

**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 08
– Business Zones

**REPLY OF AMY BOWBYES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

15 LOCAL SHOPPING CENTRE ZONE CHAPTER

13 December 2016

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Appendix 1 – Revised Chapter 14 Local Shopping Centre Zone

**Appendix 2 – Additional S32AA evaluation of the additional recommended
changes**

1. INTRODUCTION

1.1 My name is Amy Bowbyes. I prepared the section 42A report for the Local Shopping Centre Zone (**LSCZ**) Chapter 15 of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 2 November 2016.

1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended parts of the hearing between 28 November and 6 December 2016 and have been provided with information from submitters and counsel presented at the hearing, including reports of what has taken place at the hearing each day when I was not in attendance.

1.3 This Reply evidence covers the following issues:

- (a) confirmation of the Hearing Panel's (**Panel**) directions¹ in respect of submissions that specifically relate to the LSCZ at Cardrona Valley Road in Wanaka and 1 Hansen Road in Frankton;
- (b) provisions that specifically relate to development of 1 Hansen Road (these are highlighted blue in **Appendix 1**);
- (c) further consideration of the acoustic insulation requirements for development within the Outer Control Boundary of Queenstown Airport (Rule 15.5.3) having regard to the evidence of Mr Day, Mr Kyle and Ms Wolt for QAC (433) and Dr Chiles for the Queenstown Lakes District Council (**Council**);
- (d) consideration of whether Objective 15.2.1 should be amended to convey that the LSCZ is a focal point of activities;
- (e) further consideration of the appropriateness of restrictions on specified retail activities and office activities (Rule 15.5.9; reply Rule 15.5.10) in response to questions from the Panel and having further regard to the evidence of Mr Polkinghorne for the Gordon Family Trust (FS1193);

1 Minute issued by the Panel on 2 December 2016; Memorandum of Counsel for Queenstown Lakes District Council dated 1 December 2016; and Memorandum of Counsel for Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Limited and Satomi Holdings Limited (submission 622) dated 29 November 2016.

- (f) consideration of Rule 15.4.5 (final bullet point) responding to questions from the Panel and having regard to the evidence provided by Ms Sian Swinney for the Council on the equivalent rule for the Queenstown Town Centre Chapter;
- (g) consideration of the exemptions to noise Rule 15.5.7 (reply Rule 15.5.8);
- (h) further consideration of Rule 15.5.8(a) (reply 15.5.9a) regarding the phrase "*and so as to limit the effects on the night sky*" as I understand that component of rule to be *ultra vires*;
- (i) consideration of the default permitted activity Rule 15.4.1;
- (j) non-substantive changes to improve the consistency of drafting across the chapters heard in Business Zones Hearing Stream 08; and
- (k) screening of outdoor storage.

1.4 Where I am recommending changes to the provisions as a consequence of the hearing of evidence and submissions, I have included these in the recommended chapter in **Appendix 1 (Revised Chapter)**. I have attached a section 32AA evaluation in **Appendix 2**.

1.5 In this Reply:

- (a) if I refer to a provision number without any qualification, it is the notified provision number and has not changed through my recommendations;
- (b) if I refer to a 'redraft' provision number, I am referring to the s 42A recommended provision number; and
- (c) if I refer to a 'reply' provision number, I am referring to recommended provision number in **Appendix 1** to this Reply.

2. LSCZ AT CARDRONA VALLEY ROAD AND 1 HANSEN ROAD – DEFERRAL OF SUBMISSION POINTS TO HEARING ON MAPPING

2.1 I confirm that the Council has carried out² the instructions of the Panel's Minute of 2 December 2016, which directs that submissions that specifically relate to the LSCZ at Cardrona Valley Road in Wanaka and 1 Hansen Road in Frankton are deferred to the hearing on mapping. The relevant submission points are referred to in the Panel's Minute dated 2 December 2016.

2.2 Following the filing of my s42A report and also after filing of the Council's memorandum dated 1 December, it has come to my attention that JA Ledgerwood's submission (507) is also on the Cardrona Valley Road site and, in a similar vein to the Pinfold and Satomi submission (622), seeks particular controls (20m setback and lower building heights) for that site and a decrease in the size of the LSCZ.

