relating to the appropriateness of the proposed bulk and location and urban design-related provisions, including those relating to verandas.
- 11.2. In summary, the only recommended change is to impose a new maximum building coverage rule on developments covering an area more than 1,400m<sup>2</sup> (redraft Rule 13.5.13).

### **Urban design review**

- 11.3. Submitter 238 (NZIA)<sup>21</sup> partly supports the zone with additional provisions to ensure that the QLDC Urban Design Panel review all projects in the Town Centre in order to give effect to the design objectives and rules.
- 11.4. In response, while I am of the opinion that all new buildings, significant projects (such as a structure plan in the Town Centre), or significant alterations should be reviewed by an urban design professional or panel of urban design professionals, I consider that not all resource consents in the Wanaka Town Centre will warrant such a review and that such a review need not always be undertaken by an Urban Design Panel but, rather, could be via a report commissioned by the council pursuant to S92 of the RMA. As such, I do not support making such a review mandatory in the District Plan.
- 11.5. That said, where an urban design review is justified, my clear preference is to use Urban Design Panels rather than commission a report from an urban designer, as an Urban Design

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21 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavillion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited)

Panel can be used early in the process prior to lodgement (whereas commissioning an expert prior to lodgement is unrealistic in most cases); is relatively low cost; can be used a number of times in the design process; and in my experience, is reasonably effective at improving the final outcome. I also note for the Panel's benefit that the Terms of Reference of the Wanaka Urban Design Panel (2008)<sup>22</sup> state the following:

*... will primarily consider proposals or resource consent applications for discretionary and non-complying development in the town centres ... and for urban subdivisions which have the potential to significantly affect the quality of the urban amenity.*

11.6. In conclusion, I do not recommend that the Urban Design Panel review all projects in the Town centre or that any reference is made to such a review in the District Plan.

### **Building Coverage (new, redraft Rule 13.5.13)**

11.7. Submitter 238 (NZIA)<sup>23</sup> requests that the (discretionary) 80% building coverage rule from the ODP be retained to ensure pedestrian linkages are retained and parking provided for, while submitters 650 and 673 (Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited) supports its removal, citing that it will allow greater flexibility in design and better promote the efficient use of land and built resources.

11.8. Relying in part on the evidence of Mr Church<sup>24</sup> and the Guideline<sup>25</sup> (which accepts that site coverage over 80% is to be viewed favourably where the site and context and built form guidelines have been effectively applied) I am of the view that:

- a. Encouraging on-site parking within the Town Centre Zone is not necessarily a good urban design outcome and, as such, I do not support retaining the 80% maximum coverage as an indirect way of encouraging this.
- b. The onsite storage rules and matters of discretion in relation to new buildings adequately address most of the concerns relating to that matter.
- c. Imposing an 80% coverage rule as an indirect way of achieving pedestrian links is inefficient and / or in the context of most sites will not result in appropriate outcomes or pedestrian links in the most appropriate locations. In this respect, I note that:

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[http://www.qldc.govt.nz/assets/OldImages/content/planning/Urban\\_Design\\_Panel\\_Terms\\_of\\_Reference\\_November\\_2008.pdf](http://www.qldc.govt.nz/assets/OldImages/content/planning/Urban_Design_Panel_Terms_of_Reference_November_2008.pdf)

23 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Home Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavillion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited)

