

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 12 –
Upper Clutha Mapping
Annotations and
Rezoning Requests

**SECTION 42A REPORT / STATEMENT OF EVIDENCE OF AMY BOWBYES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

GROUP 1B WANAKA – BUSINESS

17 March 2017

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / C J McCallum
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

TABLE OF CONTENTS

1. INTRODUCTION 1

2. SCOPE OF THIS EVIDENCE 2

3. SUMMARY 3

4. LSCZ AND BMUZ REZONINGS (PLANNING MAP 23)..... 4

5. AMENDMENTS SOUGHT TO THE CHAPTER 15 LSCZ PROVISIONS AND ZONE EXTENT, AS THEY RELATE TO THE CARDRONA VALLEY ROAD LSCZ 13

6. JIM LEDGERWOOD – 562..... 24

7. WANAKA TOWN CENTRE TRANSITION OVERLAY (TCTO) REZONINGS 31

VARINA PROPERTY LIMITED (VARINA) – 591 31

Appendix 1 – Revised Chapter 15 Local Shopping Centre Zone

1. INTRODUCTION

- 1.1 My name is Amy Bowbyes, I am employed by the Queenstown Lakes District Council (**Council**) as a Senior Policy Planner. I hold the qualifications of Bachelor of Science and Bachelor of Arts from Victoria University. I have primarily worked for local authorities in policy and district plan administration roles since 2005.
- 1.2 I was the lead planner on the following PDP Chapters that are relevant to the Upper Clutha, which were heard at Hearing Stream 08 Business between 28 November – 6 December 2016:
- (a) Chapter 15 - Local Shopping Centre Zone; and
 - (b) Chapter 16 - Business Mixed Use Zone.
- 1.3 I was the principal author of the notified Chapter 13 – Wanaka Town Centre, however I did not progress this chapter through Hearing Stream 08 Business.
- 1.4 I was also the s42A author for Chapter 28 – Natural Hazards.
- 1.5 I am based at the Council's Wanaka Service Centre and am familiar with the Upper Clutha area, development and planning issues in this part of the District. I have visited all the sites where submitters have requested land to be rezoned.
- 1.6 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 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.
- 1.7 The Council has agreed to me giving evidence on its behalf.
- 1.8 I have also read and considered the relevant documents associated with the hearings on submissions that I am not the author of to ensure I have adequately considered matters of integration and consistency.

In particular, the S42A report, and for those Chapters that have been heard, the Reply and Recommended Revised Chapters of the following parts of the PDP, which are found in the Council's Bundle of Documents (**CB**) dated 10 March 2017:

- (a) Chapters 3 (Strategic Direction) and 4 (Urban Development) of Mr Matthew Paetz;
- (b) Chapters 1 (Introduction) and 5 (Tangata Whenua) of Mr Anthony Pickard;
- (c) Chapters 7 (Low Density Residential) and 8 (Medium Density Residential) of Ms Amanda Leith; and
- (d) Chapter 13 (Wanaka Town Centre) of Ms Vicki Jones.

1.9 I have also considered the s42A recommended Chapter 2 (Definitions) [**CB2**] of Ms Amanda Leith (the reply had not been filed at the time of filing this evidence), and her evidence summary presented at the hearing.

1.10 I also rely on the evidence of the following:

- (a) Mr Tim Heath – Economics;
- (b) Mr Ulrich Glasner – Infrastructure; and
- (c) Ms Wendy Banks – Transport.

1.11 All references to PDP provision numbers, are to the Council's Reply version of those provisions (unless otherwise stated).

2. SCOPE OF THIS EVIDENCE

2.1 This evidence provides recommendations to the Hearings Panel on the submissions on business rezoning requests within the Wanaka Urban Area. The relevant business zones of the Proposed District Plan (**PDP**) that submissions relate to are the Local Shopping Centre Zone (**LSCZ**), the Business Mixed Use Zone (**BMUZ**) and the Medium Density Residential Zone (**MDRZ**) Town Centre Transition Overlay (**TCTO**). Mr Barr's Strategic evidence provides further detail regarding the purpose of these zones.

- 2.2 The submissions have been grouped by geographic area into 2 groups.
- 2.3 The submissions on Wanaka Urban and Lake Hāwea (Statement 1A), Wanaka Fringe (Statement 2) and Rural (Statement 3) are contained in separate statements of evidence. **Appendix 1** to Mr Craig Barr's Strategic evidence specifies in what statement each submission is addressed, i.e. in the 1A, 1B, 2, 3, or the Strategic statements. In addition I have used a range of assessment principles (**Rezoning Assessment Principles**) and context factors to assist in the assessment of the rezoning requests. These are set out in paragraph 2.13 of Mr Barr's Strategic evidence.
- 2.4 I refer to the Strategic evidence at section 4 that sets out the submissions that are not 'on' Stage 1 of the PDP. In particular, land zoned Township Zone in the Operative District Plan (**ODP**) has not been notified in Stage 1 of the PDP and therefore these submissions have not been considered. Therefore the submissions¹ seeking to extend the notified LSCZ in Hāwea across land that is currently (operative) Township Zone have not been considered for this reason. This land will be notified in Stage 2, and submitters will have an opportunity to submit on the appropriate zoning of this land, at that time (as shown in Appendix 1 of the Strategic s42A report).

3. SUMMARY

- 3.1 9 submissions and 7 further submissions on rezoning or mapping annotations that relate to business zones are considered in this report.
- 3.2 The recommendations of my evidence are:
- (a) LSCZ and BMUZ rezoning submissions and submissions relating to the LSCZ Chapter text that were deferred to this hearing from the Business Zones Hearing 08 (Planning Map 23):

1 Submissions 793.1 (Lesley Burdon) and 771.1 (Hawea Community Association).

- (i) reduce the area of notified LSCZ on Cardrona Valley Road from 2.7ha to 1ha, with a cap on the gross floor area (**GFA**) of retail and office activities enabled within the zone, and rezone the balance Low Density Residential Zone (**LDRZ**);
 - (ii) retain the LSCZ provisions as recommended in the Reply for Hearing Stream 08 by rejecting the relief sought to amend these provisions (decision making on the LSCZ was deferred to the Business Hearing Stream, to this hearing);
 - (iii) retain the Large Lot Residential Zone (**LLRZ**) on the Wanaka Health Centre and Hospital sites at 21 and 23 Cardrona Valley Road, rather than rezoning the sites to LSCZ; and
 - (iv) retain the LDRZ on the sites located on the corner of Cardrona Valley Road and Orchard Road, rather than rezone these sites LSCZ or BMUZ.
- (b) MDRZ TCTO rezoning submissions (Planning Map 21)
- (i) retain the MDRZ TCTO as notified, and do not change the underlying zone to Wanaka Town Centre Zone (**WTCZ**), and do not extend the TCTO.

4. LSCZ AND BMUZ REZONINGS (PLANNING MAP 23)

WILLOWRIDGE DEVELOPMENT LTD – 249

JA LEDGERWOOD – 507²

- 4.1** This submission seeks that the extent of the LSCZ at Cardrona Valley Road be reduced.

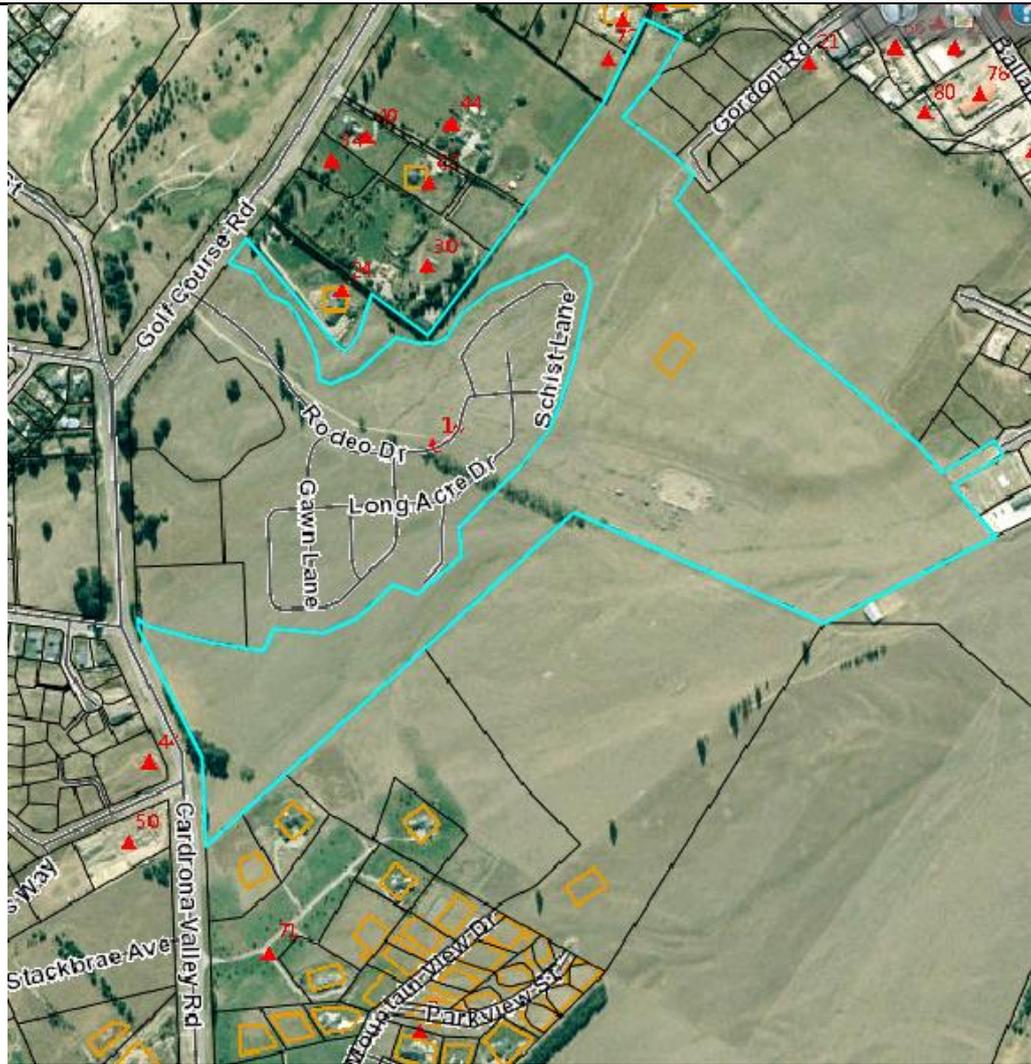
² I note that this section of this report responds specifically to the component of Mr Ledgerwood's submission (507) seeking a reduction in the extent of the LSCZ at Cardrona Valley Road. The components of Mr Ledgerwood's submission that relate to changes to the LSCZ provisions are also addressed in this section of this report.

