BEFORE THE ENVIRONMENT COURT

Decision No. [2014] NZEnvC 197

IN THE MATTER of the Resource Management Act 1991 (the Act) and of appeals under Clause 14 of the First Schedule of the Act

BETWEEN QUEENSTOWN AIRPORT CORPORATION LIMITED

(ENV-2009-CHC-210)

TROJAN HOLDINGS LIMITED

(ENV-2009-CHC-211)

GARDEN CENTRES LIMITED

(ENV-2009-CHC-212)

QUEENSTOWN CENTRAL LIMITED

(ENV-2009-CHC-215)

THE STATION AT WAITIRI LIMITED

(ENV-2009-CHC-216)

AIR NEW ZEALAND LIMITED

(ENV-2009-CHC-221)

REMARKABLES PARK LIMITED AND SHOTOVER PARK LIMITED

(ENV-2009-CHC-222)

QUEENSTOWN LAKES COMMUNITY HOUSING TRUST

(ENV-2009-CHC-223)

Appellants

	AND	QUEENSTOWN LAKES DISTRICT COUNCIL
		Respondent

Hearing:	at Christchurch on 18, 19, 20 and 21 August 2014 and 25, 27 and 28 August 2014
Court:	Environment Judge J E Borthwick Environment Commissioner R M Dunlop Environment Commissioner D J Bunting
Appearances:	R M Wolt for Trojan Holdings Ltd T L Edney for Garden Centres Ltd and The Station at Waitiri Ltd I M Gordon for Queenstown Cenfral Ltd J D Young for Remarkables Park Ltd and Shotover Park Ltd A J Schulte for Queenstown Lakes Community Housing Trust J E Macdonald for the Queenstown Lakes District Council
Date of Decision:	18 September 2014
Date of Issue:	18 September 2014

FINAL DECISION OF THE ENVIRONMENT COURT

A: Pursuant to s 293 policies 1.5, 3.1, 3.2 and 9.13 are confirmed and pursuant to s 290 policy 7.6 is approved. The provisions are contained in Annexure A attached to and forming part of this decision. For convenience the higher order provisions approved in earlier decisions have been reproduced in Annexure A.

B: Pursuant to s 290 the amendments to the Structure Plan are approved. The Structure Plan is marked Annexure B and forms part of this decision.

C: Pursuant to s 290 and s 293 the rules and methods are either approved or confirmed (as the case may be). These provisions are contained in Annexure C attached to and forming part of this decision.

D: Subject to directions costs are reserved.

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REASONS

Introduction

[1] This is the final decision of the Environment Court in respect of eight appeals against Plan Change 19 to the Queenstown Lakes District Plan.

[2] This decision principally concerns the lower order rules and methods to give effect to the policies and objectives approved earlier by the Environment Court, and follows a hearing conducted during the weeks of 18 and 25 August 2014.[1]

Structure of the Decision

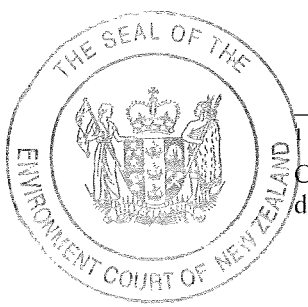
[3] The decision is written in four parts and henceforward we refer collectively to the rules and methods as the "draft Plan Change".

[4] In Part A we briefly describe the processes both before and during the hearing that culminated in the court being in a position to indicate that – with few exceptions – it would approve the rules and methods proposed for Plan Change 19 (**PC19**).

[5] In Part B we decide the appeals by The Station of Waitiri Ltd and the Garden Centres Ltd and, secondly, the provisions for retailing within AA-D and E1.

[6] In Part C we comment on the amendments made to the Structure Plan (previously approved); the rules and methods replacing outline development plans and the enablement of affordable housing.

[7] Finally, in Part D we address a range of matters that were either brought to our attention by counsel in their closing submissions or matters upon which the court indicated it needed further time to reflect on the evidence before making a decision.



[1] We record that Air New Zealand Ltd, New Zealand Transport Agency and Queenstown Airport Corporation Ltd were granted leave to be excused from this hearing, the parties agreeing to abide the decision of the court.

Part A: Court's processes

[8] With the parties' agreement the witnesses were directed to conference prior to the hearing, with conferencing being facilitated by Environment Commissioner K Edmonds. Conferencing took place over six weeks during May to June 2014. The conference was attended by the planning witnesses, although from time to time other experts joined in. Where the witnesses required advice as to the court's jurisdiction to consider amendments to certain rules and methods, questions were submitted to counsel for guidance.

[9] A Joint Witness Statement was filed on 30 June 2014, together with the witnesses' recommended changes to PC19's rules and methods. The witnesses, however, were unable to conclude the conference on certain key topics due to the complexity of the subject matter and the ongoing need to obtain input from other disciplines.

[10] With further unfacilitated conferencing and mediation, a Joint Statement of Evidence was filed on 25 July 2014 recording the planning witnesses' agreement on a complete set of rules and methods.

[11] As the court did not presume that any agreement recorded in the joint witness statements would necessarily represent the position of all of the parties on appeal, an opportunity was afforded the parties to refer the proceedings to mediation and/or to file evidence. In the event no evidence was filed on behalf of any party taking a different view of the rules and methods.

[12] That the witnesses were able to come to a common view as to the content and structure of the draft Plan Change is an achievement in itself. It is noteworthy that the final draft of the Plan Change provisions filed on 25 July 2014 is essentially a re-write of PC19(DV)'s rules and methods. The re-write is to give effect (as it must) to the policies and objectives as determined by the court. While the objectives and policies approved by the court generally followed in the same direction as the Commissioners' decision a large amount of work was entailed reorganising the rules and methods into a logical sequence and ensuring that the rules for controlled and restricted discretionary activities identified, respectively, the reservation of control and the restriction on

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discretion. The witnesses addressed in a comprehensive fashion the assessment matters that are to guide persons making applications for resource consent and to inform consideration of an application by the consent authority. The assessment matters were regrouped, with new matters being introduced to respond to certain objectives and policies. The language used in the assessment matters was also reconsidered in light of the environmental outcomes anticipated under the objectives and policies.

[13] Finally, and in light of the court's earlier decision[2] as to the vires of PC19(DV)'s outline development plan provisions (**ODP**), a new method was introduced applicable to AAs C1 and C2; namely the requirement to produce a Spatial Layout Plan, Travel Plan and a Site Context and Design Statement as part of the information that is to accompany an application for a land use consent for a building or a subdivision application. This new method necessitated the introduction of additional site and zone standards, the content and outcome of which the District Council had earlier hoped could be addressed through the ODP process. Four new policies were also proposed.

[14] The draft Plan Change was filed together with the witnesses' Analysis Sheets, a Joint Witness Statement and Joint Brief of Evidence. The Analysis Sheets record the objectives and policies that the proposed rules and methods are to give effect to. The sheets, amongst other matters, identify relevant groupings of rules and methods and explain their content. As the Analysis Sheets were produced before the draft Plan Change filed on 25 July 2014, their content does not necessarily record the final wording used. The Joint Witness Statement and Joint Brief of Evidence supplement the Analysis Sheets and in terms of detail describe at a relatively high level the approach adopted by the planning witnesses when reviewing the PC19(DV) version of the rules and methods and address certain topics (such as the new spatial layout plans, affordable housing and the height provisions).

[15] Our reference to a high level approach is not to be taken as a criticism; counsel have acknowledged even they had under-estimated by some margin the complexity of the task set for the witnesses.[3] To better inform itself as to the scope and content of the rules and methods and secondly their operation, the court, having reviewed the material

[2] [2014] NZEnvC 93.
[3] QLDC reporting memorandum dated 3 June 2014.

provided, took the relatively unorthodox approach of setting out a series of questions for the planning witnesses prior to the commencement of the hearing.[4]

[16] After the hearing commenced, the planners each gave a statement describing the rules and methods for the various activity areas with which they were most closely involved and then, having been empanelled as a group, gave evidence responding to the court's questions. Adjournments were granted to enable the planners to complete this exercise and to respond to other matters identified by the court.[5]

[17] All parties had the opportunity to ask questions arising out of the planners' evidence or following on from the court's own questions. The court's questions included the topic of jurisdiction or rather the absence of jurisdiction for two rules introduced into the draft Plan; the merits of certain methods to give effect to policy and clarifying scope, content and effect of yet other rules and methods. This process resulted in the draft Plan being amended during the course of the hearing with a final draft Plan being filed on 12 September 2014.

[18] This iterative process has served the parties well as by the conclusion of the evidence the court had largely satisfied itself, having regard to their efficiency and effectiveness, that the rules and other methods are the most appropriate for achieving the objectives and policies (s 32(3)(b) RMA) and that the draft Plan Change would assist the District Council in carrying out its functions in order to achieve the purpose of the Act (s 72 RMA). Secondly, to the extent possible on the evidence, the court was satisfied that the potential for unnecessary transactional costs which may otherwise result from uncertainty in the scope, content and effect of the rules and methods, could be minimised by amendments made to the final draft.

[19] With the exception of the replacement method for ODPs, we record that counsel or the witnesses did not directly address s 32(4) RMA and the requirement in relation to s 32(3) to evaluate:

[4] Minute dated 14 August 2014.
[5] Minute dated 26 August 2014.

(a) the benefits and costs of the rules or other methods; and

(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the rules or other methods.

[20] This no doubt reflects the agreement of all parties (save The Station at Waitiri Ltd and the Garden Centres Ltd) with the draft Plan rules and methods filed on 25 July 2014 and subsequent iterations filed in court.[6] If the parties had any concerns we would have expected them to say so, but this was not done.

Part B: The Station at Waitiri Ltd and the Garden Centres Ltd

[21] As noted above, the appellants The Station at Waitiri Ltd and the Garden Centres Ltd did not agree with all of the content of the draft Plan Change (the version filed 25 July 2014) which affected their land. They advised the court of their position at the beginning of the hearing.

[22] The court was alive to the possibility that parties may not agree with the recommendations made by their experts at conferencing and that is why directions were also made for the exchange of evidence – this did not preclude a party engaging a new expert. No party responded to this direction by filing evidence before the hearing.

[23] In earlier hearings The Station at Waitiri Ltd and the Garden Centres Ltd were represented by legal counsel and had engaged a planner to attend at the expert conferences. Legal representation was withdrawn on 18 August 2014 and Mr Edney, a director of The Station at Waitiri Ltd, entered an appearance for both appellants.[7] We understand the appellants do not agree with statements made by their planning witness in the Analysis Sheets or in draft Plan Changes filed before the hearing commenced.

[24] Mr Edney challenged the rules and methods to the extent that they affected land over which the appellants have an interest. Mr Edney faintly suggested that he be able to give evidence in support of the appellants' position. Two parties objected to this proposition on the grounds that they could be prejudiced; a third – New Zealand

[6] Dated 24 August, 26 August, 27 August, 28 August (two drafts) and 5 September 2014.
[7] Separate authorisation for Mr Edney to represent the Garden Centres Ltd was filed on 22 August 2014.

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Transport Agency – had been earlier granted leave to be excused from the hearing and was not in attendance. Having not complied with the direction to pre-circulate evidence, the court did not allow Mr Edney to give evidence but did allow him to cross-examine the relevant planning witnesses.

[25] It is convenient to separately address the relief pursued by these appellants, starting with the Garden Centres Ltd.

The Garden Centres Ltd

Discussion and findings

[26] The draft Plan Change (dated 25 July 2014) included a provision for the establishment of a new licensed café[8] ancillary to the existing garden centre located at Lot 2 DP 23542 (rule 12.20.3.2). Mr Edney challenged the requirement that the licensed café can only operate while the Garden Centres remain on site.

[27] For context, the Garden Centres Ltd is a successor to an appeal filed by Manapouri Beech Investments Ltd.

[28] In its second Interim Decision[9] the court said at paragraphs [10] and [11]:

> [10] Following the first Interim Decision and second Procedural Decision, with Manapouri continuing to pursue site specific treatment of its land, the court directed its appeal be set down for a hearing with evidence to be filed as to the merits of treating its site differently from other land zoned AA-E1.
>
> [11] Manapouri subsequently amended its notice of appeal, eventually limiting its relief to the establishment of a licensed café to be operated in association with an existing garden centre. Conferencing of expert witnesses followed evidence exchange, with the witnesses reaching agreement on the objectives and policies relating to the Manapouri land.

[29] The relief now pursued by the Garden Centres Ltd was not sought under its notice of appeal or the amended notice of appeal. Moreover, the relief departs from the Joint Witness Statement dated 3 February 2014 and from Mr Freeman's evidence dated 30 September 2013 which records the agreement of the District Council and the New

[8] A controlled activity.
[9] Dated 14 March 2014.

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Zealand Transport Agency to the relevant rule. The court had regard to this evidence in an earlier hearing.

[30] The final wording of rule 12.20.3.2(ii) and (iii)(a) Licensed Cafe on Lot 2 DP 23542[10] is within jurisdiction, the rule is the most appropriate for achieving the policies and objective and is approved. We turn next to rules and methods affecting both appellants.

The Station at Waitiri Ltd and the Garden Centres Ltd

[31] Mr Edney proposed amendments to four methods. First, the District Council and Mr Edney have agreed to amend zone standard 12.20.6.2(xx)(c)[11] by deleting the words "and the boundary with activity area A". This amendment has been carried through into the final draft Plan Change filed on 12 September 2014 and the final wording of this zone standard will be approved by the court.

[32] Secondly, under PC19(DV) landscaping is a controlled activity (rule 12.20.3.7, Table 1). Mr Edney argues that landscaping should remain a controlled activity and not a restricted discretionary activity as proposed by the other parties to the appeal. Thirdly, Mr Edney opposes a new zone standard, 12.20.6.2(xx)(a),[12] requiring 5m of landscaping on the boundary of AA-A. To oppose these rules he mounts a collateral attack on policy 2.2 (in the first Interim Decision this was numbered policy 1.4 and was related to objective 1).

[33] Policy 2.2 is:

> To require a building setback from State Highway 6 and generous areas of landscape planting to substantially screen built development and outdoor storage of goods, material and equipment when viewed from State Highway 6 at the eastern portion of the Zone's northern edge, within that part of Activity Area E1 located to the east of Activity Area A.

[10] Filed 5 September 2014.
[11] Mr Edney gave the cross-referencing as rule 12.20.6.2(xviii)(c), the correct reference is 12.20.6.2(xx)(c). The clause references changed during the course of the hearing.
[12] Mr Edney gave the cross-referencing to this rule as 12.20.6.2(xviii)(a), the correct reference is 12.20.6.2(xx)(a).

[34] While accepting policy 2.2 cannot now be challenged (the appellants assert there was no jurisdiction to approve the policy), Mr Edney argues the proposed rules are also beyond the court's jurisdiction as they were not sought by way of relief in the notice of appeal and the rules cannot be said to be a consequential amendment.

[35] Finally, Mr Edney opposes a site standard[13] which requires within Lot 1 DP 23542 that buildings are set back 10m from Activity Area A. On this matter evidence was led from QLDC's planner, Mr Mead that the site standard is to give effect to policy 2.2.

Discussion and findings

[36] Under PC19(DV) The Station at Waitiri's land was subject to two sub-zones; AA-A and AA-E1. The notice of appeal sought to remove the AA-A zoning (which prohibited all land use save landscaping) and replace it with Activity Area E1 zoning. The appeal also sought consequential relief, in particular "[a]ny such alternative or consequential relief to the Plan Change provisions considered necessary or appropriate to address the issues and concerns raised in this appeal".

[37] In the first Interim Decision[14] the court approved the rezoning of land from Activity Area A to E1 on the following basis:

> [599] Within the limits of the court's jurisdiction, we have addressed the zone wide objectives and policies, and the objective and policies for AA-E1.[506]
>
> [600] We are, however, satisfied that in line with the sub-zone that applies to the Manapouri site, **and subject to the court's findings in relation to objective 1 and related policies**, AA-E1 can be extended over the balance of the FMC site. Otherwise we leave for the lower order hearing the rules, standards and methods – including the proposed rules enabling access to the state highway building height and setback. [our emphasis]
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> Footnote 506 - See Parts 6 and 13.

[13] 12.20.6.1(xxi)(a).
[14] Dated 12 February 2014.

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[38] The Station at Waitiri Ltd is a successor to an appeal filed by FM Custodians Ltd, referred to in the above passage as FMC.

[39] In the first Interim Decision, the court held that the extension of Activity Area E1 was subject to the court's findings in relation to objective 1 and related policies. To put it as plainly as we can, the court would not have approved the extension of the E1 subzone if it did not have jurisdiction to include a policy addressing landscape. If the court had not approved the extension of E1 the Plan Change would prohibit the use of up to a third of the appellants' land for industrial development. The court gives its reasons for amending the sub-zone at paragraphs [261-270] and [561-600] of the first Interim Decision.

[40] Without landscaping adjacent to the boundary of AA-A, industrial development would be visible from within the Zone and also from the State Highway looking east towards The Remarkables and the Glenda Drive Industrial Area. The landscaping of the adjacent AA-A does not support Mr Edney's case, as landscaping of AA-A is not done for the purpose of screening development within the appellants' land, although it may have this benefit. The zone standard (12.20.6.2(xx)(a)) is a consequential amendment to the decision to rezone land from AA-A to E1 and is the most appropriate method to give effect to the policies.

[41] Mr Edney is correct that under PC19(DV) landscaping was a controlled activity. What he may have overlooked, however, is that this classification of landscaping derives from the sub-zones approved by the Commissioners in PC19(DV). Things have moved on. The District Council now proposes landscaping is a restricted discretionary activity for Lots 1 and Lot 2 DP23542. We are satisfied that the restricted discretionary activity categorisation is the least restrictive measure and is appropriate given the range of activities that could take place on this land in very close proximity to the State Highway. The amendment is consequential upon the decision to grant the relief to rezone the appellants' land.

[42] That said, we are not satisfied that the 10m building setback from AA-A does give effect to policy 2.2. There is no discussion of this method in the Analysis Sheets. To the extent that there was consideration of relevant policy, this arose from QLDC's

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questions to Mr Mead where he observes that policy 2.2 addresses, amongst other matters, building setback from the State Highway. This method, however, is to require building setback from AA-A. On the other hand if SPL's planning witness, Mr Brown is correct and the method is to manage parking, manoeuvring and access,[15] then its purpose is also unrelated to the policy 2.2 and does not give effect to the objective 2.

[43] It follows from this the 10m building setback method (12.20.6.1(xxi)(i)) is not approved.

Retailing in Activity Areas D and E1

Discussion and findings

[44] The parties and their witnesses propose a single rule governing retailing in AA-D and E1. In its Minute dated 14 August 2014 the court raised concerns whether the rule would give effect to policies 10.3 and 11.3. Policies 10.3 and 11.3[16] address development within two different activity areas at two different locations with two different types of retail activity being enabled.

[45] We have kept front of mind counsels' advice recorded at paragraph [32] of the second Interim Decision:[17]

> We record here counsel's advice that the storage of goods for sale in a yard does not fall within the definition of industrial or service activity. We agree with their interpretation and our decision proceeds on this basis.

[46] The planners responded to the court's Minute retaining (with amendments) the single rule. In their opinion the policy distinctions in location, area and retail activity will emerge in conjunction with the application of other site and zone standards. We disagree because the other standards do not relate industry/service type to type of retail activity.

