

**QLDC Council**

**31 August 2023**

**Report for Agenda Item | Rīpoata moto e Rāraki take [5]**

**Department: Planning & Development**

**Title | Taitara : Adoption of Coneburn Industrial Variation to the Proposed District Plan**

**Purpose of the Report | Te Take mō te Pūroko**

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A resolution is sought from Council to adopt the notified version of the Coneburn Industrial Variation to the Proposed District Plan (PDP). The variation was notified via Schedule 1 of the Resource Management Act (RMA) and two submissions were received in support of the notified version of the variation. These submissions were subsequently formally withdrawn. A hearing is not required and a decision is now sought to adopt the variation as notified.

**Executive Summary | Whakarāpopototaka Matua**

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The Coneburn Industrial Variation was endorsed for notification at the 2 June 2022 meeting of Full Council. The variation was subsequently notified via Schedule 1 of the Resource Management Act (RMA) for 20 working days from 27 October 2022. Two submissions<sup>1</sup> were received in support of the variation and neither sought changes to the notified version of the proposal. The summary of decisions requested was notified for 10 working days from 24 November 2022 and no further submissions were received. The two submissions received have subsequently been formally withdrawn by the submitters. A hearing is not required, and Council can now make decisions on the variation.

**Recommendation | Kā Tūtohuka**

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That the Council:

1. **Note** the contents of this report;
2. **Adopt** the notified version of the Coneburn Industrial Variation to the Proposed District Plan (PDP) which amends provisions in PDP Chapters 44 Coneburn Industrial Zone, 25 Earthworks, 27 Subdivision and Development, 29 Transport, 31 Signs and 36 Noise;
3. **Direct** staff to alter the Proposed District Plan provisions to reflect the changes in the variation and to correct minor errors and make changes of a minor effect in accordance with Clause 16(2) of the First Schedule of the Resource Management Act 1991; and
4. **Direct** staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991.

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<sup>1</sup> The submissions are included in **Attachment C** to this report.

**Prepared by:**



**Name:** Sean Cameron Widdowson  
**Title:** Graduate Policy Planner  
**24 July 2023**

**Reviewed and Authorised by:**



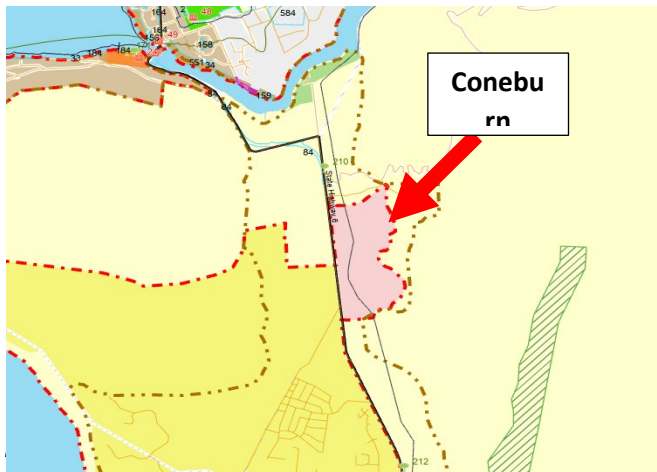
**Name:** David Wallace  
**Title:** GM Planning & Development  
**10 August 2023**

**Context | Horopaki**

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**PDP Chapter 44 – Coneburn Industrial Zone**

1. PDP Chapter 44 Coneburn Industrial Zone (the Zone) contains objectives and provisions controlling land use and development within the Zone. The Zone is a special purpose industrial zone which principally provides for the establishment and operation of industrial and service activities.
2. The Zone covers a discrete area of land, approximately 114 Ha in area situated on the Kingston Highway (State Highway 6/SH6) (see Figure 1 below). It is located to the south of the Remarkables ski field access road and across SH6 to the east of the Jacks Point Zone.



*Figure 1 Map of the Coneburn Industrial Zone*

**The Notified Variation**

3. The purpose of the Coneburn Industrial Zone Variation (the variation) is to align the provisions within the Coneburn Industrial Zone (the Zone) with the purpose and desired outcomes of the PDP, simplify the process of obtaining resource consents within the Zone, and to include specific provisions regarding the Zone within various district wide chapters

of the PDP. This is based on the recommendations raised in the agenda report for the endorsement of notification of the Variation from the June 2<sup>nd</sup>, 2022, Full Council meeting. The variation to Chapter 44 (Coneburn Industrial Zone) and Chapter 27 (Subdivision and Development) of the PDP are included to improve the clarity and the intent of the existing provisions and more closely align them with the overall strategic intent of the PDP. These amendments include:

- Identifying Residential Visitor Accommodation (RVA) and Homestay activities as being prohibited activities within the Zone alongside the existing prohibition of Visitor Accommodation activities; and
  - Amending the language used in the provision controlling custodial units to more accurately portray the application of the definitions for Residential Flat and Residential Unit;
  - Changes to Building Coverage to amend the permitted coverage rules.
  - Amending Rule 27.7.7.3 to reflect that it is no longer acceptable to construct a priority T intersection to service this type of development, and a roundabout is required, as confirmed by Waka Kotahi.
4. The notified amendments to PDP provisions are included as **Attachment A** to this report, and the accompanying Section 32 Report is **Attachment C**.
  5. The amendments to the Zone provisions include removing Rule 44.5.5 (Building Coverage) from the Chapter. This provision required restricted discretionary activity consent for the development of buildings which cover 30% to 40% of sites within Activity Area 1A and 35 to 65% in Activity Area 2A. The variation removes this standard and enables building coverages of up to 40% in Activity Area 1A and 65% in Activity Area 2A as permitted activities, breaches requiring non-complying activity resource consent (as is currently established by Rule 44.5.7).
  6. The remaining amendments to the Coneburn Industrial Zone consist of amendments to two provisions within the Chapter which are to amend the wording of Rule 44.4.9 (Custodial Units) to change the words 'residential flat' to 'residential unit', and to prohibit Residential Visitor Accommodation and Homestay activities from occurring within the Zone.
  7. The variation also includes subsequently required amendments to various District wide chapters of the PDP.
  8. Chapter 25 Earthworks is amended to include standards specifically for the Zone. The variation to Chapter 25 will include a 500m<sup>3</sup> maximum earthworks standard for the Coneburn Industrial Zone to Table 25.2.
  9. Chapter 27 Subdivision and development Rule 27.7.7.3(b) is amended to include reference to facilitating the development of a dual lane roundabout, with the amended version of this provision being "any subdivision of land within the Activity Areas 1a and 2a which, by itself or in combination with prior subdivisions of land within the zone, involves subdivision of more than 25% of the land area of Activity Areas 1a and 2a must include a

condition to provide the consent authority written confirmation from Waka Kotahi NZ Transport Agency that access for the subdivision via a dual lane roundabout with State Highway 6 at the Southern Access Point has been designed and constructed to a safe and acceptable standard."

10. Chapter 29 Transport is amended to include specific standards for the Zone in Provision 29.5.10 Loading Spaces.
11. Chapter 31 Signs is amended to include standards for the Zone in Table 31.6 Activity Status of Signs in Commercial Areas.
12. Chapter 36 Noise is amended to include a new Rule (36.5.15) Sound from the Activities in the Coneburn Industrial Zone. This will also include a renumbering of existing provisions within the Chapter after the inclusion of this Rule. Chapter 36 will also include an amendment to Rule 36.7 Ventilation Requirements for other Zones Table 5. This will include Standards for the Zone within Table 5.

#### Submissions Received and Subsequently Withdrawn

13. Notification via Schedule 1 of the RMA attracted two submissions which were in support of the proposal and did not seek any changes to the notified version.
14. The two submissions received have subsequently been withdrawn by the submitters and a hearing is not necessary.
15. Council is now able to make decisions on the variation.
16. It is of note that both of the submissions received made note of a misalignment between the Coneburn Industrial Zone and the bordering Outstanding Natural Landscape (seen in Figure 2). The primary relief sought is that the proposed variations to the Coneburn Industrial be accepted by the Commissioners and the secondary relief sought is that the Outstanding Natural Landscape boundary be realigned on the cadastral boundary and Coneburn Industrial Zone boundary.
17. As the submitters support the proposed variations and the desired mapping changes are out of scope, an agreement has been reached as seen in **Attachment D** to have the mapping realigned in a future Plan Change for the Southern Corridor.



Figure 2 Mapping misalignment raised in submissions.

Analysis and Advice | Tatāritaka me kā Tohutohu

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18. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

19. The variation has gone through the consultation process prescribed by Schedule 1 of the RMA and no changes have been sought by submitters to the notified proposal. Consequently there is no impediment to Council in adopting the notified version of the variation.

20. Option 1: Council adopts the notified version of the variation

*Advantages:*

- The resource management issues addressed by the variation would be resolved.
- The formal public consultation step in the development of the variation has been completed and no submissions are required to be considered in making decisions on the variation.
- Efficient plan-making process that has met the requirements of Schedule 1 of the RMA.

*Disadvantages:*

- None identified.

21. Option 2: Council does not adopt the notified version of the variation

*Advantages:*

- None identified.

*Disadvantages:*

- Amendments to the notified version may require renotification of the variation, resulting in inefficiencies and delays.
- The proposal has been put through the Schedule 1 RMA requirements for formal public consultation and no submissions have sought changes to the notified version of the variation. Amending the variation or retaining the status quo is not an outcome sought by submitters.
- The resource management issues addressed by the variation would not be resolved.

22. This report recommends **Option 1** for addressing the matter as it would result in the most advantages without any disadvantage. Council endorsed the notified variation, which has now progressed through the statutory consultation process set by Schedule 1 of the RMA.

As no amendments to the variation are sought by submitters and there is no need for a Council hearing, it is appropriate for Council to adopt the notified version of the variation. Option 1 would result in a timely and efficient decision on the variation.

## Consultation Process | Hātepe Matapaki

### **Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka**

23. The Council's Significance and Engagement Policy identifies an area that needs to be assessed when determining the significance of matters to be decided.

24. The proposal requires an assessment against the following thresholds:

- a. ***Importance to the Queenstown Lakes District*** – the extent to which the matters impact on the environment, culture and people of the district (e.g. significant capital projects).
- b. ***Community Interest*** – the extent to which individuals, organisations, groups and sectors in the community are affected by the Council's decisions.
- c. ***Inconsistency with existing policy and strategy*** – the extent of inconsistency and the likely impact.
- d. ***The impact on the Council's capability and capacity*** – the impact on the objectives set out in the Financial Strategy, Ten Year Plan and Annual Plan.<sup>2</sup>

25. The impact of the Variation was determined to not be 'significant' in respect to any of the above-mentioned thresholds in the Agenda Report produced for the June 2<sup>nd</sup> 2022 Full Council Meeting. The variations would apply to a discrete area of land which has yet to be developed. The standards included within the notified version of the Zone would be consistent with previously established provisions within the PDP for building coverages and the management of District Wide matters within industrial zones in the District.

26. The subject matter of this report would not affect any such special interests.

27. As the submissions received during the statutory notification period have been formally withdrawn, no Environment Court appeal process will follow the Council decision.

28. Taking into account the above, this matter is considered to be of low significance.

### **Māori Consultation | Iwi Rūnaka**

29. Consultation with tangata whenua is a legal requirement under the RMA before notifying a district plan legal requirements in this regard have been met. Consultation was undertaken with representatives from Te Ao Marama and Auhaka on 6 April 2022.

30. Iwi authorities also had the opportunity to submit on the notified variation.

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<sup>2</sup> Page 3, Significance and Engagement Policy, September 2017

### Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

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31. This matter relates to the Strategic/Political/Reputation risk. It is associated with SR1 'Current and future development needs of the community (including environmental protection)' within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating, because it is not considered to be of significant importance in terms of the managed growth and regulation of development for the District.
32. However, a higher risk rating would be applied if the Council chooses not to endorse the variation, as changes to the notified version would need to be supported by a s32 analysis and renotified which would open up a new opportunity for submissions, hearings and appeals.

### Financial Implications | Kā Riteka ā-Pūtea

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33. There are no budget or cost implications resulting from the decision. The recommended approach can be implemented through current funding under the 10-Year Plan and Annual Plan. As the two submissions have been formally withdrawn there is no opportunity for Environment Court appeals.

### Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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34. The following Council policies, strategies and bylaws were considered:

- The Operative District Plan
- The Proposed District Plan

35. The recommendations are consistent with the principles set out in the above policies.

### Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

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36. The process for undertaking variations to a Proposed Plan is set out in the First Schedule of the Resource Management Act. The prescribed process has been followed for this variation.

### Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

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37. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The proposed variations to the Coneburn Industrial Zone Chapter and the District-Wide Chapters will better align with the Proposed District Plan which is reflective of the desired outcomes of the community.

As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

38. The recommended option:

- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

**Attachments | Kā Tāpirihaka**

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A	Notified amendments to PDP provisions
B	Submissions received
C	Section 32 Evaluation Report
D	Letter of Withdrawal from submitters



**Attachment A: Proposed Variations to Chapters 25, 27, 29, 31, 36 and 44**

**Variation to Chapter 25 - Earthworks**

Underlined text for additions and ~~strike through~~ text for deletions

25.5 Rules – Standards

	Table 25.2 - Maximum Volume	Maximum Total Volume
25.5.5	.... <u>Coneburn Industrial Zone</u> ....	500m <sup>3</sup>

**Variation to Chapter 27 – Subdivision**

	<b>Zone and Location Specific Rules</b>	<b>Activity Status</b>
<b>27.7.7.3</b>	<p>Subdivision whereby prior to the issue of a s224(c) certification under the Act for any subdivision of any land within the zone:</p> <p>a. prior to the Northern Access Point being constructed as a Priority T Intersection (Austroads Guide to Road Design (Part 4A)) and being available for public use every subdivision of any land within the zone must contain a condition requiring that the Northern Access Point be constructed as a Priority T Intersection (Austroads Guide to Road Design (Part 4A)) and be available for public use prior to issue of a s.224(c) certificate;</p> <p>b. any subdivision of land within the Activity Areas 1a and 2a which, by itself or in combination with prior subdivisions of land within the zone, involves subdivision of more than 25% of the land area of Activity Areas 1a and 2a must include a condition <del>requiring the construction of the Southern Access Point as a Priority T intersection (Austroads Guide to Road Design (Part 4A)) and that it be available for public use prior to issue of a s.224(c) certificate, unless the Southern Access Point has been constructed and is available for public use at the time the consent is granted.</del> <u>to provide the consent authority written confirmation from Waka Kotahi NZ Transport Agency that access for the subdivision via a dual circulating lane roundabout with State Highway 6 at the Southern Access Point has been designed and constructed to a safe and acceptable standard.</u></p>	NC

**Variation to Chapter 29 - Transport**

Underlined text for additions and ~~strike through~~ text for deletions

Table 29.3 – Standards for activities outside of roads

	Table 29.3 - Standards for activities outside roads	Non-compliance status
29.5.10	<p>Loading Spaces</p> <p>a. Off-street loading shall be provided in accordance with this standard on every site in the <u>Coneburn Industrial Zone</u>, Business Mixed Use Zone, the Town Centre zones, and the Local Shopping Centre Zone, except in relation to unstaffed utility sites and on sites where access is only available from the following roads</p> <p>....</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The location, size, and design of the loading space and associated manoeuvring.</p> <p>b. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p>

**Variation to Chapter 31 Signs**

Underlined text for additions and ~~strike through~~ text for deletions

31.6 Rules – Activity Status of Signs in Commercial Areas

<b>Table 31.6 – Activity Status of Signs in Commercial Areas</b>		Coneburn Industrial Zone
31.6.1	<p><b>Static signage platforms that is one of the sign types listed in Rules 31.6.2 to 31.6.5 below and complies with the standards applying to that sign type.</b></p> <p>Control is reserved to the matters set out in Rule 31.14.</p>	<u>C</u>
31.6.2	<b>Arcade directory signs.</b>	<u>P</u>
31.6.3	<b>Upstairs entrance signs.</b>	<u>P</u>
31.6.4	<p><b>All signs located within the ground floor facade of a building</b></p> <p>In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14.</p> <p>Note: Parts 31.3.2 and 31.16 of this Chapter explain and illustrate the application of this rule.</p>	<u>C</u>

31.6.5	<b>Above ground floor signs.</b> In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14. Note: Part 31.16.7 of this Chapter has a diagram which illustrates the application of this rule.	<u>C</u>
31.6.6	<b>Digital signage platforms within the ground floor facade of a building</b>	<u>PR</u>
31.6.7	<b>Digital signage platforms above ground floor level</b>	<u>PR</u>
31.6.8	<b>Digital signs not located within a digital signage platform</b>	<u>PR</u>
31.6.9	<b>Billboard signs</b>	<u>PR</u>
31.6.10	<b>Any sign activity which is not listed in Table 31.4 or Rules 31.6.1 to 31.6.9 inclusive</b>	<u>D</u>

### Variation to Chapter 36 - Noise

Underlined text for additions and ~~strike through~~ text for deletions

#### 36.5 Rules – Standards

Table 3: Specific Standards

Rule Number	Specific Standards				Noncompliance Status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.15	<u>Sound from activities in the Coneburn Industrial Zone.</u>  <u>Note: For the purpose of this rule, a road that is located outside this zone is not deemed to be a “site outside this zone” and, as such, the noise levels specified on road reserves adjacent to this zone.</u>	<u>At any point within any site located in any other zone.</u>	<u>Refer to standard relevant to the zone in which noise is received.</u>	<u>Refer to standard relevant to the zone in which noise is received.</u>	<u>NC</u>

36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wānaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone, Coneburn Industrial Zone and the Business Mixed Use Zone.

Table 5

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
<b>Bedrooms</b>	1-2 ac/hr	Min. 5 ac/hr
<b>Other Critical Environments</b> <b>Listening</b>	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

**Variation to Rule 44.4.9 - Custodial Units**

Underlined text for additions and ~~strike through~~ text for deletions

	<b>Activities located in the Coneburn Industrial Zone</b>	<b>Activity Status</b>
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44.4.9	<p>Custodial Units</p> <p>A single <del>residential flat</del> <u>Residential Unit</u> providing for the custodial management of an Industrial or Service activity and which complies with all of the following requirements:</p> <ol style="list-style-type: none"> <li>a. It is located above or behind an Industrial or Service Activity;</li> <li>b. It is maintained in the same ownership as the Industrial or Service Activity;</li> <li>c. It is not subdivided, unit titled or otherwise separated, including by lease from the Industrial or Service activity it is attached to;</li> <li>d. It is not over 50m<sup>2</sup> and no more than 20% of the GFA of the building in which it is contained;</li> <li>e. It is only occupied by persons working in the Industrial or Service activity to which the unit is attached and whose duties require them to live on site.</li> </ol>	D
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**Variation to Rule 44.4.20 - Visitor Accommodation**

Underlined text for additions and ~~strike through~~ text for deletions

	Activities located in the Coneburn Industrial Zone	Activity Status
44.4.20	Visitor Accommodation, <u>Residential Visitor Accommodation and Homestay activities</u>	PR

**Variation to Site Coverages**

Underlined text for additions and ~~strike through~~ text for deletions

44.5 Rules - Standards

	Standards for activities located in the Coneburn Industrial Zone	Non-compliance Status

<p>44.5.5</p>	<p><b>Building Coverage</b></p> <p><del>Activity Area 1a (Large Lot Size) 30%</del></p> <p><del>Activity Area 2a 35%</del></p>	<p><b>RD</b></p> <p><del>a. The extent to which increased building coverage will decrease the availability of onsite parking or loading;</del></p> <p><del>b. Whether the needs of the industrial or service activity require parking or loading within a building;</del></p> <p><del>c. Whether the needs of the industrial or service activity require that the manufacture or maintenance of vehicles or large items take place within a building;</del></p> <p><del>d. The extent to which the safety and efficiency of the surrounding roading network would be adversely affected by the proposal;</del></p> <p><del>e. Any cumulative effect on the proposal in conjunction with other activities in the vicinity on the safety and efficiency of the surrounding roading.</del></p>
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And consequential renumbering of Rules 44.5.6-44.5.12.