Overall Recommendation	
Recommendation	Submission 249: Accept in part Submission 507: Accept
Summary	It is recommended that the notified extent of the LSCZ at Cardrona Valley Road is reduced from 2.7ha to 1ha with a cap on the GFA of retail and office activities enabled within this pocket of the LSCZ.

Property and submission information	
Further Submitters	In respect of submission 249: FS1193 (Trustees of the Gordon Family Trust): Reject In respect of submission 507: FS1012 (Willowridge Developments Ltd): Accept FS1193 (Trustees of the Gordon Family Trust): Reject
Land area/request referred to as	Cardrona Valley Road LSCZ
PDP Zone and Mapping annotations	LSCZ
Zone requested and mapping annotations	Reduce the area of the LSCZ
Supporting technical Information or reports	N/A with submission, although Mr John Polkinghorne provided Economic Evidence in Hearing Stream 08 – Business Zones for further submitter FS1193 (Trustees of the Gordon Family Trust), opposing a reduction to the extent of the LSCZ.
Legal Description	Lot 1 DP 477622
Area	Total area of title: 22.3ha; Area of the notified LSCZ: 2.7ha
QLDC Property ID	46190
QLDC Hazard Register	Liquefaction LIC 1 – Nil to Low

Summary of Council assessments and recommendations	
Infrastructure	Not opposed
Traffic	Not opposed

Aerial Photograph of the site



Aerial photograph of the parcel containing the LSCZ subject to submissions 249 and 507 outlined in blue.

Background

- 4.2** The subject site is zoned LSCZ and adjoins land zoned LDRZ in the PDP, as shown on notified Planning Map 23, and as illustrated in **Figure 4.1** below. The submissions relate only to the portion of the site zoned LSCZ.

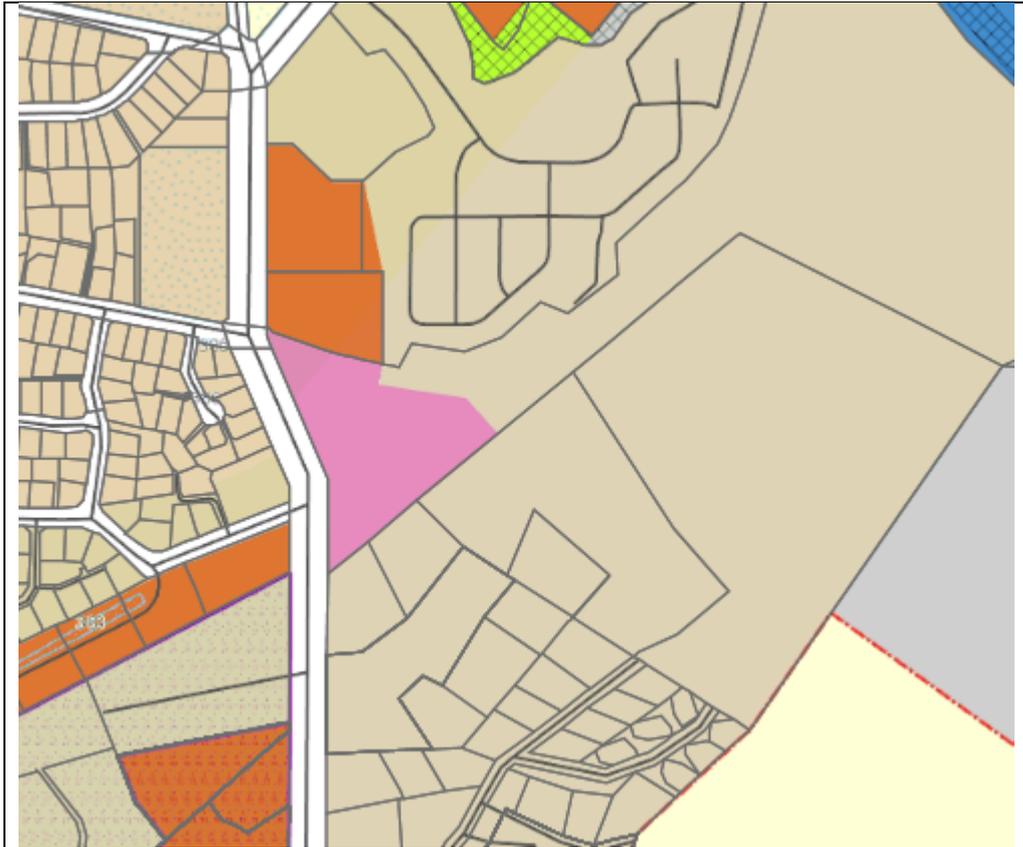


Figure 4.1: Excerpt from Planning Map 23 as notified in August 2015 showing the extent of the notified LSCZ (pink), and the balance of the site zoned LDR (beige).

- 4.3** The issue of the appropriateness of the notified extent of the Cardrona Valley Road LSCZ was initially raised at the Business Zones Hearing 08, through responding to submissions that sought changes to the PDP provisions applying specifically to this pocket of the LSCZ.
- 4.4** During the course of that Hearing the Panel issued a Minute³ directing that the submissions seeking changes to provisions that relate specifically to the LSCZ at Cardrona Valley Road⁴ should be heard together in the Upper Clutha Mapping Hearing, to enable them to be considered at the same time as submissions regarding the extent of the zone. The Willowridge submission (249) and Ledgerwood submission (507) had at that time already been allocated to the mapping hearing stream.

³ Minute directing that certain submissions be transferred to mapping hearings, 2 December 2016.

⁴ Pinfolds & Satomi (622), Susan Meyer (274), Aspiring Lifestyle Retirement Village (FS1101) and Wanaka Lakes Health Centre (FS1212).

4.5 During the course of the Business Zones hearing the Trustees of the Gordon Family Trust (FS1193 in opposition to Willowridge, Ledgerwood and Satomi (622)) submitted economic evidence⁵ supporting the notified zone extent and suggesting changes to the provisions.

Appropriateness of the size of the LSCZ

4.6 Submissions from Willowridge (249) and Mr Ledgerwood (507) seek that the notified extent of the LSCZ on Cardrona Valley Road is reduced in size. Willowridge (249) states that the notified extent has the potential to undermine the Wanaka Town Centre and Three Parks Commercial core, however no economic evidence was provided with the submission. Mr Ledgerwood (507) states more generally that substantially less land is required for a neighbourhood shopping centre.

4.7 Mr Heath's evidence considers the appropriateness of the notified extent of the LSCZ and he supports reducing the size of the LSCZ. Specifically, Mr Heath is of the view that retail and office activities should be limited to 3,000m² GFA within the Cardrona Valley Road LSCZ, which in Mr Heath's view translates to a requirement for 7,000m² total land area required for these activities within the zone.

4.8 Mr Heath has also considered the report by McDermott Consultants (March 2014) which was included in the Council's 32 report. This report supported the notified extent of the LSCZ⁶ and stated that the anticipated commercial area will include around six retail stores in the form of a neighbourhood or small suburban shopping centre.⁷ Mr Heath considers that this supports his position that the 2.7ha in the notified PDP is too large for commercial enablement and reinforces his position that 0.7ha is a more appropriate extent of the LSCZ at Cardrona Valley Road.

5 Mr Polkinghorne's evidence – <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-8/Pre-Lodged-and-Pre-Tabled-Evidence/S0249-Gordon-Family-Trust-T08-PolkinghorneJ-Evidence.pdf>.

6 Peter Gordon Development Retail Assessment, Cardrona Valley Road, Wanaka, McDermott Consultants, s32 Report (March 2014). Pages 4 – 10 within this link <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Section-32s/Local-Shopping-Centres-s32.pdf>.

7 McDermott Consultants report March 2014, at page 1.

4.9 In addition, Mr Heath has considered the evidence provided by Mr John Polkinghorne for the Gordon Family Trust (FS1193) for the Business Zones hearing. Mr Polkinghorne's evidence supports the notified extent of the LSCZ and recommends modifications to the zone provisions.⁸ These recommended amendments to the notified provisions for the Cardrona Valley Road LSCZ⁹ are summarised as follows:

- (a) tenancy caps to retail GFA to a maximum of 400m² GFA with the following exemption:
 - (i) two tenancies in the Cardrona Valley Road LSCZ allowed to exceed these caps to 1500m² and 750m² respectively;
- (b) restrictions on the kinds of retail activity that can locate in the LSCZ, with the following stores not permitted: electrical and electrical goods stores, appliance store, furniture and floor covering stores, and department stores; and
- (c) no tenancy caps on office activities, or if there is to be one, it should be 400m² GFA.

4.10 In my view the proposal to enable two large retail sites within the Cardrona Valley Road LSCZ is not consistent with the zone purpose, which is to enable... *"small scale commercial and business activities in discrete pockets of land [...]"*. The proposal is also in my view inconsistent with Objective 15.2.1 that directs the LSCZ . *"provide[s] a focal point for a range of activities that meet the day to day needs of the community and are of a limited scale that supplements the function of town centres."*

⁸ At his paragraph 2.14.

⁹ I note that the reply version of the LSCZ includes the introduction of a new rule (rule 15.5.10) that places limits on the permitted gross floor area of retail and office activities. In addition, reply rule 15.4.6 lists the following retail activities as non-complying: appliance stores, electronic and electrical goods stores, fashion stores, furniture and floor covering stores[this is discussion not footnote]. These changes were recommended in response to submissions from Willowridge (249) that sought limits on commercial activities within the LSCZ.

- 4.11** In my view the changes sought by Mr Polkinghorne suggest that the large sites are required in order to assist with the viability of the zone due to the large area of land it occupies.
- 4.12** Mr Heath responds to Mr Polkinghorne's evidence in his evidence and concludes that he does not support the requested relief.
- 4.13** I accept Mr Heath's evidence in respect of the recommended cap on the GFA of retail and office activities. However I note that other activities besides these are enabled within the LSCZ. These activities include residential and visitor accommodation above ground floor level (whereby the maximum permitted building height would be 7m,¹⁰ which would enable 2 storey buildings). In addition, the default permitted activity status provided by Rule 15.4.1 would result in activities that are not otherwise provided for in Table 15.4 of the LSCZ Chapter having permitted activity status. These would include activities such as community activities and commercial recreation.
- 4.14** In my view it would be appropriate to provide a larger zone extent to that recommended by Mr Heath in order to provide sufficient land area for activities other than retail and office activities to establish in the event that 3000m² capacity for retail and business activities is actualised.
- 4.15** In Mr Heath's view, based on his experience, the 3000m² GFA of retail and office activities would occupy a total land area of approximately 7,000m² once parking, access, loading, manoeuvring and outdoor storage areas are provided for.
- 4.16** In my view, applying a zone extent of 10,000m², which is the approximate land area sought by Willowridge, would be appropriate.
- 4.17** Ms Wendy Banks of MWH Ltd has considered the appropriateness of reducing the extent of the LSCZ from a traffic perspective in her evidence.¹¹ Ms Banks supports reducing the extent of the LSCZ and rezoning the balance to LDRZ as it would reduce the anticipated

¹⁰ Reply Version Rule 15.5.7 [CB12].