[47] On a different topic, when proposing a 20% restriction on gross floor area (in AA-D or E1), the planners did not address whether the limitation is to be applied to a

[15] Transcript at 140.
[16] The higher order provisions filed 12 September 2014 does not contain policy 11.4 approved of by the court in the second Interim Decision. The approved policy is reproduced in Annexure A.
[17] [2014] NZEnvC 54.

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single floor or multiple floors of development. Their worked examples proceeded on the basis that the restriction applied to a single floor of development. Bearing in mind that within AA-E1 and D, the standards enable development up to heights of 12m and 10m respectively, the 20% restriction should more properly be applied to the ground floor area of a building to avoid any greater and unintended scale of retail activity.

[48] Using the same limitations on the physical extent of retailing proposed by the planners and parties, the court has decided to approve two zone standards differentiated by the type of industry and retail activity enabled by the policies. We have not asked for the parties comment as the amendments made are within the scope of the rule proposed and are to give effect to the outcomes supported by their planning witnesses.

[49] Finally, we have omitted reference in the explanation and reasons for the AA-D objectives and policies to retailing being directly connected to the principal use of the site. The reason for this is given in the second Interim Decision.

Outcome

[50] The court approves two zone standards for retailing in AA-D and E1 as follows:

A. Ancillary Retailing Activities within E1

The following limitations apply to retail activities in Activity Area E1:

(a) Activities more than 50m from the EAR:

Any goods displayed for sale are ancillary to the industrial and/or service activity on the site and occupy no more than 20% of the ground floor area of the building.

(b) Activities within the Road Frontage Control Area shown on the Structure Plan:

Any goods displayed for sale are ancillary to the industrial and/or service activity on the site; and

(i) where displayed inside a building occupy no more than 20% of the ground floor area of the building;

(ii) where displayed outdoors, or under un-enclosed structures, are yard based retail activities and occupy no more than 30% of that part of the site located within the Road Frontage Control Area shown on the Structure Plan, and not located on required car parking, loading, landscaping or permeable areas.

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B. Ancillary Retailing Activities within AA D

The following limitations apply to retail activities in Activity Area D:

(a) Activities more than 50m from the EAR:

Any goods displayed for sale are ancillary to a yard based industrial and/or service activity on the site and occupy no more than 20% of the ground floor area of the building.

(b) Activities within the Road Frontage Control Area shown on the Structure Plan:

Any goods displayed for sale are ancillary to a yard based industrial and/or service activity on the site; and

(i) where displayed inside a building occupy no more than 20% of the ground floor area of the building;

(ii) where displayed outdoors, or under un-enclosed structures, occupy no more than 30% of that part of the site located within the Road Frontage Control Area shown on the Structure Plan, and not located on required car parking, loading, landscaping or permeable areas.

Part C: Balance of Provisions

Structure Plan

[51] In the third Interim Decision[18] the court approved, by consent, the Structure Plan. At this hearing the planners have recommended that the Structure Plan's legend be updated or amended; some minor improvements be made as to how certain features are recorded on the face of the Structure Plan and finally that the area table be deleted. These are not substantive changes. The most important change arises out of further work done by the planning witnesses on the delineation of the height controls.

[52] Counsel support the changes.

[53] In the third Interim Decision leave was reserved to parties seeking to correct minor editorial errors or omissions in the higher order provisions.[19] The changes recommended are of that ilk, and are approved.

[18] [2014] NZEnvC 93.
[19] Direction [I].

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Spatial Layout Plans, Travel Plans and Site Context and Design Statement

Introduction

[54] Applicants for land use and subdivision consent in Activity Areas C1 and C2 are to provide by way of additional information a Spatial Layout Plan and a Site Context and Design Statement (12.20.4). A Travel Plan is to be supplied where consent is required for non-residential activities providing 25 plus car parks for staff and/or visitors (14.2.2.2(iii)(b)). Three new supporting policies are also proposed.

[55] Collectively the plans replace the ODP provisions approved under PC19(DV).

[56] In contrast with the ODP provisions, Spatial Layout Plans, Travel Plans and Site Context and Design Statements are not to be activities for which consent is required. The content of the Plans is described both in policy 3.2 and in 12.20.4 Additional Information. The Spatial Layout Plans and Site Context and Design Statement are proposed for Activity Area C1 and C2, but not E2 which now has new standards and assessment matters that address the integration of land use within and beyond this activity area.

[57] We note that Travel Plans will apply to all activity areas and have the purpose of addressing the management of travel demand within the Zone. The Site Context and Design Statement is to provide relevant information to assess land use consent applications against the rules and standards.

Spatial Layout Plans

[58] Within Activity Areas C1 and C2 all buildings and subdivision are restricted discretionary activities. In relation to these activities the requirement in 12.20.4 is to provide information relevant to the development of the whole of the Activity Area. It is implicit that where Spatial Layout Plans are relied on to inform matters over which the District Council has restricted its discretion, a greater level of specificity and detail will be required commensurate with the application for consent. The assessment matters for resource consents draw on the information contained in the Spatial Layout Plan to assess how buildings and associated works contribute to and do not undermine:

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(a) a connected street network;

(b) pedestrian and cycleway connections;

(c) open space within AAs C1 and C2;

(d) maintenance of viewshafts; and

(e) accommodation of on-site soakage and overland flow paths.

[59] An application for subdivision consents would consider the same range of matters.

[60] Successive applicants for resource consent may rely on a Spatial Layout Plan filed with an earlier application (12.20.4(b)). The caveat to this must be whether the earlier Spatial Layout Plan provides sufficient specificity and detail to address the matters in respect of which the District Council's discretion is restricted. If it does not, then more information will be required to be provided by an applicant. This is a matter which we expect the District Council will be alert to under s 88 of the Act.

[61] The planners completed a s 32 analysis of the Spatial Layout Plan method comparing it with a second method which was also considered. The benefits, which we accept, lie in its flexibility to accommodate future change. The method is efficient and effective in that it does not depend on consents being modified or updated as development progresses. The planners likened the Spatial Layout Plan to a rolling Master Plan[20] – the analogy does not seem entirely apt,[21] but we understand what they mean. As Ms Macdonald noted, each Spatial Layout Plan will either build upon the preceding one or demonstrate how an alternative plan would achieve the objectives and policies of the Zone.[22] The potential for ad hoc development is addressed through policies and assessment matters that are to ensure buildings, subdivisions and associated works contribute to and do not undermine the integrated and comprehensive spatial layout for the activity areas and the Zone (policy 3.2). In addition policy 3.1 requires the activity areas to manage their interfaces and integration with adjoining activity areas and Zones (plural). We recognise these outcomes as additional benefits. In contrast

[20] Joint Conferencing Statement at [15].
[21] In the court's experience a Master Plan is commonly understood to mean a more comprehensive and less flexible development plan.
[22] QLDC submissions dated 18 August 2014 at [19].

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with the former outline development plans, a decision to file a new Spatial Layout Plan will not change the activity status of either the land use or subdivision application.

[62] On the other hand there are costs associated with the upfront analysis and determination of future needs including [we add from policy] the current and anticipated built form and uses within the activity area; the activity area's anticipated future capacity and the relationships and connections with adjacent activity areas (policy 3.1). These costs could be substantial. Furthermore there are very likely to be costs incurred in the absence, thus far, of a stormwater catchment management plan to guide stormwater collection, treatment and disposal within the Zone. Mr Mead acknowledged that without this, development within the Zone may eventually become self-limiting.[23] As we have done since 2012, the court strongly encourages the District Council to complete the necessary technical work and file an appropriate, comprehensive resource consent application (if that remains its intention). In addition there is a need to comprehensively plan for and address potable water supply and waste water disposal.

[63] Three proposed policies (policies 1.5, 3.1 and 3.2) address spatial layout plans, addressing in particular their purpose and content. We are satisfied that the policies give effect to the relevant objectives. Policy 3.1 was described by counsel for the District Council as a "process policy"; as it will assist the District Council carrying out its functions we find that it is not repugnant to the Act. We agree with the District Council that the replacement of outline development plans with spatial layout plans represents a change in the planning mechanism and not the planning concept. A review of the outline development plan policies, rules and methods reveal a broadly similar purpose, albeit the scope of the assessment matters has been significantly reduced.

[64] We do not approve the reference to Spatial Layout Plans being "approved" in 12.19.1.3. This is inconsistent with our understanding that the Spatial Layout Plan is information accompanying an application for resource consent and is not an activity for which consent is (or indeed can be) sought.

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[23] Transcript at 361.

Jurisdiction to approve for Spatial Layout Plans

[65] Addressing the jurisdiction to replace the ODP provisions Ms Macdonald submits that no authority is required to remove the *ultra vires* provisions.[24]

[66] QCL acknowledged the replacement provisions for ODP's were not directly foreshadowed under its appeal. QCL submits, nevertheless, the replacement provisions may be approved as a consequential amendment to address concerns raised on appeal.[25] The court is an appeals body and exercises its powers under s 293 sparingly; nevertheless QCL submits this is an appropriate case where the court may alternatively have recourse to s 293 of the Act to confirm the provisions.

[67] The replacement policies, rules and methods respond to the third Interim Decision,[26] where the court held that the rules classifying activities subject to compliance with an outline development plan were *ultra vires* the Act. The court adjourned its determination of ODP policies pending this hearing.

[68] While QCL's appeal did not challenge the *vires* of all of the ODP rules and methods, it did challenge the vires of an important rule prohibiting land use until such time as an ODP was approved. Secondly, QCL challenged specifically the appropriateness of certain rules and methods that pertain to, or interface with, the ODP provisions. Now QLDC, with QCL's support, propose the replacement policies, rules and methods. All affected landowners are parties to these proceedings and no party with an interest in the QCL appeal opposes their inclusion. The replacement provisions have been examined under s 32 of the Act.

[69] In these circumstances, the appropriate course is to confirm the replacement policies, rules and methods pursuant to s 293(1) as they respond to the matters identified by the court.

[24] QLDC closing submissions dated 18 August 2014 at [21].
[25] At [144] of the notice of appeal is a pleading by way of relief for any other additional, amended, consequential and/or alternative changes as are necessary or appropriate to address the issues and concerns raised in the appeal.
[26] [2014] NZEnvC 93.

Outcome

[70] Policies 1.5, 3.1 and 3.2 and the rules and methods relating to Spatial Layout Plans, Travel Plans and also the Site Context and Design Statement are confirmed.

Affordable Homes

[71] The Queenstown Lakes Community Housing Trust appeal seeks the following relief:

(a) to include the term "affordable and community housing" in the plan change;
(b) to require an Affordable Housing Plan be prepared in accordance with Appendix 11 of PC24; and
(c) any other amendment to ensure appropriate amounts of community housing and affordable housing is delivered.

[72] By way of background after the Trust's appeal was filed, PC24 became operative with few of its notified provisions, Appendix 11 included, being made operative.

[73] The Trust advised that its relief would be satisfied if there was:

(a) a statement in the Environmental Results Anticipated section acknowledging residential living included community housing; and
(b) a new assessment matter requiring consideration of any impact on housing affordability if the site standard for dwelling density was not met.

[74] Evidence was led from QLDC and QCL planners in support of these amendments, with the witnesses proposing additional wording to restate the assessment method as a positive outcome.

[75] These methods are to be considered against PC19's policy context that is enabling of affordable housing and discouraging low density living (policy 1.2) and in relation to AA-C2 prevents low density residential living (policy 8.1). The policies are to be achieved through a range of methods including a standard imposing a minimum density of one dwelling per 200m^2 of net site area (12.20.6.1(vii)(a)). The evidence was

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that terrace housing is a typical format at this density and can be an affordable product. The second way to achieve affordable housing is the absence of standards controlling the minimum unit size and minimum lot size. That said, density would practically be constrained by the standard controlling residential mix and controlling the outlook from habitable rooms and building separation. We note the zone standard that controls building height up to 18.5m from 150m at the edge of AA-A would enable apartment blocks. However the evidence was that land and construction costs may mean this type of development could be unaffordable for low to moderate income households.

[76] The Trust observes there is no guarantee that affordable or community housing will be provided within this Zone.[27] In the Trust's view the above methods will be effective in achieving relevant policy – which is simply to provide conditions that would enable the opportunity to develop affordable housing. We are satisfied that the two methods do give effect to the policies. Whether an affordable housing product is offered to the market is a different matter.

Outcome

[77] The court approves the amendment to 12.19.3.2 Environmental Results Anticipated by the inclusion of a new matter (vii) as follows:

> The enablement of affordable (including community) housing.

[78] The court approves the amendment to the assessment matter 12.20.7.4(vii) Minimum Dwelling Density (b):

> The extent to which lower density development provides opportunities for affordable housing for low to moderate income households.

Part D: Other matters

[79] We approve policy 7.6 which was omitted in error from an earlier decision.

[80] In relation to 12.20.7.3(p) (an assessment matter for vehicle access and parking) we make no further comment on the appropriateness of including an assessment matter

[27] Queenstown Lakes Community Housing Trust opening submissions at [18].

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for an activity which requires no resource consent. All parties consent to the inclusion of this provision.

Discretionary activities

[81] The planners propose a new rule to the effect that activities not listed in Table 1 are discretionary activities (12.20.3.4).[28] QCL submits this rule is not relief sought in any appeal and furthermore it does not give effect to any policy or objective. QLDC and SPL support the rule which they regard as simply restating s 77C(1)(b) (now s 87B(1)(b)).

[82] PC19(DV) had a rule that an activity was permitted if it complies with Table 1 and the relevant standards (12.19.1.1a). It follows that activities not listed in Table 1 and not subject to any other rules classifying them as controlled, restricted discretionary, discretionary, non-complying or prohibited – required consent. As the new rule has the same effect as s 77C(1)(b)[29] we presume that the classification of activities in this manner by the Commissioners deciding PC19(DV) was to give effect to the policies and objectives.

[83] On that basis we approve the new rule for discretionary activities (12.20.3.4).

Non-notification of applications

[84] An amendment was proposed by the planners to the wording of PC19(DV)'s rule that certain activities need not be notified (12.20.4). The amendment would see all activities, save non-complying activities, not notified. Counsel agreed with the court that no jurisdiction exists to approve of this amendment.

[85] During the hearing the planners reviewed the restrictions on the rule and considered its scope in the context of the replacement method for ODPs (spatial layout plans). Mr Mead gave supplementary evidence on 27 August 2014 in support of an amended rule[30] which was not contested.[31]

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[28] The planners had initially proposed, without jurisdiction, a new rule that subject to compliance with site and zone standards and with the Structure Plan, all activities are permitted unless listed as a controlled, restricted discretionary, discretionary, non-complying or prohibited activity.

[29] Also s 87B.

[30] Renumbered 12.20.5.

[31] Filed 27 August 2014, with amendment to Attachment A of the supplementary evidence being filed on 28 August 2014.

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[86] QCL raises a concern about the non-notification of applications for restricted discretionary building activities within AA-C2.[32] Somewhat dismissively it submits that notification of applications may support policy 8.4 insofar as "residents ... might conceivably make a valuable contribution to resource consents that impact on or achieve a high quality environment."[33] A suggestion is then made that the court considers the amendment under s 293.

[87] We confirm the amendment pursuant to s 293 as it arises as a part of a suite of amendments giving effect to the replacement provisions for ODPs.

Proposed Policy 9.13

[88] The planners propose a new policy requiring Community Activities and Educational Facilities to incorporate mitigation to reduce potential reverse sensitivity effects from noise generated in AA-E1.[34] Under PC19(DV) ODPs were to be the vehicle to ensure adjacent activities can co-exist and avoid any issues of reverse sensitivity.[35] With the replacement of the ODP methodology a new policy is proposed to require management.

[89] We are satisfied that the policy is an amendment that is consequential to the replacement of the ODP method and it is confirmed under s 293.

Outcome Overall

[90] Subject to minor amendments (including editorial changes) that are track changed in Annexures A and C we approve and/or confirm (as the case may be) the objectives and policies and rules and methods of Plan Change 19.

[91] We note that amendments to the wording of the objectives and policies are to incorporate actual wording previously approved by the court. Amendments to the explanation and reasons are done to reflect the status of the Stormwater Catchment

[32] Formally buildings were controlled activities in AA-C2 and subject to a rule that conferred discretion upon the District Council to dispense with notification (12.20.4).
[33] QCL closing submissions at [53]-[54].
[34] AA-E2 Analysis Table from pp2.
[35] Policy 2.1 and the Explanation and reasons for the policy.

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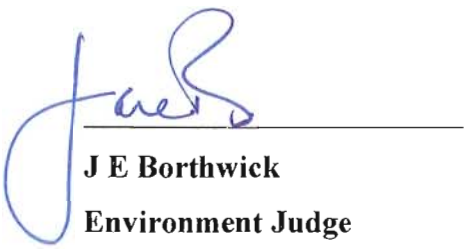
Management Plan and Spatial Layout Plans and secondly in the case of retailing in Activity Areas D and E1, to reference the wording of the policies approved by the court. Finally, the we have clarified the wording of an assessment matter 12.20.7.3(viii)(d) by inserting the word "permanently". This is necessary to give effect to policies and was recommended by the planning witnesses during the course of the hearing.[36]

Costs

[92] Costs are reserved but are not encouraged. Any application for costs is to be filed by **30 September 2014** and any reply by **14 October 2014**.

For the Court:



J E Borthwick
Environment Judge

Issued:[37] 18 SEP 2014

[36] Transcript at 469.
[37] JEB\WF\DD\PC19 Final Decision – 18 Sept 2014.doc

ANNEXURE A

PC19 – Frankton Flats (B) zone –

Higher Order Provisions

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Plan Change 19 – Frankton Flats (B)

Amendments for the Environment Court – 5 September 2014

12.19 Frankton Flats Special Zone (B)

12.19.1 Resource Management Issues

12.19.1.1 Urban Growth and Sustainability

The location and topography of the Frankton Flats Special Zone B (FFSZ(B) or "the Zone") provide an ideal opportunity to accommodate urban growth. There is the potential to integrate this Zone with Frankton Flats Special (A) Zone (or FFSZ(A)), the Events Centre, Glenda Drive Industrial Zone and the Remarkables Park Zone. The Zone is also adjacent to the State Highway and the Airport. The FFSZ(B) provides the ability to accommodate a range of urban activities for which there is demonstrated demand, including residential, education, industrial, commercial and certain forms of retail along with related activities such as recreation. The land can therefore enable a range of social and economic wellbeing outcomes.

The FFSZ(B) is adjacent to the already zoned FFSZ(A) and the established Events Centre. The FFSZ (A) zone provides for retail and commercial activities. There is the opportunity to complement and integrate development of FFSZ(B) with the FFSZ (A) Zone to seamlessly form a new retail town centre within the District. The FFSZ (B) provides land required to meet identified future growth needs. It will provide for the efficient use of one of the last flat land areas suitable for development within the Urban Growth Boundary. In particular there is space for a range of industrial and service activities, as well as further retail and commercial activities. The nature and location of retail activities has implications for the availability of land for industrial activities as well as the sustainable management of other retail centres.

The FFSZ (B) can also contribute significantly toward the need for residential including affordable housing. The Zone can enable an intensely developed built environment at densities not currently achieved in the District, involving a significant mix of activities.

There are a number of constraints to development in the FFSZ(B). These include the location of the Zone in the foreground of iconic views of outstanding natural landscapes, an interface with the airport and associated air noise boundaries, limited access from State Highway 6 and the proximity to the Glenda Drive Industrial Zone.

These constraints to a large extent determine where activities within the FFSZ(B) can locate and how they function. A Structure Plan is used to define locations for land use activities and protected viewshafts, important roading connections and significant built form outcomes. This Plan has been created by referencing existing development, key infrastructure (such as the airport and the State Highway) and views to significant landscapes.