2.3 This submission is not addressed in my s42A report as the entire submission had incorrectly been categorised in the summary of submissions as relating only to the hearing on mapping.

2.4 I consider it would be appropriate to hear JA Ledgerwood's submission together with submissions 622, 274, FS1101 and FS1212 in the hearing on mapping. Submission 507 has already been allocated to the mapping hearing, and I have confirmed the Panel's approach in its minute of 2 December 2016 with the Submitter. If a further minute directing this transfer is necessary, I welcome one from the Panel.

3. PROVISIONS SPECIFICALLY RELATING TO THE LSCZ AT 1 HANSEN ROAD

3.1 The Panel discussed the merits of Policy 15.2.3.5 and Rule 15.4.3.2, and suggested that I consider their appropriateness and, in particular whether there is a *vires* issue regarding the requirement for a Spatial

² Memorandum of Counsel for Queenstown Lakes District Council dated 1 December 2016.

Layout Plan in light of decisions on the Proposed Auckland Unitary Plan.

- 3.2** The Panel also queried the exception from non-notification in Rule 15.6.2.2 (which only relates to 1 Hansen Road) for a road controlling authority.
- 3.3** As consideration of the 1 Hansen Road LSCZ has now been deferred to the hearing on mapping, and the zone of that site may subsequently change, I have not addressed the Panel's comments in this Reply. I understand that the *vires* of the Spatial Layout Plan requirement will be addressed in legal submissions in the hearing on mapping, if necessary.
- 3.4** Regarding Rule 15.6.2.2, while this applies only to 1 Hansen Road and it would therefore be logical to address the Panel's comments on it in the hearing on mapping, I understand from Ms Vicki Jones that the Panel has queried the equivalent provision in Chapter 12. In my view it would be appropriate, when addressing the Panel's comments on 1 Hansen Road in the mapping hearing, to seek to achieve consistency between Rule 15.6.2.2 and the non-notification provisions in the other Business chapters.
- 3.5** For completeness, the provisions in the LSCZ that are site specific to 1 Hansen Road are:
- (a) Policy 15.2.3.5;
 - (b) Rule 15.4.3.2;
 - (c) Rule 15.5.1 (in part);
 - (d) reply Rule 15.5.5; and
 - (e) Rule 15.6.2.2 (in part).
- 3.6** There are no provisions in chapter 15 that are site specific to the LSCZ at Cardona Valley Road.

4. ACOUSTIC INSULATION REQUIREMENTS WITHIN THE OUTER CONTROL BOUNDARY (OCB) OF QUEENSTOWN AIRPORT

4.1 Mr John Kyle and Mr Chris Day have provided evidence on behalf of QAC (433) regarding the acoustic insulation requirements in Rule 15.5.3. Mr Kyle considers that the notified rule adequately addresses the potential reverse sensitivity effects arising as a result of airport noise and has suggested that the mechanical ventilation requirements proposed during the District Wide hearing stream 5 (relating to the noise chapter 36) should be applied to the LSCZ at Frankton.³ This view is supported by both Mr Day³ for QAC and Dr Chiles⁴ for the Council.

4.2 Ms Rebecca Wolt for QAC submits that the QAC submission has sufficient scope such that the amended airport related mechanical ventilation requirements can be incorporated into the LSCZ.⁵ I concur with Ms Wolt's view and recommend that the chapter is amended as shown in **Appendix 1** (Rule 15.5.3 and reply Rule 15.5.4), and as considered in the s32AA evaluation in **Appendix 2**. I note that my recommended amendments are largely consistent with the tracked changes suggested by Mr Kyle,⁶ with minor changes to refer generally to sites within the *Outer Control Boundary (OCB) Queenstown*⁷ rather than referring to the *Frankton Local Shopping Centre Zone*.