24 Evidence of Timothy Church dated 2 November 2016 at paragraphs 26.1-26.6

25 Wanaka Town Centre Character Guideline (2011), Pg. 9

- i. The creation of pedestrian links is supported by various policies including notified Policy 13.2.4.1, which encourages consistency with the Guideline, which itself includes a map of existing and potential new pedestrian links;
  - ii. the provision of such links/ lanes is required to an extent through notified Rule 13.5.12 (service lanes);
  - iii. the recommended inclusion of a coverage rule for larger scale developments (as outlined in the next point) will encourage existing and new pedestrian links to be provided through those larger sites where appropriate and that this is where the greatest opportunity for such links exists.
- d. It is appropriate to add a new rule (redraft Rule 13.5.13) imposing a maximum coverage rule of 75% for any development of an area over 1,400m<sup>2</sup>. This is generally consistent with the approach recommended for the Queenstown Town Centre. As shown in the maps attached as **Appendix 6**, such a rule is likely to be triggered by development of a number of key properties within the Town Centre and provides the opportunity to ensure that they are well designed. The rule has been drafted so that it applies to any development that covers a land area of more than 1400m<sup>2</sup>, regardless of whether that area is comprised in one or more sites in order to ensure that comprehensive developments are captured regardless of the underlying site boundaries. The basis for distinguishing larger scale developments from the development of small individual sites is that these larger scale developments offer the greatest opportunity to achieve quality comprehensive developments (which might include pedestrian links, open space, well planned service lanes and storage areas, viewshafts, etc.); and if located on the edge of the Town Centre (as many are), can help to provide a transition to the adjacent residential area if done well. This change has been made in **Appendix 1** and a Section 32AA evaluation is included in **Appendix 4**.
- e. No additional objectives or policies are in my view required to support redraft Rule 13.5.13, noting that notified Objectives 13.2.4 and 13.2.6 relate to quality urban design and pedestrian and cycle linkages and notified Policies 13.2.4.1, 13.2.4.1, and 13.2.6.2 encourage development to be consistent with the Guideline (which promotes the further development of lanes),<sup>26</sup> pedestrian flow through the Town Centre, and the provisions of pedestrian links.

#### **Verandas (notified Objective 13.2.4 and Rules 13.4.2 and 13.5.5)**

11.9. Submitter 156 (Kai Whakapai cafe-bar (legal name The Homestead Ltd)) supports notified Objective 13.2.4.

11.10. Submitter 798 (Otago Regional Council) (**ORC**) notes, in respect of notified Rules 13.4.2 and 15.5.2, that poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement.

11.11. In response to ORC, while notified Rule 13.5.5 specifies that verandas must be no more than 3m high, there is no requirement for them to extend the full width of the footpath and therefore I do not believe the rule necessarily conflicts with bus movements. As such, I do not consider any change to that rule is necessary. However, notified Rule 13.4.2 lists verandas as controlled activities and sets out matters of control. In my opinion, it is appropriate and consistent with approaches taken in the Local Centre Shopping Zone but not in the Business Mixed Use zone (in response to this submission) to add a matter of control over 'enabling of unobstructed kerbside movements of high-sided vehicles'. This amendment has been made in **Appendix 1** (notified Rule 13.4.2).

#### **Building Setbacks (notified Rule 13.5.1)**

11.12. Submitter 650 and 673 ( Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd) supports the reduced building setback from the residential zone (4.5m in the ODP to 3m in the PDP) as it will enable greater flexibility in design which, coupled with building height and recession plane requirements, will not compromise the character and amenity of adjoining residential properties. There is no opposition to this rule and, as such, the submission is accepted.

#### **Glare**

11.13. Notified Rule 13.5.11.1 relating to glare includes reference to limiting the effects on the night sky. In my view, this part of the rule is ultra vires because it is too subjective. While there is no submission seeking it be deleted, given its ultra vires nature, its removal will not result in a substantive change and therefore I recommend that it be removed. The notified rule is:

*All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.*

## Natural hazards (Rule 13.4.4)

11.14. I have recommended a minor amendment to notified Rule 13.4.4 relating to discretion over natural hazards when considering consents for buildings. The amendment essentially clarifies that the last bullet point of that rule is an assessment matter rather than a matter of discretion; removes the reference to ensuring that a hazard assessment is provided, as this is already dealt with (and contradicts) chapter 28 (natural hazards). The change is considered to be non-substantive and appropriate in order to better implement Policy 28.3.2.3, which refers to information requirements in relation to natural hazards. The Otago Regional Council's submission (798) also seeks wide-sweeping changes to the Natural Hazards framework in the PDP.

## 12. ISSUE 4 - TRANSPORTATION

12.1. In summary, the only recommended change is to make a minor amendment to notified Policy 13.2.6.1 to acknowledge that traffic and car parking management are integral to enhancing pedestrian amenity.