¹¹ I note that a traffic report by Bartlett Consulting was appended to the s32 Report supporting the notified extent of the LSCZ. See pages 10 – 14.

number of vehicle trips due to the LDRZ generating fewer anticipated trips than the LSCZ.

4.18 I have considered the evidence provided by Mr Heath, Ms Banks, and Mr Polkinghorne (the latter being submitter evidence) and it is my view that it is appropriate to reduce the area of the notified LSCZ to 10,000m².

4.19 Within Attachment 2 of the Willowridge submission (249) is an image showing a proposed reduction in the extent of the LSCZ. The below image is taken from that attachment:

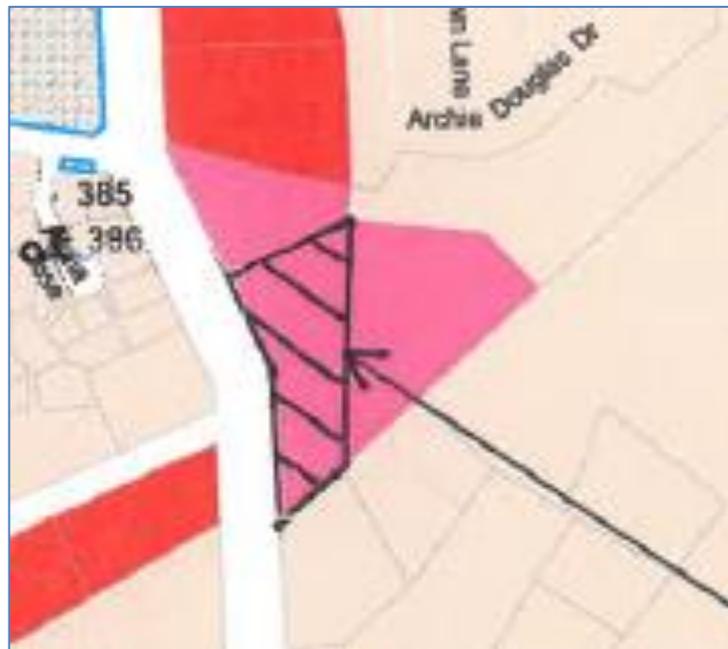


Figure 4.2: Excerpt from Attachment 2 to the Willowridge submission (249) showing the requested reduction in size of the notified LSCZ.

4.20 I have measured the areas in the submission and note that the change is from 2.7ha as notified to approximately 10,000m².

4.21 The submission of Mr JA Ledgerwood (507) does not request a specific reduction in size, it more generally states that ... "*...for a neighbourhood shopping centre substantially less land is required*"¹².

4.22 I consider that the configuration sought by Willowridge (249), and as shown in Figure 4.2 above, would result in separation of the LSCZ

12 Submission 507, page 2, First text box.

from the Wanaka Lakes Health Centre site, would be inefficient and would not capitalise on the opportunity to link the LSCZ to the Health Centre.¹³ The Willowridge submission does not provide any reasoning or justification for separating these activities, nor does it state what the alternative zone should be. I therefore do not support the specific zone location sought by Willowridge.

4.23 In terms of the area of the LSCZ that would best address the relevant matters, consistent with the economic evidence provided by Mr Heath, I support reducing the zone extent and limiting the total retail and office activities to a maximum of 3000m² GFA at this location.

4.24 On the basis of the above, I consider that a reduction in the area of the zone as sought by Willowridge would be generally appropriate. Figure 4.3 below illustrates the recommended extent and size of the revised LSCZ at Cardrona Valley Road.

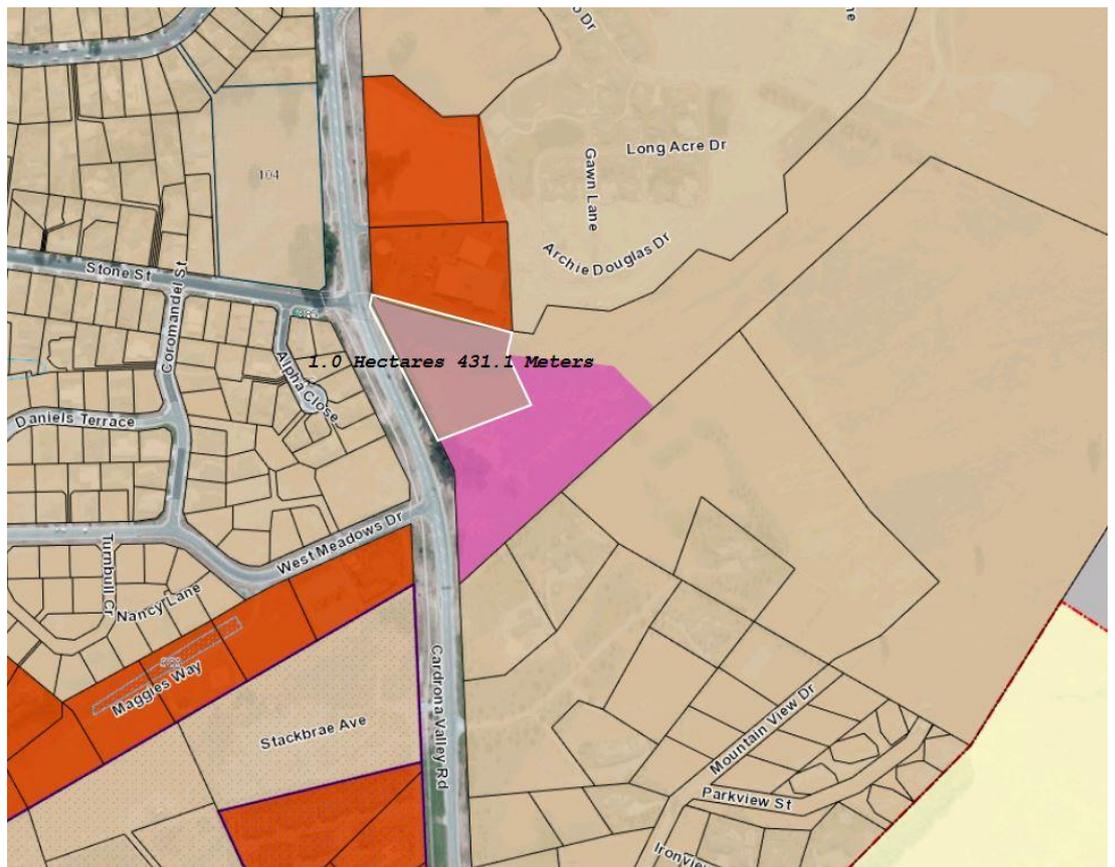


Figure 4.3. Excerpt of Planning Map 23 illustrating the area of the LSCZ at Cardrona Valley Road to be reduced (pale pink colour shows the recommended revised zone). The area

¹³ This outcome is sought by Meyer (274), and is further discussed in paragraphs 5.8-5.12.

identified is approximately 10,000m² in area, and adjoins the existing Wanaka Medical Centre located to the north.

4.25 Willowridge do not state what is the most appropriate zone in lieu of the notified LCSZ. The surrounding zoning is LDRZ. I recommend that the balance area be zoned LDRZ, consistent with the PDP zoning regime in the area adjoining the notified LSCZ

4.26 Consistent with Mr Heath’s evidence regarding capping the GFA of retail and office activities to a maximum of 3,000m², I recommend that a new rule and policy are inserted into LSCZ Chapter 15. These are shown in the recommended revised Chapter 15 attached as **Appendix 1** to this evidence. The s32AA evaluation is attached as Appendix 2 to the Strategic s42A Evidence.

4.27 I therefore recommend that the relevant part of submission 249 is accepted in part, and the relevant part of submission 507 is accepted.

5. AMENDMENTS SOUGHT TO THE CHAPTER 15 LSCZ PROVISIONS AND ZONE EXTENT, AS THEY RELATE TO THE CARDRONA VALLEY ROAD LSCZ

**STUART IAN AND MELANIE KIRI AGNES PINFOLD & SATOMI ENTERPRISES LIMITED (SATOMI) – 622
JA LEDGERWOOD – 507**

Overall Recommendation	
Recommendation	Reject relief.
Summary	<p>It is recommended that, given the recommendation to accept in part the relief sought by Willowridge (249), and accept the relief sought by Ledgerwood (507) in terms of reducing the area of the Cardrona Valley Road LSCZ:</p> <ul style="list-style-type: none"> • the relief sought to introduce a 20m landscaped buffer/setback within the LSCZ is rejected; and • the relief sought to introduce height restrictions is rejected.

Property and submission information	
Further Submitters	In respect of both submissions 622 and 507: FS1193 (Trustees of the Gordon Family Trust): Oppose
Land area/request referred to as	Cardrona Valley Road LSCZ
PDP Zone and Mapping annotations	LSCZ
Changes sought to LSCZ Chapter 15 provisions	<p>The relief sought requests new rules to mitigate the effects of activities occurring within the notified extent of the LSCZ (which I subsequently recommend is reduced in area). Specifically, the submitters seek the following:</p> <p>Satomi (622) seeks to:</p> <ul style="list-style-type: none"> • identify a 20m buffer/setback within the LSCZ running along the submitters' boundary; • introduce a rule to the LSCZ Chapter 15 provisions that requires landscaping of the 20m buffer setback prior to any development within the LSCZ commencing with the form of the landscaping being sufficient to screen development from the submitters' land; and • introduce rule to the LSCZ Chapter 15 provisions that require the following (with breaches requiring non-complying activity consent: <ul style="list-style-type: none"> - the 20m setback only contains landscaping and therefore remains free of any buildings, structures or carparking; - the maximum height of any building or structure within 15m of the 20m setback/buffer shall not exceed 5.5m. <p>Ledgerwood (507) seeks that:</p> <ul style="list-style-type: none"> • the land adjoining their boundary is 'lowered'; and • at least 20m setback is provided between the submitter's boundary and the nearest building or carpark area.
Supporting technical Information or reports	None
Legal Description	Lot 1 DP 477622
Area	Total area of title: 22.3ha; Area of the notified LSCZ: 2.7ha;

	Recommended revised area of the LSCZ: 10,000m ²
QLDC Property ID	46190
QLDC Hazard Register	Liquefaction LIC 1 Nil to Low liquefaction risk