The Structure Plan assists in making the most appropriate use of the land resource. Through good design and higher densities, FFSZ (B) will enable the community to grow whilst avoiding the adverse environmental and social consequences of urban sprawl and high cost housing. At the same time, existing physical resources on the Frankton Flats will not be compromised.

12.19.1.2 Landscape and Visual Amenity

Development of the Zone can enhance or detract from the amenity of the entry to the Queenstown urban area. The interface of development with the State Highway corridor is important and control is needed over the design of buildings, fencing and landscape treatment, signage and the arrangement of car parking, access and outdoor storage.

Significant views are present from the State Highway across the Zone towards the face of The Remarkables. These views need to be maintained while allowing for development to occur. Through setting buildings back from the edge of the State Highway, limiting building heights and identifying viewshafts at defined points along the State Highway frontage of the Zone, there is the ability to balance these two outcomes.

The Eastern Access Road (EAR for short) and Grant Road have potential to act as primary viewshafts towards The Remarkables. The development of

these roads in terms of their width, planting, street furniture and design of adjoining development will be integral to adding to the visual amenity of the Zone.

Within the Zone there will be some other opportunities to frame views within and outside of the area through the judicious placement of reserves, open spaces, roads and buildings.

12.19.1.3 Integration within the Zone and with other Zones

The likely mix of activities within the FFSZ(B), and the location close to others zones and activities, provide the opportunity to integrate a range of activities. There is the opportunity for people to live and work, go to school and recreate within the zone. Providing a network of roads and walking/cycling linkages to enable integration between the different parts of the zone will be important. The development must also recognise the importance of public transport routes.

The zone is to be laid out utilising a grid-street pattern, mostly aligned at right angles to the State Highway. This provides an opportunity to provide view shafts, along the primary axis – the EAR and the secondary axis, Grant Road and assist in solar access and connectivity.

The Zone contains the northern part of the EAR which will link State Highway 6 through to the Remarkables Parks Zone, via the eastern end of the Queenstown Airport. This route will connect to State Highway 6 to the south and is an important traffic, pedestrian and cycle link in the wider integration of Frankton. Traffic and pedestrian links within the Zone to the Glenda Drive Industrial area, the Events Centre and the FFSZ(A) are necessary to enable a high degree of connectivity and walkability.

Within Activity Area C1 and C2, development and subdivision applications need to be accompanied by a layout plan for the whole of the Activity Area. This plan (called a Spatial Layout Plan or SLP) will identify the location of roads, accessways and pedestrian and cycle links, viewshafts, infrastructure networks and public spaces. The SLP will need to take into account methods of integration with adjoining land use patterns. In Activity Areas where SLPs are not required the existing Part 15 provisions of the District Plan, complemented by FFSZ(B) provisions, will ensure appropriate integration within and outside of the Zone.

12.19.1.4 High Quality Urban Design

In keeping with the primary goal of sustainable management, development must create a liveable community characterised by high quality urban design to include:

i compact residential neighbourhood (Activity Area C2) containing a mix of housing types and sizes, adequate open space, affordable housing and ready access to public transportation

ii commercial areas with shops for residents and visitors through the integration of Activity Area C1 and the FFSZ(A) Zone to form a town centre and complementary main street shopping environment. Activity Area E2 provides for larger showroom style retail not normally found in a town centre environment as well as light industry

iii local employment

iv community activities

v a range of visitor accommodation facilities that add to the life of the community but do not intrude into residential neighbourhoods

vi a quality public realm including open spaces, reserves and road reserves which contributes to active and passive spaces to be enjoyed by residents, workers and visitors

It is intended that compatible activities are co-located and that incompatible activities are adequately separated and buffered from each other. This is achieved through the use of a Structure Plan. Within Activity Areas E1 and D provision is made for industrial activities that have a lesser amenity standard. Interface areas between activity areas (for example E2/C2 and D/C2) need to be carefully managed.

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12.19.1.5 **Infrastructure**

Frankton Flats is located adjacent to key regional transport infrastructure – the airport and State Highway 6. Any development within this area needs to recognise the importance of protecting the functions of this infrastructure into the future while allowing the development of a Frankton Flats area as a mixed-use zone.

The Zone is within the boundary of the urban reticulation network for water, effluent and stormwater. There are multiple land holdings within the Zone and so there needs to be co-ordination between the funding, planning and design of infrastructure, utilities and roading to ensure that these are delivered efficiently.

The road network from Frankton to Queenstown CBD is under pressure from increasing traffic volumes. In planning for the development of the Zone and for all modes of travel there is a need to ensure that there are good connections within the site, to the wider Frankton Flats area, to Queenstown and the remainder of the District. In addition, limiting unrestrained private vehicle use including the provision of parking and promoting alternatives to the car must be addressed. There are opportunities for travel demand management planning to be utilised within the Zone to reduce the number of vehicle trips occurring.

12.19.2 Objectives and Policies

Objective 1 **Urban growth and the sustainable management of resources**

a ***The needs of the District are provided for by utilising the Zone for a range of urban activities***

b ***The Zone develops in a manner that achieves environmental quality and amenity while avoiding or mitigating any adverse effects on the environment.***

Policies

1.1 To provide for a wide range of non-residential activities including retailing, community activities and commercial uses, mixed live/work units, and industry (including yard based) to help meet projected land use requirements.

1.2 To provide for a range of residential activities and visitor accommodation including affordable housing with an emphasis on high amenity, higher density living environments, while discouraging low density living.

1.3 To ensure that development within the Zone is structured so that:

a compatible activities are co-located and incompatible activities are adequately separated by the position of activity areas and roads, and suitable interface controls;

b The Zone is effectively integrated with adjacent zones; and

c Activity Area C1 and FFSZ(A) integrate to form a town centre.

1.4 To use a Structure Plan to establish:

a The location of the Activity Areas, taking into account the compatibility of activities and the location of the Airport Outer Control Boundary;

b A landscaped open space area adjacent to State Highway 6 and associated setbacks of development height to primarily provide for views of surrounding Outstanding Natural Landscapes;

c Viewshafts from State Highway 6 to The Remarkables;

d The primary roading structure within the Zone; and

e Where land use controls are necessary at the interface with the EAR.

1.5 To use a spatial layout plan in Activity Areas C1 and C2 to:

(a) *ensure buildings and subdivision give effect to the objectives and policies of the Zone; and*

(b) *co-ordinate development within these activity areas and manage their interfaces and integration with adjoining activity areas and Zones.*

1.6 *To ensure quality urban design occurs within the public and private realms so that the built environment provides an appropriate level of amenity for residents, visitors and workers.*

1.7 *To establish a cohesively designed network of open space areas, streets and public reserves across the Zone.*

Explanation and Principal Reasons for Adoption

The zone is located where it is close and accessible to other urban areas in the Wakatipu Basin.

The zone provides the opportunity for a range of activities including residential, commercial industrial, community and related activities such as recreation. It provides for employment growth in many sectors. The land can therefore contribute to the ongoing social and economic wellbeing of the District's people and communities.

Development in the zone must recognise certain constraints, including views to the face of The Remarkables, the proximity of and ongoing operational viability of the airport, and the potential for activities to be incompatible with each other. The objectives and policies require that rules ensure that any potential adverse effects are properly avoided or mitigated.

The zone provides for the integration of enabled activities with adjoining land uses, including the FFSZ(A) zone such that a town centre will develop. Integration will also occur with the Glenda Drive Industrial area; the Events Centre and the Remarkables Park zone accessed via the Eastern Access Road. Development will take place at a higher intensity and with a more diverse mix of uses than has generally occurred in Queenstown to date.

Objective 2 Visual Amenity and Connections

a Visual connections to surrounding Outstanding Natural Landscapes are maintained

b All development visible from State Highway 6 is of a high standard in terms of visual appearance.

Policies

2.1 *To require a 50m wide landscaped open area (Activity Area A) to be established and maintained between State Highway 6 and any built development along the central and western portions of the Zone's northern edge at C1, C2 and E2.*

2.2 *To require a building setback from State Highway 6 and generous areas of landscape planting to substantially screen built development and outdoor storage of goods, materials and equipment when viewed from State Highway 6 at the eastern portion of the Zone's northern edge, within that part of Activity Area E1 located to the east of Activity Area A.*

2.3 *To provide views from State Highway 6 to the face of The Remarkables, in addition to Activity Area A, through:*

a *a graduated stepping of building height within the Zone;*

b *viewshafts along Grant Road and the EAR; and*

c *three viewshafts through Activity Areas C1 and C2.*

2.4 *To ensure that the three viewshafts shown indicatively on the Structure Plan through Activity Areas C1 and C2:*

a *are created by the position of open space (public and private) streets and accessways; and*

b *have a minimum width of 15 metres and are maintained free of buildings.*

2.5 *To encourage views from within the Zone to the face of The Remarkables, Cecil and Walter Peaks, Ferry Hill, K Number 2, Queenstown Hill and Peninsula Hill through the position of open space, streets and accessways.*

2.6 *To give primacy to the protection of the views of Outstanding Natural Landscapes from public spaces when considering proposals to exceed height limits not otherwise provided for by provisions in specific activity areas.*

2.7 *To ensure that the nature and location of landscaping proposed to complement development does not itself adversely affect the view shafts to The Remarkables.*

2.8 *To achieve a high level of amenity for all development that is visible from State Highway 6 through managing building design, site layout and landscaping.*

2.9 *To ensure that commercial signage avoids adverse effects of visual clutter as viewed from State Highway 6 and that it does not compromise traffic safety.*

Explanation and Principal Reasons for Adoption

Frankton Flats Special Zone (B) is located at the entrance to Queenstown and as such provides one of the first impressions of the Queenstown urban environment. Any development in this area must maintain and enhance the amenity of this approach into Queenstown.

Activity Area A (Open Space Zone) provides a 50m open area from the State Highway that is free from structures so that landscaping and tree planting can soften the views of the intensive development within the zone.

Development undertaken in accordance with the Structure Plan will ensure roads are located perpendicular to the State Highway to assist in providing views to the Remarkables Range beyond the development.

Landscaping in the form of mature trees can assist in framing views and softening the effects of the development.

Buildings viewed from the State Highway are subject to a higher threshold of design to ensure they are of a high standard of appearance and amenity while excessive signage and the use of corporate colours is avoided to protect the important views.

Objective 3 Managing Interfaces, Integration and Improving Connections

a Development physically and visually integrates within the Zone and with surrounding Zones including the Frankton Flats Special Zone (A), Glenda Drive Industrial Zone and the Events Centre.

b The Eastern Access Road (EAR) develops as a corridor that has an important linking role as well as being an urban place in its own right formed by the road and adjacent development.

c A connected internal roading network develops that helps to facilitate movement demands between activity areas while also providing a block structure that supports a quality urban environment.

d Interfaces between incompatible activities are managed to avoid or mitigate adverse effects.

Policies

3.1 *To require applications for buildings and subdivision in Activity Areas C1 and C2 (except for subdivisions that create lots for an entire Activity Area) to include a spatial layout plan (SLP) for the whole of the Activity Area within which they are located. The spatial layout plan is to be prepared with reference to:*

- *the objectives and policies of the Zone and the relevant Activity Area;*
- *current and anticipated future built form (building mass, typologies and footprint) and uses within the Activity Area;*
- *the anticipated future capacity of the Activity Area; and*

- *relationships and connections within adjacent Activity Areas.*

The spatial layout plan is to identify the following features:

i. the location, width and design of publicly accessible roads, laneways and accessways having regard to vehicles, public transport, pedestrians and cyclists that are intended to use them;
ii. the location and shape of publicly accessible open space areas;
iii. the location of indicative view shafts;
iv. indicative landscape concepts for the above; and
v. the three waters infrastructure.

3.2 To ensure that applications for buildings and subdivisions and associated works within Activity Areas C1 and C2 contribute to and do not undermine the integrated and comprehensive spatial layout for the Activity Areas and the Zone taking into account future needs, integration with adjoining areas and Zones and enabling desired built form outcomes.

3.3 To provide an effective and efficient arterial road connection between the Zones and the Remarkables Park Special Zone (the EAR).

3.4 To develop a movement network which is highly permeable and provides a choice of routes and transport modes within and between Activity Areas based on function, convenience, expected traffic volumes and speeds, public safety and amenity.

3.5 To provide pedestrian and cycle linkages between the Zone and Frankton Flats Special Zone (A), the Events Centre and Glenda Drive as well as within the Zone.

3.6 To ensure through appropriate road network design that the impact of traffic on the amenity of Activity Areas C1 and C2 is minimised.

3.7 To provide safe and pleasant street environments for residents, visitors and workers within the Zone which contribute positively to neighbourhood identity and amenity.

Explanation and Principal Reasons for Adoption

The Frankton Flats Special Zone (B) is situated adjacent to an established industrial area, the Events Centre, Queenstown International Airport and State Highway 6. It is important that access to these areas and facilities is well designed. Given the mixed use nature of the zone and neighbouring land activities it is important that the interface between incompatible activities is managed to reduce the opportunities for reverse sensitivity effects to occur.

The Eastern Access Road will form a significant part of the roading network within the Frankton Flats. As well as providing access to the Zone it will provide access to the Remarkables Park Zone.

Transportation, land use and public access are fully integrated within the Zone and beyond with the State Highway and other urban centres such as central Queenstown, Frankton Village, Remarkables Park Shopping Centre and Arrowtown.

The zone needs to provide for residents as well as the employees and visitors. Providing connections within and through the Zone will improve choices and encourage walking and cycling as alternatives to using a car.

Objective 4 Providing for and managing impacts on infrastructure

a The development of the Zone does not diminish the on-going operation of the Airport and the Airport is protected from adverse reverse sensitivity effects.

b A safe, efficient and effective transportation network is provided and travel demands are managed to reduce reliance on the private car.

c Appropriate provision is made for public and private utilities to meet future needs and to protect public health and safety.

d Effective integration of land uses with stormwater management systems occurs.

Policies: - Airport Operation

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4.1 *To prohibit Activities Sensitive to Aircraft Noise within the Outer Control Boundary of Queenstown Airport.*

4.2 *To establish a buffer of industrial land (including yard based industrial and service activities) between Queenstown Airport and noise-sensitive activities in the Zone.*

Transportation Network

4.3 *To provide a safe, convenient and integrated transportation network that provides for pedestrians, cyclists, the expected range of vehicles and public transport.*

State Highway

4.4 *To require that a safe, efficient and effective connection to any site from State Highway 6 exists prior to any development being occupied within the Zone.*

Advice Note: State Highway 6 is a limited Access Road. Lot 1 DP 23542 and Lot 2 DP 23542 have an authorised crossing place from and to State Highway 6 as provided for in the Government Roading Powers Act 1989. The NZ Transport Agency may exercise its discretion to cancel and disestablish the crossing place under circumstances where a parcel of land has reasonably practicable alternative legal access to some other road (section 91 (1)(a)(iii) Government Roading Powers Act 1989).

4.5 *To provide safe, sustainable and integrated road connections to and from State Highway 6 in locations agreed with the NZ Transport Agency. These agreed locations are all-access roads at Grants Road and the EAR, and limited access at Glenda Drive.*

4.6 *To maintain Activity Area A as an open landscaped buffer between the State Highway and activities in the Zone sensitive to road noise.*

Internal Network

4.7 *To provide a network of streets and accessways, appropriately orientated and integrated with State Highway 6 with physical distinctions between each, based on function, convenience, traffic volumes, vehicle speeds, public safety and amenity.*

4.8 *To ensure that businesses that are serviced by trucks provide safe and functional loading zones on site so that the effective functioning of the road network is not compromised.*

4.9 *To encourage the majority of the heavy traffic passing through the Zone to utilise the EAR instead of Grant Road by road design and traffic control measures such as intersection design, judicious placement of pedestrian crossings and the provision of on-street parking along Grant Road.*

4.10 *To provide suitable, convenient, safe and accessible areas for car parking on site in a way that contributes to the amenity of the Activity Area.*

Travel Demand Management

4.11 *To ensure that the design of the relevant street environments take into account the operational requirements of public transport.*

4.12 *To ensure that car parking is available consistent with a reduced reliance on the private car for travel while not over providing car parking and not exceeding the rates necessary to service the development.*

4.13 *To ensure the layout of the Zone and urban blocks that make up the Zone ~~are appealing and~~ facilitate walking and cycling.*

4.14 *To encourage a range of physical and behavioural measures to reduce reliance on motor vehicles and to manage demand to travel.*

Infrastructure

4.15 *To ensure that subdivision and development recognises and provides for any necessary cross boundary infrastructure and utilities including but not limited to the provision of overland flow paths for stormwater.*

4.16 *To ensure that any run-off from impervious surfaces is treated and discharged through a combination of on-site infiltration, piping, and*

overland flow and attenuation primarily along the roading network in accordance with stormwater catchment management plan(s) for the Frankton Flats.

4.17 *To ensure that, in addition to off-site stormwater soakage and storage areas, sufficient space is provided on each site to accommodate on-site soakage of stormwater run-off through the provision of permeable areas, as well as soakage bores, pits and galleries.*

Explanation and Principal Reasons for Adoption

The zone is located between two important community infrastructure assets – the Airport and State Highway 6. A planning framework to ensure the ongoing operation of these assets into the future is important. Strong provisions to ensure that ASANs are not located within the Outer Control Boundary assists with this. The zone provides for two accesses from the State Highway. Grant Road and the Eastern Access Road are central components to the internal roading network within the Frankton Flats. While the zone enables opportunities for large scale mixed use development, it promotes methods to travel by modes other than the private motor vehicle. Site design, parking provisions and travel demand management measures are necessary to ensure that this objective can be fulfilled while providing for a range of development opportunities. The Council will complete ~~has undertaken~~ a Stormwater Catchment Management Plan for the Frankton Flats area. This will provides the basis for the design of stormwater systems to be assessed at the time resource consents are applied for as development within the zone progresses.

Objective 5 Creating a high quality urban environment

A high quality, urban environment develops with integrated built and open space elements, including roads.

Policies

Urban Design

5.1 *To ensure a high standard of building design, site layout and landscape treatment including amenity planting within:*

a All of Activity Area, C1, C2 and E2;

b E1 at the interface of the EAR and SH6; and

c D at the interface of The Events Centre, the EAR and Road 5.

In other areas building design, site layout and landscape treatment should be appropriate to the context of the site and Activity Area.

5.2 *To enable variations in building height in order to create interesting streetscapes and variety in form, scale and height of buildings.*

5.3 *To provide for additional height of up to one floor on street corners adjoining Activity Area A where this will add to the visual interest and articulation of the corner when viewed from State Highway 6.*

5.4 *To ensure buildings and site layout enhances street frontages and street amenity taking into account the context of the site.*

5.5 *To encourage the use of colours and materials that complement the surrounding landscape character.*

5.6 *To ensure that crime prevention techniques are incorporated in the design of buildings (including parking areas), public and semi-public spaces and landscaping.*

5.7 *To ensure that the design of the EAR and development on adjoining land, including associated landscaping of both areas, is considered in a comprehensive manner so that:*

a It contributes positively to the urban form and integration of the adjacent Activity Areas; and

b It maintains and enhances the viewshaft and corridor function of this road.