5. OBJECTIVE 15.2.1

5.1 The Panel has requested that I consider whether it would be appropriate to amend Objective 15.2.1 to convey that the LSCZ provides a focal point for the activities provided. I agree that amendments are required, and in addition I am of the view that such a change would provide further acknowledgement of the differences between the LSCZ and the Commercial Precincts that are embedded within the Township Zones of the ODP (and that will be reviewed in

3 Mr Day's evidence at paragraph 33.

4 Dr Chiles' evidence at paragraph 15.2.

5 Ms Wolt's evidence at paragraphs 196 & 197.

6 Mr Kyle's evidence at Appendix B, pages 15-8 & 15-9.

7 This ensures that the relevant definition of *OCB* in PDP Chapter 2 (Definitions) has direct application.

Stage 2 of the PDP). In my view the Commercial Precincts have resulted in sporadic dispersal of commercial activities intermingled with residential activities, which is not the pattern of development anticipated within the LSCZ.

- 5.2 I am of the view that Objective 15.2.1 would be improved with the addition of the following specific amendments:

Local Shopping Centres provide a focal point for a ~~Enable a~~ 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.~~

- 5.3 These changes are shown in the recommended revised chapter in **Appendix 1.**

6. RESTRICTIONS ON RETAIL AND OFFICE ACTIVITIES (RULE 15.5.9; REPLY RULE 15.5.10)

- 6.1 The Panel questioned the merits of Rule 15.5.9 (reply Rule 15.5.10), which places restrictions on the gross floor area (**GFA**) of retail and office activities. The Panel requested that further consideration be given to the 300m² limit for retail activities, and that examples of the GFA of existing activities occurring within the LSCZ be considered.

- 6.2 I have used the LSCZ at Albert Town as a case study as this site was relatively recently the subject of resource consent RM140802, which sought consent for a coffee bar/café. Consent was granted with conditions on 4 December 2014.

- 6.3 The information submitted with that application lists the following floor areas of the various activities operating on that site (this information was used for the purposes of calculating car parking requirements):

(a)	Public bar/restaurant	95m ²
(b)	Function room bar/restaurant	187m ²
(c)	Bottle store	45m ²

(d)	Gaming room	14m ²
(e)	Public Toilets	22m ²
(f)	Dining/restaurant	58m ²
(g)	Takeaway shop	10m ²
(h)	Convenience Store	164m ²
(i)	Manager's flat and ablutions	88m ²
(j)	Kitchen, office and chillers	83m ²
(k)	Storage area, inwards goods	115m ²
(l)	Hallway and bar servery, staff lounge, toilets etc	128m ²

6.4 I consider that the above information is useful as it provides an example of the breadth of activity types operating within the LSCZ, and it provides an example of the scale of the respective activities. Each activity identified above is below the 300m² threshold for retail in reply Rule 15.5.10.

6.5 For clarity, and as raised by the Panel, I consider it would be useful to include a note within reply Rule 15.5.10 that clarifies that each 'activity' includes any associated office, storage, staffroom and bathroom facilities.

6.6 One constraint I have identified within the above example is that it does not show how the various activities are bundled within each individual tenancy. I have used the term 'activity' in reply Rule 15.5.10, rather than 'tenancy'. Parking standards (to be reviewed in Stage 2 of the District Plan Review in the review of the Transport Section of the ODP) refer to 'activity' types, and the PDP definitions are based on various 'activities'.

6.7 I remain of the view that the term 'activities' within reply Rule 15.5.10 is appropriate, and the addition of the clarification note will ensure that associated 'back-of-house' activities are included in the GFA calculation. This recommended change is shown in **Appendix 1** and is considered in the s32AA evaluation in **Appendix 2**.

6.8 In reviewing other district plans I note that the Proposed Auckland Unitary Plan includes the Business - Neighbourhood Centre Zone,

which has similar function⁸ to that of the LSCZ. The zone permits retail up to 450m² per tenancy (as per Table H12.4.1 (A20 and A21)⁹), with tenancies greater than 450m² requiring consent for a non-complying activity. Office tenancies up to 500m² GFA are permitted, with tenancies greater than 500m² also requiring non-complying activity consent (as per Table H12.4.1 (A18 & A19)¹⁰). I note that the office tenancy thresholds are currently under appeal.