## **Attachment B: Submissions Received**

Submission 1:

**RESOURCE MANAGEMENT ACT 1991: FORM 5**  
**SUBMISSIONS ON THE VARIATION TO THE QUEENSTOWN LAKES PROPOSED**  
**DISTRICT PLAN – Coneburn Industrial Zone**

Clause 6 of the First Schedule, Resource Management Act 1991

**TO:** Ms Alyson Hutton  
Planning Policy Manager  
Queenstown Lakes District Council  
Private Bag 50077  
QUEENSTOWN

**SUBMITTER:** Scope Resources Ltd

The submitter is the owner of the following:

- Lots 1-4 DP 392270

The location of the land above is highlighted in “blue” on the District Plan Review, Stage 2 Decisions Version of Planning Map 13 contained in Attachment [A] of this submission.

We cannot gain an advantage in trade competition through this submission. We are, or could be, directly affected by the subject matter of the submission that:

- (a) adversely affect the environment; and
- (b) do not relate to trade competition or the effects of trade competition.

The submitter wishes to be heard in support of this submission.

If others make a similar submission, the submitter would be prepared to consider presenting a joint case with them at any hearing.

## 1.0 OVERALL ISSUES THAT HAVE DETERMINED THE APPROACH IN PREPARING THIS SUBMISSION IN RESPECT TO THE PROPOSED DISTRICT PLAN

The submitter generally supports the proposed variation to the Coneburn Industrial Zone for the following reasons;

It accords with and assists the territorial authority to carry out its functions to achieve, the purpose of the

Resource Management Act 1991 (the Act);

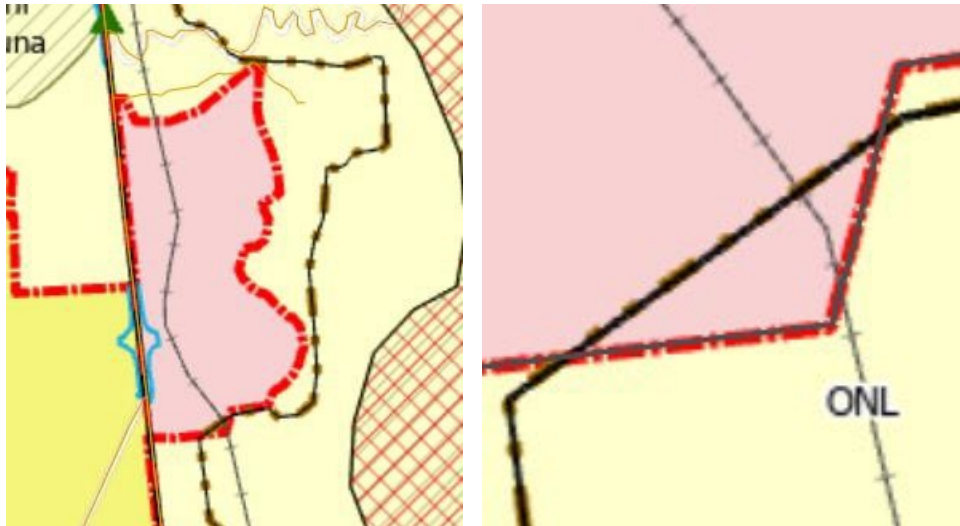
- i. It promotes the sustainable management of resources;
- ii. It meets section 32 of the Act;
- iii. It is consistent with Part II of the Act;
- iv. It represents integrated management or sound resource management practice;
- v. It meets the reasonably foreseeable needs of future generations;
- vi. It implements the most appropriate standards, rules or methods for achieving the objectives set out in the Proposed District Plan.

## 2.0 SPECIFIC SUBMISSIONS

Without derogating from the above, while the submitter supports the proposed variation to the Coneburn Industrial Zone (**CIZ**) it submits that, the Outstanding Natural Landscape (**ONL**) boundary should be realigned with the cadastral boundary and the boundary of the CIZ.

Currently, the planning map depicts the ONL boundary as protruding into the CIZ over one small portion of land on the southern edge of the Zone:



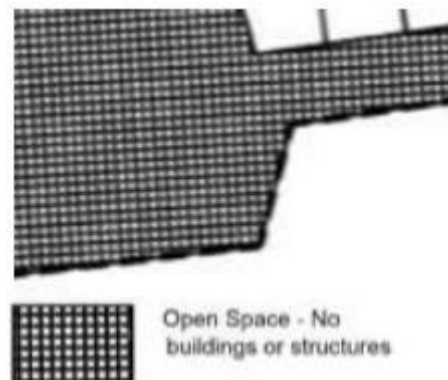


**Figures 1 & 2: Proposed District Planning Map.**

This triangular portion of the CIZ is contained within the Open Space Activity Area of the Structure Plan which states that there shall be no buildings or structures. Rule 44.5.10 requires all activities to be in accordance with the structure plan where it would be a non-complying activity to breach this Rule.



**Figure 3: QLDC GIS Aerial Image**



**Figure 4: CIZ Structure Plan – PDP Chapter 27.**

Based upon site observations and the aerial image (Fig 3), there are no vegetation or landform feature within the subject triangle to suggest this land should remain as ONL.

Rule 44.5.10, and the Structure Plan (Fig 4) provides sufficient protection (non-complying activity status) from subdivision or development in this part of the zone without the any ONL classification.

The submitter raises this planning map inconsistency so the Council and/or Commissioners can consider whether in a similar vein to the PDP Stage 1 ONL mapping of landscape boundaries upon cadastral boundaries, a preference exists to amend the ONL boundary to be on the cadastral boundary and aligned with the CIZ boundary.

## Relief Sought

The primary relief is that the proposed variations to the Coneburn Industrial Zone are supported and should therefore be accepted by Commissioners.

The secondary relief is that the ONL boundary be realigned on the cadastral boundary and CIZ boundary, that such relief is within scope of the variation, and should be accepted by Commissioners.

Such further additional or alternative relief and any consequential or ancillary changes that give effect to the primary and secondary relief.



**Signature:** \_\_\_\_\_

**Date:** 24/11-22

**Address for service of person making submission:**

**Clark Fortune McDonald & Associates**  
**PO Box 553**  
**QUEENSTOWN 9348**

**Attn: Nick Geddes**  
**Telephone: 4416071**  
**E-mail: [ngeddes@cfma.co.nz](mailto:ngeddes@cfma.co.nz)**

ATTACHMENT A



Submission 2:

**RESOURCE MANAGEMENT ACT 1991: FORM 5**  
**SUBMISSIONS ON THE VARIATION TO THE QUEENSTOWN LAKES PROPOSED**  
**DISTRICT PLAN – Coneburn Industrial Zone**

Clause 6 of the First Schedule, Resource Management Act 1991

**TO:** Ms Alyson Hutton  
Planning Policy Manager  
Queenstown Lakes District Council  
Private Bag 50077  
QUEENSTOWN

**SUBMITTER:** Trojan Holdings Ltd

The submitter is the owner of the following:

- Lot 2 DP 375823

The location of the land above is highlighted in “blue” on the District Plan Review, Stage 2 Decisions Version of Planning Map 13 contained in Attachment [A] of this submission.

We cannot gain an advantage in trade competition through this submission. We are, or could be, directly affected by the subject matter of the submission that:

- (a) adversely affect the environment; and
- (b) do not relate to trade competition or the effects of trade competition.

The submitter wishes to be heard in support of this submission.

If others make a similar submission, the submitter would be prepared to consider presenting a joint case with them at any hearing.

## 1.0 OVERALL ISSUES THAT HAVE DETERMINED THE APPROACH IN PREPARING THIS SUBMISSION IN RESPECT TO THE PROPOSED DISTRICT PLAN

The submitter generally supports the proposed variation to the Coneburn Industrial Zone for the following reasons;

It accords with and assists the territorial authority to carry out its functions to achieve, the purpose of the

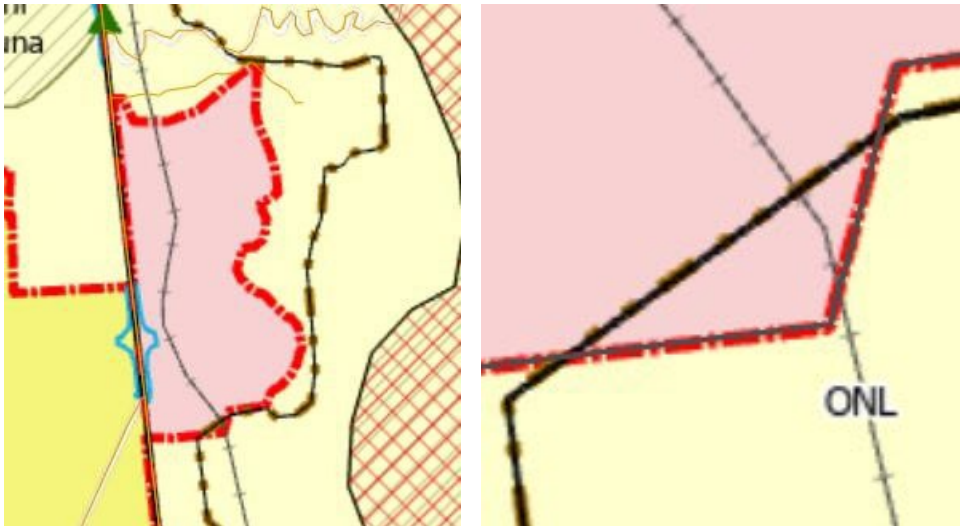
Resource Management Act 1991 (the Act);

- i. It promotes the sustainable management of resources;
- ii. It meets section 32 of the Act;
- iii. It is consistent with Part II of the Act;
- iv. It represents integrated management or sound resource management practice;
- v. It meets the reasonably foreseeable needs of future generations;
- vi. It implements the most appropriate standards, rules or methods for achieving the objectives set out in the Proposed District Plan.

## 2.0 SPECIFIC SUBMISSIONS

Without derogating from the above, while the submitter supports the proposed variation to the Coneburn Industrial Zone (**CIZ**) it submits that, the Outstanding Natural Landscape (**ONL**) boundary should be realigned with the cadastral boundary and the boundary of the CIZ.

Currently, the planning map depicts the ONL boundary as protruding into the CIZ over one small portion of land on the southern edge of the Zone:

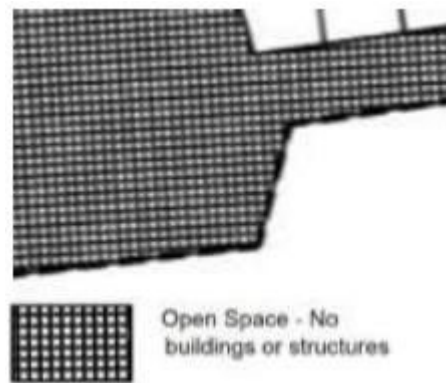


**Figures 1 & 2: Proposed District Planning Map.**

This triangular portion of the CIZ is contained within the Open Space Activity Area of the Structure Plan which states that there shall be no buildings or structures. Rule 44.5.10 requires all activities to be in accordance with the structure plan where it would be a non-complying activity to breach this Rule.



**Figure 3: QLDC GIS Aerial Image**



**Figure 4: CIZ Structure Plan – PDP Chapter 27.**

Based upon site observations and the aerial image (Fig 3), there are no vegetation or landform feature within the subject triangle to suggest this land should remain as ONL.

Rule 44.5.10, and the Structure Plan (Fig 4) provides sufficient protection (non-complying activity status) from subdivision or development in this part of the zone without the any ONL classification.

The submitter raises this planning map inconsistency so the Council and/or Commissioners can consider whether in a similar vein to the PDP Stage 1 ONL mapping of landscape boundaries upon cadastral boundaries, a preference exists to amend the ONL boundary to be on the cadastral boundary and aligned with the CIZ boundary.

## Relief Sought

The primary relief is that the proposed variations to the Coneburn Industrial Zone are supported and should therefore be accepted by Commissioners.

The secondary relief is that the ONL boundary be realigned on the cadastral boundary and CIZ boundary, that such relief is within scope of the variation, and should be accepted by Commissioners.

Such further additional or alternative relief and any consequential or ancillary changes that give effect to the primary and secondary relief.



**Signature:** \_\_\_\_\_

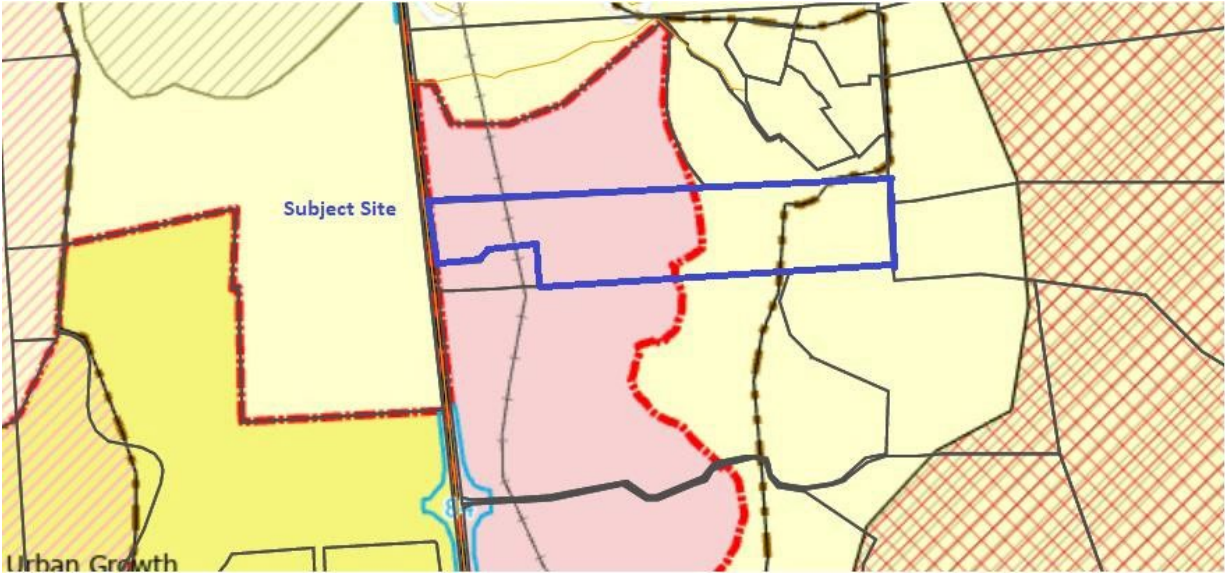
**Date:** 24/11-22

**Address for service of person making submission:**

**Clark Fortune McDonald & Associates**  
**PO Box 553**  
**QUEENSTOWN 9348**

**Attn: Nick Geddes**  
**Telephone: 4416071**  
**E-mail: ngeddes@cfma.co.nz**

ATTACHMENT A





**Attachment C: Section 32 Report**

**Queenstown Lakes District Proposed District Plan  
Section 32 Evaluation Report**

**May 2022**

For:

**Variation to Proposed District Plan Chapters in relation to Chapter 44  
Coneburn Industrial Zone**

And associated Variations to Proposed District Plan:

**Chapter 25 Earthworks**

**Chapter 27 Subdivision**

**Chapter 29 Transport**

**Chapter 31 Signs**

**Chapter 36 Noise**

## EXECUTIVE SUMMARY

This variation addresses matters in relation to the efficient and effective implementation of the Coneburn Industrial Zone (CIZ).

This proposal is to amend Chapter 44 (Coneburn Industrial Zone) of the Proposed District Plan (PDP) and allow for greater building coverages, to prohibit Residential Visitor Accommodation and Homestay activities and amend the provision controlling custodial units so it correctly refers to a residential unit. In Chapter 27 (Subdivision and Development), a rule is varied to reflect the updated intersection requirements for this type of development.

The proposal also includes associated variations to PDP Chapters 25 (Earthworks), 29 (Transport), 31 (Signs) and 36 (Noise) in respect of adding appropriate controls for the Coneburn Industrial Zone within these district-wide chapters.

Addressing the issues set out above will result in a more appropriate regime of managing the effects of activities within the Coneburn Industrial Zone and is consistent with achieving the purpose of the Act.

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## 1. INTRODUCTION

### 1.1. PURPOSE OF REPORT

Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives. Section 32 (s32) of the RMA is integral to ensuring transparent, robust decision-making on RMA plans and policy statements (proposals).

This report fulfils Council's obligations under section 32 of the Act. The analysis set out below (within Sections 2 to 8) should be read together with the text of Appendix 1A.

The effects of new policies and rules on the community, the economy, and the environment need to be clearly identified and assessed as part of this evaluation. The analysis must be documented, so stakeholders and decision-makers can understand the reasoning behind policy proposals.

Section 32 requires that:

- new proposals must be examined for their appropriateness in achieving the purpose of the RMA, being the sustainable management of natural and physical resources;
- As part of considering appropriateness, the benefits and costs of the environmental, economic, social and cultural effects of implementing the new policies and rules need to be clearly identified and assessed;
- all advice received from iwi authorities and the response to the advice needs to be summarised; and
- the analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

The full text of Section 32 can be found in Appendix 2A.

## 2. ISSUE DEFINITION

### 2.1 CURRENT STATE

The proposed variation removes the Restricted Discretionary Building Coverage Rule (44.5.5) from Chapter 44 (Coneburn Industrial Zone), to allow for greater building coverages within the Zone, up to the non-complying levels. In Activity Area 1a the maximum building coverage increases from 30% to 40%. In Activity Area 2a the maximum building coverage increases from 35% to 65%.

Activity Area	Permitted	Restricted Discretionary	Non-Complying
<b>Operative Building Coverages</b>			
Activity Area 1A	Up to 30%	30 to 40 %	Above 40%
Activity Area 2A	Up to 35%	35 to 65 %	Above 65%
<b>Proposed Building Coverages</b>			
Activity Area 1A	Up to 40%	-	Above 40%
Activity Area 2A	Up to 65%	-	Above 65%

In Chapter 27 (Subdivision and Development), Rule 27.7.3 is varied to reflect that it is no longer acceptable to construct a priority T intersection to service this type of development, and a roundabout is required.

The proposal also involves minor changes to Chapter 44 to improve the clarity and intent of its existing provisions relating to custodial units and Visitor Accommodation type activities, and to ensure these provisions more closely align with the overall strategic intent of the PDP. Residential Visitor Accommodation and Homestay Activities are to be prohibited.

The proposal also includes a variation to the district wide chapters of the PDP, as listed below, in order to identify the Coneburn Industrial Zone within their overall management framework:

- Chapter 25 (Earthworks);
- Chapter 29 (Transport);
- Chapter 31 (Signs); and
- Chapter 36 (Noise)

The identification of the Coneburn Industrial Zone within these existing chapters will ensure that potential adverse effects which may be generated by earthworks, transport, signs and noise, that are

a related aspect of activities and development taking place within the Zone are appropriately managed in accordance with the overall strategic intent set out within these district wide chapters.