5.8 *To minimise the visual impact of wide carriageways on streetscapes while accommodating footpaths, public utility services and drainage systems.*

5.9 *To require the provision of landscape treatment appropriate to the function of the street as an integral part of street network design while ensuring that signage, roadside furniture and landscaping do not adversely affect views of the surrounding Outstanding Natural Landscapes.*

5.10 *To complement the appearance of buildings through the judicious placement of trees so building bulk and height is less apparent.*

5.11 *To ensure the design of on-site car parking, loading zones and loading bays in Activity Areas C1, C2 and E2 do not adversely affect the amenity of streets and other public places.*

Open Space

5.12 *To provide for a range of reserves of appropriate, quality, quantity and functionality in convenient locations so as to meet the active and passive needs of the residents, worker and visitor community taking into account Policy 1.1 of 4.4.3 of the District Wide Policies.*

5.13 *To provide for a range of open spaces including places to meet, play, shelter, sit and rest with these spaces oriented to the sun and sheltered from prevailing winds.*

Explanation and Principal Reasons for Adoption

The urban area within the zone is to be built to such a standards that it is visually interesting and provides varied urban form. Factors such as building height, form, subdivision design, materials and comprehensive urban planning will contribute to an area that is attractive, usable, safe and vibrant.

Objective 6 Area A (Open Space)

An open landscaped area adjacent to the State Highway that helps to maintain views of the surrounding Outstanding Natural Landscapes and provides for public access and physical separation of buildings from the State Highway.

Policies:

6.1 *To mitigate the adverse landscape and visual amenity effects of development by providing an attractive, comprehensively designed open landscaped area between State Highway 6 and Activity Areas C1, C2 and E2 that is free of buildings.*

6.2 *To provide a public walkway and cycle path that is linked with the local network and that is compatible with the walkway/cycleway adjacent to the northern edge of the FFSZ(A).*

6.3 *To ensure that all of Activity Area A is comprehensively maintained and managed in a consistent manner and is not fenced or further developed in incompatible landscape styles.*

6.4 *To require that a resource consent be granted and implemented for development of Activity Area A prior to work proceeding in Activity Areas C1 and C2. The consent is to:*

a *provide for the formation of a walkway and cycle path linked with the local network;*

b *provide for consistent landscape treatment while not compromising the Area's open character, viewshafts to The Remarkables, and views to ONLs;*

c *secure the Area's ongoing maintenance and management; and*

d *secure permanent public use of the walkway and cycleway.*

Explanation and Principal Reasons for Adoption

This Activity Area includes most of the land along the frontage of the zone within 50 metres of State Highway 6. The area will remain free of buildings and will provide a landscaped open area between the State Highway and the built form in Activity Areas C1, C2 and E2. Public access through the activity area and its ongoing maintenance will be secured through the resource consent process.

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Objective 7 Area C1 (Centre)

A vibrant, mixed use area organised around a mainstreet-type environment that complements and is integrated with the Frankton Flats Special Zone A to form a town centre which serves local and surrounding areas.

Policies:

7.1 To enable a range of retail, commercial, office, entertainment and licensed premises, higher density residential, visitor accommodation, community, education, health and day care activities, that achieve a mixed use town centre outcome, in conjunction with FFSZ(A) .

7.2 To limit the number of large format retail activities and their location to either end of the mainstreet (Road 8) to help generate pedestrian activity and support commercial viability while maintaining a mainstreet environment.

7.3 To ensure that Activities Sensitive to Aircraft Noise only occur outside the Queenstown Airport Outer Control Boundary.

7.4 To encourage subdivision and development to provide a fine grained urban pattern based on a grid street network and a perimeter block form of development where streets are generally edged by continuous building facades.

7.5 To ensure streets and landscaped places provide a range of sunny and sheltered places that enable people to meet, rest and observe passing activity.

7.6 To require attractive, active and continuous street frontages along the 'mainstreet' (Road 8) by using extensive areas of transparent glazing, not allowing residential activities and visitor accommodation to locate at ground floor level and locating main pedestrian entrances direct to the street.

7.7 To provide continuous verandah cover for pedestrian shelter along both sides of the mainstreet (Road 8).

7.8 To mitigate adverse visual effects of large format retail uses by requiring the sleeving of large building forms with smaller buildings and requiring modulation and detailing of frontages visible from streets.

7.9 To enable minor variations in buildings height in order to create interesting streetscapes and variety in form, scale and height of buildings.

7.10 To manage the location of car parking in order to contribute to visual amenity including placement of parking to the side or rear of buildings and undergrounding where appropriate.

7.11 To provide and enhance public walkways and thoroughfares between and through buildings to enhance walkability and permeability for pedestrians.

7.12 To ensure public spaces, including communal parking areas, are safe to use and pass through, including being suitably lit at night time whilst taking into account Council policies on lighting.

7.13 To require that residential activities are designed to minimise potential adverse effects on occupants from high levels of night time noise generated from other activities within the Zone.

7.14 To achieve a high level of amenity on the northern edge of Activity Area C1 as viewed from State Highway 6 and Activity Area A by requiring buildings to face and provide access to the 'Laneway' (Road 14). Buildings on site(s) between the western end of the 'Laneway' (Road 14) and Grant Road are to similarly address Activity Area A.

7.15 To avoid adverse visual effects of signage on the northern side of buildings adjoining Activity Area A by managing the size and location of signs or sign platforms when assessing building design.

Explanation and Principal Reasons for Adoption

Organised around a mainstreet (Road 8) with retail anchors at either end Activity Area C1 is to integrate with the neighbouring FFSZ(A) zone to function as a town centre. A mix of activities are provided, enabling the development of a vibrant and attractive place to live, visit and work. There is a

requirement for high quality design of buildings and landscaped spaces to create safe, visually attractive places.

Objective 8 Activity Area C2 (Residential Neighbourhood)

A compact, predominantly residential neighbourhood, with a mix of compatible activities, accommodated in low to midrise building types (up to 6 storeys) designed to provide a high quality public and private living environment.

Policies:

8.1 To encourage effective use of land by preventing low density residential living and enabling higher density residential development, including affordable housing.

8.2 To enable an environment conducive to the development of a residential neighbourhood, with retail, commercial, and visitor accommodation activities limited to convenience retail and smaller scale workplaces and developments.

8.3 To ensure that Activities Sensitive to Aircraft Noise only occur outside the Queenstown Airport Outer Control Boundary.

8.4 To require a high standard of site and building design including outdoor living spaces that integrate with neighbouring land uses and streetscapes to ensure high quality environment for residents and visitors.

8.5 To ensure that building facades that front streets and public spaces contribute to safe and attractive high amenity public environments.

8.6 To manage the location of car parking in order to contribute to visual amenity. Garages and on-site car parking areas should not dominate streetscapes.

8.7 To enable minor variations in buildings height in order to create interesting streetscapes and variety in form, scale and height of buildings.

8.8 To achieve an environment where:

a noise sensitive activities are designed so as to minimise potential adverse effects for occupants from noise generated by activities in the Zone; and

b noise generating activities within the activity area are required to avoid or mitigate any unreasonable noise effects on nearby residential activities.

8.9 At the interface of Activity Areas C2 and E2 require:

a at the time of subdivision and development a laneway between the Activity Areas to enable physical separation of development and to provide shared access; and

b ensure that building design and site layout, including the location of parking and outdoor areas helps to minimise nuisance effects for residents while maintaining the amenity of the laneway.

8.10 At the interface of Activity Areas C2 and D, minimise adverse effects of activities in Activity Area D upon residential and visitor accommodation activities in Activity Area C2 through mix of uses, building design and landscaping.

8.11 At the interface of Activity Area C2 with Activity Area A, achieve a high level of amenity on the northern edge of Activity Area C2 as viewed from State Highway 6 by:

a requiring buildings to face and provide access to the 'Laneway' (Road 14); and

b managing the size and location of signs.

8.12 To recognise that that part of Activity Area C2 located on the western side of Grant Road is inside of the Outer Control Boundary where Activities Sensitive to Aircraft Noise are not possible and to:

a provide for a range of non-residential activities that are not ASANs; and

b *ensure that the design of development should recognise and appropriately address the area's relationship to and connections with Grant Road, FFSZ(A) and the Events Centre.*

8.13 *To ensure that public open spaces are provided concurrently with development, that provide safe, accessible and convenient spaces for people to undertake passive, informal recreational activities.*

Explanation and Principal Reasons for Adoption

Activity Area C2 is predominately outside the airport's Outer Control Boundary and is intended to enable a higher density, high quality residential environment. Non-residential activities are limited in scale and type to those compatible with a residential environment. There is an expectation of quality design of buildings, the spaces between buildings and streetscapes.

The area of C2 west of Grant Road is separated from the main body of C2. Its proximity to FFSZ(A) and its location inside the OCB means that the area does not fit neatly under the objectives for C2.

The policy for this particular area of C2 therefore recognises the areas features and allows for a different approach in terms of activity mix and building design to that of the main part of C2. Given the small size of this part of C2, there is no need for an SLP.

Objective 9 Activity Area E2 (Mixed Use Business Corridor)

a ***A mixed- use business-orientated corridor for activities that benefit from exposure to passing traffic and which provides a transition between the adjoining residential and industrial areas, while maintaining the role of Activity Area C1/FFSZ(A) as a town centre.***

b ***A high quality urban form that complements the corridor functions of the Eastern Access Road, including its role as an important viewshaft.***

Policies

9.1 *To provide for a mix of offices, light industry, community, educational activities and mid-sized retail activities.*

9.2 *To exclude:*

a *activities that are incompatible with a high quality mixed business environment due to the presence of harmful air discharges, excessive noise, use of hazardous substances or other noxious effects;*

b *activities that would undermine Activity Area C1 as being the primary location for smaller scale retail; or*

c *large footprint structures that are incompatible with the intended urban form outcome for the Activity Area.*

9.3 *To ensure that a mixed use business environment establishes along the EAR where retail uses do not predominate by:*

a *controlling the size of individual retail units;*

b *requiring development that fronts the EAR to provide two or more levels of development with above ground floor areas that are suitable for activities other than retail, or otherwise provide for a mix of uses along the road frontage of the site; and*

c *enabling flexible occupation of floor space by:*

i. *having a standardised car parking rate for non-retail activities;*
ii. *floor to ceiling heights that enable a range of activities to occur within buildings.*

9.4 *To ensure that built form, site layout and landscape treatment of development establishes and maintains a high quality, attractive and visually cohesive interface along the EAR frontage.*

9.5 *To ensure buildings and site development results in a high level of visual interest when viewed from the EAR through a combination of generous areas of glazing at ground floor, building modulation and detailing, positioning of main building entrances visible from the street,*

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integration of signage with building design and appropriate landscape treatment.

9.6 To ensure roadside interfaces become attractive spaces, by requiring:

a buildings be developed close to road boundaries so activities within the ground floor of buildings are clearly visible to passing pedestrians and motorists;

b buildings to provide an appropriate sense of scale to the streetscape through facade and roof design. In accordance with Policy 9.3(b), this will principally be achieved by multi-level buildings which visually distinguish upper floors from ground floors through methods such as articulating facades, the use of glazing, materials and finishes. Any single level buildings should emphasise buildings heights at street frontage through incorporation of vertical scale or modulation into the design such that there is an impression of two levels. Series of low, single level buildings are to be avoided; and

c buildings to occupy at least half the road frontage of sites with car parking and loading areas located at the side or rear of each site so that they do not visually dominate road frontages. Storage of goods and refuse is to occur to the rear and be appropriately screened from view.

9.7 To require any landscape treatment of frontages to complement and be integrated with building design and site layout. Landscape treatment should not be an alternative to high quality building design.

9.8 To achieve a high level of amenity on the northern edge of Activity Area E2 as viewed from State Highway 6 and Activity Area A.

9.9 To ensure that safe, convenient and attractive pedestrian footpaths and on-street parking are available within the road corridor, along both sides of the EAR as well as for pedestrian connections between activities within the Activity Area, and activities in Activity Areas C2 and E1.

9.10 To require adequate parking (staff and visitor), loading and turning of vehicles to occur within each site (or as part of a shared arrangement secured by an appropriate legal agreement), arranged so that all vehicles that exit onto the EAR can do so in a forwards direction.

9.11 To limit vehicle access to and from the EAR to either shared crossing points or accessways or alternative access locations, when subdivision or development occurs.

9.12 At the interface of Activity Areas C2 and E2:

a require subdivision and development to provide a laneway between the Activity Areas to enable physical separation of development while providing shared access;

b locate loading areas, ventilation ducts, outdoor storage areas and other activities generating outdoor noise and/or odour where effects from these are minimised in relation to residential activities in AA C2; and

c require building and roof designs to minimise visual effects including glare when viewed from within AA C2. Exhaust and intake ducts and other mechanical and electrical equipment should be integrated into the overall roofscape and building designs.

9.13 To require Community Activities and Education Facilities to incorporate mitigation to reduce potential reverse sensitivity effects from noise generated from activities in AA E1.

Explanation and Principal Reasons for Adoption

Activity Area E2 straddles the Eastern Access Road. The proximity of the highway and the Eastern Access Road provides a high level of visual exposure for this land, which in turn requires that there is a high quality urban design and architectural response. This area is identified as a suitable location for a mix of high quality light industrial activities and midsized retail activities, which are not necessarily appropriate in a town centre environment, yet which benefit from visual exposure, as well as offices. Retail floor area restrictions, building and site design controls are in place to ensure that the area develops a mixed use character.

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Objective 10 Activity Area E1 (Industrial)

An area for industrial and service activities, which has a standard of amenity that is appropriate to the function of the Activity Area

Policies:

10.1 To enable a wide variety of industrial activities and service activities ranging from lighter industrial activities through to those of a yard based nature.

10.2 To ensure that any office space is ancillary to the use of the site for industrial and service activities.

10.3 To exclude retailing unless retail activities are:

a ancillary to, and minimal in comparison with the use of the site for industrial and service activities; or

b In addition to (a) where located on a site with frontage to, and not extending more than 50m from the EAR, then to enable yard based retailing ancillary to industrial or service activities.

10.4 Unless otherwise provided for in the policies for this Activity Area, to exclude activities (such as residential, retail and visitor accommodation activities) that conflict with the intended purpose of the Activity Area through the generation of reverse sensitivity effects; or will result in the reduction of land available for industrial and service activities.

10.5 To ensure that Activities Sensitive to Aircraft Noise are not located within the Outer Control Boundary.

10.6 To provide for higher building coverage on sites while ensuring that there is adequate space for storage of goods, parking, loading and manoeuvring.

10.7 To require sites provide an attractive frontage to all streets.

10.8 To require buildings and outdoor areas that adjoin and are visible from the EAR, State Highway 6 or Road 2 to:

a have a high quality building façade design and associated road frontage landscaping; and

b appropriately screen outdoor storage of goods, materials and equipment (except for those goods, materials and equipment that are offered for sale adjoining the EAR) in order to provide high amenity values.

10.9 To minimise the adverse effects of noise, glare, dust and pollution.

10.10 To ensure subdivision creates lots and sites that are capable of accommodating development that meets the relevant site and zone standards.

10.11 At the time of subdivision or development, to ensure that:

a there is adequate provision for road access, onsite parking (staff and visitors) and loading and manoeuvring for all types of vehicle so as to cater for the intended use of the site;

b where the intended use may require the use of large truck and trailer units, or a large number of vehicles using the same access point, there is sufficient area for these to exit on to the road in a forwards direction;

c all vehicles that exit onto the EAR can do so in a forwards direction; and

d vehicle access to and from the EAR is limited to either shared crossing points or accessways, or alternative access locations.

e Clauses (b), (c) and (d) above can be enabled by shared parking, access and loading arrangements that are secured by an appropriate legal mechanism.

10.12 To recognise the existence of a consented garden centre activity on Lot 2 DP23542 and its continued operation while providing for a licensed cafe (on-licence only) that is ancillary to the use of the site as a garden centre.

Explanation and Principal Reasons for Adoption

This activity area adjoins the existing Industrial zoned area at Glenda Drive. It will contain industrial activities and service activities that are generally of a lesser amenity in terms of building design, noise and other effects. Development is provided with sufficient room on site to accommodate cars and other vehicles, as well as storage and loading. A higher standard of amenity is to be achieved through building design, landscaping and screening along SH6, EAR and Road 2.

To retain the ability of the zone to accommodate industrial and service activities, office floorspace is limited to being ancillary to the primary use. Residential and other non-industrial and service activities that may generate reserve sensitivity effects are not provided for. Retail activities not ancillary to industrial and service activities, or not directly connected to the principal use of the site for outdoor storage where located alongside the EAR, are also not provided for because of the other location options available for these activities, as well as the need to protect the land resource for industrial and service activities.

The function of Activity Area E1 is to provide for the full range of industrial and service activities, i.e., small and large, extensive and intensive, while recognising that over time it is likely that intensive use of land (by greater building coverage and smaller sites) will occur. Industrial and Service activities of a yard based nature are consistent with the objective for the area, this function but it can be expected that they will have a much smaller presence in the activity area over time. Activity Area D provides for a long term location for yard based activities, by virtue of its development controls.

Objective 11 Activity Area D (Yard Based Industry)

An area dedicated to yard based industrial and service activities where there is a predominance of outdoor storage of goods, equipment and materials.

Policies:

11.1 To enable industrial and service activities which require larger land areas with a smaller proportion of building coverage.

11.2 To ensure that any office space is ancillary to the use of the site for yard based industrial and service activities.

11.3 To exclude retailing unless retail activities are:

a ancillary to and minimal in comparison with the use of the site for yard based industrial and service activities; or

b in addition to (a) where located on a site with a frontage to, and not extending more than 50m from the EAR, then to enable retailing ancillary to yard-based industrial or service activities.

11.4 To exclude activities that conflict with the intended function of this Activity Area such as those involving a high percentage of building coverage, small lot sizes, generate reverse sensitivity effects or which would otherwise not be appropriate in close proximity to the Airport (including residential and visitor accommodation).

11.5 To use a combination of large lot sizes and low building coverage to ensure that this area is retained for yard based industrial and service activities.

11.6 To require adequate parking, loading and manoeuvring of vehicles to occur within each site, provided that:

a there is sufficient area for large truck and trailer units, and other vehicles where a large number of vehicles use the same access point to exit on to the road in a forwards direction, and

b all vehicles that exit onto the EAR can do so in a forwards direction.

11.7 To require buildings and outdoor areas that adjoin and are visible from the EAR, Grant Road and Road 5 to:

a have a high quality of building façade design and associated road frontage landscaping; and

b appropriately screen outdoor storage of goods, materials and equipment (except for those goods, materials and equipment that

are offered for sale adjoining the EARL in order to provide high amenity values.

11.8 To ensure that sites provide an attractive frontage to streets and to the adjoining Activity Area C2.

11.9 At the interface of Activity Area D and the Events Centre, provide a consistent landscaped edge inside of Activity Area D where it adjoins the Events Centre land to provide for screening of low amenity activities without precluding pedestrian connections.

11.10 To promote safe and direct pedestrian connections between Grant Road and the Events Centre land.

11.11 To minimise the adverse effects of noise, glare, dust and pollution.

Explanation and Principal Reasons for Adoption

The District requires land dedicated to yard-based industrial and service activities. This includes land for the parking and servicing of vehicles, storage of construction materials and contractors yards. These activities require large sites, but are often excluded from industrial zones by demand from other, more intensive activities. A large minimum site area is required and building coverage limited in order to maintain the function of this area.

To meet foreseeable needs, it is necessary to prevent the area being utilised for activities that could locate in other zones, such as retail and stand alone office activities. Retail activities have the potential to increase land prices and make it uneconomic for yard-based activities to locate in Queenstown.

Retailing is therefore limited under the policies. ~~o activities ancillary or directly connected to the principal use of the site~~.