Aerial Photograph of the site

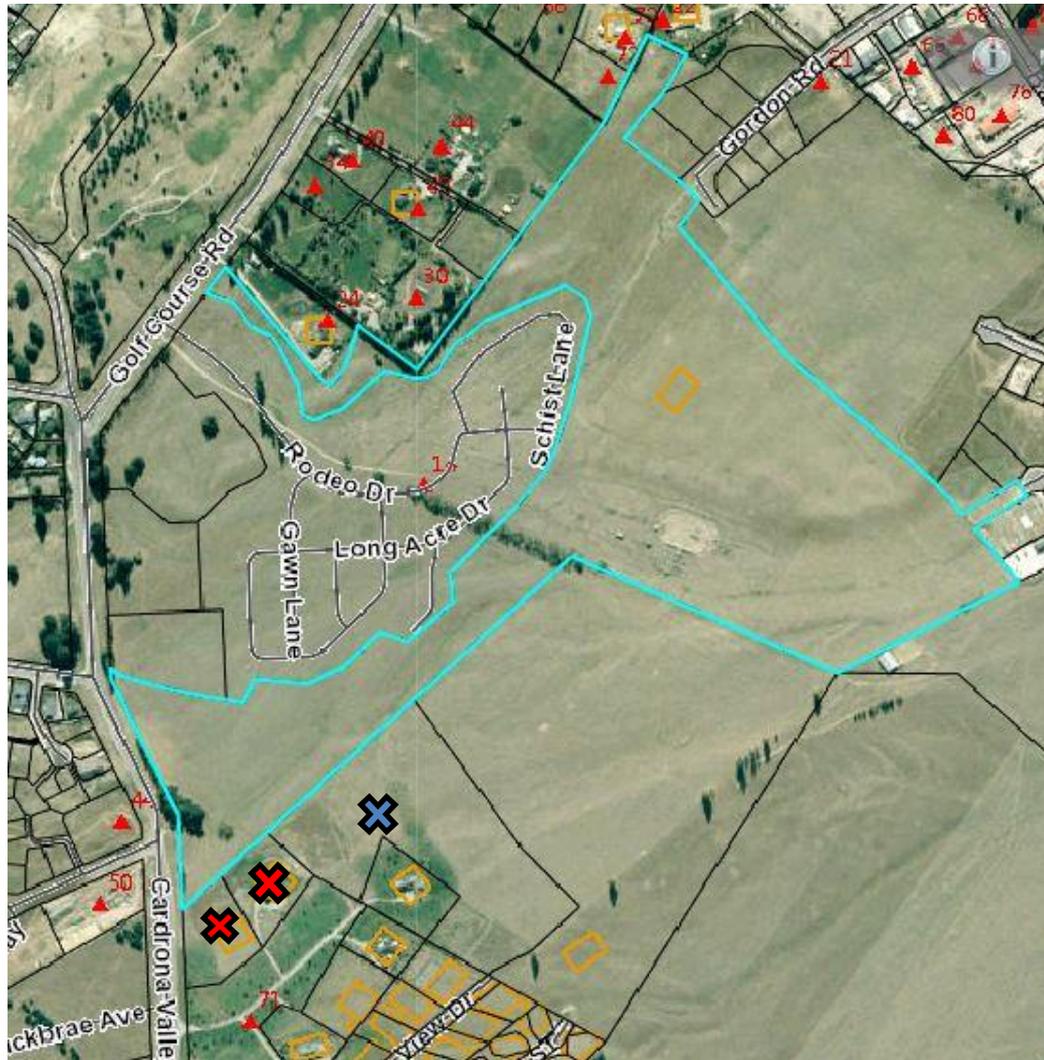


Figure 5.1. Aerial photograph of the LSCZ land subject to submissions 622 and 507, outlined in blue. The red coloured 'X' shows the locations of the Satomi (622) land (Lot 1 DP 301095, and Lot 2 DP 301095) and the blue coloured 'X' shows the location of the Ledgerwood (507) land (Lot 2 DP 301095, formerly Lot 2 DP 302568).

- 5.1** As mentioned in paragraph 4.4 above, the Panel has directed that submissions requesting amendments to plan provisions that relate only to the LSCZ in Cardrona Valley be heard in conjunction with the requests to reduce the area of that specific pocket of the LSCZ.

- 5.2** The submitters' land adjoins the Cardrona Valley Road LSCZ at the southern boundary of the LSCZ, as shown in Figure 5.1 above.
- 5.3** Satomi (622) are concerned that the proximity and the location of the LSCZ has the potential to result in adverse effects on the amenity, outlook and privacy of the submitters' land and that the LSCZ does not respond to, or give consideration to, the existing and established pattern of development and amenity values.¹⁴
- 5.4** Ledgerwood (507) seeks that the land in the notified LSCZ is 'lowered' and a 20m setback is provided within the notified LSCZ to separate buildings and parking from his land.
- 5.5** In my view, the recommended reduction in the extent of the LSCZ and the recommendation to zone the balance land LDR (see above), will result in a reduction of adverse effects from commercial activities operating within the LSCZ, received on the Satomi and Ledgerwood land. I note that it will also move the activity away from the boundary of the Satomi property.
- 5.6** I refer to my discussion of the Satomi submission in the s42A report for the LSCZ for the Business Zones Hearing **[CB60]**, at paragraph 4.13, where I consider the submission and recommend that the additional controls sought by Satomi should be rejected. I remain of this view on this matter.
- 5.7** Notwithstanding the previous recommendation to reject amendments to the provisions, I recommend that the relief sought by submissions 622 and 507 to amend the LSCZ to avoid adverse amenity effects be accepted in part, as I consider that this outcome is achieved as a result of the recommended reduction in the total area of the notified LSCZ at Cardrona Valley Road

14 Submission 622, Paragraph 4.13.

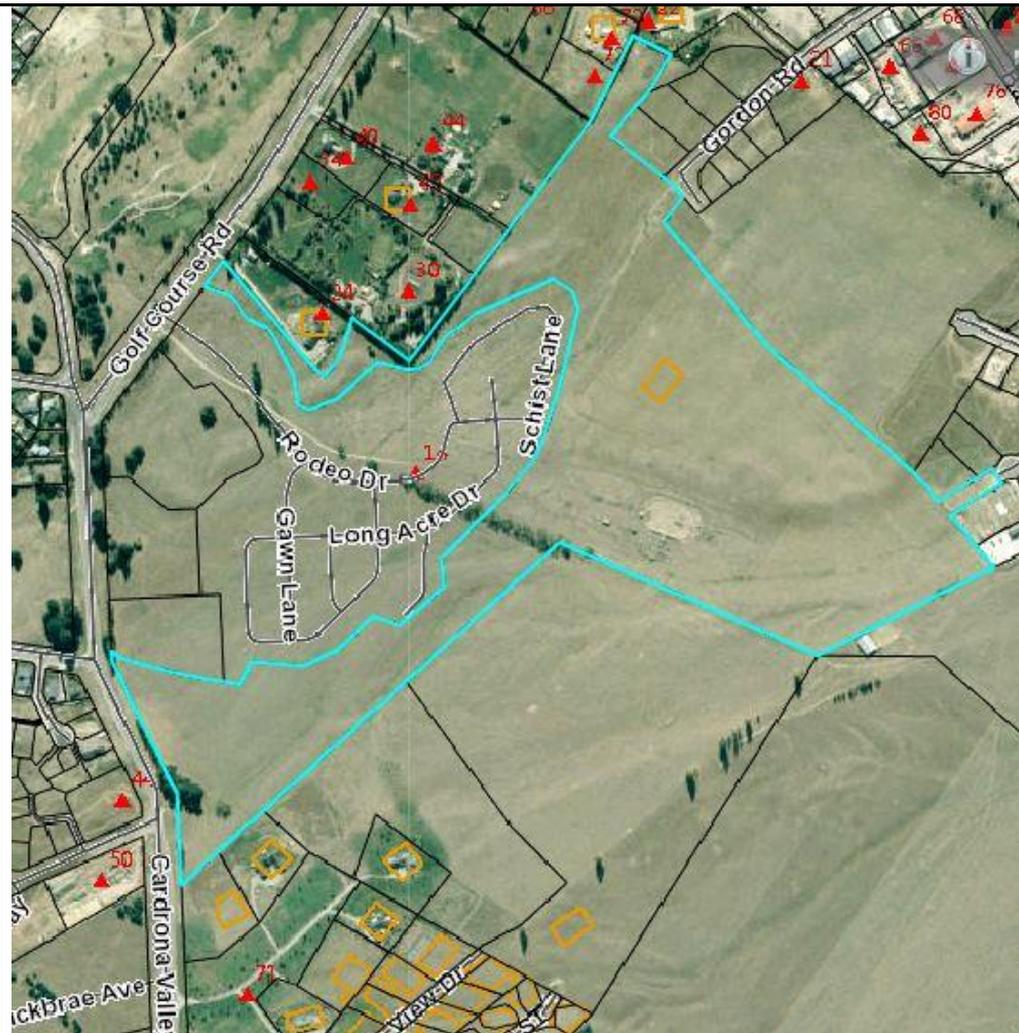
SUSAN MEYER – 274

Overall Recommendation	
Recommendation	Reject.
Summary	The relief sought to increase the permitted site coverage from 75% to 80% is rejected and the relief sought to allow for the linking of the LSCZ to the Wanaka Lakes Medical Centre Site (which adjoins the LSCZ at the northern boundary) is accepted in part.

Property and submission information	
Further Submitters	1101.4 (Aspiring Lifestyle Retirement Village): Support 1212.4 (Wanaka Lakes Health Centre): Support
Land area/request referred to as	Cardrona Valley Road LSCZ
PDP Zone and Mapping annotations	LSCZ
Zone requested and mapping annotations	That the LSCZ allows for linkage to the Wanaka Lakes Health Centre.
Supporting technical Information or reports	None
Legal Description	Lot 1 DP 477622
Area	Total area of title: 22.3ha; area of the notified LSCZ: 2.7ha; recommended revised area of the LSCZ: 10,000m ²
QLDC Property ID	46190
QLDC Hazard Register	LIC 1 Nil to Low Liquefaction risk

Summary of Council assessments and recommendations	
QLDC serviced water capacity	Capacity available
QLDC Wastewater capacity	Capacity available
Landscape	N/R
Indigenous vegetation	N/R
Infrastructure	Not opposed
Traffic	Opposed

Aerial Photograph of the site



Aerial photograph of the LSCZ land subject to submission 274 outlined in blue.

- 5.8** The submitter seeks that permitted site coverage is increased from 75% to 80% due to the constraints of the triangular shape of the notified zone. The submitter also seeks that links to the Wanaka Lakes Health Centre are enabled.
- 5.9** Ms Banks does not support increasing the building coverage due to the anticipated increase in vehicle movements to and from the site.
- 5.10** I refer to my discussion of the Meyer submission in the s42A report for the LSCZ for the Business Zones Hearing **[CB60]**, at paragraphs 13.1 to 13.7, where I consider the submission and recommend that the relief sought should be rejected. I remain of this view.