## 2.2 ISSUE DESCRIPTION

Key issues	Summary
<p><b>Issues 1-4</b> – There are no provisions for Coneburn in the <i>Earthworks, Transport, Signs and Noise</i> Chapters of the PDP.</p>	<p>In the absence of these relevant district wide provisions, the Council is not able to control a range of potential land use and development activities within the Coneburn Industrial Zone. This has the potential to give rise to a range of unintended adverse social, economic and environmental effects, and cause inefficiencies for plan users and potential future landowners and/or occupiers within the Zone.</p> <p>The identification of the Coneburn Industrial Zone within these existing PDP chapters will ensure that potential adverse effects which may be generated by earthworks, transport, signs and noise that are a related aspect of activities and development taking place within the Zone are appropriately managed in accordance with the overall strategic intent of the PDP.</p>
<p><b>Issue 5</b> – Building Coverage and Access</p>	<p>Landowners within the CIZ have sought to amend Chapter 44 to revert building coverages within the Zone to those originally sought when a roundabout was proposed at the intersection of SH6 and Woolshed Road. This is in accordance with the planning framework when CIZ was to be accessed via the existing Priority T as well as a roundabout.</p> <p>It is proposed that this is achieved through removing the Restricted Discretionary Activity thresholds, as detailed in Section 2.1 of this report. This report will demonstrate that the effects of buildings with coverage between 30-40% in Activity Area A1, and between 35-65% in Activity Area A2 will <b>not</b>:</p> <ul style="list-style-type: none"> <li>• unduly impact the effective functioning of the Zone or the internal and surrounding transport networks</li> <li>• increase the natural hazard risk,</li> <li>• have significant adverse landscape or ecological effects</li> </ul>

	<p>and <b>can</b>:</p> <ul style="list-style-type: none"> <li>• be supported from an economic costs and benefits perspective</li> <li>• have feasible infrastructure connections</li> </ul>
<b>Issue 6 – Custodial Units</b>	<p>The provision for Custodial Units currently refers to ‘residential flat’. By definition, a residential flat is ancillary to a residential unit. A custodial unit is generally small in nature and attached to the primary activity on the site. The reference to residential flat in this provision is unintentional and this variation seeks to correct this by amending the rule to refer to residential unit. The proposal seeks to improve the way in which it functions with existing PDP definitions. The intent and associated requirements of the provision are to remain unchanged.</p>
<b>Issue 7 – Other types of visitor Accommodation</b>	<p>Rule 44.4.20 currently prohibits visitor accommodation activities within the Zone. This needs to be expanded to include other types of visitor accommodation activities (being Residential Visitor Accommodation and Homestays) from occurring in an industrial zone.</p>

### 3. DEVELOPMENT OF PROPOSAL

#### 3.1. COMMUNITY/STAKEHOLDER ENGAGEMENT

Broad community or stakeholder engagement has not been undertaken for this variation. The variation is considered to be relatively uncontentious and generate a low level of interest (from a district-wide perspective) on the basis that:

- Allowing for higher permitted building coverages in the zone will not greatly alter the capacity of the zone
- Adding appropriate provisions for Coneburn into select district-wide chapters to manage the effects of *transport, noise, earthworks* and *signs* within the zone aligns with the management of such in most other zones in the PDP framework.

### 3.2. CONSULTATION WITH IWI AUTHORITIES

Clause 3(1)(d) of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities during the preparation of a proposed plan.

Clause 4A requires the Council to provide a copy of a draft proposed plan to iwi authorities consulted, prior to notification, and have particular regard to any advice received.

The proposed variations were workshopped with iwi representatives from Te Ao Marama and Auhaka on 6 April 2022. The following issues were traversed:

Topic	Feedback	Comment
Earthworks	Is 500m <sup>3</sup> consistent with other chapters?	Yes, 500m <sup>3</sup> is consistent with the other industrial zone in the District, the General Industrial and Service Zone.
Visual Impacts	Will the Zone be an eyesore from the Jacks Point Area?	Maintaining the open space zone will be key to ensuring that the development remains visually sympathetic to its surroundings.  There are already additional protections for this (Policies 27.3.10.2 and 27.1.10.3) in the Subdivision and Development Chapter for the Coneburn Industrial Zone.
Stormwater	What are the stormwater provisions to negate the increase extent of hard surfacing?	Council is satisfied that, it has been demonstrated that disposal of stormwater is feasible and can be achieved via private treatment and soakage devices within the site, the details of which can be determined at the time subdivision occurs within the Zone.
Stormwater	Is there anything in the structure plan or	Chapter 27 Subdivision contains the relevant policies (27.2.5.6, 27.2.5.11 and 27.2.5.12) for stormwater, these are



	sub-division provisions in relation to larger buildings/controlling runoff?	applied across all subdivision in the District. Chapter 27 Subdivision contains the relevant policies for stormwater, these are applied across all subdivision in the District.
Urban Design	Will there be other building design controls or guidelines?	<p>Urban Design guides have not currently been introduced in Business Zones except from the Business Mixed Use Zone. There is currently no intention to produce one for the CIZ. However, all buildings in the CIZ are controlled through Rule 44.4.7 which addresses these aspects, including design:</p> <ul style="list-style-type: none"> <li>a. Landscaping; <ul style="list-style-type: none"> <li>The extent to which landscaping will improve the visual appearance of the site, buildings, outdoor storage areas, and carparking areas, taking account of: <ul style="list-style-type: none"> <li>i. The nature of planting or materials to be used;</li> <li>ii. The ease of maintenance; and</li> <li>iii. The size of the plans and/or the time it will take for the plants to mature.</li> </ul> </li> </ul> </li> <li>b. External appearance (including signage, the colour of the buildings and, in particular, the extent of corporate colours used);</li> <li>c. The ability to service the building(s), in terms of roading, water supply, stormwater and waste water;</li> <li>d. Waste and recycling storage space;</li> <li>e. Natural Hazards (if not addressed at the time of subdivision);</li> <li>f. Fencing adjacent to the open space area.</li> </ul>

Further feedback on these comments has not yet been received.

#### 4. CURRENT STATE, ISSUES, AND DESIRED OUTCOMES

##### Issue 1 – Lack of maximum earthworks volume provisions

Chapter 25 of the PDP contains all provisions relating to earthworks. Earthworks is defined in the PDP as follows:

*'Means the disturbance of land by the removal or deposition on or change to the profile of land. Earthworks includes excavation, filling, cuts, root raking and blading, firebreaks, batters and the formation of roads, access, driveways, tracks and the deposition and removal of cleanfill.'*<sup>3</sup>

<sup>3</sup> Page 8, PDP Chapter 2 (Definitions)

Chapter 44 itself does not contain any zone specific provisions which limit the volume of earthworks that might take place on land location within the Coneburn Industrial Zone. Table 25.2 of Chapter 25 sets out maximum earthworks volumes across the District's PDP zones.<sup>4</sup> No volume limits are located within 25.2 for the Coneburn Industrial Zone. In the absence of such limitations, any volume of earthworks may be undertaken within the Zone. While it is noted that the balance of non-zone specific Chapter 25 provisions would currently apply to the Zone, the absence of a maximum volume trigger inadvertently precludes a substantial proportion of otherwise compliant earthworks activities from being assessed for their possible adverse effects on the environment.

Earthworks activities which do not comply with the maximum volumes set out within Table 25.2 require a restricted discretionary activity resource consent subject to Rule 25.4.2. Provision 25.7.1 sets out the range of matters of discretion which must be considered for resource consents that fail to comply with the limits of Table 25.2. These include the following:

- 25.7.1.1 Soil erosion, generation and run-off of sediment.*
- 25.7.1.2 Landscape and visual amenity.*
- 25.7.1.3 Effects on infrastructure, adjacent sites and public roads.*
- 25.7.1.4 Land stability.*
- 25.7.1.5 Effects on water bodies, ecosystem services and biodiversity.*
- 25.7.1.6 Cultural, heritage and archaeological sites.*
- 25.7.1.7 Nuisance effects.*
- 25.7.1.8 Natural Hazards*
- 25.7.1.9 Functional aspects and positive effects.*

In the absence of a maximum earthworks volume, these matters of discretion would not be able to be taken into account, even when large volumes of earthworks are proposed within the Zone. A discussion in regard to the relevance of these matters are discussed below.

### Ecological effects

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<sup>4</sup> Note that a number of zones are not incorporated into the PDP framework as they have not yet been reviewed. Land use, subdivision and development activities within these as yet un-reviewed zones are still contained within the ODP. Earthworks within these ODP zones are controlled by provisions within the ODP earthworks chapter (Section 22).

The inability to consider *soil erosion, generation and run off of sediment* alongside *effects on waterbodies, ecosystem services and biodiversity* may result in adverse effects on ecological values within the Zone. These values have been identified and discussed through the plan making process for the Coneburn Industrial Zone, and in addition, are safeguarded by specific provisions within Chapter 44<sup>5</sup>.

Matters relating to ecology within the Zone were discussed by the IHP in their decision report relating to Chapter 44. The Council's ecological expert outlined that policy and rules promoting the retention and enhancement of existing ecological values, restoration of ecologically appropriate forest and control of exotic weeds were necessary, particularly given the extensive loss of indigenous cover from the land environments on which it sits<sup>6</sup>. The submitter's ecological expert accepted this view<sup>7</sup>, as did the IHP<sup>8</sup>. As a result, a range of provisions were included in the decisions version of Chapter 44 relating to the restoration and enhancement of ecological values within the Zone.

Taking these matters into account, it is important that a maximum earthworks volume trigger is identified within Chapter 25 for the Coneburn Industrial Zone. Uncontrolled volumes of earthworks may have adverse effects on ecological values.

#### Landscape and Visual amenity effects

The inability to consider possible *landscape and visual amenity* effects associated with earthworks activities involving large volumes of disturbance may result in adverse effects on the landscape values present in the area of the Coneburn Industrial Zone.

Landscape values were considered by the IHP in their decision report for the Zone. On balance, the IHP considered that the resultant landscape related effects of the proposed urban zone to be acceptable<sup>9</sup>. However, the unique location of the Zone set amongst an Outstanding Natural Landscape (ONL) of the Remarkables Mountain Range and surrounding rural setting, is recognised through Objective 44.2.2 and Policies 44.2.2.1 and 44.2.2.3 which outline that the Zone is required to fit into the surrounding landform and that any resulting visual effects when viewed from outside the Zone be mitigated through the use of landscaping and revegetation.

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<sup>5</sup> Note Rules 44.4.8(b), 44.5.1 and 44.5.2 of Chapter 44

<sup>6</sup> Para 206, Report 17-8

<sup>7</sup> Para 207, Report 17-8

<sup>8</sup> Para 228, Report 17-8

<sup>9</sup>Para 227, Report 17-8

Uncontrolled quantities of earthworks activity within the Zone may result in adverse visual effects being experienced beyond the boundaries of the Zone and, in particular from the immediately surrounding ONL.

It is also noted that large volumes of earthwork activities may result in adverse amenity related effects within the Coneburn Industrial Zone, such as the creation of unsightly mounds of disturbed earth. While it is acknowledged that the Zone is intended to accommodate specific types of activities (being Industrial and Service activities) that are known to have the potential to create noise, odour, heavy traffic movements and other effects, and accommodate larger sites and buildings, it should be recognised that the Zone is an urban one, being a place of place of human activity, employment and trade. Uncontrolled earthworks volumes of this type may compromise the Zone's capacity to strike the appropriate balance between a place of industrial activity and a place of business and employment as a result of adverse visual and amenity related effects within its boundaries.

#### Natural Hazards

The inability to consider possible *natural hazard* related effects associated with earthworks activities involving larger volumes of disturbance may result in adverse effects on the nature and scale of natural hazard risk within the Coneburn Industrial Zone.

An assessment of natural hazards affecting the Zone was undertaken as part of a past resource consent process. This assessment investigated the presence of landslide movement, rockfall, liquefaction, and flooding. The Council's natural hazard maps illustrate a range of hazards being present across the Zone consistent with those identified in the abovementioned assessment. Report 190413 dated September 2019 by Geosolve presents the results of a geotechnical investigation that assessed the following natural hazard risks within the Coneburn Industrial Zone. It was reviewed by Golder Associates (WSP). A summary of the findings follows:

#### *Landslide/Debris Flood*

- *No evidence identified to date indicates the site of the proposed building platform or accessway has experienced recent or historic geotechnical instability*
- *Nil to extremely low risk from the mapped landslide feature adversely affecting the stability of the proposed development.*
- *The review confirmed there is a low to moderate risk of debris flood across the site.*

### *Alluvial Fan/Flooding*

- *The site contains a less than recently active alluvial fan and the reservoir site is assessed to be adequately protected from the avulsion of Stoney Creek by existing natural landforms*
- *The review confirmed there is a low to moderated risk of flooding across the site.*

### *Liquefaction*

- *The regional groundwater table was not intercepted by test pitting or borehole investigations. It is considered to be a significant depth below the development.*
- *Liquefaction of the foundation soil is not feasible above the water table, which is beyond the zone of influence for any large or heavy buildings on this site*
- *The review confirmed that the present risk is acceptably low and engineering controls are unlikely to be prohibitively expensive.*

### *Rockfall*

- *Risk is considered negligible and construction of the proposed development is feasible from a rock fall risk perspective and no mitigation works are required with respect to this hazard.*
- *The review judged this risk assessment to be appropriate.*

*Report 190413 covered an area from the Remarkables Access Road, north of the Coneburn Industrial Zone, to slightly south of the zone, capturing the extent of the zone.*

*The review concluded that the Geosolve report adequately addresses the geohazards for the proposed development to a level appropriate for a District Plan Change.*

However, uncontrolled volumes of earthworks activity within the Zone may intensify the nature and scale of effects that accompany the type of natural hazard events that are identified as possibly effecting the site. As a result, they may increase the resulting risk to people and property that would be present within the Zone once it is developed for industrial purposes. It is considered appropriate to impose a maximum total volume for earthworks within the zone, above which resource consent will be required.

### Plan use and administration

The absence of a specified maximum volume of earthworks generally creates inconsistencies and inefficiencies in terms of the overall form and integrity of the PDP. In particular, a lack of any maximum earthworks volume for this zone is inconsistent with the balance of Chapter 25 and with the overall intent of Chapter as set out within its suite of objectives and policies. It is a district wide chapter and Table 25.2 intends to set out maximum volumes for the full range of PDP zones within the District.

In addition, the absence of a maximum volume limit is likely to create uncertainty and confusion for lay plan users who might be intending to develop land within the Zone which would otherwise be in overall accordance with the intent of Chapter 44 and Chapter 25. This uncertainty is unnecessary and unintentional.

### **Issue 2 – Lack of complete transport provisions**

Chapter 29 (Transport) was addressed as part of Stage 2 of the plan review process. Therefore, Chapter 44 was developed and decided in the absence of an understanding of how the PDP intended to control transport related components of land use and development.

Chapter 29 addresses all substantially relevant transport matters applicable to the Coneburn Industrial Zone. However, loading spaces have not been addressed in relation to the Zone to date, and which have the potential to generate adverse environmental effects.

### Loading spaces

Rule 29.5.10 of Chapter 29 sets out where (i.e. in what zone) and how (i.e. width, length and height) off-street loading spaces are to be provided. The Coneburn Industrial Zone is not identified as a zone in which loading spaces are to be provided. Given the purpose of the Zone is to provide for the establishment and operation of Industrial and Service activities it is anticipated that loading and unloading of vehicles will be a common and necessary occurrence within the Zone. The absence of such off-street loading space may result in loading and unloading operations taking place within the road corridor, thereby impacting the safe and efficient operation of the transport network.

### **Issue 3 – Lack of signs provisions**

Chapter 31 (signs) does not currently contain any provisions controlling the nature and scale of signage within the Coneburn Industrial Zone. Given that that the Coneburn Industrial Zone came into existence post the notification of Chapter 31 and prior to the IHP releasing their related recommendations, sign provisions would not have been able to be incorporated into either chapter. No further discussion in regard to appropriate signage provisions for the Coneburn Industrial Zone appears to have taken place in proceedings relating to either chapter.

The absence of provisions controlling signage within the Coneburn Industrial Zone may result in adverse environmental effects. In particular, it is noted that the Zone is commercial in nature and as a result, signage is a necessary and important element of land use and development. It may be the case that multiple businesses on single sites (including ancillary activities) need to provide locational information, branding, and a certain level of self-promotion through the use of signage. There are examples of signage proliferation in other commercial and industrial locations within the District which has resulted in poor environmental outcomes in terms of visual amenity, signage legibility, and has had an overall detrimental impact to the safe and efficient movement of pedestrians and vehicles. As such, an unmanaged, unclear or overly permissive approach to signage is likely to result in cumulative adverse environmental effects.

It is the overall intent of the PDP to ensure signs within the District's commercial purpose urban zones are appropriately managed in terms of their number, type, location, appearance and design. It is acknowledged that the District's commercial zones are hubs of employment and trade, and therefore, signage is a necessary component of land use and development activities within these areas. As a result, these zones face pressures from signage, the adverse effects of which need to be managed appropriately.

It is also necessary to afford landowners and business operators within the District's commercial zones with a degree of certainty in terms of the signage they are able to establish in association with their activities.

It is noted that the Council's proposed Chapter 18A (GIZ)<sup>10</sup> has recommended accepting a submission identifying a set of provisions in Chapter 31 controlling signage within the GIZ. The absence of signage provisions for the Coneburn Industrial Zone would be inconsistent with this recommended approach

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<sup>10</sup> Appendix 1, Section 42a Report of Luke Thomas Place, Chapter 18a General Industrial Zone – Text And Mapping, 18 March 2020

(if accepted by the IHP). Such inconsistency is not considered efficient or effective plan making and is likely to create uncertainties and ambiguities for plan users when planning development within the Coneburn Industrial Zone.

#### **Issue 4 – Lack of noise provisions**

The IHPs recommended Chapter 44 was released on 7 May 2018 as part of Stage 1 of the review process. Chapter 36 (noise) was also reviewed as part of Stage 1. The IHP did not recommend that any specific noise provisions be included within Chapter 44 or Chapter 36 to control the effects of noise produced by activities within the Coneburn Industrial Zone. It is noted that noise provisions were initially included within a set of draft provisions produced by the submitter prior to the IHP recommendations being released. However, it was agreed at the expert planner conferencing that this noise rule be deleted and that the PDP noise chapter be relied on to control noise effects<sup>11</sup>. The joint planning witness statement goes on to note that ‘industrial’ noise standards had been removed from the Council’s right of reply version of Chapter 36 (Noise). In their recommendation report, the IHP noted that that the PDP should not include noise rules for zones that are not yet within the PDP framework<sup>12</sup> (i.e. industrial zones), and highlighted that the rule<sup>13</sup> would not, in any event, apply to the Coneburn Industrial Zone due to its specific drafting. Nonetheless, the IHP note that the effect of the previously proposed noise rule would be that *‘activities in the Coneburn Industrial Zone, while not needing to meet noise limits within the zone, would still need to meet the standards for noise received in the adjoining Rural Zone, or the nearby Jacks Point Zone’*<sup>14</sup>.

Taking into account the above, it is noted that Chapter 36 does not currently control noise effects experienced either within or outside of the Zone. This is of no material consequence at this point in time as the Zone has not yet been developed for the type of urban development enabled by Chapter 44. However, in the event that the Zone is developed, the absence of such noise controls may result in adverse noise related effects being experienced.