Because of the nature of activities occurring within this Activity Area and the location beside the Queenstown Airport, any form of residential, community or visitor accommodation activity is inappropriate. The more extensive industrial and service uses in this area will be compatible with the existing and reasonably foreseeable future effects of the Airport.

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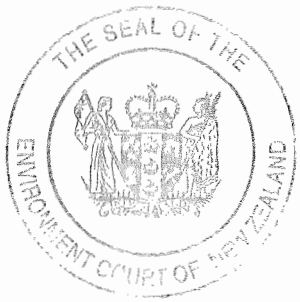
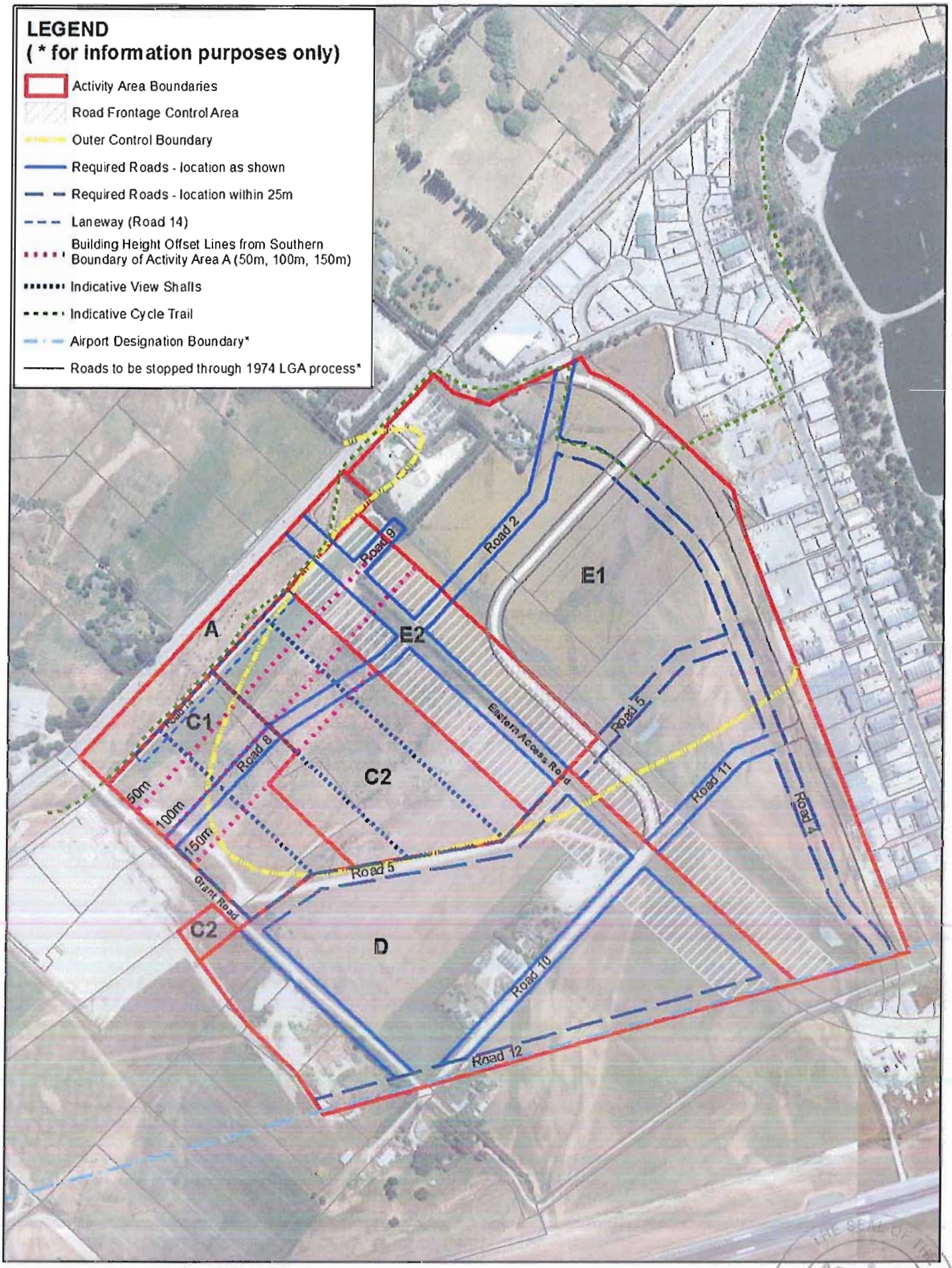
ANNEXURE B

Structure Plan





Frankton Flats B Zone Structure Plan

0 50 100 Metres

Date: 5/09/2014

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ANNEXURE C

PC19 – Frankton Flats (B) zone –

Rules and Methods

Plan Change 19 – Frankton Flats (B)

Amendments for the Environment Court – 5 September 2014

12.19.3 Implementation Methods

12.19.3.1 District Plan and Other Methods

The Objectives and Policies will be implemented through:

i District Plan

(a) Specific Zone rules, including the use of the Structure Plan and requirements for Spatial Layout Plans in AA C1 and C2

(b) Access, parking, loading and travel demand management rules and assessment matters in Part 14 of the District Plan

(c) Subdivision rules and assessment matters in Part 15 of the District Plan.

ii Other

(a) Council's Reserves Management Plan and Reserves Plan

(b) Council's development contributions policy under the Local Government Act 2002 for the provision of reserves and infrastructure

(c) Shared infrastructure across the whole of the Zone and connections with infrastructure on other land

(d) Southern Light – Lighting Strategy for the Queenstown Lakes District Council

(e) Implementation of stormwater catchment management plan(s) for Frankton Flats.

(f) Council's and New Zealand Transport Agency's ("NZTA") role as Road Controlling Authorities

(g) Council's Code of Practice for Subdivision and Development.

12.19.3.2 Environmental Results Anticipated

Implementation of the policies and methods for management relating to the Zone will result in:

i A development that meets the District Plan's principal objectives and policies in respect of urban growth, services and landscape protection

ii A compatible mixed use, living and working environment which does not result in reverse sensitivity issues within the Zone, the airport, or the adjacent State Highway

iii A high quality urban environment that does not detract from the surrounding landscape especially as viewed from State Highway, with a quality of urban design appropriate to the mix of uses throughout the Zone

iv The Queenstown economy not being constrained by a limited supply of industrial land

v A town centre that is interesting, convenient and attractive for the community's use and enjoyment

vi An area of higher density residential living

vii The enablement of affordable (including community) housing

viii A range of building types, heights and forms that are flexible to changes in use over time and which will promote social and cultural diversity

ix High quality reserves and open spaces where necessary within the Zone to meet the needs of residents, workers and visitors to the area

x A high quality living and working environment with suitable insulation standards and other design methodologies employed to ensure that amenity values are not adversely affected by noise

xi The avoidance of reverse sensitivity effects on Queenstown Airport from Activities Sensitive to Aircraft Noise (ASAN).

xii A range of travel options including walking and cycling

xiii The encouragement of 24 hour use of the zone

xiv A highly permeable environment and built form that encourages pedestrian and cycle access.

xv An attractive and functional interface with the Queenstown Events Centre site through pedestrian and cycleway connectivity and a landscaped/green edge on the northern and western periphery of the Zone.

12.20 Frankton Flats Special Zone - Rules

12.20.1 Zone Purpose

i The purpose of the Zone is to provide capacity for residential, business and industrial growth and to create a high quality urban area in an integrated and structured way.

ii Development is provided for in accordance with a structure plan which makes effective use of land within the constraints of the Airport, neighbouring Zones and State Highway 6.

iii Structure Plan Interpretation

The Structure Plan is subdivided in six Activity Areas (or AAs). These Activity Areas manage different types of activities, buildings and development, as set out in the Rules that follow. Note: there is no Activity Area B due to modifications of the structure plan during its preparation.

A Road Frontage Control Area is shown 50m either side of the Eastern Access Road (EAR). This control area is implemented by way of:

(a) The site standards and assessment matters that apply within AA E2

(b) Specific provisions within AA D and E1 relating to buildings, landscaping, vehicle crossings and ancillary retailing.

The Outer Control Boundary (OCB) relates to the management of the airport. For a full description of the OCB, refer to Planning Map 31a. The OCB identifies the area (being to the south and east of the yellow line, referred to as being "within the OCB") where Activities Sensitive to Airport Noise are prohibited.

The northern edge of the airport designation is shown (light blue dotted line) for information purposes only.

Required Roads are identified as being either being fixed in their location, or where their alignment may be varied by up to 25m either side of the centre line. Rules relating to the creation of required roads are contained in the subdivision section, as well as rules in Chapter 12.20 relating to the spatial layout of Activity Areas C1 and C2.

Roads to be stopped are identified for information purposes only. Stopping of Roads is subject to the Local Government Act.

Road 14 (laneway) is not a required road. The laneway does not extend the full width of the AA C1, C2 and E2 frontage with Activity Area A due to restrictions on proximity of street intersections onto Grant Road and the Eastern Access Road close to the State Highway. Connections from Road 14 to other roads in the relevant Activity Areas will be determined as part of the development and subdivision process.

The building height offset lines indicate the position where building heights change as a result of the stepped height regime that applies in Activity Areas C1, C2 and E2. These offset lines are measured from the southern edge of Activity Area A.

The viewshafts are to be 15m wide, with their location and final form to be determined by the provisions that apply to subdivision and development in Activity Areas C1 and C2.

The final location and design of the indicative cycle trail over land in Activity Area E1 will be determined when this land is subdivided.

12.20.2 District Rules

The following District Wide Rules apply unless inconsistent with any particular Frankton Flats Special Zone (B) rule in which case the latter shall prevail.

i	Heritage Protection	- Refer Part 13
ii	Transport	- Refer Part 14
iii	Subdivision, Development and Financial Contributions	- Refer Part 15
iv	Hazardous Substances	- Refer Part 16
v	Utilities	- Refer Part 17
vi	Signs	- Refer Part 18
vii	Relocated Buildings and Temporary Activities	- Refer Part 19

Note: Where there is reference to Lot 1 DP 23542 or Lot 2 DP 23542 in the rules, this includes any subsequent legal description of the same land.

12.20.3 Activities

12.20.3.1 Permitted Activities

i Any Activity listed as a Permitted Activity in Table 1 12.20.3.7 must comply with relevant Site and Zone Standards and be in accordance with the Structure Plan.

ii The on-going use of a garden centre and ancillary activities on land legally described as Lot 2 DP 23542, as existing at 4 July 2007.

12.20.3.2 Controlled Activities

i Any Activity listed as a Controlled Activity in Table 1 12.20.3.7 must comply with relevant Site and Zone Standards and be in accordance with the Structure Plan.

ii The establishment of a licensed café (on-licence only) no greater than 60m² in area, operating in conjunction with the existing garden centre located on Lot 2 DP 23542, provided that the café can only operate while the garden centre remains on the site.

iii **Matters of Control**

The Council has reserved control to the following matters:

(a) **Licensed Cafe on Lot 2 DP 23542**

i. The location, design and external appearance of any new building or changes to the existing building associated with the licensed café;

ii. The hours of operation;

iii. Sale of Liquor;

iv. Vehicle parking and manoeuvring;

v. Signage.

(b) **Buildings in Activity Areas D and E1**

i. Building appearance and colour, in the elevation fronting or visible from the street;

ii. The location, accessibility and layout of vehicle access and parking arrangements, including drive through facilities and loading docks;

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iii. Site landscaping;

iv. Siting, and design of buildings, and layout of landscaping and outdoor areas in relation to:

a. Personal safety and crime prevention
b. Storage, rubbish and recycling facilities

v. Pedestrian connections from Grant Road to the Events Centre within Activity Area D.

vi. Infrastructure (including water supply, waste water disposal, stormwater and other utilities).

(c) **In Activity Area E1, for buildings that are either within the Road Frontage Control Area as shown on the Structure Plan, or are within 20m of Road 2**

and

In Activity Area D, for buildings that are either within the Road Frontage Control Area as shown on the Structure Plan, or are within 20m of Grant Road and Road 5:

i. The matters in (b)(i) – (vi) above;

ii. The location, design, colour and external appearance of buildings, including signage;

iii. Screening of outdoor storage areas (except where goods are offered for sale);

iv. Vehicle access;

v. Site landscaping, including:

a. Species proposed and the maturity (size) at the time of planting
b. Integration with adjoining land uses.

(d) **Building Extensions in Activity Area E2**

i. The design of the extension.

(e) **Visitor Accommodation in Activity Area C1 and Premises Licensed for the Sale of Liquor in Activity Area C1 and Activity Area C2:**

i. Compatibility with surrounding land uses, character and amenity;

ii. Noise, vibration, lighting and loss of privacy;

iii. Public and private safety, security and crime prevention;

iv. Scale of activities;

v. Hours of operation;

vi. Parking, loading and unloading of goods;

vii. Location of outdoor areas;

viii. Location and design of storage, waste and recycling areas;

ix. Signs.

(f) **Convenience Retail in Activity Area C2**

i. Effects on residential amenity.

ii. Hours of operation.

iii. Signs.

iv. Parking, Loading and unloading of goods.

v. Noise, lighting and loss of privacy.

vi. Location and design of storage, waste and recycling areas.

vii. Location of any outdoor seating.

12.20.3.3 Restricted Discretionary Activities

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i Any Activity or Building listed as a Restricted Discretionary Activity in Table 1 12.20.3.7 must comply with relevant Site and Zone Standards and be in accordance with the Structure Plan.

ii Any permitted or controlled activity that does not meet one of more of the site standards shall be a restricted discretionary activity, with the Council's discretion being restricted ~~in~~ to the matters specified in the standard not met.

iii Any restricted discretionary activity in Table 1 12.20.3.7 that does not meet one or more of the site standards shall be a restricted discretionary activity, with the Council's discretion being limited to the matters specific in the standard not met.

iv The landscape development of Activity Area A.

v Any new activity that relies upon the State Highway for access (excluding the existing garden centre and a café established under 12.20.3.1 ii and 12.20.3.2 ii) occurring on Lot 2 DP 23542.

vi Access to the State Highway for any new activity occurring on Lot 1 DP 23542, prior to the formation Road 9 between this lot and the Eastern Access Road.

vii **Matters of Discretion**

The Council has restricted its discretion to the following matters:

(a) Buildings in Activity Area C1, C2 and E2; and in Activity Area E1 within 100m of the State Highway (excluding Lots 1 and 2 DP 23542):

i. The location, mass, design and external appearance of buildings, including colours, materials and finishes

ii. The location, accessibility and layout of vehicle access and parking arrangements, including drive through facilities and loading docks

iii. Landscaping

iv. The number, size and position of signage platforms

v. Siting and design of buildings, and layout of landscaping, outdoor areas and lighting in terms of:

a. Personal safety and crime prevention
b. Storage, rubbish and recycling facilities
c. Pedestrian paths and cycleways.

vi. Infrastructure (including water supply, waste water disposal stormwater and other utilities).

(b) **Buildings in Activity Area C1** (Integration Across the Activity Areas)

In addition to 12.20.3.3 (vii)(a)(i) – (vi) above:

i. Buildings and associated works in relation to the spatial layout of the Activity Area, including potential or existing relationships to other Activity Areas, with respect to the location, capacity and form of:

a. Road, access ways and laneways;
b. Water supply, waste water and stormwater
c. Viewshafts; and
d. Open spaces.

In addition to 12.20.3.3 (vii)(b)(i):

ii. For any building that adjoins or has frontage to Grant Road, the Laneway (Road 14) or Activity Area A, the building orientation to Grant Road, the Laneway and to State Highway 6.

iii. For any building that adjoins or has frontage to the Road 8 (Mainstreet):

a. Continuous and active street frontages along the Mainstreet;
b. Weather protection of pedestrians along the Mainstreet.

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(c) **Buildings in Activity Area C2** (Integration Across the Activity Areas)

In addition to 12.20.3.3 (vii)(a)(i) - (vi) above:

i. Buildings and associated works in relation to the spatial layout of the Activity Area, including potential or existing relationships to other activity areas, with respect to the location, capacity and form of:

a. Road, access ways and laneways;
b. Water supply, waste water and stormwater;
c. Viewshafts;
d. Open spaces.

ii. Location, layout and design of private and communal open space areas in relation to:

a. Personal safety and crime prevention
b. Neighbouring land uses;
c. Streetscapes and amenity.

(d) **Buildings and Landscaping Lots 1 and 2 DP23542**

i. The degree of visibility of any buildings when viewed from the State Highway;

ii. The location, orientation, design and external appearance of buildings including materials, colours and finishes;

iii. The use of colour (including corporate colours) and signage on buildings;

iv. Screening of outdoor goods, materials and equipment when viewed from the State Highway;

v. The location and layout of vehicle access, car parking, loading and manoeuvring areas;

vi. The size (at planting and maturity), species and planting density of vegetation;

vii. The integration of the landscape treatment with buildings, outdoor activities, access and car parking;

viii. Siting and design of buildings, and layout of landscaping, outdoor areas and lighting in terms of:

a. Personal safety and crime prevention;
b. Infrastructure connections, on-site soakage of stormwater and overland flow paths.

(e) **The Landscape Development of Activity Area A:**

i. Landscape treatment should result in an open landscaped area consisting of a mixture of grass, low level vegetation and suitably located trees;

ii. Species proposed and their size at the time of planting and maturity;

iii. The consistency of landscape treatment through the Activity Area;

iv. The maintenance of view shafts towards The Remarkables, and views to other Outstanding Natural Landscapes;

v. The protection of vehicle sight lines and any roading authority signs in relation to the State Highway network;

vi. Long term management and maintenance considerations;

vii. Integration with adjoining land uses;

viii. Public access including walkways and cycle links that connect with the local network;

ix. Earthworks.

(f) **Access to the State Highway for Lots 1 and 2 DP 23542**

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i. The impact of traffic on the safety and efficiency of State Highway 6 as a result of the new activity;

ii. The design of the access from the State Highway in respect of location, width and materials used.

(g) **Visitor Accommodation in Activity Area C2**

i. Location of the activity;

ii. Scale of the activity;

iii. The location of car and bus parking and other outdoor facilities;

iv. The design of the development.

(h) **Site Standards**

i. Where a site standard is not met, the matters for discretion are listed under the relevant site standard.

12.20.3.4 Discretionary Activities

i. Any activity that is not listed in Table 1 12.20.3.7 is a Discretionary Activity.

12.20.3.5 Non-Complying Activities

i Any Activity listed as a Non-Complying Activity in Table 1 12.20.3.7.

ii Any Activity that is a permitted, controlled, restricted discretionary or discretionary activity that does not comply with a zone standard.

12.20.3.6 Prohibited Activities

i Any Activity listed as a Prohibited Activity in **Table 1** 12.20.3.7.