5.11 I note, however that the recommended reduction in the extent of the LSCZ would maintain a zoning configuration that has the LSCZ continuing to adjoin the Wanaka Lakes Health Centre site (as discussed in paragraph 4.22 above). I consider that this would continue to facilitate any future linkages. However, I remain of the view that a linkage should not be required as a District Plan rule.

5.12 I therefore recommend that the relief sought by submission 274 is accepted in part.

WANAKA LAKES HEALTH CENTRE (HEATH CENTRE) – 253

ASPIRING LIFESTYLE RETIREMENT VILLAGE (HOSPITAL) – 709

Overall Recommendation	
Recommendation	Reject.
Summary	I recommend that the submissions seeking that the Wanaka Lakes Health Centre site and the part of the Aspiring Lifestyle Retirement Village site that contains the hospital is rezoned from Large Lot Residential Zone to LSCZ is rejected.

Property and submission information	
Further Submitters	1101.1 (Aspiring Lifestyle Retirement Village): Support for submission 253.
Land area/request referred to as	Large Lot Residential zone on the Health Centre and Hospital site on Cardrona Valley Road.
PDP Zone and Mapping annotations	Large Lot Residential Zone
Zone requested and mapping annotations	Rezone to LSCZ
Supporting technical Information or reports	None
Legal Descriptions	Health Centre site: Lot 1 DP 410739 Hospital site: Lot 2 DP 492566
Area	Health Centre site: 10,0007m ² Retirement Village hospital site: 11,548m ²
QLDC Property ID	Health Centre site: 25376

	Hospital site: 44560
QLDC Hazard Register	LIC 1 Nil to Low Liquefaction risk

Summary of Council assessments and recommendations

QLDC serviced water capacity	Capacity available
QLDC Wastewater capacity	Capacity available
Landscape	N/R
Indigenous vegetation	N/R
Infrastructure	Not opposed
Traffic	Opposed

Aerial Photograph of the site



Aerial photograph of the land subject to submissions 253 and 709. The Health Centre site is shown with a red coloured 'X' and the Retirement village hospital site is shown with a blue coloured 'X'.

5.13 The submissions (709 and FS110) seek that the sites are rezoned from Large Lot Residential Zone to LSCZ. The Retirement Village submission (709) does not specify what zone it is seeking to be

rezoned to, and only seeks that a 'more appropriate zone' should be applied. However, in the further submission lodged in support of the Health Centre submission (FS1101.1) the Retirement Village states that the LSCZ better reflects the usage of the Aspiring Enliven Care Centre. The Care Centre is understood to be the 'hospital site' referred to in the Retirement Village submission.

5.14 The Health Centre submission (253) specifically seeks that the LSCZ applies to their site, and *'perhaps to the hospital site to the north'*.¹⁵

5.15 The predominant use of both sites is for medical activities, rather than general business or commercial activities. I have reviewed the resource consents granted for the health centre and hospital and note that these existing activities were granted consent under the ODP Rural General and Rural Residential Zones. The resource consent decision for RM110143 to grant consent to establish a small coffee stand within the Wanacare Medical Centre (within the Health Centre site) provides the following consenting history on page 3 of that decision:

Site History

RM070220 was granted in January 2008 for a comprehensive integrated retirement village which included 110 residential units, a 46 unit apartment block, hospital and medical centre and associated roading, landscaping, earthworks and the subdivision of the site into three lots.

RM080132 was subsequently granted on 17 June 2008 to subdivide the medical centre from the retirement village site to allow each development to proceed independently. This subdivision has been given effect to and a new title has been issued.

RM090946 was granted on 24 March 2010 to construct and operate a medical centre. Rather than a variation to RM070220, the applicant decided to apply for a new consent. The building consented under RM070220 was 2,250 square

15 Submission 253, page 2, paragraph 4.

metres and has been replaced by the new building being 1,982 square metres, resulting in a smaller building by 286 square metres.

RM100300 was granted on 10 June 2010 to vary condition 1 of resource consent RM 090946. The variation related to building design, specifically increasing the floor area from 1982m² to 2009m², a net increase of 27m².

- 5.16** These two sites have been recently developed, and contain minimal land area that is not already occupied by buildings, carparking, access, loading areas, outdoor storage or landscaping. In my view it is unlikely that further development will occur on these sites within the life of the PDP.
- 5.17** The LSCZ provides for a range of activities, with the focus of the zone on enabling small scale commercial and business activities.¹⁶ In my view the range of activities provided extends well beyond the activities occurring on the Health Centre and Hospital site.
- 5.18** The notified version of Planning Map 23 shows the Large Lot Residential Zone (Chapter 11 of the PDP) applying to these sites. This Chapter was heard in Hearing Stream 06. I have reviewed the Reply version of Chapter 11 **[CB10]** and note that the Large Lot Residential Zone provides for Community Activities as a Discretionary activity (Rule 11.4.6).
- 5.19** ‘Community Activities’ are defined in Chapter 2 of the PDP **[CB2]** and include hospitals, doctors, surgeries and other health professionals.
- 5.20** Guidance is provided by Policy 11.2.2 of the Large Lot Residential Chapter, which states that... “...*depending on the location, scale and type, community activities may be compatible with and enhance the environment.*” In my view Community Activities are therefore anticipated in the Large Lot Residential Zone. In my view, rezoning these sites to LSCZ, whilst formalising the established activities,

16 15.1 Zone Purpose.

would result in a significant broadening of the types of activities enabled.

5.21 I note that the submitters have not provided economic evidence regarding the need for additional commercial-zoned land in the Wanaka urban area. Taking into account the economic evidence of Mr Heath regarding the anticipated demand for additional commercial zoned land in the life of the PDP,¹⁷ such a zone change may adversely affect the viability of the Cardrona Valley Road LSCZ.

5.22 Ms Banks does not support the rezoning from a traffic management perspective due to the intensification that could occur as a result applying the LSCZ (which enables 75% site coverage), which would exacerbate existing traffic and parking issues.

5.23 In conclusion, I consider that the Large Lot Residential Zone is a more appropriate zone than the LSCZ having considered:

- (a) the specific nature of activities occurring on these sites, which is predominantly limited to medical activities, rather than a broader range of commercial or business activities;
- (b) the fact that development on these sites has occurred relatively recently and there is limited opportunity for further development within the life of the PDP;
- (c) the limited types of activities enabled via the resource consents granted for the sites, which has resulted in a medical 'hub' for the Wanaka community;
- (d) that enabling greater building intensification would result in adverse traffic and parking effects; and
- (e) the risk that applying the LSCZ may adversely affect the viability of the recommended revised Cardrona Valley Road LSCZ.

5.24 I therefore recommend that the relief sought by submissions 253 and 709 to rezone the identified sites to LSCZ is rejected.

¹⁷ Statement of Evidence of Mr Tim Heath for Upper Clutha mapping hearing dated 17 March 2017.

6. JIM LEDGERWOOD – 562

Overall Recommendation	
Recommendation	Reject.
Summary	It is recommended the submission seeking to rezone the land identified as 'on Cardrona Road and Orchard Road Corner' from Low Density Residential to either LSCZ or 'a mixed use zone' is rejected.

Property and submission information											
Further Submitters	None.										
Land area/request referred to as	Low Density Residential Zone on the corner of Cardrona Valley Road and Orchard Road.										
PDP Zone and Mapping annotations	Low Density Residential Zone										
Zone requested and mapping annotations	Rezone to LSCZ or a mixed use zone										
Supporting technical Information or reports	None										
Legal Descriptions	Lot 14 DP 309977 Lot 10 DP 309977 Lot 11 DP 309977 Lot 15 DP 491094										
Area	<table> <tbody> <tr> <td>Lot 14 DP 309977</td> <td>12,443m²</td> </tr> <tr> <td>Lot 10 DP 309977</td> <td>3,937 m²</td> </tr> <tr> <td>Lot 11 DP 309977</td> <td>2,262m²</td> </tr> <tr> <td>Lot 15 DP 491094</td> <td><u>4,766m²</u></td> </tr> <tr> <td>Total</td> <td>23,398 m²</td> </tr> </tbody> </table>	Lot 14 DP 309977	12,443m ²	Lot 10 DP 309977	3,937 m ²	Lot 11 DP 309977	2,262m ²	Lot 15 DP 491094	<u>4,766m²</u>	Total	23,398 m ²
Lot 14 DP 309977	12,443m ²										
Lot 10 DP 309977	3,937 m ²										
Lot 11 DP 309977	2,262m ²										
Lot 15 DP 491094	<u>4,766m²</u>										
Total	23,398 m ²										
QLDC Property ID	<table> <tbody> <tr> <td>Lot 14 DP 309977</td> <td>ID 45930</td> </tr> <tr> <td>Lot 10 DP 309977</td> <td>ID 18162</td> </tr> <tr> <td>Lot 11 DP 309977</td> <td>ID 18163</td> </tr> <tr> <td>Lot 15 DP 491094</td> <td>ID 45910</td> </tr> </tbody> </table>	Lot 14 DP 309977	ID 45930	Lot 10 DP 309977	ID 18162	Lot 11 DP 309977	ID 18163	Lot 15 DP 491094	ID 45910		
Lot 14 DP 309977	ID 45930										
Lot 10 DP 309977	ID 18162										
Lot 11 DP 309977	ID 18163										
Lot 15 DP 491094	ID 45910										
QLDC Hazard Register	LIC 1 Nil to Low Liquefaction risk										

Summary of Council assessments and recommendations	
Landscape	N/R
Indigenous vegetation	N/R
Infrastructure	Opposed
Traffic	Opposed



6.1 The submission seeks that four parcels located at the Corner of Cardrona Valley Road and Orchard Road (**the Ledgerwood land**) is rezoned from Low Density Residential to LSCZ or a mixed use zone.

- 6.2** There are two businesses established on the Ledgerwood land, namely Florences Foodstore and Café¹⁸ and The Venue,¹⁹ which is a wedding/function centre.
- 6.3** These existing commercial activities were established via the following resource consents:
- (a) RM020352 (approved 21 June 2002): café building; and
 - (b) RM030390 (approved 6 November 2003): restaurant and museum. This consent was amended in August 2004 via variation RM030390.127 which approved minor amendments to the previously approved site plan.
- 6.4** I have reviewed these decisions and it appears that the restaurant and museum component of the development approved by RM030390.127 now operate as the wedding/function centre.
- 6.5** These activities operate on the largest of the 4 titles the submitter wishes to rezone (Lot 14 DP 309977) shown in Figure 8.1 above.
- 6.6** Mr Ledgerwood's submission states that he seeks to maintain the established 'park-like setting'. He also seeks flexibility to establish additional commercial activities on the site associated with the function centre, including accommodation, a hair stylist, event planners, silver service restaurant, travel agent and beauty therapist. These activities would be located within a 'homestead' style building.
- 6.7** Maintaining the established 'park-like setting' would presumably entail low building coverage with the balance of the land used for parking, access, loading, outdoor storage and spacious gardens.