Given that Coneburn Industrial Zone is intended to provide for the establishment and operation of Industrial and Service activities, it is likely that the Zone will generate greater levels of noise than other similar commercial type zones. In the event that this noise travels beyond the boundaries of the Zone

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<sup>11</sup> Page 4, Expert Conferencing – Coneburn Industrial Submission, Planning Expert Conferencing Statement, 15 September 2017

<sup>12</sup> Para 615, Report 8, Report and Recommendations of Independent Commissioners Regarding Chapter 30, Chapter 35 and Chapter 36, May 2018

<sup>13</sup> Rule 36.5.7, Appendix 1 ‘Revised Chapter’, Reply of Ruth Christine Cameron Evans, Chapter 36 Noise, 22 September 2016

<sup>14</sup> Para 613, Report 8, Report and Recommendations of Independent Commissioners Regarding Chapter 30, Chapter 35 and Chapter 36, May 2018



to other adjoining or nearby zones, such as the Rural Zone and Jacks Point Special Zone, owners and/or occupiers of properties within these zones may be adversely affected. In this case, no abatement or other enforcement related action is likely to be able to be undertaken. Taking into account the IHPs view that the immediately surrounding Coneburn Valley is almost inevitably going to be urbanised<sup>15</sup> (which is also envisaged by a number of Council's draft FDS scenarios), it is important that appropriate noise controls be provided in Chapter 36 which apply to activities undertaken within the Coneburn Industrial Zone.

It is noted that the Council's proposed Chapter 18A (GIZ) did vary Chapter 36 to identify a standard for noise generated by activities within the GIZ<sup>16</sup>. These standards only control noise generated by activities within the Zone when this noise is received in other zones.

The Council's Chapter 18A also proposes to vary Rule 36.7 controlling *ventilation requirements for other zones*<sup>17</sup>. This variation identifies the GIZ as an 'other zone' in which ventilation systems should be provided for activities that contain 'bedrooms' and 'other Critical Listening Environments' in order to control adverse noise effects that might be experienced by such activities, and to avoid potential reverse sensitivity effects from their presence within the GIZ. The absence of such controls in Chapter 36 for the Coneburn Industrial Zone gives rise to the potential for adverse noise effects on Critical Listening Environments and for reverse sensitivity effects on Industrial and Service activities permitted within the Zone. Such effects are likely to arise on account of Chapter 44's enabling approach to ancillary Office and Commercial activities, in addition to the provision of Custodial Units as a discretionary activity.

The absence of noise standards for the Coneburn Industrial Zone would be inconsistent with the approach taken for managing potential noise effects within the GIZ, a similar commercial zone. This is not considered efficient or effective plan making and is likely to create uncertainties and ambiguity for landowners and/or occupiers when preparing development projects within the Coneburn Industrial Zone.

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<sup>15</sup> Para 227, Report 17-8

<sup>16</sup> 36.5 Rules - Standards, Appendix 1, Section 42a Report of Luke Thomas Place, Chapter 18a General Industrial Zone – Text And Mapping, 18 March 2020 - Proposed Rule 36.5.15, Notified Chapter 18A, General Industrial Zone

<sup>17</sup> Rule 36.7, Appendix 1, Section 42a Report of Luke Thomas Place, Chapter 18a General Industrial Zone – Text And Mapping, 18 March 2020 - Proposed Rule 36.5.15, Notified Chapter 18A, General Industrial Zone

### Issue 5 – Building Coverage and access

Landowners within the CIZ have sought to amend Chapter 44 to revert building coverages within the Zone to those originally sought when a roundabout was proposed at the intersection of SH6 and Woolshed Road. This is in accordance with the planning framework when CIZ was to be accessed via the existing Priority T as well as a roundabout.

In October 2019, Waka Kotahi advised that the reason permission was not granted to construct the Austroads Priority T intersection at the southern access point was that following the release of the *Government Policy Statement on Land Transport 2018*, it was no longer acceptable to construct this type of intersections to service this type of development, and a roundabout would be required. It also advised that there are no other intersection alternatives.

Landowners within the CIZ have sought to amend Chapter 44 to revert building coverages within the Zone to those originally sought when a roundabout was proposed at the intersection of SH6 and Woolshed Road. This is in accordance with the planning framework when CIZ was to be accessed via the existing Priority T as well as a roundabout.

In Activity Area 1A, site coverage of between 30% and 40% is restricted discretionary in the current PDP, but the proposal would include that range within the permitted status (i.e. up to 40% would be permitted). In Activity Area 2A, site coverage between 35% and 65% is restricted discretionary, but the proposal would include that range within the permitted status (i.e. up to 65% would be permitted). The non-complying thresholds remain the same at 40% and 65% respectively. The structure plan provided in **Appendix 2A** shows the locations and extend of the activity areas.

Only 37% of the gross zone area is able to be developed once open space and proposed roading is excluded.<sup>18</sup> This equates to a maximum of 26.56ha of industrial land capacity, which is dominated (83%) by Activity Area 2A, which provides for the smaller of the two minimum lot sizes permitted (1,000sqm). Not all of this industrial land capacity is vacant.

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<sup>18</sup> Coneburn Industrial Zone Site Coverage Variation: Economic Assessment. Market Economics.

Table 1. Current and Proposed Building Coverages for Coneburn Industrial Zone<sup>19</sup>

	Permitted	Restricted Discretionary	Non-complying	Minimum Permitted Lot Size	Indicative Minimum Permitted Building Footprint
Coneburn Operative Site Coverages:					
Activity Area 1A	Up to 30%	>= 30%	>=40%	3,000	900
Activity Area 2A	Up to 35%	>=35%	>=65%	1,000	360
Coneburn Proposed Site Coverages:					
Activity Area 1A	Up to 40%	N/A	>=40%	3,000	1,200
Activity Area 2A	Up to 65%	N/A	>=65%	1,000	660
Comparator					
GISZ	Up to 75%	>=75%	N/A	1,000	760

To reflect the updated intersection requirements, and ensure that the zone is only intensified after the roundabout has been constructed, Rule 27.7.73(b) (see **Appendix A** for full rule) is proposed to require:

“any subdivision of land within the Activity Areas 1a and 2a which, by itself or in combination prior subdivisions of land within the zone, involves subdivision of more than 25% of the land area of Activity Areas 1a and 2a must include a condition to provide the consent authority written confirmation from Waka Kotahi NZ Transport Agency that access for the subdivision via a new intersection with State Highway 6 at the Southern Access Point has been designed and constructed to a safe and acceptable standard.”

This ensures that the development of the zone will not exceed the capacity of its access or pose undue risks to the users of State Highway 6 before the current southern access point is upgraded to a roundabout.

<sup>19</sup> Ibid. Figure 1.4, p4

Transport network considerations of increased building coverage have determined that the traffic generation from the proposed increased building coverage would typically be accommodated within the existing capacity for the State Highway link to Queenstown.<sup>20</sup>

In terms of visual amenity, the zone requires the screening of buildings developed (using planting) so that they are not easily seen from State Highway 6. Development is also likely to be single storey development, in keeping with the assumption that industrial buildings typically require ground floor space and higher internal roof heights, with little or no space on upper floors (including tenancies on upper floors available to other businesses).

An assessment of landscape and visual effects (**Attachment D**) rated adverse landscape effects associated with the proposal, including the roundabout, as very low.<sup>21</sup>

### **Issue 6 – Custodial Units**

Rule 44.4.9 provides for custodial units to be established within the Coneburn Industrial Zone as a discretionary activity. Rule 44.4.9 states the following:

*A single residential flat providing for the custodial management of an Industrial or Service activity and which complies with all of the following requirements:*

- a) It is located above or behind an Industrial or Service Activity;*
- b) It is maintained in the same ownership as the Industrial or Service Activity;*
- c) It is not subdivided, unit titled or otherwise separated, including by lease from the Industrial or Service activity it is attached to;*
- d) It is not over 50m<sup>2</sup> and no more than 20% of the GFA of the building in which it is contained;*
- e) It is only occupied by persons working in the Industrial or Service activity to which the unit is attached and whose duties require them to live on site.*

Chapter 2 (Definitions) does not provide a definition of custodial unit. Given this, Rule 44.4.9 appears to rely on the definition of Residential Flat in order to facilitate its administration.

The definition of Residential Flat is as follows:

<sup>20</sup> Stantec Technical Review Coneburn Industrial Review – Change to Land Use Coverage

<sup>21</sup> Bridget Gilbert Landscape Architecture – Coneburn Industrial Zone: Landscape & Visual Effects

*Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:*

- a. the total floor area does not exceed;*
  - i. 150m<sup>2</sup> in the Rural Zone and the Rural Lifestyle Zone;*
  - ii. 70m<sup>2</sup> in any other zone;*
- not including in either case the floor area of any garage or carport;*
- b. contains no more than one kitchen facility;*
- c. is limited to one residential flat per residential unit; and*
- d. is situated on the same site and held in the same ownership as the residential unit.*<sup>22</sup>

Critically, this definition requires Residential Flats to be *ancillary* to a Residential Unit. Therefore, Residential Flats cannot exist in the absence of a primary Residential Unit. Chapter 44 does not enable Residential Units within the Zone as Rule 44.4.19 identifies Residential Activities (other than those provided for in Rule 44.4.9) as prohibited activities. Given this, Rule 44.4.9 and Rule 44.4.19 are at odds as currently written, and effectively exclude the intent of the Zone to provide for custodial units as discretionary activities.

In addition, despite the specificity of Rule 44.4.9 to the definition of Residential Flat, it sets out a suite of specific standards that custodial units within the Zone are expected to achieve. This position does not work effectively with the definition of Residential Flat which itself establishes a different set of specific criteria that need to be met before an activity can in fact meet the definition. As such, as currently written, Rule 44.4.9 contains internal conflicts which are likely to prevent ease of plan use and administration. It would be more effective to remove the term custodial unit from Rule 44.4.9 and replace it with the defined term of 'Residential Unit'.

### **Issue 7 – Visitor Accommodation**

Rule 44.4.20 sets out that Visitor Accommodation activities within the Coneburn Industrial Zone are prohibited. This is an appropriate activity status for this Zone which is primarily intended to provide viable opportunities for the establishment and operation of Industrial and Service activities.

Since the IHP released their recommendation on Chapter 44, the Council has notified a new district wide approach to the management of Visitor Accommodation type activities. This new approach was

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<sup>22</sup> Page 29, PDP Chapter 2 (Definitions)

provided for by way of Stage 2 of the District Plan review. The IHP has released its decisions on Stage 2 topics, including on Visitor Accommodation.

This new management framework includes controls on the related and defined activities of *Residential Visitor Accommodation*<sup>23</sup> (RVA) and *Homestay*<sup>24</sup> activities. There are no appeals on these definitions. These newly defined activities are not identified within Chapter 44 and are not captured by Rule 44.4.20. As such, subject to Rule 44.4.15 they may be applied for as a non-complying activity. This does not reflect the intent of Rule 44.4.20, nor of Policies 44.2.1.2 and 44.2.1.7 which outline that the use of land within the Zone for non-industrial activities is to be excluded.

Although the direction provided for in Policies 44.2.1.2 and 44.2.1.7 go some way toward ensuring that RVA and Homestay activities do not occur within the Zone, it is noted that, through the provision of custodial units, there is some scope for such activities to take place, given that they rely in the first instance on the presence of residential activities to take place. It would be more effective and efficient to expressly prohibit these activities within Rule 44.4.20 along with Visitor Accommodation activities.

## 5. SCALE AND SIGNIFICANCE

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the proposed objectives and provisions:

- Result in a significant variance from the existing baseline in the Proposed District Plan Chapter 44 Coneburn Industrial Zone;
- Have effects on matters of national importance;
- Adversely affect those with specific interests;

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<sup>23</sup> Means the use of a residential unit including a residential flat by paying guests where the length of stay by any guest is less than 90 nights. Excludes: Visitor Accommodation and Homestays. Note: Additional requirements of the Building Act 2004 may apply.

<sup>24</sup> Means the use of a residential unit including a residential flat by paying guests (where the length of stay by any guest is less than 90 nights) at the same time that either the residential unit or the residential flat is occupied by residents for use as a Residential Activity. Includes bed & breakfasts and farm-stays. Excludes: Residential Visitor Accommodation and Visitor Accommodation. Note: Additional requirements of the Building Act 2004 may apply.

- Involve effects that have been considered implicitly or explicitly by higher order documents;
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail in this evaluation report corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

In this case, the scale and significance is considered **low to moderate** to reflect the scale and significance of the implementation of the proposed provisions because:

- The permitted building coverages are only being increased to what would have previously been obtained via a restricted discretionary consent
- A custodial unit would should only be a small scale activity, with no other units attached
- Residential Visitor Accommodation and Homestays would not usually be expected in an industrial zone
- the proposed associated variation to the district-wide earthworks, transport, sign and noise chapters are limited in their effect, and, if not for genesis of the Zone, coupled with the staged nature of the District Plan Review, would have already been included within Chapter 44

## 6. EVALUATION OF PROPOSED OBJECTIVE(S)

Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. This variation does not propose any new objectives or changes to existing objectives. In this case, an examination of the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the Act is required (s32(6)).

A variation to certain district wide chapters of the PDP: being Chapter 25 (Earthworks); Chapter 29 (Transport); Chapter 31 (Signs); and Chapter 36 (Noise), is proposed in order to identify the Coneburn Industrial Zone within their overall management framework. The identification of the Coneburn Industrial Zone within these existing chapters will ensure that potential adverse effects which may be generated by earthworks, transport, signs and noise related aspect of activities and development

taking place within the Zone are appropriately managed in accordance with the overall strategic intent set out within these district wide chapters.

Another aspect of this proposal is to undertake a building coverage variation. This variation removes the restricted discretionary activity threshold for building coverages between 30-40% in Activity Area 1A and between 35-65% in Activity Area 2A, thereby permitting site coverages of up to 40% in Activity Area 1A and up to 65% in Activity Area 2A.

Section 5 (purpose and principles) of the RMA sets out the following:

**5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

**Amendments to Chapter 44 Coneburn Industrial Zone**

Amending the identified provisions could significantly improve the implementation district-wide provisions in the Zone, and give clear direction to provisions relating to custodial, residential visitor accommodation and Homestay Activities.

It also removes transaction costs currently associated with restricted discretionary activity resource consent applications for building coverages between 30-40% in Activity Area 1A and between 35-65% in Activity Area 2A. Improved implementation leads to the PDP better achieving section 7(b) of the RMA in terms of the economic benefits derived from the efficient use of resources.

The proposal will enable people to provide for their economic wellbeing as it would continue to enable the use and development of the Coneburn Industrial Zone in accordance with its overall purpose. It is also acknowledged that the purpose of the Zone has been previously assessed for consistency with section 5 of the RMA. The proposal does not seek to amend any existing provisions within Chapter 44



which materially underpin the overall intent of the Zone to provide for the establishment and operation of Industrial and Service activities.

### **Associated Variations to District-wide chapters**

The proposal would contribute to the overall efficient and effective functioning of the Zone by enabling activities to erect appropriate signage that supports the provision of locational information, branding and the self-promotion necessary to the functioning of successful business activities. Further, the proposal recognises the unique nature of activities which take place within industrial type environments. In particular, the proposal does not seek to control noise from activities which is received within the Zone boundaries. It enables an adequate volume of earthworks to be undertaken on sites to enable their use and development in accordance with the Zone purpose, and seeks to identify appropriate controls relating to the off-street loading of vehicles. It is acknowledged that the efficient and effective functioning of the District's industrial zones is important to the overall economic wellbeing of its people and communities as it is known that the District's industrial economy is *'growing rapidly and has demonstrated growth rates faster than the rest of the district's economy'*<sup>25</sup>. Taking these matters into account, the proposal would enable the use and development of the Coneburn Industrial Zone in a way that enables people and communities to provide for their economic wellbeing in accordance with section 5(2) of the RMA.

In addition, the proposal would facilitate the use and development of sites within the Zone in a way that enables people to provide for their health and safety in accordance with section 5(2) of the RMA. In the absence of provisions controlling earthworks, signage, and loading spaces, land within the Zone may be used or developed in a manner that compromises the safety of sites and the overall movement of vehicles and pedestrians using the transport network.

The proposal is considered to be the most appropriate way to achieve the purpose of the Act in accordance with Section 32(1)(a).

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<sup>25</sup> Page 1, Economic Assessment of Queenstown Lakes District's Industrial Zones, Stage 3 District Plan Review, 22nd May 2019 – Final

## 7. EVALUATION OF PREFERRED OPTION(S) FOR PROVISIONS (POLICIES AND METHODS)

### 7.1. REASONABLY PRACTICABLE OPTIONS

Council has identified four reasonably practicable options for achieving the objectives. The following table assesses how well the options achieve the objective(s).

Option	Achieves objective?
<b>Option 1:</b> Status quo	<p>Appropriate controls will not be put in place in regard to those matters subject to this variation. As a result, adverse effects are likely to arise which may compromise the social and economic wellbeing and the health and safety of those who own land and/or operate business within the Zone.</p> <p>In addition, an absence of such controls is likely to result in adverse effects on the environment that will not be suitably avoided, remedied or mitigated.</p> <p>This option would not address those remaining 'other issues' associated with Chapter 44 which impact its legibility as a planning instrument and its overall effectiveness.</p>
<b>Option 2:</b> Apply the GISZ	<p>This option fails to recognise the unique location and characteristics of the Coneburn Industrial Zone and the range of location specific provisions that have been developed to manage, in particular, potential landscape and visual amenity effects that may arise from urban development in this location. It is also noted that the Coneburn Zone has just recently been made operative after a reasonably lengthy period of litigation which has taken place throughout stage 1 of the plan review process, and it would not be efficient to relitigate the entire zone.</p>
<b>Option 3:</b> Rely on resource consents by amending matters of control/discretion	<p>This option would require changes to matters of control and discretion within existing provisions of Chapter 44. This would require the re-notification of existing rules such as 'buildings' and may require the introduction of new standards within other sections of the chapter. Given that the zone has recently become operative, this is not considered efficient and may result in more substantial changes to the subject provisions.</p> <p>This option would also result in a case by case/site by site evaluation of matters such as signage and noise which is likely to result in inconsistent outcomes throughout the Zone and complexities in plan administration.</p> <p>This option would be inconsistent with the district wide approach to managing matters such as signs, noise and earthworks, which has been applied within the existing PDP framework.</p>
<b>Option 4:</b> Amendments to the District-wide Chapters to include appropriate Controls for the Coneburn Industrial Zone	<p>Appropriate controls for earthworks, loading, signage and noise are consistent with overall intent of the PDP, and controls for Coneburn within these district-wide chapters.</p> <p>For the above reasons, these amendments are considered an appropriate option to achieve Objectives 25.2.1, 25.2.2, 29.2.2, 31.2.1, 31.2.2 and 36.2.1.</p>
<b>Option 5:</b> Amendments to Chapter 44 provisions for RVA and Homestays, Custodial Units	<p>This amendment supports the purpose of the Coneburn Industrial Zone to provide for industrial and service activities. Standalone offices, residential and almost all retail uses are excluded within the zone in order to ensure that it does not become a mixed-use zone where reverse sensitivity issues and land values make industrial and service activities unviable within the zone.</p> <p>For the above reasons, these amendments are considered an appropriate option to achieve Objective 42.2.1</p>
<b>Option 6:</b> Deleting Rule 44.5.5, permitting building coverages up to 40% in Activity Area A1 and 65% in Activity Area A2, in conjunction with a roundabout at the Southern Access Point	<p>Even with these increases in permitted building coverage, development within the zone can fit into the landform, with visual effects from outside the zone mitigated by landscaping and retention of areas of open space. Industrial land within the District is scarce, and even more so for true industrial and service activities. The Coneburn Industrial Zone represents one of last opportunities for industrial development within the Wakatipu Ward. Technical advice and specialist reports have demonstrated increased building sizes can be accommodated within the transport and infrastructure networks<sup>26</sup>, have a negligible increase in risk from natural hazards<sup>27</sup>, are economically viable<sup>28</sup>, and can be accommodated within the existing landscape controls.<sup>29</sup> It was also found that these were no significant ecological values within the Coneburn Activity Areas<sup>30</sup>. There should not be undue constraints on its developable capacity.</p> <p>For the above reasons, this amendment is considered an appropriate option to achieve Objective 42.2.2.</p>

Having considered these options, Options 4, 5, and 6 are the preferred options.