12.20.3.7 Table 1

PER Permitted Activity
CON Controlled Activity
RDIS Restricted Discretionary
N-C Non-Complying Activity
PRO Prohibited Activity
" - " Not applicable

Activity	A	C1	C2	D	E1	E2
Residential Activities and Home Occupations located at ground floor*	PRO	NC where adjoining road 8, other wise PER	PER	PRO	PRO	PRO
Residential Activities and Home Occupations located on levels other than ground floor. *	PRO	PER	PER	PRO	N-C	N-C
Visitor Accommodation located at ground level *	PRO	N-C where adjoining Road 8 other wise CON	RDIS	PRO	PRO	N-C
Visitor Accommodation located on levels other than ground level.*	PRO	CON	RDIS	PRO	PRO	N-C
Convenience Retail	PRO	PER	CON	N-C	N-C	N-C
Retail up to 499m^2 GFA	PRO	PER	N-C	N-C	N-C	N-C
Retail 500 to 1,000m^2 GFA	PRO	PER	N-C	N-C	N-C	PER
Retail over 1,000m^2 GFA	PRO	PER	N-C	N-C	N-C	N-C
Commercial Activities	PRO	PER	N-C	N-C	N-C	N-C
Community Activities *	PRO	PER	PER	N-C	N-C	PER

Activity	A	C1	C2	D	E1	E2
Educational Facilities*	PRO	PER	PER	N-C	N-C	RDIS
Health & Day Care Facility*	PRO	PER	PER	N-C	N-C	N-C
Premises licensed for the sale and consumption of liquor	PRO	CON	CON	N-C	N-C	N-C
Offices	PRO	PER	PER	N-C	N-C	PER
Offices ancillary to any Permitted or Controlled Activity	PRO	PER	PER	PER	PER	PER
Industrial Activities, Service Activities (including ancillary retail activities)	PRO	N-C	N-C	PER	PER	N-C
Light Industrial Activities	PRO	N-C	NC	PER	PER	PER
Factory Farming, Forestry Activities, Mining	PRO	N-C	N-C	N-C	N-C	N-C
Take-off or landing of aircraft other than for emergency landings, rescues or fire-fighting.	PRO	PRO	PRO	PRO	PRO	PRO
Any Activity requiring an offensive trade licence under the Health Act 1956.	PRO	PRO	PRO	N-C	PRO	PRO
Activities Sensitive to Aircraft Noise within the Outer Control Boundary as shown on the Structure Plan	PRO	PRO	PRO	PRO	PRO	PRO
Planting of tree species with Potential for Wilding Spread	PRO	N-C	N-C	N-C	N-C	N-C
Buildings	**A**	**C1**	**C2**	**D**	**E1**	**E2**
Buildings within 15m of the southern boundary of Activity Area A	-	PRO	PRO	-	RDIS	PRO
Buildings within 100m of the State Highway boundary as it existed at 4 July 2007	PRO	-	-	-	RDIS	-
Interior alterations and maintenance of exterior finishes that do not alter the design and external appearance of the Building	PRO	PER	PER	PER	PER	PER
Extensions to existing Buildings that increase gross floorspace by no more than 10% and which are not visible from the State Highway, or a public street or public open space within the Zone.	PRO	RDIS	RDIS	CON	CON	RDIS
Buildings and maintenance of exterior finishes not covered elsewhere in this table.	PRO	RDIS	RDIS	CON	CON	RDIS

Table 1: Activity and Building Table

Except that:

(a) Entrances and lobbies to above ground floor residential or visitor accommodation units are a Permitted Activity at ground level in AA C1 adjoining Road 8 (Mainstreet).

(b) For Lots 1 and 2 DP23542 in AA E1, all buildings (including all extensions and changes to exterior finishes) and landscaping are a restricted discretionary activity, apart from the ancillary café provided for by Rule 12.20.3.2 (ii), which is a Controlled Activity.

Note

* These activities are Prohibited Activities where they occur within the Outer Control Boundary as shown on the Structure Plan.

12.20.4 Additional Information Requirements

In addition to the information requirements in Chapter 2, the following apply:

i Buildings in Activity Area C1 and C2 - Requirements for spatial layout plan

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(a) Applications for buildings shall be accompanied by a spatial layout plan for the whole of an Activity Area in accordance with Policy 3.1 including:

i. The location, width and design of publicly accessible roads, laneways and accessways having regard to vehicles, public transport, pedestrians and cyclists that are intended to use them;

ii. The location and shape of publicly accessible open space areas;

iii. The location of indicative viewshafts;

iv. Three waters infrastructure, including soakage areas and overland flow paths for stormwater;

v. Concept landscape design treatment of the above (such as road cross sections and indicative location and layout of open space areas);

(b) Where relevant, applications may rely upon any spatial layout plan submitted as part of a prior application that has received consent.

ii Buildings within AA C1 and C2

(a) Applications for new buildings shall be accompanied by a site context and design statement. This shall provide:

i. An analysis of the site in terms of:

a. adjoining activities and buildings (taking into account the development potential enabled by the Site and Zone Standards) including the location of principal indoor living areas, bedrooms and required outdoor living space(s) of residential units; and
b. relationship of the site to open spaces, views, and climate; and
c. connections to the movement network, including site access.

ii. A statement as to how the design responds to these characteristics.

12.20.5 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified, unless the Council considers special circumstances exist in relation to any such application:

i All applications for Controlled Activities.

ii All applications for Restricted Discretionary Building Activities in Table 1, 12.20.3.7.

iii Any application for a Restricted Discretionary Activity to breach the following Site Standards in Rule 12.20.6.1:

Activity Area C1
i. Building Setbacks
v. Outdoor Living Space

Activity Area E1
xx. Building Coverage

Activity Area E2

xii. Building Footprint
xiii. Minimum Ground Floor Height
xiv. Minimum Glazing
xv. Minimum Two Storey Frontage
xvi. Building Frontage Height.

All Activity Areas

xxiv. Earthworks provided that the earthworks are not within 5m of the boundary of a site.

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iv **NZTA will be considered an affected party pursuant to section 95B of the Resource Management Act 1991 in relation to traffic effects generated by new activities on Lots 1 and 2 DP 23542.**

12.20.6 Standards

12.20.6.1 Site Standards

Where an activity does not meet a Site Standard, the Council's discretion is restricted to the matters specified in the standard(s) not met.

Activity Area C1

i **Building Setbacks**

(a) Road boundaries:

i. There shall be no setbacks from Road 8 (Mainstreet) and Grant Road in Activity Area C1. Nothing in this rule shall preclude the inclusion of recessed entrances within any facade up to a depth of 1.5m and a width of 2m.

ii. On any other street boundary there shall be a maximum Setback of 3m.

(b) Side and Rear Boundaries: no setback required.

(c) For proposals that do not meet the setback standards set out in this rule, the Council has restricted discretion to:

i. The building's location and design,

ii. Pedestrian safety and amenity; and

iii. The use of land within the setback.

ii **Verandahs**

Every building that adjoins Road 8 (Mainstreet) shall on its construction, reconstruction or alteration be provided with a verandah across the full frontage of the building. Such verandah shall be no more than 3m above footpath level and be built to within 500mm of the kerb line.

(a) For proposals that do not meet the standards set out in this rule, the Council has restricted discretion to:

i. Pedestrian amenity; and

ii. Verandah design.

iii **Outdoor Living Space**

Refer to Rule 12.20.6.1 (v) for Activity Area C2.

Activity Area C2

iv **Building Setbacks**

(a) Road boundaries: Buildings shall be Setback not less than 2m and not more than 5m.

(b) Side and Rear Boundaries: no setback required, except for the boundary with the Events Centre, where a 5m Setback is required.

(c) For proposals that do not meet the setback standards set out in this rule, the Council has restricted discretion to:

i. The building's location and design; and

ii. Pedestrian amenity; and

iii. Interface with the Events Centre.

v **Outdoor Living Space**

(a) The minimum provision of outdoor living space for each residential unit shall be:

i. 4m² with a minimum dimension of 1.5m per unit for units of less than 30 m² in floor area; or

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ii. 20m² contained in one area with a minimum dimension of 3m for each ground floor unit exceeding 30m² in floor area; or

iii. 8m² contained in one area with a minimum dimension of 2m for any above ground floor level unit exceeding 30m² in floor area.

(b) Outdoor living space shall have direct access from a main living room.

(c) No outdoor living space at ground level shall be occupied by any building, other than an outdoor swimming pool accessory building of less than 8m² gross floor area; or any driveway or parking space.

Except that:

i. Units that have been developed exclusively for visitor accommodation (including student accommodation) and which are to have a covenant registered on the title to ensure that the units remain for short term use only shall be exempt from this rule.

ii. Where a communal outdoor living space is provided exclusively for a group of residential units, such space may substitute for the outdoor living space required of individual units at the ratio of 1:1 provided the communal outdoor living space is not less than 150m² and has one dimension (width or length) of at least 12m.

(d) For proposals that do not meet the setback standards set out in this rule, the Council has restricted discretion to:

i. Effects on residential amenity; and

ii. Availability of communal or public open space.

vi Outlook from Habitable Rooms and Building Separation

(a) An outlook space must be provided from the face of a building containing windows or balconies to a habitable room. Where the room has two or more external faces with windows or balconies the outlook space must be provided from, in order of priority, the face of the building with the largest balcony or largest area of glazing.

(b) The minimum dimensions for a required outlook space are as follows:

Where located on the fourth storey or below:

i. principal living room: 6m in depth and 4m in width;

ii. bedroom: 3m in depth and 3m in width.

Where located on the fifth or sixth storey:

iii. principal living room: 10m in depth and 4m in width;

iv. bedroom: 6m in depth and 3m in width.

(c)

i. For the first to fourth storeys the depth of the outlook space is measured at right angles to and horizontal from the window to which it applies, or if there is a balcony the exterior face of the balcony adjoining a principal living room.

ii. For the 5th or 6th storey the outlook space is measured at right angles and horizontal from the exterior face of the building to which it applies.

(d) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies or from the centre point of the largest balcony.

(e) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the control applies.

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(f) Outlook spaces must be contained either within the site, a public street, or other public open space or a combination of the above.

(g) Outlook spaces required from different rooms within the same dwelling may overlap.

(h) Outlook spaces must:

i. be clear and unobstructed by buildings

ii. not overlap with outlook spaces required by another dwelling.

(i) An outlook space at ground floor level from a principal living room may be reduced to 3m deep if privacy to adjacent dwellings is provided by fencing at least 1.6m in height.

Except that: Units that have been developed exclusively for visitor accommodation (including student accommodation) and which are to have a covenant registered on the title to ensure that the units remain for short term use only shall be exempt from this rule.

(j) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Effects on residential amenity for the occupants as well as adjacent residential activities.

vii Minimum Dwelling Density

(a) Dwelling density for a residential development must achieve a minimum average density of 1 dwelling per 200m^2 of net site area.

For the purpose of this rule, net area means the total area of the site or lot less:

i. any area subject to a designation for any purpose

ii. any road

iii. any area owned in common for vehicle access, or that part of a private driveway providing access to a rear site

iv. any communal open space area

v. any part of Activity Area C2 located within the Outer Control Boundary.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Dwelling density and affordability; and

ii. Efficient use of the land resource.

viii Residential Mix

(a) In a single development containing more than 20 dwellings, the combined number of studio and one bedroom dwellings must be not more than 70% of the total number of dwellings within the development.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Building design and layout; and

ii. Residential and neighbourhood cohesion and amenity.

ix Offices, Community, Educational, Health and Day Care Activities outside the OCB:

(a) The maximum floor area per site shall not exceed 400m^2 GFA where the site adjoins Roads 5, 8 and 14, otherwise the maximum floor area shall not exceed 200m^2 per site.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Location; and

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ii. Intensity and scale; and

iii. Effects on residential amenity, privacy and cohesion; and

iv. Adaptability for future residential use; and

v. Location of parking areas and effects of traffic generation on residential amenity.

x Fences Within Building Setbacks

(a) Fences along and within the front boundary should be limited to 1.2m in height.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. The height, design and materials of fences.

Activity Area E2

xi Building Setbacks

(a) EAR road boundary: there shall be a minimum building Setback of 1.5 and a maximum setback of no more than 7 metres provided that:

i. The first 1.5m of this setback must be used for landscaping, (except for vehicle crossing points and pedestrian access);

ii. Between 1.5m and 7m, this setback shall be exclusively used for landscaping, pedestrian access or no more than two vehicle parking spaces;

iii. Any fences in front of buildings within the setback shall be no more than 1.2m in height.

(b) Other road boundaries: 2m to be used for landscaping, (except for vehicle crossing points and pedestrian access).

(c) Side or rear boundaries: None.

(d) For proposals that do not meet the setback standards set out in this rule, the Council has restricted discretion to:

i. Effects on streetscape amenity; and

ii. The design and location of buildings.

xii Building Footprint

(a) The ground floor area of a building must not exceed 1,000m^2 GFA.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. The number, location and design of large footprint buildings; and

ii. Effects on streetscape amenity.

xiii Minimum Ground Floor Height

(a) The ground floor of a building must have a minimum finished floor to ceiling height of 3.5m for a minimum depth of 10m in from the building's road frontage.

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(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Effect on flexible use of buildings; and

ii. Effect on streetscape amenity.

xiv Minimum Glazing

(a) The ground floor of a building's facade facing the street must have clear glazing for at least 60 per cent of its surface area.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. The effect on streetscape amenity.

xv Minimum Two Storey Frontage

(a) Buildings must contain a minimum of two storeys of habitable floor space at or above road level, along the building's entire frontage with the EAR.

(b) The above ground floor space(s) - whether a separate floor or a mezzanine type space - are to have a minimum depth of 10m from the road-side face; and

(c) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. The design to promote a mix of activities; and

ii. Effects on streetscape amenity.

xvi Building Frontage Height

(a) For any building located more than 50m from the southern boundary of Activity Area A, the building's façade facing the Eastern Access Road must have a minimum height of 7m for a minimum depth of 10m in from the road side face of the building.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Effects on streetscape amenity.

xvii Pedestrian/Cycle Connection

(a) The provision of a defined, 3m wide pedestrian / cycle connection from the EAR to Activity Area C2, located mid-block between Road 8 and Road 5 that has a straight alignment and which cannot be used by vehicles, although it may be beside a car parking area or vehicle accessway. If fenced, then the maximum height of fencing is to be 1.6m if a solid fence, or 2m if visually permeable;

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. The effect on pedestrian and cycle movement between Activity Area E2 and Activity Area C2.

xviii Road Frontage Control Area - Vehicle Crossings

(a) Vehicle crossings along the Road Frontage Control Area shall be a minimum of 50m apart, with that measurement commencing at the intersection of Road 8 and Road 2 with the EAR.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Effect of additional vehicle crossings on traffic and pedestrian safety and efficiency of the EAR as a corridor.

xix Rear Accessway

(a) At the interface with Activity Area C2, there shall be a 5m wide accessway that extends along the whole of the Activity Area boundary and which allows for the passage of vehicles between activities within Activity Area E2.

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(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Effects on access to and between sites in Activity Area E2; and

ii. Effects on maintaining a physical separation between Activity Areas C2 and E2.

Activity Area D and E1

xx Building Coverage: Activity Area E1

(a) The maximum building coverage shall be 55% provided that where there is more than one site, this shall be deemed to be 55% of each site.

(b) For proposals that exceed the standard set out in this rule, the Council has restricted discretion to:

i. the ability for the site to accommodate permeable surfaces for stormwater management and landscaping; and

ii. the adequacy of area(s) for access, parking, loading and manoeuvring.

xxi Building Setbacks

(a) Within Activity Area E1 the following building setbacks shall apply:

i. Activity Area A boundary with Lot 1 DP 23542: 10m.

ii. Road boundaries (except for State Highway 6 for Lots 1 and 2 DP 23542): 5m.

iii. Side and Rear Boundaries: no setback required.

(b) For proposals that do not meet the standards set out in this rule, the Council has restricted discretion to:

i. The building location and design; and

ii. Site landscaping within the setback area; and

iii. The effects on streetscape amenity.

(c) Within Activity Area D the following building setbacks shall apply:

i. Road boundaries: 5m.

ii. Side and Rear Boundaries: no setback required except where a side or rear boundary adjoins the Rural General Zone, in which case the setback shall be 5m.

(d) For proposals that do not meet the standards set out in this rule the Council has restricted discretion to:

i. The building's location and design;

ii. Site landscaping within the setback area; and

iii. The effects on residential amenity at the interface with Activity Area C2.

iv. The effects on streetscape amenity.

xxii Landscaping

(a) For sites within the Road Frontage Control Area as shown on the Structure Plan along the EAR boundary and along the street boundary of Road 2 (except vehicle crossing areas): 3m landscaped area.

(b) Other road boundaries (except road crossing areas): 2m landscaped area except ~~expect~~ along Road 5 where rule 12.20.6.2 (xix)(c) applies.

(c) Side and Rear Boundaries: no landscaping is required except where a side or rear boundary adjoins the Events Centre land to which Rule 12.20.6.2(xix)(b) applies.

(d) For proposals that do not meet the standards set out in this rule the Council has restricted discretion to the following:

i. The location and design of buildings on the site;

ii. Any activities (such as parking or access) within the setback area; and

iii. The effects on the amenity of the EAR.

xxiii Road Frontage Control Area Vehicle Crossings

(a) Vehicle crossings along the Road Frontage Control Area shall be a minimum of 50m apart, with that measurement commencing at the intersection of Road 8 and Road 2 with the EAR.

(b) For proposals that do not meet the standard set out in this rule, the Council has restricted discretion to:

i. Effect of additional vehicle crossings on traffic and pedestrian safety and efficiency of the EAR as a corridor.

xxiv Earthworks - All Activity Areas

The following standards apply to all earthworks within all Activity Areas except for earthworks associated with a subdivision or building that has resource consent:

(a) Earthworks

i. The total volume of earthworks does not exceed 100m³ per site (within a 12 month period). For clarification of "volume", see interpretative Diagram 5 (Appendix 4).

ii. The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 200m² in area within that site (within a 12 month period).

iii. Any earthworks that would result in the generation of traffic or activity that could interfere with the safe operation of the State Highway shall require a construction traffic management plan addressing effects on the State Highway and be prepared in consultation with NZTA.

iv. No earthworks shall:

a. expose any groundwater aquifer;
b. cause artificial drainage of any groundwater aquifer;
c. cause temporary ponding of any surface water.

(b) Height of cut and fill and slope

i. The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative Diagram 6, (Appendix 4)). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

ii. The maximum height of any cut shall not exceed 2.4 metres.

iii. The maximum height of any fill shall not exceed 2 metres.

(c) Environmental Protection Measures

i. Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.

ii. Any person carrying out earthworks shall:

a. Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

b. Ensure that any material associated with the earthworks activity is not positioned on a site within

7m of a water body or where it may dam or divert or contaminate water.

iii. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

(d) Protection of Archaeological Sites and Sites of Cultural Heritage.

i. The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3, or in the Kai Tahu ki Otago Natural Resource Management Plan.

ii. The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.

(e) For proposals that do not meet the standards set out in this rule, the Council has restricted discretion to:

i. the scale and extent of the earthworks;

ii. methods to remedy or mitigate associated adverse effects; and

iii. the hours of operation.

xxv **Light and Glare - All Activity Areas**

(a) All fixed exterior lighting shall be directed away from adjacent sites, roads and State Highway 6; and

(b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any site in Activity Area C2 measured at any point inside the boundary of the other site.

(c) All fixed lighting shall be capped and directed downwards to avoid direct light above a plane horizontal with the base of the light bulb.

(d) All roofs of buildings shall be finished or treated so that their light reflectance value does not exceed 40%.

(e) For proposals that do not meet the standards set out in this rule, the Council has restricted discretion to:

i. the location and design of lighting; and

ii. the colour and reflectance value of roofs.

12.20.6.2 Zone Standards

Any Activity which is not listed as a Prohibited Activity and which does not comply with one or more of the relevant Zone Standards, shall be a Non-Complying Activity.

Activity Area A

i Activity Area A

No development shall be undertaken within Activity Areas C1 and C2 until such time as a Resource Consent pursuant to Rule 12.20.3.3(iv) has been granted by Council, and all conditions have been given effect to.

Activity Area C1

ii Building Height.