18 <http://www.florencesfoodstore.co.nz/>

19 <http://www.thevenuewanaka.co.nz/>

Appropriateness of the LSCZ

6.8 The LSCZ provides for a range of activities, with the focus of the zone on enabling small scale commercial and business activities.²⁰

6.9 The Objectives of the LSCZ are as follows:

***Objective 15.2.1:** Local Shopping Centres provide a focal point for a range of activities that meet the day-to-day needs of the community and are of a limited scale that supplements the function of town centres.*

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

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

6.10 On the face of it the activities sought on the Ledgerwood land are not consistent with achieving Objective 15.2.1 as they would significantly extend the services provided by the wedding/function centre. However, I note that the LSCZ Chapter rules do not limit the types or scale of commercial activities to those that meet the 'day-to-day' needs of the community.

6.11 The range of activities enabled by the LSCZ are therefore consistent with the existing activities on the submitter's land and the activities he wishes to establish. However, the intensity of development enabled by the LSCZ is in my view not consistent with the submitters' vision espoused in their submission, whereby the LSCZ enables 75% site coverage by buildings (Rule 15.5.1). I note that the maximum permitted site coverage enabled in the LDRZ is 40% (Rule 7.5.5).

6.12 The Ledgerwood land adjoins a main route into Wanaka and the land has road frontage extending a length of approximately 200m along the Cardrona Valley Road. The land is located within the UGB, although at its periphery. The notified PDP zone for this land and

20 [CB12], at Section 15.1 Zone Purpose.

surrounds is Low Density Residential and the operative zone is Rural General. This change in zoning regime from rural to urban anticipates an increase in density of residential development within (and within proximity to) the submitter's land. However, at present the nearby residential development pattern is similar to a more spacious Large Lot Residential (2,000m² – 4,000m²) density.

- 6.13** The recommended revised Cardrona Valley Road LSCZ is located approximately 330m north of the northernmost point of the Ledgerwood land.
- 6.14** In my view the Cardrona Valley Road LSCZ (as recommended above) is a more appropriate location for the LSCZ as it is more centrally located to existing (and anticipated future) residential development. In my view there are also benefits from its location adjoining the established Health Centre site in terms of co-location of compatible activities and efficient use of the roading network due to the potential for a reduction in car trips.
- 6.15** Establishing a pocket of LSCZ on the Ledgerwood land may adversely affect the viability of the notified LSCZ, and be at odds with the clear hierarchy established in Strategic Directions Chapter. Specifically, Objective 3.2.1.1 that the Wanaka Town Centre is the hub of the Upper Clutha, and Objective 3.2.1.3 that the key function of the Three Parks Special Zone is sustained and enhanced with a focus on large format retail development. No economic evidence has been provided by the submitter addressing this matter.
- 6.16** Ms Banks opposes the requested rezoning due to the vehicle trips per hour that would be generated and the subsequent anticipated reduction in the level of service at the Cardrona Valley Road/ Orchard Road/ Studholme Road intersection.
- 6.17** Mr Glasner opposes the requested rezoning due to a lack of existing infrastructure at the required capacity, or planned upgrades for the capacity necessary to service the requested zone.

Appropriateness of the Business Mixed Use Zone (BMUZ)

6.18 The alternative relief sought for the Ledgerwood land, is a mixed use zoning. The BMUZ **[CB13]** also enables a range of commercial activities, and is designed to support the function of Town Centres. The Anderson Heights area of Wanaka is zoned BMUZ in the PDP, with no submissions received opposing the zone in that location.

6.19 Specifically, the zone purpose (provision 16.1) states the following:

The intention of this zone is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. [...]

6.20 Fundamentally, the development the submitter seeks to enable is not consistent with the purpose of the BMUZ. The intensity of development and scale of commercial activities enabled in the BMUZ would far exceed that which is sought by the submitter. In addition, the submitter's land is not located close to a centre of employment, is at the periphery of the Wanaka urban area and has a weak relationship with the town centre.

6.21 In my view it would not be appropriate to apply the BMUZ to the Ledgerwood land.

Appropriateness of the LDRZ considered in the context of the relief sought

6.22 The LDR Chapter **[CB7]** enables commercial activities not exceeding 100m² GFA as a Restricted Discretionary activity (Rule 7.4.5) and commercial activities exceeding 100m² GFA as a Non-complying Activity (Rule 7.4.6).

6.23 The LDR Chapter also provides significant guidance at the objective and policy level for considering commercial activities:

Objective 7.2.6: *Commercial activity is small scale and generates minimal amenity impacts.*

Policy 7.2.6.1: *Provide for commercial activities that directly serve the day-to-day needs of residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity or the viability of a nearby centre.*

Policy 7.2.6.2: *Ensure any commercial development is low scale and intensity and does not adversely affect the local transport network and the availability of on-street parking.*

Policy 7.2.6.3: *Ensure that the noise effects from commercial activities are compatible with the surrounding environment and do not detract from residential amenity.*

Policy 7.2.6.4: *Ensure any commercial development is of a design, scale and appearance compatible with its surrounding residential context.*

6.24 The LDRZ therefore anticipates small scale commercial activities, and contemplates larger scale activities on the basis that the adverse effects accord with the policy framework identified above, all of which appears to be consistent with the submitter's intentions for the site.

6.25 In conclusion, I consider that the LDR is a more appropriate zone than the LSCZ or the BMUZ. I therefore recommend that the relief sought to rezone the Ledgerwood land to LSCZ is rejected.

6.26 Notwithstanding this recommendation, in the event that the Panel is of the mind to accept the relief sought by Mr Ledgerwood, in my view the following matters would warrant consideration:

- (a) whether the LSCZ should be applied only to a discrete portion of the Ledgerwood land (ie significantly less land area than that sought in the submission);

- (b) whether the 75% site coverage by buildings enabled by LSCZ Rule 15.5.1 should be reduced, perhaps to the 40% coverage enabled by Rule 7.5.5 of the LDR Chapter; and
- (c) whether vehicle access from Cardrona Valley Road should be restricted, given that access could be achieved from Orchard Road.

7. WANAKA TOWN CENTRE TRANSITION OVERLAY (TCTO) REZONINGS

VARINA PROPERTY LIMITED (VARINA) – 591

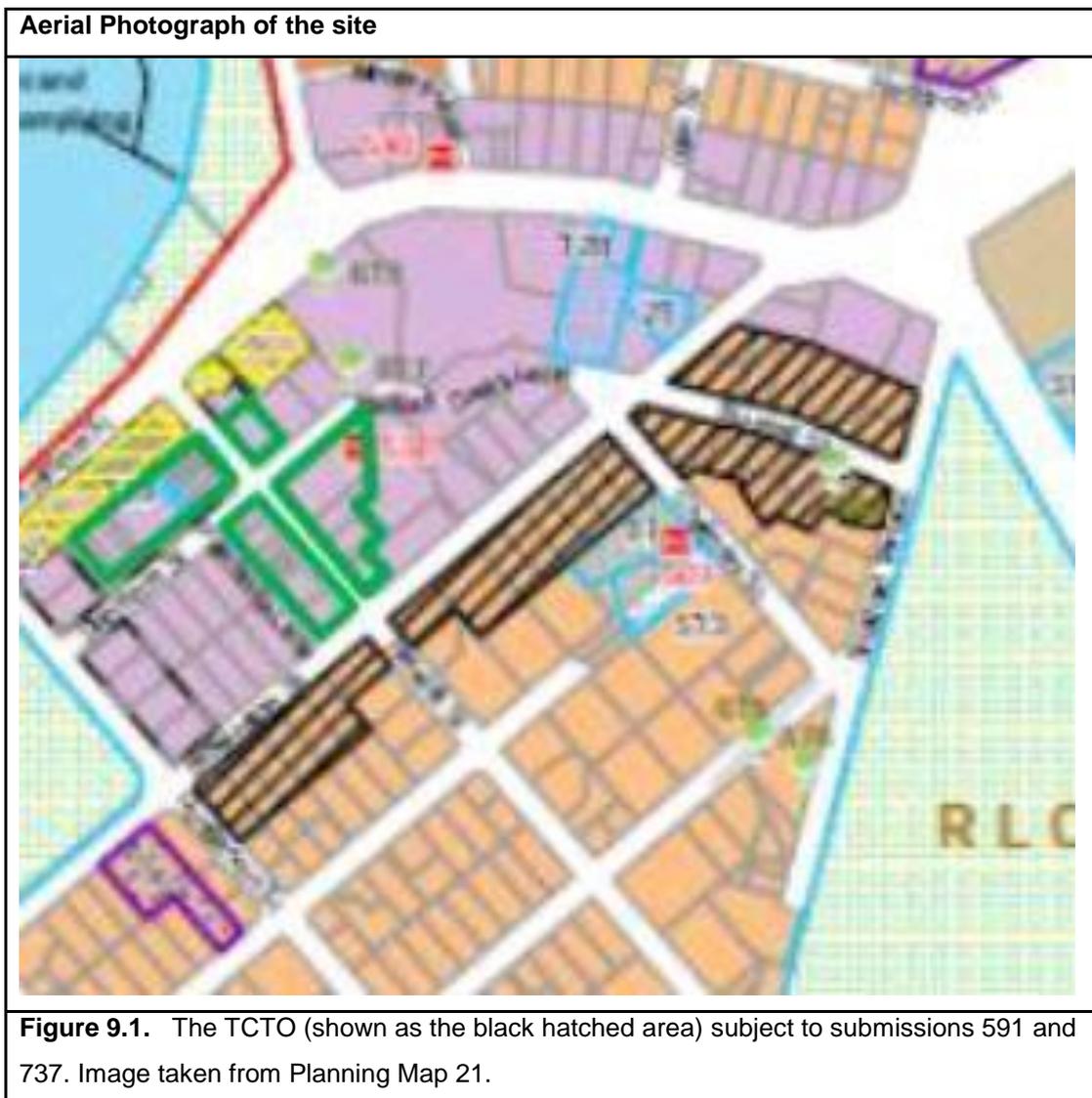
SNEAKY CURLEW LIMITED – 737

Overall Recommendation	
Recommendation	Reject.
Summary	It is recommended that the submissions seeking to remove the TCTO and replace it with Wanaka Town Centre Zone, and to extend the TCTO into Upton Street, are rejected.