<sup>26</sup> Stantec Technical Review Coneburn Industrial Review – Change to Land Use Coverage

<sup>27</sup> Geosolve Geotechnical Report 190413 for Resource Consent

<sup>28</sup> Market Economics – Coneburn Industrial Zone Site Coverage Variation: Economic Assessment

<sup>29</sup> Bridget Gilbert Landscape Architecture – Coneburn Industrial Zone: Landscape and Visual Effects

<sup>30</sup> Beale Consultants Ltd – Coneburn Industrial Zone Ecological Peer Review

## 7.2 EFFECTIVENESS, EFFICIENCY, BENEFITS, COST, RISK

The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient at achieving the objectives. For the purposes of this evaluation the proposed provisions are grouped by the resource management issue [or alternative grouping that makes sense].

<b>Issue 1 – Lack of maximum earthworks volume provisions</b> <b>A maximum total volume of 500m<sup>3</sup> has been identified for the Coneburn Industrial Zone</b>		
<b>Relevant Objectives of Chapter 25</b> 25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values. 25.2.2 Objective – The social, cultural and economic wellbeing of people and communities benefits from earthworks.		
<b>Costs</b>	<b>Benefits</b>	<b>Efficiency and Effectiveness</b>
<p><b>Environmental</b></p> <p>Enabling earthworks disturbance of up to 500 m<sup>3</sup> as a permitted activity within the Coneburn Industrial Zone may eventuate in adverse effects on the environment. While this threshold is consistent with other commercial Zones, including the proposed GIZ, the Zone is recognised as being located within a sensitive environment, both in terms of its visual appearance/amenity and ecosystem values. These values are recognised within the associated provisions of Chapter 44 which set out methods to control adverse effects on these values. The proposed earthworks variation, while assessed in the context of those issues already managed by Chapter 44, has been developed in isolation from these provisions and in the absence of the Ecological Management Plan required under Rule 44.5.2.</p> <p><b>Economic</b></p> <p>The proposed earthworks volume limit imposes restrictions on landowners and/or occupiers within the Zone. It is anticipated that this earthworks volume would be sufficient for development of sites within the Zone. However, additional earthworks may be necessary in some instances. In this case, a resource consent will need to be obtained to breach the standard. Time and monetary resources will need to be applied by landowners and/or occupiers in order to prepare and obtain any such resource consent.</p>	<p><b>Environmental</b></p> <p>In setting a permitted earthworks volume for the Coneburn Industrial Zone, it is anticipated that potential adverse effects on the environment associated with earthworks activities will be appropriately managed. Given this, the proposal will bring about environmental benefits. In the event that greater volumes of earthworks are proposed, the proposal would enable consideration of effects related to matters including (but not limited to) soil erosion, generation and sediment run off, effects on ecosystem services and biodiversity, as well as effects on landscape and visual amenity. The Zone is known to contain a range of values relevant to these matters of discretion due to its unique location and environmental characteristics. Given this, it is beneficial that these matters can be considered in the event greater earthworks volumes are proposed on sites within the Zone.</p> <p><b>Social and cultural</b></p> <p>The proposal would enable natural hazards to be taken into consideration when assessing earthworks activities involving volumes greater than the permitted baseline. This would provide social and cultural benefits as it would provide the Council with the ability to assess how the activity might change the nature and scale of natural hazard events and the resulting risk to people who own or occupy sites and businesses within the Zone.</p> <p>The proposal would also enable assessments of greater earthworks volumes in terms of possible effects on cultural, heritage and archaeological sites which might be present within the Zone. Although there are none identified as being located within the Zone at the present time, this does not confirm the absence of such features.</p> <p><b>Economic</b></p> <p>The proposal would enable functional aspects and positive effects of activities to be taken into account when making decisions on applications to breach the 500 m<sup>3</sup> volume limit. This matter of discretion would enable applicants to demonstrate specific circumstances that might necessitate greater volumes of</p>	<p>The proposed provision is considered to be the most appropriate, effective and efficient way to achieve the purpose of the proposal and those relevant objectives of Chapter 25 (25.2.1 and 25.2.2).</p> <p>In particular, the proposal appropriately identifies the Coneburn Industrial Zone to Chapter 25 to ensure that a suitable earthworks volume limit is provided for. This also ensures that the balance of Chapter 25 appropriately applies to earthworks activities that breach the stated maximum permitted volume. The proposed variation is efficient and effective in achieving the purpose of this variation as does not attempt to alter other objectives, policies or rules within Chapter 25. These remaining components of Chapter 25 were notified, assessed and tested by the public as part of Stage 2 of the district plan review. Considerable time and resources was applied to this review. An attempt by this variation to alter other parts of Chapter 25 would re-open the provisions for further litigation. This would not be efficient or effective as it may result in a loss of effort afforded by the Council and other parties in preparing Chapter 25.</p> <p>The proposed variation is the most appropriate, efficient and effective way to achieve Objective 25.2.1 as it limitations on earthworks volumes are necessary to minimise adverse effects on the environment, to protect people and communities and to maintain landscape and visual amenity values. In the absence of a maximum earthworks volume for the Zone, any quantum of earthworks could take place. This would not be consistent with the intent of Objective 25.2.1. The variation would ensure that the appropriate matters of discretion could be taken into account consent with the outcome sought by this objectives when making decisions on applications to breach this earthworks volume, and where necessary, refuse such applications.</p> <p>The proposed variation is the most appropriate, efficient and effective way to achieve Objective 25.2.2 as it would enable positive social, cultural and economic benefits to be obtained from the occurrence of earthworks activities within the Coneburn Industrial Zone. The 500 m<sup>3</sup> limit is considered appropriate to enable suitable use and development of sites within the Zone consistent with its purpose. It is acknowledged that the District's industrial economy is growing fast and contributes to the overall wellbeing of the District, and this variation will continue to enable this benefit to be realised.</p> <p>The proposed volume limit is consistent with that provided for in other commercial Zones including the proposed General Industrial Zone which is subject to Stage 3 of the district plan review.</p>

	earthworks that contribute the economic wellbeing of their unique site and operation.	Overall the variation is efficient and effective as it contributes to achieving the overall strategic intent of Chapter 25.
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<b>Issue 2 – Lack of complete transport provisions</b>		
Coneburn Industrial Zone has been added to the list of Zones that Rule 29.5.10 (Loading Spaces) applies to. Non-compliance has a Restricted Discretionary activity status.		
<u>Relevant Objective of Chapter 29</u>		
<b>29.2.2 Objective</b> - Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:		
<ul style="list-style-type: none"> <li>a. providing a safe and efficient transport network;</li> <li>b. compact urban growth;</li> <li>c. economic development;</li> <li>d. facilitating an increase in walking and cycling and the use of public transport; and</li> <li>e. achieving the level of residential amenity and quality of urban design anticipated in the zone.</li> </ul>		
<b>Costs</b>	<b>Benefits</b>	<b>Efficiency and Effectiveness</b>
<p><b>Economic</b></p> <p>Landowners and/or businesses may incur costs associated with the provision of off street loading space as they will not be able to use this space for the purpose core operations and/or expanding their business overtime. They may also incur costs in demonstrating that this space meets the requirements set out within Chapter 29 (Transport).</p>	<p><b>Environmental</b></p> <p>The proposed variation would produce positive environmental outcomes for the transport network in the Zone as it would ensure that space within the road corridor is not being used for the purpose of loading or unloading goods or materials used in association with activities.</p> <p><b>Social/Cultural</b></p> <p>The variation will assist in providing for the safe and efficient use of sites within the Zone thereby providing for healthy and safe work spaces for business owners, employees and clients/customers.</p> <p><b>Economic</b></p> <p>The variation will enable the efficient use of sites for activities permitted within the Zone (principally Industrial and Service activities) by ensuring that loading and unloading processes occur without necessary delay or difficulty. Efficiency improvements of this kind may lead to the operation of more economically viable and profitable activities within the Zone.</p>	<p>The proposed provision is considered to be the most appropriate, and effective and efficient way to achieve the purpose of the proposal and those relevant objective of Chapter 29 (29.2.2).</p> <p>In particular, the proposal appropriately identifies the Coneburn Industrial Zone to Chapter 29 to ensure that suitable controls are in place for activities which involve regular loading and unloading of vehicles. In addition, the proposed ‘note’ relating to parking for ancillary Office, Retail or Commercial activities within the Zone effectively signals to landowners and/or occupiers that additional standards located elsewhere in Chapter 29 may be relevant to their proposed activity. The proposed variation is efficient as does not attempt to alter other objectives, policies or rules within Chapter 29. The remaining components of Chapter 29 were notified, assessed and tested by the public as part of Stage 2 of the district plan review. Considerable time and resources were applied to this review. An attempt by this variation to alter other parts of Chapter 29 would re-open the provisions for further litigation. This would not be efficient or effective as it may result in a loss of effort afforded by the Council and other parties in preparing Chapter 29.</p> <p>The proposed variation is the most appropriate, efficient and effective way to achieve Objective 29.2.2 as it would introduce a method to control loading within the Zone that is consent with its character as a commercially focused industrial environment and which will contribute toward the provision of a safe and efficient transport network while also facilitating economic development within the Zone. In particular, a need for activities within the Zone to provide off-street loading space will contribute to a less congested road corridor thereby facilitating the safe operation of the transport network and enabling goods, employees and customers to move around the Zone more easily providing for trade to take place within what is a zone designated for commercial activity.</p> <p>In addition, it is not considered that the proposal would comprise the balance of Chapter 29 from achieving the overall intent of Objective 29.2.2, in particular, those outcomes sought associated with compact urban growth; facilitating an increase in walking, cycling and public transport; and achieving a level of urban design anticipated in the zone.</p>

**Issue 3 – Lack of sign provisions**

Activity statuses for the sign types addressed in Table 31.6 Activity Status of Signs in Commercial Areas have been added for the Coneburn Industrial Zone. For full details, see the proposal in Appendix 1A.

Relevant Objectives of Chapter 31

**31.2.1 Objective** - Signage which is of a scale and extent that maintains the character and amenity values of the District and enhances access.

**31.2.2 Objective** - Signs have limited adverse effects on public safety, including the safety of pedestrians and users of the transport network.

Costs	Benefits	Efficiency and Effectiveness
<p><b>Economic</b></p> <p>The proposed signage provisions would impose restrictions on landowners and/or occupiers within the Zone. In particular, it is acknowledged that a controlled activity resource consent would be required to establish signage platforms and to locate signs within these signage platforms (excluding arcade and directory signs which are permitted within signage platforms). Time and monetary resources would need to be applied by landowners and/or occupiers in order to prepare and obtain any such resource consent.</p> <p>The proposal imposes a number of other associated signage standards on landowners and/or occupiers within the Zone (ie 31.7 – standards for signs in commercial areas). In some cases, these standards may not fit the needs of businesses within the Zone and may need to be breached. In this case, further resource consents may need to be applied for.</p> <p>The proposal prohibits a range of sign types within the Zone, including digital signs and billboard signs. These provisions therefore impose significant constraints on landowners and/or occupiers.</p>	<p><b>Environmental</b></p> <p>The proposed provisions will provide a framework to manage the nature and scale of signage within the Zone. The proposed controls, alongside those existing provisions of Chapter 31 will avoid, remedy or mitigate the adverse environmental effects of signage. In particular, the cumulative effects associated with signage proliferation, poorly located and inappropriately designed signs.</p> <p><b>Economic</b></p> <p>Clear, consistent and controlled signage within the Zone is likely to assist in the efficient and effective functioning of Industrial and Service activities. Customers and clients of activities within the Zone will be able to navigate the multitude of businesses more easily.</p> <p>The proposed provisions offer landowners and occupiers a greater degree of certainty in regard to the nature and scale of signage that can take place within the Zone. Greater certainty enables faster and more cost efficient project planning and management. Additional certainty is offered by the proposed provisions in that signage platforms and signs within these platforms are provided for as controlled activities. Controlled activity resource consents must be granted (albeit with conditions).</p> <p>The proposed provisions (along with the balance of Chapter 31) enable a suitable variety of signage types to be established.</p> <p><b>Social/Cultural</b></p> <p>While it is anticipated that industrial type urban zones may have a lower level of amenity compared with town centre type locations, industrial zones are also acknowledged as places of community activity, providing business and employment, and are not therefore a 'no amenity location'. The proposed provisions will assist in ensuring that signage within the Zone provides a suitable level of amenity for people working within and visiting the Zone.</p>	<p>The proposed provision is considered to be the most appropriate, and effective and efficient way to achieve the purpose of the proposal and those relevant objectives of Chapter 31 (31.2.1 and 31.2.2).</p> <p>In particular, the proposal appropriately identifies the Coneburn Industrial Zone within Chapter 31 to ensure that suitable controls are in place relating to signage. The Zone is commercial in nature and therefore Table 31.6 relating to the District's commercial areas is the most appropriate location to identify the Zone. This also ensures that the balance of Chapter 31 appropriately applies to signage which does not meet the expectations set out within Table 31.6. The proposed variation is efficient and effective in achieving the purpose of this variation as does not attempt to alter other objectives, policies or rules within Chapter 31. These remaining components of Chapter 31 were notified, assessed and tested by the public as part of Stage 2 of the district plan review. Considerable time and resources was applied to this review. An attempt by this variation to alter other parts of Chapter 31 would re-open the provisions for further litigation. This would not be efficient or effective as it may result in a loss of effort afforded by the Council and other parties in preparing Chapter 31.</p> <p>The proposed variation is the most appropriate, efficient and effective way to achieve Objective 31.2.1 as it would introduce a method to control the scale and extent of signage and any potential adverse effects that signage might have on the character and amenity values present within the Zone. In the absence of the proposed rules, the provisions of Chapter 31 would not apply within the Zone and signage could be established that may adversely affect character and amenity values. Further, the provisions would enable signage capable of enhancing access within the Zone as they would assist the operation of the Zone as an urban location with a commercial function, including through the provision of wayfinding/navigation, branding and self-promotion.</p> <p>The proposed variation is the most appropriate, efficient and effective way to achieve Objective 31.2.2 as it would enable the control of signage to avoid adverse effects on pedestrian access and overall traffic safety. The absence of such controls may enable the establishment of proliferated signage within the Zone that could hinder the safe and efficient functioning of the roading network and result in public safety issues.</p> <p>The proposed variation facilitates efficient plan making as it outlines that the same management framework should apply to signage within the Coneburn Industrial Zone as that provided for within the District's other commercial Zones, including the proposed General Industrial Zone, which is subject to Stage 3 of the district plan review.</p>

<b>Issue 4– Lack of noise provisions</b>		
<p>A rule has been added to Chapter 36 for Sound from activities within the Coneburn Industrial Zone which limits noise to the relevant standard of the zone in which the noise is received. If the standard is not met, then any application will become a non-complying activity. Ventilation requirements have also been set commensurate with those in the Town Centre Zones, the Local Shopping Centre Zone, and the Business Mixed Use Zone. For full details, see the proposal in Appendix 1A.</p> <p><u>Relevant Objectives of Chapter 36</u>  <b>36.2.1 Objective</b> - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.</p>		
<b>Costs</b>	<b>Benefits</b>	<b>Efficiency &amp; Effectiveness</b>
<p><b>Economic</b>  The proposed provisions will impose costs for any landowner or business operator who seeks to establish activities within the Zone which include Critical Listening Environments. These additional costs would be incurred in meeting the ventilation requirements set out within Table 5 of Chapter 36 for any Critical Listening Environments. The costs of meeting these standards may limit the type and scale of operation sought by some landowners and/or occupiers.</p> <p>In the event that noise produced from activities received outside of the boundaries of the Zone exceeds the specified noise limits identified for that ‘other’ zone, a non-complying activity resource consent will need to be obtained. A non-complying activity status indicates that such effects are not anticipated and sets a high bar in terms of the scale and quality of information which must accompany any consent application. Applicants may need to engage technical experts such as planning and acoustic consultants in preparing such applications. This is likely to cost the applicant a large amount of money. Further, the application may need to be notified and may take a long amount of time to process. Ultimately, any such consent may not be granted.</p>	<p><b>Economic</b>  The proposed variation requiring that Critical listening environments within the Zone meet the standards set out in Table 5 of Chapter 36 will provide positive economic outcomes in terms of the intended function of the Zone to provide for the establishment and operation of Industrial and Service activities as it will ensure they are not undermined or constrained by reverse sensitivity effects which might arise from the presence of activities that contain critical listening environments.</p> <p>The proposed provisions support an overall enabling approach to the establishment and operation of Industrial and Service activities within the Zone. In particular, they do not attempt to control noise produced from activities that is received within the boundaries of the Zone.</p> <p><b>Environmental</b>  The proposed provisions requiring Critical listening environments within the Zone to meet the standards set out in Table 5 of Chapter 36 will provide positive environmental outcomes for people who work within and visit the Zone as their activities will not be compromised by noise that may be emitted from Industrial and Service activities which are located on the same site or on adjoining sites.</p> <p>The proposed provisions set out the expectation that noise produced by activities within the Zone and which is received in other zones will not exceed the noise limits of these ‘other’ zones. This control will ensure that the levels of amenity anticipated by the owners and/or occupiers of properties within other zones adjoining or in close proximity to the Coneburn Industrial Zone will not be adversely effected.</p> <p><b>Social/Cultural</b>  Custodial Units (Residential Units – note the proposed variation) are provided for within the Zone (as a discretionary activity). Therefore, the Zone may contain some residential occupiers. The proposed provisions will assist in maintaining a suitable degree of amenity for these residential occupiers.</p>	<p>The proposed provisions are considered to be the most appropriate, and effective and efficient way to achieve the purpose of the proposal and the relevant objective of Chapter 36 (36.2.1).</p> <p>In particular, the proposal appropriately identifies the Coneburn Industrial Zone within Chapter 36 to ensure that suitable controls are in place relating to noise, including noise which is produced by activities within the Zone but which is experienced outside its boundaries, as well as noise from activities that might be experienced by activities within the Zone which contain Critical Listening Environments. The proposed variation is efficient and effective in achieving the purpose of this variation as does not attempt to alter other objectives, policies or rules within Chapter 36. These remaining components of Chapter 36 were notified, assessed and tested by the public as part of Stage 1 of the district plan review. Considerable time and resources was applied to this review. An attempt by this variation to alter other parts of Chapter 36 would re-open the provisions for further litigation. This would not be efficient or effective as it may result in a loss of effort afforded by the Council and other parties in preparing Chapter 36.</p> <p>The proposed variation is the most appropriate, efficient and effective way to achieve Objective 36.2.1 as it seeks to balance the direction to manage adverse noise effects with an approach that aligns with the purpose of the Zone to provide for the establishment and operation of activities that often produce greater noise emissions. The proposed variation achieves this by imposing controls on activities only when the noise they produced is received outside the boundaries of the Zone. Any such noise is required by the proposed variation to meet the existing noise limits within the subject zone. Therefore, the variation seeks to control noise to ‘reasonable levels’ in accordance with Objective 36.2.1. The variation sets out that it is reasonable to experience greater levels of noise within zones designated for Industrial and Service Activities than ‘other’ zones. These ‘other’ zones are likely to contain activities that anticipate higher levels of amenity and therefore, it is reasonable to ensure that noise from activities which might travel beyond the boundaries of the Coneburn Industrial Zone meet these anticipated noise limits. The provisions will therefore effectively manage potential noise conflicts between different land use activities.</p> <p>The proposed variation to 36.7 Ventilation Requirements for other Zones (Table 5) also ensures that a reasonable level of control is placed on the establishment of activities that contain Critical Listing Environments within the Zone to manage conflicts between these activities and other Industrial and Service Activities within the Zone, ultimately to ensure they do not experience adverse noise related effects.</p> <p>The proposed variation facilitates efficient plan making as it outlines that the same management framework should apply to noise within the Coneburn Industrial Zone as that provided for within the proposed General Industrial Zone, which is subject to Stage 3 of the district plan review.</p>

**Issue 5 – Building coverage and Access**

Rule 44.5.5 Building Coverage Standard

Activity Area 1a (Large Lot Size) 30%

Activity Area 2a 35%

Note: The non-complying thresholds remain the same at 40% and 65% respectively.