The standards in **Table 2** apply. (Refer Appendix 4 and definitions of Height and Ground Level).

Distance from the southern edge of Activity Area A (metres)	Maximum Building Height (metres)	Maximum number of storeys above ground level
From 15m up to 50m	6.5m	2
From 50m up to 100m	9.5m	3
From 100m up to 150m	15.5m	5
From 150m	18.5m	6

Table 2: Building Height

Note: Buildings are Prohibited within 15m of the southern edge of Activity Area A.

(a) Provided that:

i. At the intersection of Grant Road and Activity Area A, maximum building height is 9.5 metres and buildings can be a maximum of 3 storeys above ground level; within a square area 20m long, measured from 15m south of Activity Area A and the eastern side of Grant Road.

ii. Mezzanines shall be regarded as full floor levels.

iii. Semi-basement car parking does not count as a storey for the purposes of the maximum number of storeys where its roof is no more than 1200mm above ground level.

iv. All buildings heights within 100m of the southern boundary of Activity Area A can be extended by 1.5 metres above the maximum heights for the purpose of roof articulation. The maximum number of storeys still applies.

iii Building Coverage

(a) The maximum building coverage for all activities on any site shall be 90%.

iv Retail over 1,000m^2 GFA

(a) Retail activity within a building that exceeds 1,000m^2 GFA shall be limited to two at either end (i.e. four in total) of that part of Road 8 contained within Activity Area C1.

v Vehicle Crossings – Road 8 (Mainstreet)

(a) There shall be no vehicle crossings onto Road 8 (Mainstreet).

vi Signs

(a) No freestanding signs are to be located within 25m of the southern edge of Activity Area A.

Activity Area C2

vii Building Height

The standards in **Table 3** apply. (Refer Appendix 4 and definitions of Height and Ground Level).

Distance from the southern edge of Activity Area A (metres)	Maximum Building Height (metres)	Maximum number of storeys above ground level
From 15m up to 50m	6.5m	2
From 50m up to 100m	9.5m	3
From 100m up to 150m	15.5m	5
From 150m	18.5m	6

Table 3: Building Height

Note: Buildings are Prohibited within 15m of the southern edge of Activity Area A.

(a) Provided that:

i. Mezzanines shall be regarded as full floor levels.

ii. Semi-basement car parking does not count as a storey for the purposes of the maximum number of storeys where its roof is no more than 1200mm above ground level.

iii. All buildings heights within 100m of the southern boundary of Activity Area A can be extended by 1.5 metres above the maximum heights for the purpose of roof articulation. The maximum number of storeys still applies.

viii Building Coverage

(a) The maximum building coverage for all activities on any site shall be 70%.

ix Minimum Permeable Area

(a) 10% of the net site area is to be provided in a manner which enables rainfall to pass into the ground through planting of vegetation or use of permeable paving or surfaces.

x Signs

(a) No freestanding signs are to be located within 25m of the southern edge of Activity Area A.

Activity Area E2

xi Building Height

The standards in **Table 4** apply. (Refer Appendix 4 and definitions of Height and Ground Level).

Distance from the southern edge of Activity Area A (metres)	Maximum Building Height (metres)	Maximum number of storeys above ground level
From 15m up to 50m	6.5m	2
From 50m up to 100m	9.5m	3
From 100m	12m	4

Table 4: Building Height.

Note: Buildings are Prohibited within 15m of the southern edge of Activity Area A.

(a) Provided that:

i. At the intersection of the EAR with Activity Area A, maximum building height is 9.5 metres and buildings can be a maximum of 3 storeys above ground level within a square area 20m long, measured from 15m south of Activity Area A and 1.5m west or east of the EAR.

ii. Mezzanines shall be regarded as full floor levels.

iii. Semi-basement car parking does not count as a storey for the purposes of the maximum number of storeys where its roof is no more than 1200mm above ground level.

iv. All buildings heights within 100m of the southern boundary of Activity Area A can be extended by 1.5 metres above the maximum heights for the purpose of roof articulation. The maximum number of storeys still applies.

xii Minimum Permeable Area

(a) 10% of the net site area is to be provided in a manner which enables rainfall to pass into the ground through planting of vegetation or use of permeable paving or surfaces.

xiii Storage of Goods

All storage of any materials, goods or articles shall be:

(a) carried out within a building; or

(b) screened by a building so it is not visible from a street; or

(c) located behind solid fence of at least 1.8m in height or dense planting of the same height where visible from AA C2.

xiv Signs

(a) No freestanding signs are to be located within 25m of the southern edge of Activity Area A.

xv Setback from Activity Area C2 Boundary

(a) All buildings shall be set back 5m.

Activity Area E1 and D

xvi Building Coverage

The maximum building coverage for all activities on any site shall be:

(a) 40% in Activity Area D.

(b) 80% in Activity Area E1.

xvii Building Heights

(a) Activity Area D: Maximum height is 10m.

(b) Activity Area E1: Maximum height is 12m provided that within 65m of the State Highway boundary as it existed 4 July 2007, the maximum height is 9m.

xviii Minimum Permeable Area

(a) 10% of the net site area in Activity Areas D and E1 is to be provided in a manner which enables rainfall to pass into the ground through planting of vegetation or use of permeable paving or surfaces.

xix Setbacks and Landscaping

(a) Within Activity Area E1 there shall be a building setback of 15m from the State Highway. The first 5m shall be landscaped. Note: Lot 1 and 2 DP 23542 are covered by rule 12.20.6.2 (xx)

(b) Within Activity Area D buildings shall be setback a minimum of 5m from the boundary with the Queenstown Events Centre, and there shall be a minimum of 5m of vegetated landscaping adjacent to the Queenstown Events Centre boundary (except where this would interfere with a safe and direct pedestrian access from Grant Road to the Queenstown Events Centre).

(c) There shall be a 2m wide vegetated landscape strip where sites front Road 5, comprising tree species (height at maturity of 4 – 6m and planted at 10m centres) and shrub species (planted at a maximum of 1.5m centres).

xx State Highway Building Setback and Landscape Strip on Lots 1 and 2 DP 23542:

(a) There shall be a 5m wide landscape strip established along the State Highway boundary and the boundary with Activity Area A.

(b) Within Lot 2 DP 23542, there shall be a minimum building setback of 15m from the State Highway. The setback area between 5 and 15m may be used for at-grade parking, manoeuvring and additional landscaping.

(c) Within Lot 1 DP 23542 there shall be a minimum building setback of 10m from the State Highway. The setback area between 5m and 10m from the boundary may be used for at-grade parking, manoeuvring and additional landscaping.

xxi

A. Ancillary Retailing Activities in Activity Area E1

The following limitations apply to retail activities in Activity Area E1:

(a) Activities more than 50m from the EAR:

Any goods displayed for sale are ancillary to the industrial and/or service activity on the site and occupy no more than 20% of the ground floor area of the building.

(b) Activities within the Road Frontage Control Area shown on the Structure Plan:

Any goods displayed for sale are ancillary to the industrial and/or service activity on the site; and

i. where displayed inside a building occupy no more than 20% of the ground floor area of the building;

ii. where displayed outdoors, or under un-enclosed structures, are yard based retail activities and occupy no more than 30% of that part of the site located within the Road Frontage Control Area shown on the Structure Plan, and are not located on required car parking, loading, landscaping or permeable areas.

B. Ancillary Retailing Activities in Activity Area D

The following limitations apply to retail activities in Activity Area D:

(a) Activities more than 50m from the EAR:

Any goods displayed for sale are ancillary to a yard based industrial and/or service activity on the site and occupy no more than 20% of the ground floor area of the building.

(b) Activities within the Road Frontage Control Area shown on the Structure Plan:

Any goods displayed for sale are ancillary to a yard based industrial and/or service activity on the site; and

i. where displayed inside a building occupy no more than 20% of the ground floor area of the building;

ii. where displayed outdoors, or under un-enclosed structures, occupy no more than 30% of that part of the site located within the Road Frontage Control Area shown on the Structure Plan, and are not located on required car parking, loading, landscaping or permeable areas.

xxii Signs

(a) No freestanding signs are to be located within 75m of the southern edge of the State Highway boundary as it existed 4 July 2007.

All Activity Areas

xxiii Structure Plan - All Activity Areas

(a) All activities and developments must be carried out in accordance with the Structure Plan shown in Figure 1.

(b) No development shall prevent the creation of required roads shown on the Structure Plan.

xxiv Keeping of Animals - All Activity Areas

(a) No animals shall stay overnight on a site for commercial purposes, except for a maximum of 4 animals in the care of a registered veterinarian for medical or surgical purposes. There shall be no breeding, rearing or keeping of pigs or commercial livestock.

xxv Access to State Highway

(a) No new activity in any Activity Area shall have direct access to the State Highway, except for activities authorised by Rule 12.20.3.1 (ii) and 12.20.3.2 (ii)

(b) No new activity shall gain direct access to and from the State Highway from Lot 1 DP 25342 once the required road link (Road 9) has been formed between the Eastern Access Road and Lot 1 DP 25342.

xxvi Noise

(a) In Activity Areas A, C1, and C2 activities shall be conducted so that the following noise limits are not exceeded at any point within the boundary of any other site within the zone or Activity Area:

i. Daytime (0800 - 2200 hrs) 65dBA L10

ii. Night-time (2200 - 0800 hrs) 65dBA L10 and 75dBA Lmax

(b) In Activity Areas D, E1, and E2 activities shall be so conducted that the following noise limits are not exceeded at the boundary with Activity Area C2:

i. Daytime (0800 - 2000 hrs) 65dBA L_{10}

ii. Night-time (2000-0800 hrs) 65dBA L_{10} and 70dBA L_{max}

(c) Any residential unit, visitor accommodation unit, office space, educational or community facility shall be acoustically insulated from noise. The acoustic insulation required shall achieve an indoor design sound level of 40 dBA Ldn except for Non-Critical Listening Environments. This control shall be met in either of the following two ways:

EITHER:

i. By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level, **OR:**

ii. The building shall be constructed and finished in accordance with the provisions of **Table 5.**

Building Element	Required Construction
External Walls	Exterior: 20 mm timber or 6mm fibre cement Frame: 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar) Two layers of 12.5mm gypsum plasterboard* (Or an equivalent combination of exterior and interior wall mass)
Windows	Up to 40% of wall area: Minimum thickness 6mm glazing** Up to 60% of wall area: Minimum thickness 8mm glazing** Up to 80% of wall area: Minimum thickness 8mm laminated glass or minimum 10mm double glazing** Aluminium framing with compression seals (or equivalent)
Pitched Roof	Cladding: 0.5mm profiled steel or tiles or 6mm corrugated fibre cement. Frame: Timber truss with 100mm acoustic blanket (R 2.2 Batts or similar) Ceiling: 12.5mm gypsum plaster board*
Skillion Roof	Cladding:0.5mm profiled steel or 6mm fibre cement Sarking: 20mm particle board or plywood. Frame: 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar). Ceiling: 2 layers of 9.5mm gypsum plasterboard*
External Door	Solid core door (min. 24kg/m²) with weather seals.

Table 5: Acoustic Insulation of Buildings Containing Noise Sensitive Uses (except non-critical listening areas)

* Where exterior walls are of brick veneer or stucco plaster the internal linings need be no thicker than 9.5mm gypsum plasterboard.

** Typical acoustic glazing usually involves thick single panes or laminated glass. Where two or more layers of glass are employed with an air gap

between, total thickness of window glass may be calculated as the total of all glass layers (excluding air gap) provided that at least one glass layer shall be of a different thickness to the other layer(s).

(d) Construction noise shall comply with and be measured and assessed in accordance with the relevant New Zealand Standard.

(e) Noise from aircraft operations at Queenstown Airport is exempt from the above standards.

(f) Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991.

12.20.7 Resource Consents – Assessment Matters

Assessment Matters are applied as follows:

i For all Controlled Activities in the Frankton Flats Special Zone (B), the assessment matters shall inform the conditions that may be imposed on a consent.

ii For all Restricted Discretionary Activities in the Frankton Flats Special Zone (B), in determining whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited to, the assessment matters relevant to the restriction.

iii For all Discretionary Activities in the Frankton Flats Special Zone (B), in considering whether or not to grant consent or impose conditions, the Council shall have regard to any relevant Site Standards, Zone Standards and assessment matters.

12.20.7.2 Controlled Activities

i Licensed Café within Lot 2 DP23542

(a) The matters in 12.20.3.2 iii (b)(i-iv) (the matters for controlled activity buildings in Activity Areas D and E1).

(b) The external colours, materials and finishing of buildings.

(c) The number, size and position of signage platforms.

(d) The use of corporate colours should be appropriate to the overall amenity of the built environment when viewed from the street.

(e) Signage should be combined with signage associated with the garden centre.

(f) The hours of operation should be the same as that of the garden centre.

(g) Whether the character, scale and intensity of the proposed use will be compatible in relation to surrounding activities.

ii All buildings In Activity Areas E1 and D

(a) The building should be designed to avoid large blank walls in elevations fronting or visible from any street and avoid large areas of single colours with a high reflectivity value (over 36%).

(b) The location, access, and layout of off-street car-parking, loading and manoeuvring areas should be safe and efficient.

(c) Where use of the site by large vehicles (including truck and trailer units) is likely, or a large number of vehicles using the same access point, the site layout should allow sufficient area for these to exit on to the road in a forwards direction.

(d) Landscaping within the front yard setback area should provide an appropriate quality of frontage to the buildings and activities within the site, including for the purpose of screening of outdoor storage areas, rubbish and recycling facilities where necessary, and will be maintained to achieve this purpose.

(e) The treatment of any fencing by landscape planting is to soften its their visual impact when viewed from the street.

(f) The layout of activities, buildings, landscaping and lighting should provide a safe environment for workers and visitors.

(g) Whether the building and activities will be adequately serviced, and whether:

i. permeable surfacing and landscaping is designed to accommodate soakage of stormwater; and

ii. overland flow paths and stormwater detention devices are adequately accommodated within the site.

(h) Where the site adjoins the Queenstown Events Centre land, whether the development should provide for a safe and direct pedestrian connection between the Queenstown Events Centre and Grant Road. Only one pedestrian connection is required from the area south of Activity Area C2 and is expected to be in the vicinity of Road 5.

iii **In Activity Area E1, for buildings that are either within the Road Frontage Control Area shown on the Structure Plan, or are within 20m of Road 2; and**

In Activity Area D, for buildings that are either within the Road Frontage Control Area shown on the Structure Plan, or are within 20m of Grant Road or Road 5:

(a) The Assessment Matters in 12.20.7.2 (ii) (a) to (h) above.

(b) The external colours, materials and finishing of buildings.

(c) The number, size and position of signage platforms.

(d) The use of corporate colours should be appropriate to the overall amenity of the built environment when viewed from the street.

(e) Where the site fronts Road 5:

i. The site's frontage should be landscaped in tree species (height at maturity of 4 – 6m) and shrub species at sufficient density to provide an attractive visual buffer to development when viewed from Activity Area C2.

ii. Sites should be laid out and designed to minimise potential nuisance effects on residential development in Activity Area C2 from the generation of dust, lights and vibration.

(f) Where the site is within the Road Frontage Control Area shown on the Structure Plan:

i. The design of buildings fronting the Eastern Access Road should orientate ancillary retail, ancillary office and other activity generators to the front of the site.

ii. Car parking should be located to the side and rear of buildings and should not dominate frontages.

iii. Buildings should be located close to the street boundary to help define and contain the street scene.

iv. Shared service lanes and rear accessways should allow for circulation between units without the need to exit onto the EAR to gain access to another unit.

v. Vehicle crossings should be designed to reduce vehicle speed, be visually attractive, using quality paving and landscaping and clearly signal to pedestrians the presence of a vehicle crossing or access way.

vi. Pedestrian paths to buildings should be separate to vehicle accessways unless part of a deliberate "shared space" design.

vii. Frontage setback areas should be established in small (height 3 – 5m at maturity) trees and shrubs in sufficient density to contribute to an attractive landscaped green frontage along the EAR while still allowing visual permeability to activities and buildings. The landscaping should be maintained to achieve this purpose.

iv **Building Extensions in Activity Area E2**

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(a) The extent to which the external appearance of the extension integrates with the design of the existing building.

v **Visitor Accommodation in C1 and Premises Licensed for the Sale of Liquor in Activity Area C1 and Activity Area C2:**

(a) The scale of the activity and its compatibility with surrounding land use, character and amenity.

(b) The effect on residential amenity, including noise, vibration, lighting and loss of privacy.

(c) Public and private safety, security and crime prevention.

(d) Hours of operation.

(e) Location of loading and parking areas.

(f) The adequacy of screening and buffer areas between the site and other uses.

vi **Convenience Retail in Activity Area C2**

(a) The effect on residential amenity, including noise, lighting and loss of privacy.

(b) Effects on residential amenity.

(c) The treatment and use of street frontages. Street frontages may be used to display goods and for outdoor seating but should not be used for car parking.

(d) The nature and extent of signage displayed relative to the size of the premises.

(e) The location and layout of parking and loading areas and their safety and efficiency in a residential context.

12.20.7.3 Restricted Discretionary Activities

i **Buildings and Associated Works in Activity Area C1 and C2 (Integration Across the Activity Areas)**

In considering the building and the associated works the Council must be satisfied that these works, in relation to the matters set out in Policy 3.1 will contribute to, and not undermine:

(a) A connected street network which can be progressively developed that:

i. Enables convenient and safe traffic circulation, while managing traffic speeds and moderating driver behaviour.

ii. Promotes walking and cycling through short blocks and regular intersections (block lengths in excess of 200m and culs-de-sac are discouraged). Any pedestrian and cycle only connections should be safe and convenient. Generally they should have a straight alignment and be edged by buildings that provide a sense of safety for users.

iii. Provides for coherent landscape treatment of streets.

iv. Incorporates water sensitive urban design elements (e.g. bio filtration, permeable paving etc).

v. Enables a built form (building footprints, mass and typologies) that meets the policies and site standards of the Activity Area.

(b) An arrangement of publicly accessible open space areas that can meet future needs and supports the built environment policies of the Zone.

i. Within Activity Area C1, a civic focal space, adjacent to the Mainstreet should be identified, with a form that is suitable for a range of public gatherings and use.

ii. Within Activity Area C2, the location and form of open space areas, including open space that can provide for the passive neighbourhood recreational open space needs of residents and visitors in the Zone, should be identified.

(c) Indicative viewshafts that will be maintained in an appropriate manner that retains their role as continuous viewshafts with straight alignments, including consistent controls on fencing, structures and vegetation within the viewshaft area.

(d) Sufficient provision is made to accommodate future infrastructure needs, taking into account demands from adjacent sites and Activity Areas, including:

i. On-site soakage and overland flow paths for rainfall events that exceed the capacity of the piped network. In Activity Area C1 these soakage areas may be pits and chambers overlain by hard surfaces, while in Activity Area C2 there may be a mix of permeable areas and engineered soakage areas.

ii. Water and wastewater networks and space for other utilities.

ii **Buildings within Activity Area C1**

Building Design – General

(a) Building mass and modulation should respond to the sites context and adjacent development.

(b) Buildings should positively front streets, through principal building entrances being direct from the street and windows and balconies overlooking the street. Blank walls to streets are to be avoided.

(c) Buildings facades should be articulated and detailed to contribute to a visually rich public environment.

(d) Side and rear walls should be varied through detailing, materials and modulation.

(e) Roof forms should provide an appropriate termination to the building and positively contribute to the variety and visual character of the neighbourhood.