Property and submission information	
Further Submitters	In respect of submission 591 : 1179 – Sneaky Curlew – Support 1276 – JWA & DV Smith Trust – oppose In respect of submission 737 : 1276 – JWA & DV Smith Trust – oppose 1251 – Varina Pty Limited – support
Land area/request referred to as	TCTO
PDP Zone and Mapping annotations	Medium Density Residential Zone and the TCTO which is embedded within that zone.
Zone requested and mapping annotations	That the MDR and TCTO is removed and the land rezoned with the Town Centre Zone. The TCTO is applied for half a block depth on the north side of Upton Street, between Helwick and Dungarvon Streets.
Supporting technical Information or reports	Submitter 591 (Varina) has provided an urban design report: Urban Design Review and Concept, Corson Consultancy, February 2012.

Legal Descriptions	Various
Area	Approximately 30,900m ²
QLDC Property ID	Various
QLDC Hazard Register	Liquefaction LIC 1 (P) Probably Low Flooding due to rainfall Flooding due to dam burst Return Period 50, 75, 100, 150 years

Summary of Council assessments and recommendations	
Landscape	N/R
Indigenous vegetation	N/R
Infrastructure	Not opposed
Traffic	Opposed



- 7.1 The TCTO is an overlay that sits within the Medium Density Residential Zone (**MDRZ**), whereby commercial activities are enabled as a permitted activity within the overlay, however all other provisions of the MDRZ (including bulk and location controls and noise limits) would continue to apply. The overlay covers a total area of approximately 30,900m².

MDRZ zoning regime

- 7.2 The objectives and policies of the MDRZ **[CB8]** that relate specifically to the TCTO are as follows:

Objective 8.2.9: *Non-residential development forms which support the role of the Town Centre and are sensitive to the transition with residential uses are located within the Wanaka Town Centre Transition Overlay.*

Policy 8.2.9.1: *Enable non-residential uses to establish within a discrete area of residential-zoned land adjoining the Wanaka Town Centre, where these activities suitably integrate with and support the role of the Town Centre.*

Policy 8.2.9.2: *Require non-residential and mixed use activities to provide a quality built form which activates the street, minimises the visual dominance of parking and adds visual interest to the urban environment.*

Policy 8.2.9.3²¹: *Ensure the amenity of adjoining residential properties outside of the Wanaka Town Centre Transition Overlay is protected through design and application of setbacks and to mitigate dominance, overshadowing and privacy effects.*

21 This policy was recommended to be introduced in Hearing Stream 06 and replaces notified Policy 8.2.12.3, which stated the following: "Allow consideration of variances to Rules for site coverage, setbacks and parking where part of an integrated development proposal which demonstrates high quality urban design." This change, is discussed in paragraphs 10.16 to 10.26 of the s42A Report prepared by Amanda Leith for the Medium Density Residential Zone heard in Hearing Stream 06 **[CB52]**.

- 7.3** Table 8.4 of the MDRZ outlines additional rules for the TCTO, including a Restricted Discretionary activity status for buildings,²² permitted activity status for commercial and community activities, and licenced premises operating between the hours of 8am and 11pm.²³

Appropriateness of accepting the relief sought

- 7.4** Varina (591) and Curlew (737) seek that the TCTO is removed and the land is rezoned to Town Centre Zone. In addition Curlew seeks that the TCTO is applied for half a block depth on the north side of Upton Street, between Helwick and Dungarvon Streets.
- 7.5** Ms Banks has provided evidence that supports retaining the notified TCTO as the increase in traffic due to the increase in commercial activities resulting from extending the Wanaka Town Centre Zone would decrease the efficiency of the roading network and compromise pedestrian safety. In addition, Ms Banks considers that the exemption from any requirement for on-site carparking would result in traffic issues due to drivers circling the town centre seeking parking spaces. Ms Banks considers that extending the TCTO to sites along Upton Street would result in increased vehicular traffic movements in that area and would exacerbate the current high parking demands in that part of the MDRZ.
- 7.6** In my view the objective, policies and rules for buildings for commercial use within the TCTO in the MDRZ Chapter (as listed in paragraph 7.2 above) are appropriate as they balance the design requirements for commercial buildings against the need for controls to limit the effects on adjoining residential activities.
- 7.7** Replacing the TCTO with the Town Centre Zone and additional provisions that apply at the interface with the MDRZ would in my view add unnecessary complexity to the notified PDP provisions.
- 7.8** Applying the Town Centre Zone would result in a more permissive bulk and location controls applying, most notably:

²² Rule 8.4.21.

²³ Rules 8.4.22, 8.4.23 and 8.4.24 respectively.

- (a) Site coverage: the Wanaka Town Centre Zone only applies a maximum site coverage standard for development occurring on a site (or across a number of sites) that have a total area greater than 1400m² (Rule 13.5.3), whereas the MDRZ permits a maximum building coverage of 45% (Rule 8.5.4); and
- (b) Building height: the maximum building height for development within the Town Centre Zone (excluding the height precincts, which enable more generous heights) is 8m to the eave line and 10m to the ridge line (Rule 13.5.8), whereas the maximum building height that would apply within the MDRZ is 7m (Rule 8.5.1).

7.9 As considered by Ms Banks, applying the Town Centre Zone would also result in an exemption from any requirement for onsite parking,²⁴ which may result in increased pressure on the existing network.

7.10 Having considered these matters I am unable to support the relief sought by Varina or Curlew and I recommend that the submission seeking extension of the Town Centre Zone and the extension of the TCTO onto Upton Street are rejected.



Amy Bowbyes

17 March 2017

²⁴ I note that this is under the assumption that there will be a continuation of the ODP approach which exempts the Wanaka Town Centre Zone from a requirement for on-site parking. The PDP approach will be confirmed through the forthcoming review of the ODP Transport provisions (Section 14 of the ODP).

APPENDIX 1
REVISED CHAPTER 15 LOCAL SHOPPING CENTRE ZONE

LOCAL SHOPPING CENTRES 15

Key:

Recommended changes to notified chapter are shown in blue underlined text for additions and ~~blue strike through~~ text for deletions, Appendix 1 to Statement of Evidence Group 1B Wanaka – Business in Upper Clutha Mapping Hearing Stream, dated 17 March 2017.

Recommended changes to notified chapter are shown in red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Right of Reply, dated 13 December 2016.

Note that provisions highlighted blue relate to the Local Shopping Centre Zone at 1 Hansen Road (Frankton), and should be considered at the hearing on mapping, along with the submissions on these provisions. There are no provisions specific to Cardrona Valley Road (Wanaka).

Recommended changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Appendix 1 to s42A report, dated 2 November 2016.

15 Local Shopping Centres

Local Shopping Centres: Albert Town, Arrowtown, Fernhill, Frankton, Hawea, Sunshine Bay and Wanaka

15.1 Zone Purpose

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

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

15.2 Objectives and Policies

15.2.1 ~~Objective – Local Shopping Centres provide a focal point for a range of activities to occur in the Local Shopping Centre Zone to that meet the day to day needs of the community and ensure that they are of a limited scale that supplements the function of town centres.~~ **Enable a range of activities to occur in the Local Shopping Centre Zone to that meet the day to day needs of the community and ensure that they are of a limited scale that supplements the function of town centres.**

Policies

15.2.1.1 Provide for a diverse range of activities that meet the needs of the local community, enable local employment opportunities and assist with enabling the economic viability of local shopping centres.

15.2.1.2 Ensure that local shopping centres remain at a small scale that does not undermine the role and function of town centres.

15.2.1.3 Enable residential and visitor accommodation activities, but limit their establishment to above ground floor level to ensure that the integrity of activities occurring at street level is maintained, and that the core commercial function of the local shopping centres is not eroded.

15.2.1.4 Avoid individual retail activities exceeding 300m² gross floor area and individual office activities exceeding 200m² gross floor area that would adversely affect the:

Comment [AB1]: Recommended changes seek to articulate this as an objective, rather than an action as per instructions of the fourth procedural minute of 8 April 2016.

Comment [AB2]: Minor, non-substantive change to improve clarity.

LOCAL SHOPPING CENTRES 15

- a. retention and establishment of a mix of activities within the local shopping centre;
- b. role and function of town centres and commercial zones that provide for large scale retailing; and
- c. safe and efficient operation of the transport network.

Comment [AB3]: 249.11

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

Comment [AB4]: 249.11

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

Comment [AB5]: 249, 507

15.2.2 ~~Objective - Buildings respond to the existing character, quality and amenity values~~

Policies

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

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

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

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

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

Comment [AB6]: 798.44 & 798.45

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

15.2.3 ~~Objective - Appropriate limits are placed on activities to minimise adverse environmental effects received both within and beyond the zone are minimised.~~

Comment [AB7]: Recommended changes seek to articulate this as an objective, rather than an action as per instructions of the fourth procedural minute of 8 April 2016.

Policies

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

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

- a. limit the impact of noise generated within the Zone on occupants; and, where relevant
- b. limit the reverse sensitivity effects on Queenstown Airport for buildings within the Queenstown Airport Outer Control Boundary.

Comment [AB8]: 433.62

15.2.3.3 Ensure that the location and direction of lights does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.

LOCAL SHOPPING CENTRES 15

15.2.3.4 Avoid the establishment of activities that are not consistent with established amenity values, or provide environmental benefits, over neighbouring areas.

15.2.3.5 Frankton Cemetery (as shown on Planning Maps 31, 31a and 33), in addition to other Zone-wide requirements:

- a. Ensure that development is undertaken in an integrated manner, having particular regard to ensuring the safe and efficient operation of the transport network.
- b. Implement specific controls to limit effects on the historic values of the neighbouring cemetery.

15.3 Other Provisions and Rules

15.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as ~~Operative District Plan (ODP)~~operative.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 Operative DP)	25 Earthworks (22 Operative DP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 Operative DP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 Operative DP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

Comment [AB9]: Minor, non-substantive change for clarification only.

15.3.2 Clarification

Advice Notes

15.3.2.1 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.

15.3.2.2 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

15.3.2.3 The following abbreviations are used within this Chapter.

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

Comment [AB10]: Minor, non-substantive change for clarification only.