**44.2.2 Objective** – The zone will fit into the landform with visual effects from outside the zone mitigated by landscaping and retention of areas of open space.

The matters of discretion listed for Rule 44.5.5 traverse:

- (a) availability of on-site parking,
- (b) whether the industrial or service activity requires parking or loading within a building
- (c) whether the manufacturing or maintenance of vehicles or large items take place within a building
- (d) the extent to which the safety and efficiency of the surrounding roading network would be adversely effected by the proposal
- (e) cumulative effect on the safety and efficiency of the surrounding roading network

**27.2.5 Objective** – Infrastructure and services are provided to new subdivisions and developments.

Rule 27.7.7.3 Zone and Location Specific Rules

Requires subdivision to not exceed 25% of the Zone’s area until access is via a new intersection with State Highway 6 at the Southern Access Point, has been designed and constructed to a safe and acceptable standard.

Costs	Benefits	Efficiency & Effectiveness
<p>By permitting development with greater building coverages, there is a potential for adverse environmental effects within a sensitive environment.</p> <p>Changing the site coverages to become more enabling, may result in a reduction of industrial capacity perceived by the market to be available for more land extensive industrial and service businesses.</p> <p>Increasing the permitted maximum building coverage will likely increase the internal traffic movements within Coneburn as well have impacts of the wider transport network.</p> <p>Previously, matters of discretion could address the extent to which the safety and efficiency of the surrounding roading network would be adversely affected by the proposal; as well as cumulative effects of other activities in the vicinity of the safety and efficiency of the surrounding roading. Under the proposal, these matters would not need to be considered for building coverages under 40% in Activity Area 1A and 65% in Activity Area 2A.</p> <p>If 100% development were to occur up to the non-complying thresholds, this would result in a low level of service provided by the Coneburn exit leg of the proposed roundabout.<sup>31</sup></p>	<p>The key net benefit of the variation is regulatory efficiency – including reducing compliance costs by reducing reliance on more complex resource consent processes, reducing the possibility of notification, simplifying development controls in the District Plan and improving competition and commercial feasibility of industrial development.</p> <p>Increasing the permitted building coverage will give businesses greater flexibility, enabling a broader range of industrial activities to locate within the Coneburn Industrial Zone, consistent with the technical advice received, whilst managing the effects of potentially larger building coverages in a sensitive environment. This will allow the Zone to better compete with the General Industrial and Service Zone as an alternative location for industrial activities.</p> <p>Larger permitted building coverages may improve the commercial feasibility of bringing the zone to market.<sup>32</sup></p> <p>The proposed requirement in Rule 27.7.7.3 will ensure that the subdivision and development of the zone does not outpace the provision of infrastructure, or exceed the capacity of the access point and surrounding transport network to accommodate such growth.</p>	<p>In regards to the Restricted Discretionary building coverage threshold, the matters of discretion focus on transport matters, both on-site and the effects on the surrounding roading network. With the removal (December 2020) of minimum parking standards from the district plan, there is no longer minimum levels of parking spaces to be provided, with the exception of accessible parking. However, any issues arising from traffic movements and parking can be addressed through the resource consent process.</p> <p>Applicants would not seek the additional site coverage (and reduced yard area) unless it suited them on that particular sized lot.</p> <p>The proposed variation is considered to be the most appropriate, and effective and efficient way to achieve the purpose of the proposal and the relevant objective of Chapter 44 (44.2.2).</p>

<sup>31</sup> Stantec Technical Review Coneburn Industrial Review – Change to Land Use Coverage

<sup>32</sup> Market Economics – Coneburn Industrial Zone Site Coverage Variation: Economic Assessment

Issue 6 – Custodial Units		
Rule 44.4.9 is being varied to refer to Residential Unit, instead of Residential Flat		
<b>44.2.1 Objective</b> - A dedicated industrial and service zone with a mix of compatible activities that excludes residential, standalone offices, and most retail.		
Costs	Benefits	Efficiency & Effectiveness
<p>The proposed variation would not result in any change to the nature or scale of the potential social, economic, environmental or cultural costs of the existing provision. The intent and associated requirements of the provision remain unchanged as a result of this variation which only seeks to improve the way in which it functions with existing PDP definitions.</p>	<p>The proposed variation would not result in any material change to the nature or scale of the potential social, economic, environmental or cultural benefits of the existing provision. The intent and associated requirements of the provision remain unchanged as a result of this variation which only seeks to improve the way in which it functions with existing PDP definitions.</p> <p>The provision may result in small economic benefits to potential landowners and/occupiers of sites within the Zone who wish to develop sites incorporating a residential unit for custodial management purposes as they will have greater clarity on how the District Plan intends to manage the activity. This may result in less time and monetary costs associated with plan interpretation and overall project management.</p>	<p>The proposed variation is considered to be the most appropriate, and effective and efficient way to achieve the purpose of the proposal and the relevant objective of Chapter 44 (44.2.1).</p> <p>In particular, the proposal seeks to better integrate Chapter 44 with Chapter 2 (Definitions), which it is noted also applies at a district wide scale. The variation enables a more effective application of the definitions within the Coneburn Industrial Zone. Currently, Rule 44.4.9 confuses the interconnectedness of the definitions of Residential Unit and Residential Flat (being that a residential flat cannot exist in the absence of a Residential Unit). In correctly representing this interconnectedness, the variation more effectively implements the intended approach to managing residential activities.</p> <p>The proposed variation is the most appropriate, efficient and effective way to achieve Objective 44.2.1 as it does not alter the overall intent of this already tested provision. It continues to exclude all but those Residential Units which expressly meet the clear and narrow limits relating to custodial purposes set out within limbs a – e of Rule 44.4.9.</p> <p>The proposed variation represents more effective and efficient plan making as it seeks to remove the apparent conflict between the limits on Residential Flats set out in Rule 44.4.9 and those set out within Chapter 2.</p> <p>The proposed variation enables more efficient plan administration and interpretation as it seeks to correctly identify the relationship between the defined terms of Residential Unit and Residential Flat. The absence of this clarity may result in confusion and unnecessary costs to project management for landowners and/or occupiers within the Zone.</p>



Issue 7 – Visitor Accommodation		
Rule 44.4.20 – Visitor Accommodation		
An addition to Rule 44.4.20 to prohibit Residential Visitor Accommodation and Homestay Activities within the Zone		
Objective 44.2.1 - A dedicated industrial and service zone with a mix of compatible activities that excludes residential, standalone offices, and most retail		
Costs	Benefits	Efficiency & Effectiveness
<p>The proposed variation would not result in any change to the nature or scale of the potential social, economic, environmental or cultural costs of the existing provision. The intent and associated requirements of the provision remain unchanged as a result of this variation which only seeks to improve the way in which it functions with existing PDP definitions.</p>	<p>The proposed variation would not result in any material change to the nature or scale of the potential social, economic, environmental or cultural benefits of the existing provision. The intent and associated requirements of the provision remain unchanged as a result of this variation which only seeks to improve the way in which it functions with existing PDP definitions.</p> <p>The provision may result in small economic benefits to potential landowners and/occupiers of sites within the Zone who wish to develop sites incorporating a residential unit for custodial management purposes as they will have greater clarity on how the District Plan intends to manage the activity. This may result in less time and monetary costs associated with plan interpretation and overall project management.</p>	<p>The proposed variation is considered to be the most appropriate, and effective and efficient way to achieve the purpose of the proposal and the relevant objective of Chapter 44 (44.2.1).</p> <p>In particular, the proposal seeks to better integrate Chapter 44 with new approach to managing Visitor Accommodation type activities within the District. By identifying RVA and Homestay activities as being prohibited within Rule 44.4.20, Chapter 44 more effectively integrates with the overall approach to managing these activities, including the use terms that have recently been defined as part of the Stage 2 of the PDP review process.</p> <p>The proposed variation is the most appropriate, efficient and effective way to achieve Objective 44.2.1 as it seeks to provide a method to ensure that activities which are not compatible with the intention of the Zone to provide sites dedicated for Industrial and Service activities are excluded from taking place. A prohibited activity status is the most effective way to ensure such incompatible activities do not have consenting pathways to establish within Zone.</p> <p>It is noted that proposed variation also aligns with the Council’s new proposed approach to managing Visitor Accommodation activities within the GIZ which also prohibits RVA and Homestay activities. This provides strategic alignment between Zones with similar purposes and effectively provides for overall plan integrity.</p>

## 8. CONCLUSIONS

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- a. Is efficient and effective in terms of section 7(b) of the RMA while still achieving the purpose of Objectives:

25.2.1: Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values

25.2.2: The social, cultural and economic wellbeing of people and communities benefits from earthworks.

27.2.5 Infrastructure and services are provided to new subdivisions and developments

29.2.2: Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward: providing a safe and efficient transport network; compact urban growth; economic development; facilitating an increase in walking and cycling and the use of public transport; and achieving the level of residential amenity and quality of urban design anticipated in the zone.

31.2.1 Signage which is of a scale and extent that maintains the character and amenity values of the District and enhances access

31.2.2 Signs have limited adverse effects on public safety, including the safety of pedestrians and users of the transport network.

36.2.1 The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.

44.2.1 A dedicated industrial and service zone with a mix of compatible activities that excludes residential, standalone offices, and most retail

and

42.2.2 The zone will fit into the landform with visual effects from outside the zone mitigated by landscaping and retention of areas of open space.

- b. The provisions are in accordance with the relevant Strategic Direction objectives and policies of the Proposed District Plan.

- c. They are in accordance with the functions of territorial authorities in s31 of the RMA and the sustainable management purpose of Part 2 of the RMA.

## APPENDIX 1

### APPENDIX 1A – PROPOSED VARIATIONS TO CHAPTERS 25, 27, 29, 31, 36 and 44

#### Variation to Chapter 25 - Earthworks

Underlined text for additions and ~~strike through~~ text for deletions

25.5 Rules – Standards

	Table 25.2 - Maximum Volume	Maximum Total Volume
25.5.5	.... <u>Coneburn Industrial Zone</u> ....	500m <sup>3</sup>

#### Variation to Chapter 27 – Subdivision

	Zone and Location Specific Rules	Activity Status
<b>27.7.7.3</b>	<p>Subdivision whereby prior to the issue of a s224(c) certification under the Act for any subdivision of any land within the zone:</p> <p>...</p> <p>b. any subdivision of land within the Activity Areas 1a and 2a which, by itself or in combination with prior subdivisions of land within the zone, involves subdivision of more than 25% of the land area of Activity Areas 1a and 2a must include a condition <del>requiring the construction of the Southern Access Point as a Priority T intersection (Austroads Guide to Road Design (Part 4A)) and that it be available for public use prior to issue of a s.224(c) certificate, unless the Southern Access Point has been constructed and is available for public use at the time the consent is granted.</del> <u>to provide the consent authority written confirmation from the NZ Transport Agency that access for the subdivision via a new intersection with State Highway 6 at the Southern Access Point has been design and constructed to a safe and acceptable standard.</u></p>	NC

#### Variation to Chapter 29 - Transport

Underlined text for additions and ~~strike through~~ text for deletions

Table 29.3 – Standards for activities outside of roads

	Table 29.3 - Standards for activities outside roads	Non-compliance status
29.5.10	Loading Spaces	RD Discretion is restricted to:

	<p>b. Off-street loading shall be provided in accordance with this standard on every site in the <u>Coneburn Industrial Zone</u>, Business Mixed Use Zone, the Town Centre zones, and the Local Shopping Centre Zone, except in relation to unstaffed utility sites and on sites where access is only available from the following roads</p> <p>....</p>	<p>c. The location, size, and design of the loading space and associated manoeuvring.</p> <p>d. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p>
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### Variation to Chapter 31 Signs

Underlined text for additions and ~~strike through~~ text for deletions

#### 31.6 Rules – Activity Status of Signs in Commercial Areas

<b>Table 31.6 – Activity Status of Signs in Commercial Areas</b>		<u>Coneburn Industrial Zone</u>
31.6.1	<b>Static signage platforms that is one of the sign types listed in Rules 31.6.2 to 31.6.5 below and complies with the standards applying to that sign type.</b> Control is reserved to the matters set out in Rule 31.14.	<u>C</u>
31.6.2	<b>Arcade directory signs.</b>	<u>P</u>
31.6.3	<b>Upstairs entrance signs.</b>	<u>P</u>
31.6.4	<b>All signs located within the ground floor facade of a building</b> In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14. Note: Parts 31.3.2 and 31.16 of this Chapter explain and illustrate the application of this rule.	<u>C</u>
31.6.5	<b>Above ground floor signs.</b> In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14. Note: Part 31.16.7 of this Chapter has a diagram which illustrates the application of this rule.	<u>C</u>
31.6.6	<b>Digital signage platforms within the ground floor facade of a building</b>	<u>PR</u>
31.6.7	<b>Digital signage platforms above ground floor level</b>	<u>PR</u>
31.6.8	<b>Digital signs not located within a digital signage platform</b>	<u>PR</u>
31.6.9	<b>Billboard signs</b>	<u>PR</u>
31.6.10	<b>Any sign activity which is not listed in Table 31.4 or Rules 31.6.1 to 31.6.9 inclusive</b>	<u>D</u>

**Variation to Chapter 36 - Noise**

Underlined text for additions and ~~strike through~~ text for deletions

36.5 Rules – Standards

Table 3: Specific Standards

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.15	<p><u>Sound from activities in the Coneburn Industrial Zone.</u></p> <p><u>Note: For the purpose of this rule, a road that is located outside this zone is not deemed to be a “site outside this zone” and, as such, the noise levels specified may be exceeded on road reserves adjacent to this zone.</u></p>	<p><u>At any point within any site located in any other zone.</u></p>	<p><u>Refer to standard relevant to the zone in which noise is received.</u></p>	<p><u>Refer to standard relevant to the zone in which noise is received.</u></p>	NC

36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wānaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone, Coneburn Industrial Zone and the Business Mixed Use Zone.

Table 5

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
<b>Bedrooms</b>	1-2 ac/hr	Min. 5 ac/hr
<b>Other Critical Listening Environments</b>	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		

Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.

If air conditioning is provided to any space, then the high setting ventilation requirement for that space is not required.

#### Variation to Rule 44.4.9 - Custodial Units

Underlined text for additions and ~~strike through~~ text for deletions

	Activities located in the Coneburn Industrial Zone	Activity Status
44.4.9	<p>Custodial Units</p> <p>A single <del>residential flat</del> <u>Residential Unit</u> providing for the custodial management of an Industrial or Service activity and which complies with all of the following requirements:</p> <ul style="list-style-type: none"> <li>f. It is located above or behind an Industrial or Service Activity;</li> <li>g. It is maintained in the same ownership as the Industrial or Service Activity;</li> <li>h. It is not subdivided, unit titled or otherwise separated, including by lease from the Industrial or Service activity it is attached to;</li> <li>i. It is not over 50m<sup>2</sup> and no more than 20% of the GFA of the building in which it is contained;</li> <li>j. It is only occupied by persons working in the Industrial or Service activity to which the unit is attached and whose duties require them to live on site.</li> </ul>	D

#### Variation to Rule 44.4.20 - Visitor Accommodation

Underlined text for additions and ~~strike through~~ text for deletions

	Activities located in the Coneburn Industrial Zone	Activity Status
44.4.20	Visitor Accommodation, <u>Residential Visitor Accommodation and Homestay activities</u>	PR

#### Variation to Site Coverages

Underlined text for additions and ~~strike through~~ text for deletions

#### 44.5 Rules - Standards

	Standards for activities located in the <u>Coneburn Industrial Zone</u>	Non-compliance Status
44.5.5	<p>Building Coverage</p> <p><del>Activity Area 1a (Large Lot Size) 30%</del></p>	<p><b>RD</b></p> <p>f. <del>The extent to which increased building</del></p>

	<p>Activity Area 2a ————— 35%</p>	<p>coverage will decrease the availability of onsite parking or loading;</p> <p>g. Whether the needs of the industrial or service activity require parking or loading within a building;</p> <p>h. Whether the needs of the industrial or service activity require that the manufacture or maintenance of vehicles or large items take place within a building;</p> <p>i. The extent to which the safety and efficiency of the surrounding roading network would be adversely affected by the proposal;</p> <p>j. Any cumulative effect on the proposal in conjunction with other activities in the vicinity on the safety and efficiency of the surrounding roading.</p>
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And consequential renumbering of Rules 44.5.6-44.5.12.

## **APPENDIX 2**

**APPENDIX 2A - STATUTORY CONTEXT**

**APPENDIX 2B - PLANNING CONTEXT**



## **APPENDIX 2A - STATUTORY CONTEXT**

### **Resource Management Act 1991**

- 1.2. The Resource Management Act 1991 (“RMA” or “the Act”), requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Section 5 of the act sets out the purpose and principles of the act. Section 5 is given further elaboration in, sections 6, 7 and 8 of Part 2 of the Act. Sections 6, 7 and 8 supplement the core purpose of sustainable management by stating the particular obligations of those administering the RMA in relation to the various matters identified:

#### **5 Purpose**

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 1.3. Section 6 of the RMA sets out a number of matters of national importance that are to be recognised and provided for. The following section 6 matters are relevant:
- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
  - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
  - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
  - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
  - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
  - (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
  - (g) the protection of protected customary rights:*
  - (h) the management of significant risks from natural hazards.*

- 1.4. Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to Chapter 44 Coneburn Industrial Zone include the following:

- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*

- 1.5. Section 8 requires that Council take into account the principles of the Te Tiriti o Waitangi or Treaty of Waitangi (“the treaty”). The principles as they relate to resource management derive from the treaty itself and from resource management case law and practice. They can be summarised as follows:
- a) The active protection of the **Partnership** between the two parties;
  - b) The **Protection** of resources of importance to tangata whenua from adverse effects;
  - c) The active **Participation** by tangata whenua in resource management decision making;
  - d) The obligation to reasonably, honourably and in good faith towards each other, ; and
  - e) The obligation to make informed decisions on matters that affect the interests of Māori.