12.2. For completeness, I note that two transport-related submissions were deemed to be beyond scope (refer section 6) as they raise matters not covered by a district plan. The remainder are considered to be within scope of the PDP despite the fact the transport chapter is not part of Stage 1 of the PDP but, in most cases (as outlined below) I have recommended that they be rejected as I consider they are better addressed through the Stage 2 Transport chapter. In those instances, I therefore recommend that those submitters consider submitting on the Transport chapter in Stage 2.

12.3. Submitter 505 (JWA & DV Smith Trust) (supported in part by FS1048 (Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited) requests that notified Objective 13.2.6 be amended as follows:

*Objective 13.2.6 - Pedestrian, cycle and vehicle linkages are safe and convenient, providing for an easily accessible town centre ~~enabling people to easily negotiate their way through and around the town centre.~~*

And that the following policies are amended as follows:

*Policy 13.2.6.1 - Implement programmes of street, traffic and car parking management, and other public open space improvements to enhance ~~pedestrian~~ amenity values and improve the flow of pedestrians, cyclists and vehicles through the town centre*

*Policy 13.2.6.4 - Provide an adequate range of parking options so residents and visitors can access the town centre with adequate on-site car parking where*

~~appropriate predominantly located at the periphery in order to limit the impact of vehicles~~

And that the following new policies are added:

13.2.6.5 - Provide for vehicle use in a manner which retains essential vehicle access to the town centre while providing for pedestrian safety.

13.2.6.6 - Recognise the intensification of density and activity levels within the town centre will require comprehensive traffic management and sufficient on-site car parking.

- 12.4. Submitters 505 (JWA & DV Smith Trust) and FS1048.4 (Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited) request that Rule 13.4.4 read:

*Discretion is restricted to consideration of all of the following: external appearance, materials, signage platform, lighting, impact on the street (to be guided by the Wanaka Town Centre Character Guideline 2011), adequate on-site car parking, and natural hazards to ensure that:...*

- 12.5. Submitter 218 (John Barlow) requests that onsite parking or a contribution to off-site parking should be required (by the District Plan). Similarly, submitter 225 (Quentin Smith) requests that a financial parking levy be introduced in lieu of providing onsite parking.
- 12.6. Submitter 202 (Graham Dickson) requests that a parking requirement be added specifically for visitor accommodation in the Town Centre Zone (Rule 13.5).
- 12.7. In response to these submissions:
- a. I prefer notified Objective 13.2.6 to that sought by the submitter in that it clarifies that the desired outcome is that people can easily find their way through and around (two quite different things) the Town Centre and is, in my opinion, more specific and less ambiguous than simply saying it is easily accessible.
  - b. I recommend accepting the suggested amendments to notified Policy 13.2.6.1 in part on the basis that a) pedestrian amenity, along with flows, is the key focus rather than general amenity as suggested by the submitter and that b) traffic and car parking management is fundamental to achieving notified Objective 13.2.6 and Policy 13.2.6.1 and is not fully dealt with by notified Policy 13.2.6.4. This amendment has been made to the revised recommended chapter in **Appendix 1**.
  - c. I do not recommend amending the provisions to require either the provision of onsite parking or a levy in lieu of such or establishing policy which pre-empts such rules this as I consider this issue to be better considered as part of the transport chapter within stage 2 of the District Plan.

- d. I do not recommend adding new policies 13.2.6.5 and 13.2.6.6 (as outlined above) as I consider setting such policy direction is better considered as part of the transport chapter within stage 2 of the District Plan.

### **13. ISSUE 5 - MISCELLANEOUS**

13.1. The following issues have been raised in submissions and are discussed below:

- a. General submissions;
- b. Town Centre health check;
- c. General submissions relating to the Objective and Policies; and
- d. Notification.

13.2. In summary, the only recommended change is to make a minor amendment to notified Policy 13.2.2.1 further clarifying the role of the Town Centre Transition overlay.

#### **General submissions**

13.3. Submitters 602 (N & B Teat Family Trust), 19 (Kain Fround), and 650 (Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd) variously support the proposed Wanaka Town Centre Zone; the provisions; and the inclusion of New World Wanaka within the zone. These submissions are recommended to be accepted (or accepted in part, in recognition that some changes to the notified version of the chapter are being recommended).