LOCAL SHOPPING CENTRES 15

15.4 Rules - Activities

	Activities located in the Local Shopping Centre Zone	Activity status
15.4.1	Activities which are not listed in this table and comply with all standards	P
15.4.2	<p>Verandas, in respect of:</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> Design; Materials; External appearance; and The impact on, and relationship to, adjoining verandas; and The enabling of unobstructed kerbside movements of high-sided vehicles. 	C
15.4.3	<p>15.4.3.1</p> <p>*Discretion is restricted to consideration of all of the following: external appearance, materials, sign platform, lighting, impact on the street, and natural hazards to ensure that:</p> <ul style="list-style-type: none"> External appearance, including materials, glazing treatment vertical and horizontal emphasis and the location of storage; Signage platforms; Lighting; The impact of the building on the streetscape, compatibility with adjoining buildings and contribution to an integrated built form; The design of the building blends well with and contributes to an integrated built form; The external appearance of the building is sympathetic to the surrounding natural and built environment; The detail of the facade is sympathetic to other buildings in the vicinity, having regard to; building materials, glazing treatment, symmetry, external appearance, vertical and horizontal emphasis and storage; Where residential units are proposed as part of a development, the extent to which open space is provided on site, provision of open space either through private open space or communal open space, or a combination thereof; and Where a site is subject to any Natural hazards and where the proposal results in an increase in gross floor area: an assessment by a suitably 	RD*

Comment [AB11]: Non-substantive change for consistency with other PDP Chapters and to improve clarity for Plan users

Comment [AB12]: 798.44 & 798.45

Comment [AB13]: Minor, non-substantive change to make consistent with other chapters

Comment [AB14]: Minor, non-substantive change to re-phrase to be matters of discretion rather than assessment matters

LOCAL SHOPPING CENTRES 15

	Activities located in the Local Shopping Centre Zone	Activity status
	<p>qualified person is provided that addresses including considering the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.¹</p> <p><u>Assessment Matters relating to natural hazards:</u></p> <ul style="list-style-type: none"> • <u>the nature and degree of risk the hazard(s) pose to people and property;</u> • <u>whether the proposal will alter the risk to any site; and</u> • <u>whether such risk can be avoided or sufficiently reduced.</u> <p>15.4.3.2</p> <p>The following additional requirements apply to the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33):</p> <p>a. Applications for buildings shall be accompanied by a Spatial Layout Plan for the entire part of this site, which is zoned Local Shopping Centre, showing:</p> <ul style="list-style-type: none"> (i) The location, width and design of roads, laneways, footpaths and accessways, which shall include consideration of pedestrian/cycling connectivity and safety as well as the potential for vehicular access to and from the Local Shopping Centre Zone land to the west of the Frankton Cemetery; (ii) Proposed building locations and parking areas; (iii) Concept landscape design treatment; (iv) Detailed landscaping plan addressing the interface between development and the Frankton Cemetery for the purpose of managing effects on the amenity and historic values in and around the cemetery; and (v) Three waters infrastructure. <p>Note: where relevant, applications may rely upon an approved Spatial Layout Plan submitted as part of a prior application for this site.</p> <p>*Discretion is restricted to consideration of all of the following in addition to the matters in Rule 15.4.3.1 above:</p> <ul style="list-style-type: none"> • historic heritage and the amenity values of the Frankton Cemetery; 	

Comment [AB15]: Minor, non-substantive change to re-phrase to be a matter of discretion, with the accompanying guidance clearly listed as assessment matters. The change also implements notified Policy 28.3.2.3 of Chapter 28 (Natural Hazards), which lists the information requirements for natural hazards assessments and does not include a requirement for all natural hazard assessments to be undertaken by a suitably qualified person.

Comment [AB16]: Minor, non-substantive change to make consistent with other chapters

¹ Policies that guide the assessment of proposals on land affected by natural hazards are located in Chapter 28.

LOCAL SHOPPING CENTRES 15

	Activities located in the Local Shopping Centre Zone	Activity status
	<ul style="list-style-type: none"> • the safe and efficient operation of the transport network; • pedestrian/cycling connectivity and safety; • amenity values; and • three waters infrastructure. 	
15.4.4	<p>Visitor Accommodation</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; • Landscaping; • The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; • The location and screening of bus and car parking from public places; and • Where the site adjoins a residential zone: <ul style="list-style-type: none"> - Noise generation and methods of mitigation; and - Hours of operation of ancillary activities. 	RD*
15.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>a) to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>b) to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The scale of the activity; • Car parking and traffic generation; • Effects on amenity (including that of adjoining residential zones and public reserves); • The configuration of activities within the building and site (e.g. outdoor seating, entrances); • Noise issues; • Hours of operation; and • Any relevant Council alcohol policy or bylaw. 	RD*
15.4.6	<p><u>Appliance Stores, Electronic and Electrical Goods Stores, Fashion Stores, Furniture and Floor Covering Stores</u></p>	NC

Comment [AB17]: Minor, non-substantive change to make consistent with other chapters

Comment [AB18]: Minor, non-substantive change to make consistent with other chapters

Comment [AB19]: Matter of discretion not supported on merits but no scope to recommend deletion.

Comment [AB20]: 249.11

LOCAL SHOPPING CENTRES 15

	Activities located in the Local Shopping Centre Zone	Activity status
15.4.6 <u>15.4.7</u>	Industrial Activities not otherwise provided for in this Table	NC
15.4.7 <u>15.4.8</u>	Factory Farming	PR
15.4.8 <u>15.4.9</u>	Forestry Activities	PR
15.4.9 <u>15.4.10</u>	Mining Activities	PR
15.4.10 <u>15.4.11</u>	Airport	PR
15.4.14 <u>15.4.12</u>	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
<u>15.4.13</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	PR
<u>15.4.14</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	PR

Comment [AB21]: Minor, non-substantive changes to make consistent with other chapters

LOCAL SHOPPING CENTRES 15

15.5 Rules - Standards

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
15.5.1	<p>Building Coverage</p> <p>Maximum building coverage - 75%.</p> <p>*Discretion is restricted to <u>consideration of all of</u> the following:</p> <ul style="list-style-type: none"> The effects on the quality of the overall streetscape; and The ability to meet outdoor storage requirements. <p>Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33) the maximum building coverage shall be 50% with discretion restricted to the above matters and:</p> <ul style="list-style-type: none"> The traffic effects of additional building coverage, including the effects on the State Highway, particularly with particular regard to the intersection between Hansen Road and State Highway 6. 	RD*
15.5.2	<p>Setbacks and Sunlight Access – sites adjoining any Residential zone, Township Zone or public open space</p> <p>a) Buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Township Zone boundary.</p> <p>b) Where the site adjoins any Residential zone, Township Zone or public open space the setback shall be not less than 3m.</p> <p>*Discretion is restricted to consideration of <u>all of</u> the following:</p> <ul style="list-style-type: none"> The visual effects of the height, scale, location and appearance of the building, in terms of <ul style="list-style-type: none"> - Dominance; - Loss of privacy on adjoining properties; and - Any resultant shading effects. 	RD*
15.5.3	<p>Acoustic insulation <u>(excluding development within the Outer Control Boundary (OCB) Queenstown)</u></p> <p>a) A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 6 in Chapter 36.</p> <p>b) All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr}, determined in accordance with ISO 10140 and ISO 717-1.</p> <p>*Discretion is restricted to consideration of <u>all of</u> the following:</p> <ul style="list-style-type: none"> the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; 	RD*

Comment [AB22]: Minor, non-substantive change to make consistent with other chapters

Comment [AB23]: 719.92

Comment [AB24]: Minor, non-substantive change to make consistent with other chapters

Comment [AB25]: 433

Comment [AB26]: Minor, non-substantive change to make consistent with other chapters

LOCAL SHOPPING CENTRES 15

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	<ul style="list-style-type: none"> the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site. 	
15.5.4	<p>Acoustic insulation: development within the Outer Control Boundary (OCB) Queenstown</p> <p>a) A mechanical ventilation system shall be installed for all critical listening environments in accordance with Rule 36.6.3 in Chapter 36.</p> <p>b) All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p>	NC
15.5.4	<p>Development of 1 Hansen Road</p> <p>The following additional standards shall apply to development in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33):</p> <p>(a) The total gross floor area dedicated to retail uses shall not exceed 4000m², with no individual tenancy larger than 700m² and no more than 10 retail tenancies across the site in total;</p> <p>(b) The total gross floor area dedicated to office uses shall not exceed 3000m²;</p> <p>(c) No retail or office activities (aside from those ancillary to permitted uses) shall take place until an upgrade of the intersection between Hansen Road and State Highway 6 has occurred;</p> <p>(d) The total number of residential units (for the purposes of this rule, this shall include residential flats) shall not exceed 50 units;</p> <p>(e) There shall be no vehicle access directly onto the State Highway;</p> <p>(f) Buildings shall be set back a minimum distance of 6m from the boundary with the State Highway; and</p> <p>(g) Buildings shall be set back a minimum distance of 4m from the boundary with Frankton Cemetery.</p>	D
15.5.5	<p>Residential and Visitor Accommodation Activities</p> <p>All residential and visitor accommodation activities shall be restricted to first floor level or above.</p>	NC
15.5.6	<p>Building Height</p> <p>a) For the Local Shopping Centre Zone located at Albert Town, Arrowtown, Fernhill, Hawea, Sunshine Bay and Wanaka the maximum building height shall be 7m.</p> <p>b) For all other areas in the Local Shopping Centre Zone the maximum building</p>	NC

Comment [AB27]: 433

Comment [AB28]: 249.11

LOCAL SHOPPING CENTRES 15

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	height shall be 10m.	
15.5.7	<p>Noise</p> <p>a) Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <ul style="list-style-type: none"> • Daytime (0800 to 2200 hrs) 60 dB LAeq(15 min) • night-time (2200 to 0800 hrs) 50 dB LAeq(15 min) • night-time (2200 to 0800 hrs) 75 dB LAFmax <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <ul style="list-style-type: none"> • The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. • The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan. • The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport. <p>b) Note:</p> <p>Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.</p>	NC
15.5.8	<p>Glare</p> <p>a) 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.</p> <p>b) No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>c) No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in any Residential zone or Township Zone measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>d) All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</p>	NC

Comment [AB29]: Exemption not supported on merits but no scope to recommend deletion.

Comment [AB30]: Minor, non-substantive changes to improve clarity.

Comment [AB31]: Recommended that this be removed as it is *ultra vires* for uncertainty.

Comment [AB32]: Recommend that this be removed from a merits perspective but no scope so has not been struck out. See paragraph 17.5 of the s42A Report.

LOCAL SHOPPING CENTRES 15

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
15.5.9	<p>Retail and Office activities:</p> <p>a. Retail activities shall not exceed 300m² gross floor area</p> <p>b. Office activities shall not exceed 200m² gross floor area</p> <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p>	NC
15.5.11	<p>Retail and office activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wanaka</p> <p>The total combined area of retail and office activities shall occupy no more than 3,000m² gross floor area.</p> <p>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road, and shall not be interpreted as applying to individual sites within the zone.</p>	D

Comment [AB33]: 249.11

Comment [AB34]: 249, 507

15.6 Non-Notification of Applications

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

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

15.6.2.1 Buildings (Rule 15.4.3).

Comment [AB35]: Non substantive change for clarity

15.6.2.2 except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33) with any notification limited to road controlling authority.

Comment [AB36]: 719.94

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

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