- 1.6. Section 31 of the RMA states (underlined to emphasise the provisions relevant to this variation):

*31 Functions of territorial authorities under this Act*

*(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
- (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
  - (i) the avoidance or mitigation of natural hazards; and*
  - (ii) [Repealed]*
  - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
  - (iii) the maintenance of indigenous biological diversity:*
    - (c) [Repealed]*
    - (d) the control of the emission of noise and the mitigation of the effects of noise:*
    - (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
    - (f) any other functions specified in this Act.*
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision*

Section 32 of the RMA states:

*(1) An evaluation report required under this Act must—*

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
  - (i) identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

*(2) An assessment under subsection (1)(b)(ii) must—*

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
    - (i) economic growth that are anticipated to be provided or reduced; and
    - (ii) employment that are anticipated to be provided or reduced; and
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
- (a) the provisions and objectives of the amending proposal; and
  - (b) the objectives of the existing proposal to the extent that those objectives—
    - (i) are relevant to the objectives of the amending proposal; and
    - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in [Schedule 1](#), the evaluation report must—
- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of [Schedule 1](#); and
  - (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
- (a) as soon as practicable after the proposal is made (in the case of a standard, regulation, national policy statement, or New Zealand coastal policy statement); or
  - (b) at the same time as the proposal is notified.
- (6) In this section,—
- objectives** means,—
- (a) for a proposal that contains or states objectives, those objectives;
  - (b) for all other proposals, the purpose of the proposal
- proposal** means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act
- provisions** means,—
- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change;
  - (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

1.7. The proposed provisions help to achieve the integrated management of natural and physical resources by introducing appropriate provisions for the Coneburn Industrial Zone into the relevant district-wide chapters of the Proposed District Plan.

#### Local Government Act 2002

1.8. Section 14 of the Local Government Act 2002 is also of relevance in terms of policy development and decision making:

- (a) a local authority should—
  - (i) conduct its business in an open, transparent, and democratically accountable manner; and
  - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner:
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of—
  - (i) the diversity of the community, and the community's interests, within its district or region; and
  - (ii) the interests of future as well as current communities; and
  - (iii) the likely impact of any decision on the interests referred to in section 10:
- (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:
- (e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (fa) a local authority should periodically—
  - (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
  - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and
- (h) in taking a sustainable development approach, a local authority should take into account—
  - 1) the social, economic, and cultural interests of people and communities; and
  - 2) the need to maintain and enhance the quality of the environment; and
  - 3) the reasonably foreseeable needs of future generations.

1.9. Having regard to these provisions, the approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, no less important is the need to ensure the provisions are presented in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

#### **National Planning Standards**

1.10. In April 2019 the Government released a set of National Planning Standards (**planning standards**) that require all regional policy statements, regional plans and district plans to have a nationally consistent structure and format. The planning standards also prescribe certain definitions, noise and vibration metrics, and requirements for electronic functionality and accessibility. The planning standards have been introduced to improve the efficiency and effectiveness of the planning system, rather than seeking to alter the outcomes of policy statements or plans.

**Other National Legislation or Policy Statements**

- 1.11. When preparing district plans, local authorities must give effect to any National Policy Statement (NPS) and National Environmental Standard (NES).
- 1.12. The following NPSs are relevant:
- (a) NPS on Urban Development
  - (b) NPS for Freshwater Management
  - (c) NPS for Renewable Electricity Generation
  - (d) NPS on Electricity Transmission
- 1.13. The following NESs are relevant:
- (a) NES for Air Quality
  - (b) NES for Sources of Drinking Water
  - (c) NES for Telecommunication Facilities
  - (d) NES for Electricity Transmission Activities
  - (e) NES for Assessing and Managing Contaminants in Soil to Protect Human Health
  - (f) NES for Plantation Forestry
  - (g) NES for Freshwater
  - (h) NES for Storing Tyres Outdoors
- 1.14. Queenstown Lakes District (the District) is identified as a 'Tier 2' authority under the National Policy Statement on Urban Development (NPS-UD) and is therefore subject to the full suite of NPS-UD provisions and requirements. Tier 2 authorities are required to produce a Housing and Business Development Capacity Assessment (HBA).
- 1.15. The HBA for a tier 2 urban environment must: set out the most likely projection of demand for business land by business sector in the short term, medium term, and long term; and set out the assumptions underpinning that projection; and if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.
- 1.16. The Council produced its first set of housing and business development capacity assessments in March 2018. For the purpose of this variation, the Business Development Capacity Assessment (BDCA) is most relevant. The Council updated its BDCA, including in regard to industrial development capacity, in March 2020<sup>33</sup>. This update was taking into account as part of the Council's s42A report on the GIZ.
- 1.17. Although the NPS-UD is an important consideration in regard to the provision and development of land intended for industrial development capacity, this variation does not attempt to materially alter the ability of the Coneburn Industrial Zone to contribute to the provision of industrial sites.

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<sup>33</sup> Evidence In Chief Of Natalie Dianne Hampson For Queenstown Lakes District Council, NPS-UD Capacity And Economic Matters Relating To The General Industrial And Three Parks Zones, 18 March 2020

## APPENDIX 2B - PLANNING CONTEXT

### Iwi Management Plans

1.18. When preparing or changing a district plan, Section 74(2A)(a) of the Resource Management Act (“the Act” or “RMA”) states that Councils must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

1.19. The following iwi management plans are relevant:

<b>The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008</b>	
<b>Provision</b>	<b>Discussion</b>
3.4.13	<p>Hazardous Substances and New Organisms</p> <ol style="list-style-type: none"> <li>1. Require appropriate consultation with regards to Hazardous Substances or New Organisms applications. Pre application, site visits, and presentation of findings are encouraged. Continued liaison with Te Rūnanga o Ngāi Tahu is essential.</li> <li>2. Consultation and communication of highly technical information should in addition be presented in plain language, to enable rūnanga (and other community groups) to make informed decisions.</li> <li>3. Consider any application for Hazardous Substances or New Organisms in terms of the potential effect, both positive and adverse, on indigenous biodiversity.</li> <li>5. Oppose the use of any hazardous substances where it is likely that such use will have an effect on water quality and land, influencing the life supporting and productive capacity of both.</li> </ol>
3.1.1	<p>Localised Influences on the Global Environment</p> <ol style="list-style-type: none"> <li>11. Actively support the promotion of appropriate disposal of toxic missions and discharge methods through improved technology.</li> <li>12. Support further development and improvement of contingency measures to recognise for increased natural hazard risk as a result of sea level rise and unpredictable weather patterns. Ngāi Tahu ki Murihiku will take an active role in the development of contingency measures and education of local communities</li> </ol>
3.1.2	<p>Economy and Industry</p> <ol style="list-style-type: none"> <li>8. Participate in planning for climate change and its potential risks to ensure industries and communities are well placed (build resilience) to deal with climate change conditions in the future. Such involvement could include building of partnerships with scientists, sharing of information, enhanced community engagement and education, joint management and co</li> </ol>

	management of resources, and enhanced economic development through changing environments and technologies.
3.2.1	<p>Discharges to Air</p> <ol style="list-style-type: none"> <li>1. Discourage discharges from industrial and trade premises that will have an impact on mahinga kai, taonga species, biodiversity, wāhi tapu and wāhi taonga.</li> <li>2. Ensure that the processes used during activities that discharge to air are supervised and monitored to ensure that contaminant emissions are minimised.</li> <li>5. Support and advocate for controlled use and appropriate storage of highly toxic and hazardous substances within the region.</li> <li>9. Discourage and prevent discharges to air that will have impacts on cultural wellbeing and community health</li> </ol>
3.2.2	<p>Amenity Values</p> <ol style="list-style-type: none"> <li>1. Limit through promotion of improved production and techniques, visual and physical effects from activities associated with exhaust emissions, dust, unacceptable and intense odour, smoke and lighting.</li> <li>2. Ensure where avoidable that impacts from activities that create effects such as glare, shading, or electrical disturbance do not interfere with the amenity values associated with a place, environment or neighbouring property.</li> <li>3. Ngāi Tahu ki Murihiku shall actively participate in interagency and cross boundary decision making in respect to development, design and placement of structures and where appropriate may provide qualified recommendations for the protection of amenity values.</li> <li>4. Ngāi Tahu ki Murihiku shall provide qualified recommendations with respect to concerns raised related to odour and offensive discharge, from rural, urban and industrial activities.</li> <li>6. Where there may be visual impacts on the natural and cultural landscapes as a result of development, encourage the integration of landscaping techniques which utilise reserve planting or vegetation screens to soften intrusion.</li> </ol>

***Kāi Tahu ki Otago Natural Resource Management Plan 2005***

<b>Provision</b>	<b>Discussion</b>
5.2	<p>Overall Objectives</p> <ol style="list-style-type: none"> <li>i. The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.</li> </ol>

	<ul style="list-style-type: none"> <li>ii. Ki Uta Ki Tai management of natural resources is adopted within the Otago region.</li> <li>iii. The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago Region.</li> <li>iv. Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.</li> <li>v. The respective roles and responsibilities of Manawhenua within the Otago Region are recognised and provided for through the other objectives and policies of the Plan.</li> </ul>
<b>5.4.3</b>	<p>Wāhi Tapu Objectives:</p> <ul style="list-style-type: none"> <li>i. All wāhi tapu are protected from inappropriate activities.</li> <li>ii. Kāi Tahu ki Otago have access to wāhi tapu.</li> <li>iii. Wāhi tapu throughout the Otago region are protected in a culturally appropriate manner.</li> </ul>
<b>5.4.4</b>	<p>Wāhi Tapu General Policies</p> <ol style="list-style-type: none"> <li>1. To require consultation with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu</li> <li>2. To promote the establishment of processes with appropriate agencies that:             <ul style="list-style-type: none"> <li>i. enable the accurate identification and protection of wāhi tapu.</li> <li>ii. provide for the protection of sensitive information about the specific location and nature of wāhi tapu.</li> <li>iii. ensure that agencies contact Kāi Tahu ki Otago before granting consents or confirming an activity is permitted, to ensure that wāhi tapu are not adversely affected</li> </ul> </li> </ol> <p>Earth Disturbance:</p> <ol style="list-style-type: none"> <li>4. To require that a Kāi Tahu ki Otago mandated archaeologist survey an area before any earth disturbance work commences.</li> <li>5. To promote the use of Accidental Discovery Protocols for any earth disturbance work.</li> <li>6. To require all Māori archaeological finds to remain the cultural property of Kāi Tahu ki Otago.</li> </ol>
<b>5.6.3</b>	Cultural Landscapes Objectives



	<p>i. The relationship that Kāi Tahu ki Otago have with land is recognised in all resource management activities and decisions.</p>
<b>5.6.4</b>	<p>Cultural Landscapes General Policies</p> <p>1. To identify and protect the full range of landscape features of significance to Kāi Tahu ki Otago.</p> <p>Earth Disturbance:</p> <p>19. To require all earthworks, excavation, filling or the disposal of excavated material to:</p> <ul style="list-style-type: none"> <li>i. Avoid adverse impacts on significant natural landforms and areas of indigenous vegetation;</li> <li>ii. Avoid, remedy, or mitigate soil instability; and accelerated erosion;</li> <li>iii. Mitigate all adverse effects.</li> </ul> <p>Structures:</p> <p>24. To discourage the erection of structures, both temporary and permanent, in culturally significant landscapes, lakes, rivers or the coastal environment.</p> <p>Subdivisions:</p> <p>26. To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:</p> <ul style="list-style-type: none"> <li>i. All consents related to the subdivision to be sought at the same time.</li> <li>ii. Protection of Kāi Tahu ki Otago cultural values.</li> <li>iii. Visual amenity.</li> <li>iv. Water requirements.</li> <li>v. Wastewater and storm water treatment and disposal.</li> <li>vi. Landscaping.</li> <li>vii. Location of building platforms</li> </ul> <p>27. To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company</p> <p>28. To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.</p>
<b>5.7.2</b>	<p>Air and Atmosphere</p> <p>Objectives</p> <ul style="list-style-type: none"> <li>i. Kāi Tahu ki Otago sites of significance are free from odour, visual and other pollutants.</li> <li>iii. The life supporting capacity and mauri of air is maintained for future generations.</li> </ul>

	iii. The life supporting capacity and mauri of air is maintained for future generations.
<b>5.7.3</b>	<p>Policies</p> <ol style="list-style-type: none"> <li>1. To require earthworks and discharges to air consider the impact of dust and other air-borne contaminants on health, mahika kai, cultural landscapes, indigenous flora and fauna, wāhi tapu and taoka.</li> <li>12. To require light suppression techniques are used for any new subdivisions and replacement lighting</li> </ol>

1.20. Part 10: Clutha/Mata-au Catchments Te Riu o Mata-au outlines the issues, objectives and policies for the Clutha/Mata-au Catchments within which the Coneburn Industrial Zone is situated. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. The following Clutha/Mata-au specific objectives and policies are relevant:

<b>Plan Reference</b>	<b>Provision</b>
10.2.3	<p>Wai Māori Policies in the Clutha/Mata-au Catchment</p> <p>Land use:</p> <ol style="list-style-type: none"> <li>9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.</li> <li>10. To promote sustainable land use in the Clutha/Mata-au Catchment.</li> <li>11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.</li> <li>12. To require reticulated community sewerage schemes that have the capacity to accommodate future population growth.</li> </ol>

### **Regional Policy Statements**

1.21. In accordance with the above, the relevant provisions of the Iwi Management Plans have been taken into account in this Section 32 analysis.

1.22. Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The Partially Operative Otago Regional Policy Statement 2019 (**PORPS 19**) and the Proposed Regional Policy Statement 2021 (**PRPS 21**) are the relevant regional policy statements to be given effect to within the PDP.

<b>Partially Operative Regional Policy Statement 2019</b>	
<b>Reference</b>	<b>Detail</b>
Objective 1.1	Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

Policy 1.1.1	<p>Economic wellbeing</p> <p>Provide for the economic wellbeing of Otago’s people and communities by enabling the resilient and sustainable use and development of natural and physical resources.</p>
Policy 1.1.2	<p>Social and cultural wellbeing and health and safety</p> <p>Provide for the social and cultural wellbeing and health and safety of Otago’s people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:</p> <ul style="list-style-type: none"> <li>a) Recognising and providing for Kāi Tahu values;</li> <li>c) Taking into account the diverse needs of Otago’s people and communities;</li> <li>d) Avoiding significant adverse effects of activities on human health;</li> <li>e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;</li> <li>f) Promoting good quality and accessible infrastructure and public services.</li> </ul>
Policy 1.2.1	<p>Integrated resource management</p> <p>Achieve integrated management of Otago’s natural and physical resources, by all of the following:</p> <ul style="list-style-type: none"> <li>b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment;</li> <li>c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest;</li> <li>f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement.</li> <li>g) Promoting healthy ecosystems and ecosystem services;</li> </ul>
Objective 2.1	<p>The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions</p>
Policy 2.1.2	<p>Treaty principles</p> <p>Ensure that local authorities exercise their functions and powers, by:</p> <ul style="list-style-type: none"> <li>a) Recognising Kāi Tahu’s status as a Treaty partner; and</li> <li>b) Involving Kāi Tahu in resource management processes implementation;</li> <li>c) Taking into account Kāi Tahu values in resource management decision making processes and implementation;</li> <li>h) Taking into account iwi management plans.</li> </ul>
Objective 4.1	<p>Risks that natural hazards pose to Otago’s communities are minimised</p>
Policy 4.1.4	<p>Assessing activities for natural hazard risk</p> <p>Assess activities for natural hazard risk to people, property and communities, by considering all of the following:</p> <ul style="list-style-type: none"> <li>a) The natural hazard risk identified, including residual risk;</li> <li>b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;</li> <li>c) The long-term viability and affordability of those measures;</li> <li>d) Flow-on effects of the risk to other activities, individuals and communities;</li> </ul>

	<p>e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.</p>
Policy 4.1.5	<p>Natural hazard risk</p> <p>Manage natural hazard risk to people, property and communities, with particular regard to all of the following:</p> <ul style="list-style-type: none"> <li>a) The risk posed, considering the likelihood and consequences of natural hazard events;</li> <li>b) The implications of residual risk;</li> <li>c) The community’s tolerance of that risk, now and in the future, including the community’s ability and willingness to prepare for and adapt to that risk, and respond to an event;</li> <li>d) Sensitivity of activities to risk;</li> <li>e) The need to encourage system resilience;</li> <li>f) The social costs of recovery.</li> </ul>
Policy 4.1.6	<p>Minimising increase in natural hazard risk</p> <p>Minimise natural hazard risk to people, communities, property and other aspects of the environment by:</p> <ul style="list-style-type: none"> <li>a) Avoiding activities that result in significant risk from natural hazard;</li> <li>b) Enabling activities that result in no or low residual risk from natural hazard;</li> <li>d) Encouraging the location of infrastructure away from areas of hazard risk where practicable;</li> <li>e) Minimising any other risk from natural hazard.</li> </ul>
Policy 4.1.7	<p>Reducing existing natural hazard risk</p> <p>Reduce existing natural hazard risk to people and communities, including by all of the following:</p> <ul style="list-style-type: none"> <li>a) Encouraging activities that: <ul style="list-style-type: none"> <li>i. Reduce risk; or</li> <li>ii. Reduce community vulnerability;</li> </ul> </li> <li>b) Discouraging activities that: <ul style="list-style-type: none"> <li>i. Increase risk; or</li> <li>ii. Increase community vulnerability;</li> </ul> </li> <li>c) Considering the use of exit strategies for areas of significant risk to people and communities;</li> <li>d) Encouraging design that facilitates: <ul style="list-style-type: none"> <li>i. Recovery from natural hazard events; or</li> <li>ii. Relocation to areas of lower risk; or</li> <li>iii. Mitigation of risk;</li> </ul> </li> <li>g) Reassessing natural hazard risk to people and communities, and community tolerance of that risk, following significant natural hazard events.</li> </ul>
Objective 4.5	<p>Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.</p>