- 6.9** The partially operative Hamilton City Plan includes a Neighbourhood Centres Zone¹¹ which also has a similar purpose to that of the LSCZ. Shop sizes are limited to between 100m² and 300m².
- 6.10** The Invercargill District Plan includes the Business 4 (Neighbourhood Shop) Zone¹² which enables, as a permitted activity, retail sales premises not exceeding 300m² (pursuant to Rule 3.26.1(H) to which proviso (B) of that rule applies).
- 6.11** The Dunedin Second Generation District Plan also has a 'neighbourhood centres' commercial zone which includes a maximum permitted GFA for 'dairies' of 200m² which specifically includes any area occupied for storage (Rule 18.5.5.2¹³).
- 6.12** Mr Polkinghorne¹⁴ for the Gordon Family Trust suggests that the cap for retail activities should be set at 400m², rather than 300m², as the definition of "Large Format Retail (Three Parks Zone)" in Chapter 2 of the PDP refers to 400m² GFA. It is Mr Polkinghorne's view¹⁵ that the 300m² threshold recommended by Mr Heath and adopted in my s42A would result in retailers seeking to establish premises of the 300m² to 400m² range having limited options. In my view the Business Mixed Use Zone, which by Mr Polkinghorne's own admission was not

⁸<http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20H%20Zones/H12%20Business%20-%20Neighbourhood%20Centre%20Zone.pdf> p1.

⁹<http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20H%20Zones/H12%20Business%20-%20Neighbourhood%20Centre%20Zone.pdf> p5.

¹⁰<http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20H%20Zones/H12%20Business%20-%20Neighbourhood%20Centre%20Zone.pdf> p5.

¹¹ <http://www.hamilton.govt.nz/our-council/council-publications/districtplans/PODP/chapter6/Pages/6-2-Objectives-and-Policies-Business-1-to-7-Zones.aspx> see objective 6.2.3 and Policies 6.2.3a to 6.2.3c.

¹² <http://icc.govt.nz/wp-content/uploads/2016/10/DP-Section-3-Rules-October-2016.pdf> with rules commencing at page 3 - 74

¹³<https://2gp.dunedin.govt.nz/2gp/documents/plan/sections/18.%20Commercial%20and%20Mixed%20Use%20Zones.pdf> at page 23.

¹⁴ Mr Polkinghorne's evidence at paragraph 164.

¹⁵ Mr Polkinghorne's evidence at paragraph 169.

considered in his modelling, would accommodate activities of the 300m² to 400m² range, as it does not place limits on the GFA of retail activities. I therefore do not accept his rationale for opposing the 300m² limit and am not persuaded that a limit of 400m² is a more appropriate alternative.

- 6.13** In addition, I consider that the 300m² limit provides a clear distinction between the scale of retailing enabled by the LSCZ when compared to that of the Three Parks Zone Commercial Core Subzone (ODP Chapter 12), which enables large format retail.¹⁶ Enabling retail activities of up to 399m², when the established threshold for large format retail is 400m² would, in my view not achieve the zone purpose of providing "*small scale commercial*" activities.¹⁷ The definition Mr Polkinghorne refers to is specific to the Three Parks Zone only.
- 6.14** In relation to Mr Polkinghorne's recommendation to include provision for fashion stores, a supermarket of up to 1,500m² GFA and a single tenancy of up to 750m² within the Cardrona Valley Road LSCZ, I remain of the view that Mr Polkinghorne has not sufficiently considered the planning framework of the LSCZ, nor has consideration been given to the retailing opportunities provided for within the Business Mixed Use Zone. I remain of the view that the changes recommended by Mr Polkinghorne would not be consistent with the zone purpose in 15.1, and would not assist with achieving Objective 15.2.1 and Policy 15.2.1.2. I therefore remain of the view that the relief sought should be rejected. I refer also to Mr Heath's summary of evidence where Mr Heath responds to Mr Polkinghorne's evidence.
- 6.15** I note that Mr Todd has raised two legal issues regarding scope and these are addressed in Council's Legal Reply.

¹⁶ Provision 12.26.7.1 of the ODP Three Parks Zone, and whereby Large Format Retail (Three Parks Zone) is defined as a single tenancy exceeding 400m² GFA (Chapter 2: Definitions).

¹⁷ Provision 15.1 Zone Purpose.