13.4. Submitter 117 (Maggie Lawton) supports the Town Centre being low key and people-friendly, queries what measures are proposed to limit the impact of flooding (in the context of notified Policy 13.2.5.6), and suggests Helwick Street is pedestrianised. As no specific relief is sought and physical pedestrianisation is beyond scope, no recommendation is made. That said, I note for the Panel's benefit that notified Rules 13.5.4 (floor levels) and Rule 13.4.4 (6<sup>th</sup> bullet point) are intended to achieve notified Objective 13.2.5 in respect of flooding.

#### **Town Centre Health Check**

13.5. Submitter 238 (NZIA)<sup>27</sup> requests that to achieve the objectives and policies relating to the Town Centre being a vibrant hub it is necessary to measure whether the objectives are being achieved and that a baseline Health Check needs to be undertaken urgently before the development of an additional commercial centre at Three Parks.

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<sup>27</sup> Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavillion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited)

- 13.6. In response, the RMA does not require the Council to prove that the objectives are currently being achieved but, rather:
- a. That the objectives are appropriate in the context of the purpose of the RMA; and.
  - b. That the PDP provisions, in conjunction with those of the ODP where relevant (in this instance those of the Three Parks Zone), are the most appropriate way of achieving them.
- 13.7. The Section 32 report for the PDP Wanaka Town Centre Chapter concludes that the objectives and the methods proposed to achieve them are appropriate. Subject to the relatively minor amendments recommended in this report, I concur with that conclusion.
- 13.8. By way of background, based on the Section 32 report, Section 42A report and attachments,<sup>28</sup> and consequent evidence that was presented at the hearing for Plan Change 16 to the ODP (Three Parks) (which commenced on 16 September 2009), the Council's decision concluded that the vibrancy and viability of the Town Centre would not come under any potential threat until either 10,000m<sup>2</sup> Gross Floor Area, or five individual specialty retail tenancies, or a total of 10 individual retail tenancies (of any size) is proposed at Three Parks. It was determined that, at that time, a restricted discretionary activity consent would be needed and a further needs assessment and 'health check' must be undertaken as part of that application (notified Rules 12.26.7.2(6) and 12.26.7.2(8)). In summary, the onus is on the developer of Three Parks to undertake the Town Centre health check.
- 13.9. In response, given the requirements of the RMA and the existing framework in the ODP and PDP, I recommend that the submission be rejected.

### **General submissions relating to objectives and policies**

- 13.10. Submitter 292 (John Walker) requests that the notified purpose (13.1) and Policies 13.2.1.1; 13.2.2.1; and Objective 13.2.6 be strengthened.
- 13.11. Submitter 728 (Wanaka Residents Association) generally supports notified Objectives 13.2.2, 13.2.3, 13.2.4, 13.2.5 and 13.2.6, (with the express exception of associated Policy 13.2.5.2, which is considered earlier in this report under the noise issue).

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28 S42A dated August 2009 and prepared by Vicki Jones, Appendix 3 to that report, entitled 'Review of proposed retail floor space at Three Parks Wanaka' dated August 2009 and prepared by Philip Donnelly, the Council's decision on the plan change, which includes a framework for the pending health check ([http://www.qldc.govt.nz/assets/OldImages/Files/District\\_Plan\\_Changes/Plan\\_Change\\_16\\_downloads/Council\\_Decision/council\\_decision.pdf](http://www.qldc.govt.nz/assets/OldImages/Files/District_Plan_Changes/Plan_Change_16_downloads/Council_Decision/council_decision.pdf)), and the economic evidence of Mr John Long on behalf of the landowner (in his capacity as a submitter) and of Mr Donnelly on behalf of the Council.

13.12. Submitters 156 (Kai Whakapai cafe-bar (legal name The Homestead Ltd) generally supports notified Objectives 13.2.1 and 13.2.2.