Policy 4.5.1	<p>Providing for urban growth and development Provide for urban growth and development in a strategic and co-ordinated way, including by:</p> <ul style="list-style-type: none"> <li>b) Monitoring supply and demand of residential, commercial and industrial zoned land;</li> <li>c) Ensuring that there is sufficient housing and business land development capacity available in Otago;</li> <li>f) Having particular regard to: <ul style="list-style-type: none"> <li>ii. Minimising competing demands for natural resources;</li> <li>iii. Maintaining high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna;</li> <li>v. Avoiding land with significant risk from natural hazards;</li> </ul> </li> <li>g) Ensuring efficient use of land;</li> <li>h) Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;</li> </ul>
Policy 4.5.3	<p>Urban design</p> <p>Design new urban development with regard to:</p> <ul style="list-style-type: none"> <li>a) A resilient, safe and healthy community;</li> <li>b) A built form that relates well to its surrounding environment;</li> <li>c) Reducing risk from natural hazards;</li> <li>d) Good access and connectivity within and between communities;</li> <li>e) A sense of cohesion and recognition of community values;</li> <li>h) A diverse range of housing, commercial, industrial and service activities;</li> </ul>
Objective 4.6	<p>Hazardous Substances</p> <p>Promote an integrated approach to the management of hazardous substances in Otago.</p>
Policy 4.6.2	<p>Use, storage and disposal of hazardous substances</p> <p>Manage the use, storage and disposal of hazardous substances, by all of the following:</p> <ul style="list-style-type: none"> <li>a) Providing secure containment for the storage of hazardous substances;</li> <li>b) Minimising risk associated with natural hazard events;</li> <li>c) Ensuring the health and safety of people;</li> <li>d) Avoiding, remedying or mitigating adverse effects on the environment;</li> <li>e) Providing for the development of facilities to safely store, transfer, process, handle and dispose of hazardous substances;</li> <li>f) Ensuring hazardous substances are treated or disposed of in accordance with the relevant regulatory requirements;</li> <li>g) Restricting the location and intensification of activities that may result in reverse sensitivity effects near authorised facilities for hazardous substance bulk storage, treatment or disposal;</li> <li>h) Encouraging the use of best management practices.</li> </ul>
Policy 4.6.9	<p>New contaminated land</p> <p>Avoid the creation of new contaminated land or, where this is not practicable, minimise adverse effects on the environment.</p>

Objective 5.3	Sufficient land is managed and protected for economic production
Policy 5.3.2	<p>Distribution of commercial activities</p> <p>Manage the distribution of commercial activities by:</p> <ul style="list-style-type: none"> <li>c) Restricting commercial activities outside of a) and b) when such activities are likely to undermine the vibrancy and viability of those centres;</li> </ul> <p>(for clarity purposes:</p> <ul style="list-style-type: none"> <li>a) Enabling a wide variety of commercial, social and cultural activities in central business districts, and town and commercial centres; b) Enabling smaller commercial centres to service local community needs;)</li> </ul>
Policy 5.3.3	<p>Industrial Land</p> <p>Manage the finite nature of land suitable and available for industrial activities, by all of the following:</p> <ul style="list-style-type: none"> <li>a) Providing specific areas to accommodate the effects of industrial activities;</li> <li>b) Providing a range of land suitable for different industrial activities, including land-extensive activities;</li> <li>c) Restricting the establishment of activities in industrial areas that are likely to result in: <ul style="list-style-type: none"> <li>i. Reverse sensitivity effects; or</li> <li>ii. Inefficient use of industrial land or infrastructure.</li> </ul> </li> </ul>
Objective 5.4	Adverse effects of using and enjoying Otago’s natural and physical resources are minimised
Policy 5.4.1	<p>Offensive or objectionable discharges</p> <p>Manage offensive or objectionable discharges to land, water and air by:</p> <ul style="list-style-type: none"> <li>a) Avoiding significant adverse effects of those discharges;</li> <li>c) Avoiding, remedying or mitigating other adverse effects of those discharges.</li> </ul>
Policy 5.4.3	<p>Precautionary approach to adverse effects</p> <p>Apply a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant or irreversible.</p>

1.23. The following Issues from Part 3: Urban Form and Development (UFD) of the PRPS 21 are relevant:

<b>Proposed Regional Policy Statement 2021</b>	
<b>Reference</b>	<b>Detail</b>
UFD-P2- Sufficiency of development capacity	<p>Sufficient urban area housing and business development capacity in urban areas, including any required competitiveness margin, is provided in the short, medium and long term by:</p> <ul style="list-style-type: none"> <li>4) providing for commercial and industrial activities in accordance with UFD–P5 and UFD–P6</li> </ul>

	<p>5) responding to any demonstrated insufficiency in housing or business development capacity by increasing development capacity or providing more development infrastructure as required, as soon as practicable, and</p> <p>6) requiring Tier 2 urban environments to meet, at least, the relevant housing bottom lines in APP10.</p>
UFD-P6-Industrial Activities	<p>Provide for industrial activities in urban areas by:</p> <p>(1) identifying specific locations and applying zoning suitable for accommodating industrial activities and their reasonable needs and effects including supporting or ancillary activities,</p> <p>(2) identifying a range of land sizes and locations suitable for different industrial activities, and their operational needs including land-extensive activities,</p> <p>(3) managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on industrial activities, or likely to result in an inefficient use of industrial zoned land or infrastructure, particularly where:</p> <p>(a) the area provides for a significant operational need for a particular industrial activity or grouping of industrial activities that are unlikely or are less efficiently able to be met in alternative locations, or</p> <p>(b) the area contains nationally or regionally significant infrastructure and the requirements of EIT-INF-P15 apply, and</p>
UFD-M2-District Plans	<p>Territorial authorities must prepare or amend their district plans as soon as practicable, and maintain thereafter, to:</p> <p>(2) in accordance with any required Housing and Business Development Capacity Assessments or monitoring, including any competitiveness margin, ensure there is always sufficient development capacity that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom lines for housing in APP-10, and meets the identified land size and locational needs of the commercial and industrial sectors</p> <p>...</p> <p>(3) ensure that urban development is designed to:</p> <p>(a) achieve a built form that relates well to its surrounding environment, including by identifying and managing impacts of urban development on values and resources identified in this RPS,</p> <p>(b) provide for a diverse range of housing, commercial activities, industrial and service activities, social and cultural opportunities,</p>

**Proposed Regional Policy Statement 2015**

**Proposed District Plan - Notified 26 August 2015**

1.24. The following objectives and policies (or parts thereof) of the PDP (Part 2 Strategic) are relevant to the Coneburn Industrial Zone, and the proposal should take into account and give effect to these provisions:

Strategic Direction: Chapter 3	
Reference	Detail

Objective 3.2.1	The development of a prosperous, resilient and equitable economy in the District.
Policy 3.2.1.5	Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wānaka town centres <sup>34</sup> , Frankton and Three Parks, are sustained.
Policy 3.2.1.6	Diversification of the District’s economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.
Objective 3.2.2	Urban growth is managed in a strategic and integrated manner.
Policy 3.2.2.1	Urban development occurs in a logical manner so as to: <ul style="list-style-type: none"> <li>a. promote a compact, well designed and integrated urban form;</li> <li>c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;</li> <li>d. minimise natural hazard risk, taking into account the predicated effects of climate change;</li> <li>e. <u>protect the District’s rural landscapes from sporadic and sprawling urban development;</u></li> <li>h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure.</li> </ul>
Objective 3.2.4	The distinctive natural environments and ecosystems of the District are protected.
Policy 3.2.4.1	Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.
Policy 3.2.4.6	<u>The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.</u>
Policy 3.2.4.7	The survival chances of rare, endangered, or vulnerable species or indigenous plant or animal communities are maintained or enhanced.
Objective 3.2.5	The retention of the District’s distinctive landscapes.
Policy 3.2.5.3	In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.
Objective 3.2.6	The District’s residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.
Strategic Policy 3.3.8	Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities.
Strategic Policy 3.3.12	Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

1.25. The Strategic Directions seek to enable development while protecting the valued natural and physical resources of the District. Chapter 44 Coneburn Industrial Zone is required to give effect to these

<sup>34</sup> Defined by the extent of the Town Centre Zone in each case



obligations, and does so by providing for increased industrial capacity, whilst retaining a large, visually prominent area of the zone as vegetation.

<b>Urban Development Chapter 4:</b>	
<b>Reference</b>	<b>Detail</b>
Policy 4.2.1.4	Ensure Urban Growth Boundaries encompass a sufficient area consistent with: <ol style="list-style-type: none"> <li>the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;</li> <li>ensuring the ongoing availability of a competitive land supply for urban purposes;</li> <li>the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;</li> <li>the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;</li> <li>a compact and efficient urban form;</li> <li>avoiding sporadic urban development in rural areas;</li> <li>minimising the loss of the productive potential and soil resource of rural land</li> </ol>
Objective 4.2.2A	A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.
Objective 4.2.2B	Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna.
Policy 4.2.2.1	Integrate urban development with the capacity of existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.

1.26. The Urban Development objectives and policies encourage consolidation of urban growth within the urban growth boundaries and existing settlements.

<b>Tangata Whenua Chapter 5:</b>	
<b>Reference</b>	<b>Detail</b>
Objective 5.3.1	Consultation with tangata whenua occurs through the implementation of the Queenstown Lakes District Plan.
Policy 5.3.1.1	Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decision-making and implementation on matters that affect

	Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.
Policy 5.3.1.2	Actively foster effective partnerships and relationships between the Queenstown Lakes District Council and Ngāi Tahu Papatipu Rūnanga.
Policy 5.3.1.4	Recognise that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water sites, wāhi tapu, tōpuni and other taonga.

- 1.27. Consultation was undertaken with representatives from Te Ao Marama and Auhaka on 6 April 2022. The issues traversed are summarised in Section 3.2 of this report.
- 1.28. The proposal gives effect to Sections 6(b) and 7(c) of the Act and the Landscape Chapter 6 by managing the actual and potential adverse effects of increased building coverages where these could affect the District's landscape values.

#### **Other Council Documents Considered**

- 1.29. The following Council documents and projects have informed this Section 32 evaluation.
- (a) [2021-2031 Long Term Plan Volume 1](#)
  - (b) [2021-2031 Long Term Plan Volume 2](#)
  - (c) [Growth Projections to 2051](#)
  - (d) [Economic Development Strategy](#)
  - (e) [Reserve Management Plans](#)
  - (f) [QLDC Infometrics](#)
  - (g) [Queenstown Lake Spatial Plan Whaiora 2021](#)
  - (h) [Housing and Business Capacity Assessment 2017](#)

## **APPENDIX 3**

### **PLANNING BACKGROUND OF THE CONEBURN INDUSTRIAL ZONE**

Submission 361<sup>35</sup> was made on Stage 1 of the District Plan review. This submission sought the inclusion of the Coneburn Industrial Zone land within the Operative District Plan (ODP) Industrial B Zone. The Independent Hearings Panel (IHP) released their Stage 1 topic decisions in May 2018. The IHP considered submission 361 in decision report 17-8<sup>36</sup> relating to mapping matters in the Coneburn Valley, Queenstown Park and Jacks Point areas. The IHP resolved that submission 361 be accepted in part, and the subject land be zoned 'Coneburn Industrial'<sup>37</sup>. The Coneburn Industrial Zone now comprises Chapter 44 of the Proposed District Plan (PDP).

The submitter's initially appealed the IHPs decision on Submission 361, however this appeal was subsequently withdrawn and Chapter 44 is now operative.

Chapter 44 is a special purpose industrial zone which covers a discrete area of land, approximately 114 Ha in area situated on the Kingston Highway (State Highway 6/SH6) to the south of the Remarkables ski field access road and across the road to the east of the Jacks Point Zone.

The purpose of Chapter 44 is outlined at 44.1 of Chapter 44 as follows:

*'The Coneburn Industrial Zone provides for industrial and service activities. Conversely, standalone offices, residential and almost all retail uses are excluded within the zone in order to ensure that it does not become a mixed use zone where reverse sensitivity issues and land values make industrial and service activities unviable within the zone.'*

#### **Variations to District-wide Chapters**

However, provisions for the Coneburn Industrial Zone relating to the district wide chapters subject to this variation were not identified by the IHP. Partly, this was due to the staged nature of the plan review process, with Chapter 25 (Earthworks), Chapter 29 (Transport) and Chapter 31 (Signs) being subject to Stage 2 of the

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<sup>35</sup> Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd

<sup>36</sup> Report 17-8, Report and Recommendations of Independent Commissioners Regarding Mapping of Coneburn Valley, Queenstown Park, Jacks Point, 7 May 2018

<sup>37</sup> Para 244, IHP Report 17-8

review. Chapter 36 (Noise) was however considered through Stage 1. In the absence of relevant provisions within these district wide chapters, some critical aspects of land use and development activities within the Zone cannot be controlled by the District Plan. This has the potential to result in environmental, social, cultural and economic adverse effects.

Although Chapter 44 is now treated as operative, the land zoned Coneburn Industrial Zone is currently a working quarry operation. It is not clear when, or if, the land will in fact be developed in accordance with the provisions of Chapter 44. It is understood that a considerable amount of earthworks/quarry activities have yet to be undertaken on the land. This activity is anticipated to continue for the foreseeable future, both to exercise those rights afforded by the existing consented quarry operation, and to sufficiently prepare the land to accommodate urban development in accordance with the landscape and visual amenity protections as set out in Chapter 44.

In September 2019, Queenstown Lakes District Council (QLDC or the Council) notified its Stage 3 topics of the District Plan review. This included Chapter 18A - General Industrial Zone (GIZ). As notified, the GIZ incorporated almost all land located within the ODP Industrial 'A' Zone, Industrial B Zone and the Ballantyne Road Mixed Use Zone. Stage 3 did not seek to identify substantive new areas of land within the GIZ in order to enable a more strategic and integrated assessment of future industrial land allocation in association with the development of the Council's Future Development Strategy (FDS). Work on the FDS is progressing in partnership with Iwi, Central Government and other key stakeholders. Due to the recent conclusion of litigation associated with the Coneburn Industrial Zone, its unique site characteristics and the ongoing FDS work, it was determined that the land subject to Chapter 44 need not be identified within the GIZ at this time.

It should be noted that the notified GIZ did propose variations (and consider submission on) the district wide chapters subject to this variation. These variations have been taken into account as part of this s32 assessment.

### **Variation to Building Coverages<sup>38</sup>**

Originally the Coneburn Industrial Zone proposed two Activity Areas (AA) where AA1a originally sought to provide up to 40% building coverage as a permitted activity and AA2a 60% where any coverage in excess of

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<sup>38</sup> Memorandum from applicant's planner Nick Geddes re Coneburn Industrial Zone, Chapter 44 – Potential Variation dated 10 July 2020

these thresholds was to be treated as a non-complying activity. This equated to enabling 1.83ha of building within AA1a and 13.16ha within AA2a.

To achieve an appropriate level of service AA1a (40%) was lowered to 30% a reduction of 4589m<sup>2</sup> while AA2a (60%) was lowered to 35% a reduction of 5.4ha in permitted building coverage. In addition to the lower building coverages and in recognition of the constraint the traffic generation presents to the Zone, a restricted discretionary assessment regime (44.5.5) was authored to enable assessment of traffic related matters for applications made to establish building coverages between 30%-40% AA1a and 35-65% AA2a.

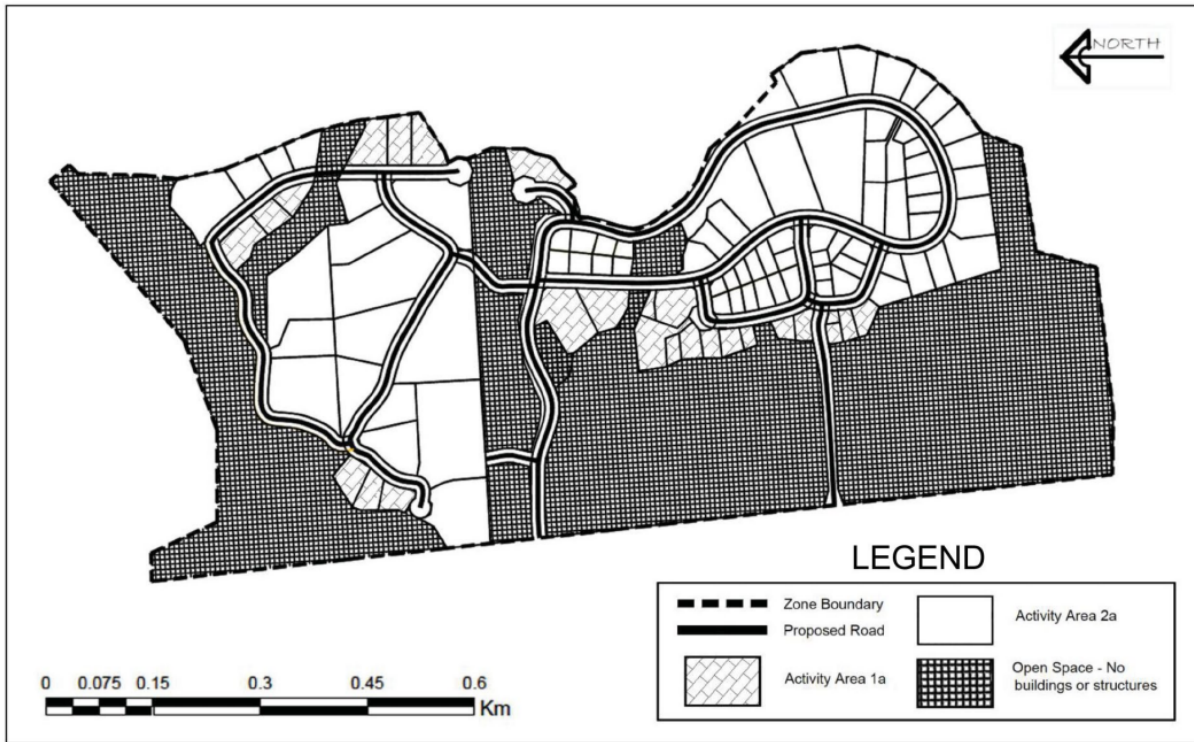
The resulting traffic generation and intersection design was acceptable to Waka Kotahi and this was confirmed to commissioners NZTA was amenable to the revised Coneburn planning framework in this regard.

In June 2019, a pre-application for works in SH6 was made to NZTA's consultants Opus to upgrade the existing crossing (Southern Access) to Austroads Priority T intersection, along with the internal roading layout and open space area ecological work within the southern part of CIZ.

In October 2019, Waka Kotahi advised that the reason permission was not granted to construct the Austroads Priority T intersection at the southern access point was that following the release of the *Government Policy Statement on Land Transport 2018* it was no longer acceptable to construct these type of intersections to service this type of development, a roundabout is required, and there are no other alternatives, as confirmed by Waka Kotahi.

Landowners within the CIZ have sought to amend Chapter 44 to revert building coverages within the Zone to those originally sought when a roundabout was proposed at the intersection of SH6 and Woolshed Road. This is in accordance with the planning framework when CIZ was to be accessed via the existing Priority T as well as a roundabout.

**APPENDIX 4 – CONEBURN STRUCTURE PLAN**



## Attachment D: Letter of Withdrawal from Submitters



### Adoption of Coneburn Industrial Variation to the Proposed District Plan

I act for Trojan Holdings Ltd and Scope Resources Ltd in relation to the two submissions<sup>viii</sup> raised by each and on the proposed variations by Council to the Coneburn Industrial Zone.

I understand that the misalignment between the Outstanding Natural Landscape and the Zones boundaries has been determined as being out of the scope of the proposed variations by Council to the Coneburn Industrial Zone. It has been confirmed this mapping error will be addressed in due course under the Future Development Strategy and any consequential changes to the Proposed District Plan (**PDP**). Confirmation that this misalignment will be addressed in due course is sufficient to confirm the submitters I represent are satisfied on this point.

The submissions primary relief is that the proposed variations to the Coneburn Industrial Zone are supported and should therefore be accepted by Commissioners. No other submissions were received on the notified Coneburn Industrial Variation to the Proposed District Plan.

In terms of completing the Schedule 1 process, based upon the above, Council advice was to withdraw the two submissions to facilitate an efficient and cost effective completion of the PDP variation process. This advice has been accepted by the submitters and the submissions have been formally withdrawn.

Should you require any further confirmation or similar, please contact.

Yours faithfully

**Nick Geddes**

Planning Consultant