7. RULE 15.4.5 – LICENSED PREMISES

- 7.1 The Panel noted the evidence provided by Ms Sian Swinney for the Council in respect of the Queenstown Town Centre Zone, including Rule 12.4.4 of that chapter which concerns itself with licensed premises. Ms Swinney¹⁸ supports removal of the final bullet point of the rule which lists as a matter of discretion "*consideration of any relevant Council alcohol policy or bylaw*". The reason stated by Ms Swinney is that there is currently no alcohol policy in place and breach of any bylaw could result in enforcement action being required.
- 7.2 The Panel have asked that I consider whether LSCZ Rule 15.4.5, which includes the same matter of discretion, should also be amended.
- 7.3 I accept Ms Swinney's view and consider that, on the face of it, it would be appropriate to amend Rule 15.4.5. However, as no submission was received on this rule it is my view that there is no scope to make the amendment.
- 7.4 I therefore have not recommended any changes to this rule, but added a note to this effect in **Appendix 1**.

8. RULE 15.5.7 (REPLY RULE 15.5.8) – NOISE RULE EXEMPTIONS

- 8.1 The Panel has asked that I consider whether Rule 15.5.7 (reply Rule 15.5.8) should be amended to remove the exemptions for sound associated with airports and windfarms. I agree that it is very unlikely that an airport or windfarm will establish within the LSCZ, and the exemptions do appear to be superfluous.
- 8.2 In the absence of a submission seeking amendments to reply Rule 15.5.8 it is my view that there is no scope to amend the rule. I therefore have not recommended making any changes to this rule but added a note to this effect in **Appendix 1**.

18 Ms Swinney's evidence at paragraph 5.32.

9. RULE 15.5.8 a) (REPLY RULE 15.5.9 a)) – NIGHT SKY

9.1 The Panel has asked that I reconsider my position on Rule 15.5.8(a) (reply Rule 15.5.9(a)) having regard to submissions received that specifically consider the effects of lighting on the night sky. I have subsequently considered the submissions of Grant Bisset (**Bisset**) (568) and Ros and Dennis Hughes (**Hughes**) (340).

9.2 The Bisset submission¹⁹ seeks that the effects of light pollution are appropriately controlled in order to limit the effects on the night sky.

9.3 The Hughes submission relates specifically to Chapter 3 (Strategic Directions) and Chapter 6 (Landscapes). However, the submission²⁰ generally highlights the importance of the night sky as a natural feature and seeks that it is a consideration in the design of lighting infrastructure.

9.4 The matter of scope is addressed in the Council's Reply legal submissions. Relying on those submissions, there is not scope to delete the phrase but there is scope to make the zone provisions (ie, the phrase) more measurable and specific, as "a greater level of direction" is sought in submission 568.

9.5 In any event, I understand that the phrase "*and so as to limit the effects on the night sky*" is *ultra vires* for uncertainty, as also discussed in the Council's Reply Legal Submissions. I therefore consider that the phrase "*and so as to limit the effects on the night sky*" should be deleted in Rule 15.5.8(a), as shown in **Appendix 1** to this report.

10. RULE 15.4.1 – DEFAULT PERMITTED ACTIVITY RULE

10.1 The Panel has asked that consideration be given to whether Rule 15.4.1 is necessary. This rule provides the 'default' permitted activity status for activities which comply with all standards and are not otherwise listed in the activity table.

¹⁹ Submission 568, paragraphs 4.14 and 4.15.

²⁰ Submission 340, paragraph 4, bullet 2.

10.2 This matter is discussed in the Right of Reply provided by Ms Vicki Jones for the Queenstown²¹ Town Centre Chapter. I concur with Ms Jones' view and the reasons outlined in her Reply.