13.13. In response to these submissions:

- a. I consider that the purpose is sufficient.
- b. I consider notified Policy 13.2.1.1 to be sufficiently strong, providing clear support for enabling a diverse range of commercial uses within the Town Centre and greater efficient use of land in order to enable lower yield uses to also establish here, should they chose to (e.g. on upper floors).
- c. While it is perhaps a little unusual that notified Policy 13.2.2.1 refers to the Town Centre Transition Overlay, which is actually part of the Medium Density Residential zone (heard in the Residential stream 06) there is no scope to change this. Regardless, I agree that it could be clarified in order to better explain what distinguishes that land within the transition overlay area from the residential zone beyond it, in order to discourage any further spread. This change has been made in **Appendix 1** (Policy 13.2.2.1).
- d. I consider that notified Objective 13.2.6 is sufficiently strong, as drafted.

#### **Notification**

13.14. Submitters 650 and 673 (Foodstuffs South Island Ltd and Foodstuffs South Island Properties) support removing the need for affected party approvals and notification for new buildings in the Town Centre Zones as this will streamline decision making process, minimise consenting risk and reduce processing costs/delays, and requests that notified Rule 13.6.2 be retained. These submissions are accepted.

#### **Possible amendments beyond scope of submissions on the WTC**

13.15. For the benefit of the Panel this section considers possible amendments to provisions that would be desirable, either from an effectiveness and efficiency perspective or in order to achieve consistency between the Wanaka and Queenstown Town Centres. None of these changes have been included in Appendices 1 or 4.

13.16. In the s 42A report for the Queenstown Town Centre zone, I have recommended that notified Rule 12.4.4 (relating to licenced premises) be amended to remove the matters of discretion relating to car parking and traffic generation and to any relevant Council alcohol policy or bylaw be deleted in the Queenstown Town Centre Zone in response to submissions. It would be preferable that they also be deleted from notified Rule 13.4.5 as there is merit in doing so and it would result in greater consistency between the Queenstown and Wanaka Town Centres.

13.17. In relation to verandas (notified Rule 13.5.5) in order to be less subjective and more consistent with the Queenstown Town Centre, the wording could be amended as follows:

*Verandas*

*Every building with road frontage to Helwick Street, Dunmore Street and Ardmore Street shall, on its erection or on being reconstructed or altered (excluding repainting) ~~in a way that substantially changes its external appearance~~, be provided with a veranda which shall be situated no higher than 3m above pavement level and shall provide continuous cover for pedestrians.*

*\*Discretion is restricted to consideration of all of the following:*

- Consistency with the Wanaka Town Centre Character Guideline (2011);*
- Effects on pedestrian amenity;*
- The human scale of the built form; and*
- Historic heritage values (where relevant).*

13.18. I consider the following rule relating to glare (notified Rule 13.5.11.4) to be overly onerous. I have recommended that it be deleted in the Queenstown Town Centre Zone in response to submissions. It would be preferable that it also be deleted from Rule 13.5.11.4 as there is merit in doing so and it would result in greater consistency between the two chapters.

*External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.*

*Except that:*

- architectural features, including doors and window frames, may be any colour;*
- and*
- Roof colours shall have a reflectance value of between 0 and 20%.*

13.19. I am aware that Dr Chiles expressed a view in the Residential hearing on 10 October 2016 that he does not support the use of no complaints covenants as a tool for managing noise issues as they do not address the noise effects other than potentially providing some forewarning for people purchasing a property. Notified Rule 13.5.7.2 relating to acoustic insulation includes the following as a matter of discretion:

*Whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site.*

13.20. While there are no submissions in relation to this matter, it would be my preference, based on the view of Dr Chiles and my own experience with such covenants, that this matter of discretion be removed.

13.21. Whereas the notified QTTCZ includes a rule requiring existing pedestrian links to be retained (subject to notified restricted discretionary Rule 12.5.8) no such equivalent rule exists for the WTC. I am aware that Mr Church has expressed a preference to also include such a rule in Chapter 13 (paragraphs 26.1-26.4 of his evidence) and I agree with this; both from a merits

perspective and in terms of achieving as much consistency as possible between the provisions of the two town centres.

#### **14. CONCLUSION**

- 14.1. On the basis of my analysis within this report, I recommend that the changes within the track changed version (**Appendix 1**) are accepted.
  
- 14.2. The recommended changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

A handwritten signature in black ink that reads "V Jones". The signature is written in a cursive style with a large initial 'V' and a horizontal line underlining the name.

**Vicki Jones**  
**Consultant Planner**  
**2 November 2016**