10.3 I therefore have not recommended any changes to this rule.

11. NON-SUBSTANTIVE CHANGES FOR CONSISTENCY

11.1 The Panel has pointed to a number of minor drafting inconsistencies between the PDP chapters heard in Business Zones Hearing Stream 08. I have consulted with Ms Vicki Jones and Ms Rebecca Holden (who are the other authors of the s42A Reports for this hearing) and I recommend minor changes to the following provisions to increase consistency between the chapters:²²

- (a) Rule 15.4.2: remove the words "*in respect of*" and replace with "*Control is reserved to the following*";
- (b) Rules 15.4.3.1, 15.4.3.2, 15.4.4, 15.4.5, 15.5.1, 15.5.2 and 15.5.3: amend so that the text in each rule consistently says: "*Discretion is restricted to consideration of the following...*";
- (c) redraft Rule 15.4.12: amend to make layout consistent across the Business zone chapters by separating redraft Rule 15.4.12 into three rules (shown in **Appendix 1** as reply Rule 15.4.12, reply Rule 15.4.13 and reply Rule 15.4.14); and
- (d) Rule 15.5.7 (redraft Rule 15.5.8): to clarify which parts of the rule are exemptions and which are explanatory notes, and to adjust the numbering within the rule.

11.2 These changes are detailed in **Appendix 1**.

12. SCREENING OF OUTDOOR STORAGE

12.1 During the reading of my Summary of Evidence to the Panel on 29 November 2016 I highlighted one additional matter that was not

²¹ Ms Jones' Right of Reply for the Queenstown Town Centre Chapter at paragraph 3.1 to 3.4.

²² These changes increase consistency between the following PDP chapters: 12 Queenstown Town Centre Zone, 13 Wanaka Town Centre Zone, 14 Arrowtown Town Centre Zone, 15 Local Shopping Centre Zone, 16 Business Mixed Use Zone and 17 Airport Mixed Use Zone.

addressed in my s42A Report or my written Summary, namely the absence of a rule requiring the screening of outdoor storage areas in the LSCZ. I highlighted to the Panel that this was an error and I noted the following relevant notified provisions:

- (a) Policy 15.2.2.6, which seeks to ensure that "*outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with established amenity values*"; and
- (b) Rule 15.5.1, which lists as a matter of discretion "*the ability to meet outdoor storage requirements*".

12.2 Therefore, in my view there was a clear intent to include outdoor storage requirements, however the notified LSCZ did not contain a corresponding rule.

12.3 As no submissions were received in respect of outdoor storage requirements, in my view there is no scope to introduce a rule. Therefore I consider it would be appropriate, in the future, to introduce a rule either through a variation to the PDP or through a future plan change.

13. CONCLUSION

13.1 Overall, with the incorporation of the above changes, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



Amy Bowbyes
Senior Policy Planner
13 December 2016

APPENDIX 1
REVISED CHAPTER 15 LOCAL SHOPPING CENTRE ZONE

LOCAL SHOPPING CENTRES 15

Key:

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 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.

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.

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.

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

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

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

Comment [AB3]: 249.11

LOCAL SHOPPING CENTRES 15

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

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

Policies

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

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

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

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

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

Comment [AB5]: 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 a~~Adverse environmental effects received both within and beyond the zone are minimised.

Comment [AB6]: 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 [AB7]: 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.

15.2.3.4 Avoid the establishment of activities that are not consistent with established amenity values, cause inappropriate environmental effects, or are more appropriately located in other zones.

15.2.3.5 For development of the site(s) at 1 Hansen Road, between Hansen Road and the Frankton Cemetery (as shown on 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.

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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 [AB8]: 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 [AB9]: Minor, non-substantive change for clarification only.

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

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	Activities located in the Local Shopping Centre Zone	Activity status
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 Buildings:</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 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 to results in an increase in gross floor area: an assessment by a suitably 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 	RD*

Comment [AB10]: Non-substantive change for consistency with other PDP Chapters and to improve clarity for Plan users

Comment [AB11]: 798.44 & 798.45

Comment [AB12]: Minor, non-substantive change to make consistent with other chapters

Comment [AB13]: Minor, non-substantive change to re-phrase to be matters of discretion rather than assessment matters

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

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	Activities located in the Local Shopping Centre Zone	Activity status
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	Appliance Stores, Electronic and Electrical Goods Stores, Fashion Stores, Furniture and Floor Covering Stores	NC
15.4.6	Industrial Activities not otherwise provided for in this Table	NC
15.4.7		
15.4.7	Factory Farming	PR
15.4.8		
15.4.8	Forestry Activities	PR
15.4.9		

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

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

Comment [AB18]: Matter of discretion not supported on merits but no scope to recommend deletion.

Comment [AB19]: 249.11

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	Activities located in the Local Shopping Centre Zone	Activity status
15.4.9 15.4.10	Mining Activities	PR
15.4.10 15.4.11	Airport	PR
15.4.14 15.4.12	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
15.4.13	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
15.4.14	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

Comment [AB20]: Minor, non-substantive changes to make consistent with other chapters

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 consideration of all of 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 all of the following:</p>	RD*

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

Comment [AB22]: 719.92

Comment [AB23]: Minor, non-substantive change to make consistent with other chapters

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	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	<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. 	
15.5.3	<p>Acoustic insulation (excluding development within the Outer Control Boundary (OCB) Queenstown)</p> <p>a) A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 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 all of 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; • 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. 	RD*
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
15.5.45	<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>	D

Comment [AB24]: 433

Comment [AB25]: Minor, non-substantive change to make consistent with other chapters

Comment [AB26]: 433

Comment [AB27]: 249.11

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	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	<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>	
15.5.56	<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
15.5.67	<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 height shall be 10m.</p>	NC
15.5.78	<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

Comment [AB28]: Exemption not supported on merits but no scope to recommend deletion.

Comment [AB29]: Minor, non-substantive changes to improve clarity.

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	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
15.5.89	<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
15.5.910	<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><u>Note:</u> 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

Comment [AB30]: Recommended that this be removed as it is *ultra vires* for uncertainty.

Comment [AB31]: 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.

Comment [AB32]: 249.11

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 [AB33]: Non substantive change for clarity

15.6.2.2 Building coverage, 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 [AB34]: 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.

APPENDIX 2
SECTION 32AA EVALUATION

Appendix 2

Section 32AA Evaluation

Note: The relevant provisions from the revised chapter are set out below, showing additions to the notified text in underlining and deletions in ~~strike through~~ from the s42A report and recommended changes from the Reply are shown in red underlined text for additions and ~~red strike through~~ text for deletions, (ie as per the revised chapter).

The section 32AA evaluation then follows in a separate table underneath the provisions.

Acoustic insulation requirements within the Outer Control Boundary (OCB) of Queenstown Airport

Recommended updated Rule 15.5.3 and new Rule 15.5.4		
15.5.3	<p><u>Acoustic insulation (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 all of 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; • 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. 	RD*
<u>15.5.4</u>	<p><u>Acoustic insulation: development within the Outer Control Boundary (OCB) Queenstown</u></p> <p><u>a) A mechanical ventilation system shall be installed for all critical listening environments in accordance with Rule 36.6.3 in Chapter 36.</u></p> <p><u>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.</u></p>	<u>NC</u>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • The recommended change updates the mechanical ventilation requirements for development within the OCB so the requirements are consistent with the changes made to District wide Rule 36.6.3 during District Wide Hearing Stream 5 (relating to the Noise Chapter 36). • The change therefore ensures that a consistent approach is taken to mechanical ventilation requirements for LSCZ development within the OCB. 	<ul style="list-style-type: none"> • The recommended changes are efficient and effective as they ensure that the LSCZ provides a consistent approach to mechanical ventilation requirements within the OCB by implementing Rule 36.6.3 of the District wide Noise Chapter 36 of the PDP.

Restrictions on retail and office activities

Recommended updated reply Rule 15.5.10		
Updated Rule:		
<u>15.5.910</u>	<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><u>Note:</u> <u>All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</u></p>	<u>NC</u>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • The recommended change clarifies the status of 'back-of-house' activities in the gross floor area (GFA) calculation. Inclusion of these ancillary activities within the GFA calculation will restrict the maximum permitted GFA of 'front-of-house' activities. 	<ul style="list-style-type: none"> • The note provides clarity regarding the status of 'back-of-house' activities that are ancillary to the retail or office activity. • The change will assist with achieving consistent plan interpretation and provides greater certainty for plan users than the redraft version of the rule. 	<ul style="list-style-type: none"> • The reply rule is more effective and efficient than the redraft version as it provides greater certainty for plan users regarding the status of ancillary 'back-of-house' activities associated with retail and office activities.