(f) Variations of building height should be used to contribute to the legibility, visual interest and character of the neighbourhood.

(g) Roof plant should be integrated into the design of the roof.

(h) Buildings should use quality, durable and easily maintained materials and finishes on the facade, particularly at street level.

(i) Building and roof colours and materials should not result in an obtrusive impact when viewed from public places.

(j) The external finishes and colour of buildings that front Road 14 or the State Highway should not detract from views of the surrounding natural landscapes.

Buildings – Road 8 (Mainstreet)

(k) Where sites front the Mainstreet, buildings:

i. Should adjoin adjacent buildings, forming a continuous façade to the Mainstreet; and

ii. Should be a minimum of 2 storeys in height so as to frame the Mainstreet, with the ground floor to be at least 3.5m high to provide a flexible commercial space; and

iii. Should present a fine grained vertical rhythm of 4m to 6m wide modules. This can be achieved through larger buildings being sleeved by smaller units that face the street, or through placement of windows, balconies, recessed terraces, minor variations in setbacks, use of architectural elements such as columns and fins, as well as variations in materials and design of the facade; and

iv. Maximise glazing at street level.

Buildings – Mixed Uses

(l) Residential uses should be designed to ensure outlook from principal living rooms, taking into account possible future development on adjoining sites.

(m) The ground floor of residential units should be elevated 1m above the surface of the street to provide visual privacy to users or front fences and landscaping should be of a low height so as to maintain street amenity and sense of safety.

(n) Mixed use buildings should have clearly separated entrances for residential and non-residential uses.

Vehicle Access and Parking

(o) All on-site car parking must be to the rear of buildings or below ground level, preferably accessed from rear service lanes. If parking is at ground level, it should be screened from the street by a building containing an activity at the street frontage.

(p) If on–site car parking has to be accessed directly from the street, then only one vehicle access point is to be provided to that site. Vehicle crossings and access ways should be designed to reduce vehicle speed, be visually attractive and minimize the width of frontage occupied by the crossing.

(q) Ventilation and fumes from parking structures should not be vented into the adjacent street environment in a way that minimises impact on amenity.

Landscaping

(r) Where provided on-site, landscaping should use durable materials that are visually and functionally compatible with adjoining landscape treatment, particularly streets.

(s) Surface parking areas should be softened with landscaping, including tree planting.

Site Layout

(t) The safety of public and semi-public areas within and adjacent to the development should be ensured by:

i. Locating windows and other openings associated with living and working areas so that the occupants can overlook and interact with public and semi-public areas;

ii. Ensuring that walls and fences have sufficient transparency or are of a low enough height to allow informal surveillance to occur; and

iii. Publicly accessible through site links have a straight alignment, avoid entrapment areas and are appropriately lit at night time.

(u) Storage, rubbish and recycling facilities should be contained within buildings.

(v) Utilities including stormwater retention devices should be incorporated into the design of the site and be visually compatible with a town centre environment.

Signage

(w) Whether the number, scale and location of signage results in adverse effects on the amenity values of views from the State Highway.

iii Buildings within Activity Area C2

Building Design

(a) Building design and landscape treatment should be integrated into a coherent design strategy.

(b) Buildings should:

i. Avoid long, unrelieved frontages and excessive bulk and scale when viewed from the road; and

ii. Visually break up their mass into distinct elements to reflect a human scale.

(c) Blank walls to streets should be avoided. A variety of architectural detail and building materials should be used to create visual interest.

(d) Roof profiles should be designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes integrating plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design.

(e) Buildings should positively contribute to the amenity of streets and public open spaces by:

i. Maximising doors, windows and balconies over all levels on the front façade;

ii. Clearly defining the boundary between the site and the street or public open space by planting or fencing; and

iii. Using quality, durable and easily maintained materials with particular emphasis on frontages to the street and public open space.

Landscaping and Open Space

(f) Private open space should be located to maximise views, and sunlight access while reducing overlooking. Balconies should be designed as an integral part of the building and a predominance of cantilevered balconies should be avoided.

(g) The height, design and materials of fences or walls demarcating private and communal areas should maintain opportunities for passive surveillance of streets.

(h) Communal areas should be accessible from dwellings within the development and located and designed to reduce effects on neighbouring dwellings.

(i) Landscaping should be designed to:

i. Allow space for the planting of large trees (where this does not block a viewshaft);

ii. Enhance on-site amenity and improve privacy between dwellings;

iii. Enable soakage of stormwater; and

iv. Contribute to the amenity and attractiveness of communal areas.

(j) Semi-public areas like communal open space areas, through site links and access to parking areas should be designed to promote personal safety through passive surveillance, lighting, sight lines and controlling access where necessary.

(k) Where the site abuts the Queenstown Event Centre land, then the frontage to the Queenstown Events Centre should be landscaped to ensure an attractive outlook from the Queenstown Events Centre land.

Parking and Access:

(l) For apartment buildings, basement or semi basement parking is encouraged. Where not feasible parking should be to the rear or undercroft provided it is not visible from the street. The use of screens or curtain walls to visually obscure car parking from streets is not preferred.

(m) Surface car parking areas should be landscaped.

(n) Garaging as part of a dwelling should either be recessed behind the front facade of the building (1m minimum) and should not

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constitute more than 40% in area of the buildings front facade, or should be located to the rear of a building development.

(o) Refuse and recycling storage areas should be within buildings or appropriately screened.

(p) Buildings and other structures including fences should be located where they do not block existing or anticipated stormwater overland flow paths.

iv **Buildings Within Activity Area E2:**

Building Design

(a) Buildings should:

i. Avoid long, unrelieved frontages and excessive bulk and scale when viewed from the road; and

ii. Visually break up their mass into distinct elements to reflect a human scale.

(b) The design of the building's road edge should:

i. Maximise outlook onto the road through the use of entrances, windows and balconies;

ii. Ensure that the main pedestrian entrances are visible from the road;

iii. Utilise a variety of architectural detail to create visual richness; and

iv. Ensure glazing of ground floor frontages maximise visual interaction between the street and the activity within the ground floor.

(c) Multi-storey buildings should visibly express a two or more storey format with visual distinctions made between the ground floor and upper floors through detailing, modulation and variations in solid to void ratios. Upper floor spaces should have a separate pedestrian entrance to that of the ground floor space.

(d) Where proposed, the extent to which single level buildings emphasise the height of roadside frontages

(e) The design and placement of signage and use of colour and building finishes should contribute to a high quality, mixed use environment.

(f) On corner sites, buildings should address and respond to both road frontages.

(g) Roof profiles should be designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes integrating plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design.

(h) Buildings should use quality, durable and easily maintained materials and finishes on the facade, particularly at street level.

(i) Signs not attached to a building should be located on common sign plinths or boards, located at the vehicle crossing points required by site standard 12.20.6.1 (xviii). These plinths or sign boards should not be more than 6m high and not exceed a surface area of $6m^2$.

Landscaping:

(j) Landscape treatment of frontages should:

i. Reinforce the visual prominence of building entrances and maintain sightlines between the road and the building;

ii. Ensure equal physical access for people of all ages and physical abilities; and

iii. Be designed for on-going ease of maintenance.

Site Layout

(k) Provide for stormwater management including on-site infiltration of stormwater and overland flow.

(l) Buildings and landscaping should be designed to promote crime prevention

(m) Buildings and other structures including fences should be located where they do not block existing or anticipated stormwater overland flow paths.

(n) Shared rear accessways either side of the EAR are encouraged to allow for circulation between units without the need to exit onto the EAR to gain access to another unit or site.

Vehicle Access and Parking

(o) The proportion of the site's road frontage occupied by vehicle access and parking should be less than the proportion occupied by buildings (i.e. no more than 50%).

(p) Vehicle crossings should be designed to reduce vehicle speed, be visually attractive, using quality paving and landscaping and clearly signal to pedestrians the presence of a vehicle crossing or access way.

(q) Pedestrian paths to buildings should be separate to vehicle accessways unless part of a deliberate "shared space" design.

(r) Activities incorporating drive through facilities should be designed to accommodate any queuing of vehicles within the site. Queuing should not be located between the building and the street. Ordering and collection points should be located to the side of the building. Drive through facilities are not suitable for corner sites.

At the Interface with Activity Area C2

(s) Doors, ventilation ducts and extractor fans should be located to minimise disturbance to residential activities.

(t) Queuing areas for drive through facilities should be designed and located to minimise effects on residential amenity.

(u) Roofs are designed to mitigate adverse visual effects including glare and visual clutter from roof plant.

(v) Rubbish / storage areas are appropriately screened.

State Highway Frontage

(w) The form and design of buildings should contribute to an interesting and varied vista of buildings when viewed from the State Highway frontage of the zone.

(x) The extent to which signage and building colour and finishes are combined into a coherent design strategy that positively contributes to the visual quality of the Zone.

v Buildings in E1 within 100m of the State Highway (excluding Lots 1 and 2 DP23542)

(a) The Assessment Matters in 12.20.7.2 (iii) (a) to (d) (the assessment matters for Controlled Activity buildings in Activity Area E1).

(b) Landscaping associated with any building should provide an appropriate quality of frontage to the State Highway. Buildings and activities within the site, including outdoor storage areas and rubbish and recycling facilities where necessary, should be screened. Landscaping should be maintained to achieve this purpose.

vi Buildings and Landscaping within Lots 1 and 2 DP23542 in Activity Area E1:

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(a) The matters in 12.20.7.2 (iii) (a) to (d) (the assessment matters for controlled activity buildings in Activity Area E1).

(b) The Council must be satisfied that the size (at planting and maturity), species and planting density of vegetation to be established within the 5m landscape strip and elsewhere on the site will substantially screen the proposed development and outdoor storage of goods, material and equipment when viewed from the State Highway.

(c) The landscape treatment should be integrated with the design of the buildings, outdoor activities, access and car parking to provide a coherent and comprehensive response to the site's constraints and will be maintained to achieve this purpose.

vii Visitor Accommodation in Activity Area C2

(a) Whether the activity will have adverse effects on surrounding residential amenity and cohesion, taking into account:

i. The location of carparking and bus parking facilities.

ii. The scale of the development.

iii. The location, design and orientation of visitor accommodation units in relation to the privacy and amenity of adjoining residential activities.

iv. The location, use, and layout of outdoor areas, including service areas.

v. The cumulative impact of visitor accommodation in the vicinity and activity area.

(b) Whether the visitor accommodation development can act as a transition between residential uses and adjoining activity areas.

viii The Landscape Development of Activity Area A

(a) Landscape treatment should result in an open landscaped area consisting of a mixture of grass, low level vegetation and suitably located trees.

(b) The particular tree species and their location relative to:

i. The indicative viewshafts shown on the Structure Plan, so as to maintain open views to The Remarkables and the Outstanding Natural Landscapes

ii. The intersections of Grant Road and the Eastern Access Road with the State Highway so that sight lines are not compromised

iii. Any modification or adaptation of existing planting.

(c) The extent to which the landscape design is consistent across the Activity Area.

(d) The means by which public use of the walkway/cycleway is permanently secured.

(e) The trail shall be designed and constructed so that it either connects to existing trails or future trails identified on the Structure Plan.

(f) Identification of the method to ensure the on-going maintenance of planting within the Activity Area occurs.

(g) The extent and scale of earthworks, including any earthworks necessary to provide for stormwater management.

ix Vehicle Access to Lots 1 and 2 DP 25342

(a) In making an assessment regarding the impact on the State Highway of traffic generated by a new activity, consideration should be given to the traffic movements generated between the State Highway and the existing garden centre and the resource consent RC940135 for Lot 1 DP 25342.

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(b) The extent to which the access maintains the amenity values of the State Highway corridor while ensuring traffic safety and efficiency.

12.20.7.4 Site Standards: Assessment Matters

Activity Area C1

i Building Setbacks

(a) The effect that any increased setback will have upon the visual impression of the streetscape.

(b) The compatibility with other nearby buildings.

(c) The use of land within the setback and whether this use will add to the vitality of the street.

(d) The quality and features of the external appearance of the building.

(e) The effect upon pedestrian safety and amenity.

ii Verandahs

(a) The external appearance of verandahs avoids or mitigates adverse effects on:

i. Neighbouring buildings and verandahs

ii. The extent to which the verandah affects the use and enjoyment of the streetscape

iii. The appearance of the building.

iii Outdoor Living Space

(a) Effects on residential amenity and whether the site is accessible to areas of communal or public open space that can provide for occupants needs.

Activity Area C2

iv Building Setbacks

(a) The location and design of the building proposed to be within the setback area and any associated landscaping.

(b) The use of land within the setback area and whether this use will add to the vitality of the street.

(c) The quality and features of the external appearance of the building.

(d) The extent to which the setbacks maintain residents and pedestrian amenity and safety.

v Outdoor Living Space

(a) Effects on residential amenity and whether the site is accessible to areas of communal or public open space that can provide for occupants needs.

vi Outlook from Habitable Rooms and Building Separation

(a) The Council must be satisfied that development that infringes the rule can demonstrate that there will be a reasonable standard of amenity (including visual privacy, access to natural light, overlooking and dominance) between dwellings within the site as well as adjoining sites, including their outdoor living space.

vii Minimum Dwelling Density

(a) The cumulative adverse impact on the efficient and effective use of land resources within the Activity Area from lower density development.

(b) The extent to which lower density development provides opportunities for affordable housing for low to moderate income households.

viii **Residential Mix**

(a) The extent to which the development that proposes more than 70% studio and one bedroom units is purpose built, and contains common areas, amenities and on-site management appropriate to this form of residential development.

ix **Offices, Community, Educational, Health and Day Care outside the OCB**

(a) Outside the OCB, larger scale non-residential activities should be designed and managed in a way that limits adverse effects on residential amenity. This includes:

i. Building design that reflects residential mass, scale and character;

ii. Managing noise and light spill from indoor and outdoor areas.

iii. Managing parking areas and traffic generation;

iv. Limiting hours of operation; and

v. Limiting impacts from overlooking of adjacent required residential outdoor living spaces

(b) The adaptability of the development to future residential use.

(c) Limiting cumulative adverse effects on residential cohesion from a concentration of non-residential activities. Where non-residential development can act as a transition between residential uses and adjoining activity areas, or are part of a mixed, residential – non-residential development, then a cluster of non-residential activities may be appropriate.

x **Fences within Building Setbacks**

(a) The extent to which the fence height and design reduces the opportunities for passive surveillance between the street and the dwelling. Taller fences may be appropriate if they retain a high degree of visual permeability.

Activity Area E2

xi **Building Setback**

(a) The extent to which building design and placement supports the amenity of the EAR.

(b) The design and location of buildings.

xii **Building Footprint**

(a) The Council must be satisfied that the number, design and placement of larger footprint buildings (buildings over 1,000m^2 in floor area at the ground level) will not dominate the moderate scale and intensity of development and mix of businesses sought within the Activity Area.

(b) Larger foot print buildings may be appropriate if they are designed to break the building mass down into smaller units. This may include use of horizontal and vertical articulation to create a series of smaller, distinctive building elements along road frontages and/or incorporating smaller self-contained units along road frontages.

xiii **Minimum Ground Floor Height**

(a) The extent to which the operational requirements of the proposed activity requires a lower height space at the front of the building.

(b) The extent to which a consistent streetscape of the EAR is maintained.

xiv **Minimum Glazing**

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(a) The extent to which the design of the building's facade provides for a superior outcome in terms of street amenity.

xv **Minimum Two Storey Frontage**

(a) Whether the building is designed to accommodate a non-retail use.

(b) The design and placement of signage and use of colour and building finishes should contribute to a high quality, mixed use environment

xvi **Building Frontage Height**

(a) The extent to which building design supports the amenity of the EAR.

xvii **Pedestrian/ Cycle Connection**

(a) The extent to which an alternative design or location for the pedestrian / cycle connection provides for a more safe and convenient route.

xviii **Road Frontage Control - Vehicle Crossings**

The Council must be satisfied that:

(a) Additional vehicle crossing points will not cause any loss in the efficiency of the EAR as a key arterial road.

(b) The site or building cannot be accessed in any other reasonably practicable way.

(c) Pedestrian and cyclist safety is not compromised by any increase in friction from entering and exiting vehicles.

xix **Rear Accessway**

(a) The extent to which alternative means of vehicle circulation within and between sites maintains the corridor function of the EAR.

(b) Whether vehicle access is provided and maintained across properties along the western side of Activity Area E2 to provide a secondary access link at the rear of Activity Area E2.

(c) The extent to which separation between activities in Activity Area E2 and Activity Area C2 are mitigated by other means.

Activity Areas E1 and D

xx **Building Coverage - E1**

(a) The extent to which the building coverage sought will not adversely affect opportunities for required permeable surfacing and landscaping within the site.

(b) Whether additional permeable surfacing and landscaping can be provided to manage any potential adverse stormwater effects arising from the increased coverage, and for mitigation (by additional design controls or landscaping) of the effects of the dominance of buildings when viewed from the State Highway, the EAR or Road 2.

(c) Adequate access to the site, on-site vehicle parking, loading spaces, and manoeuvring areas for heavy vehicles should be retained.

xxi **Building Setbacks**

(a) The location and design of the building proposed to be within the required setback area, and any associated landscaping, should be sufficient to remedy or mitigate any adverse effects of the proximity of the building to the boundary and neighbouring land uses including Activity Area C2.

xxii **Landscaping**

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(a) Whether the reduction in required landscaping is justified in relation to the layout of buildings and activities within the site.

(b) Whether the location and design of buildings within the site, and the location of other activities (such as parking and access within the setback area), will remedy or mitigate any adverse effects of the reduction in required landscaping.

(c) Any reduction in required landscaping should not cause adverse effects on the amenity values of the EAR as an attractive, landscaped corridor.

xxiii Road Frontage Control Area Vehicle Crossings

The Council must be satisfied that:

(a) The additional vehicle crossings or the reduction in distance between crossings will not cause any loss in the efficiency of the EAR as a key arterial route.

(b) The site or building cannot be accessed by way of other vehicle crossing points or streets.

(c) Pedestrian or cyclist safety is not compromised by any increase in friction from entering and exiting vehicles.

xxiv Earthworks - All Activity Areas

Environmental Protection Measures

(a) The extent to which proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.

(b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.

(c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.

(d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.

(e) Whether appropriate measures to control dust emissions are proposed.

(f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

Effects on Landscape and Visual Amenity Values:

(g) Whether the scale and location of any cut and fill will adversely affect:

i. The visual quality and amenity values of the landscape;

ii. The natural landform of any ridgeline or visually prominent areas;

iii. The visual amenity values of surrounding sites.

(h) Whether the earthworks will take into account the sensitivity of the landscape.

(i) The potential for cumulative effects on the natural form of existing landscapes.

(j) The proposed rehabilitation of the site.

Effects on Adjacent Sites

(k) Whether the earthworks will adversely affect the stability of neighbouring sites.

(l) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.

(m) Whether cut, fill and retaining are done in accordance with engineering standards.

General Amenity Values

(n) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.

(o) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.

(p) Whether natural ground levels will be altered.

Impacts on Sites of Cultural Heritage Value

(q) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.

(r) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

Conservation

(s) Trees are retained in order to achieve the intended environmental outcomes for that part of the Zone.

(t) That earthworks, excavation and the removal of topsoil be kept to the minimum necessary to provide for the activities for which the land is to be used.

xxv **Lighting and Glare: All Activity Areas**

(a) Whether lighting is required for public safety.

(b) The effect of lighting on amenity

(c) Whether the glare from roofs creates an amenity or safety hazard

Figure 1 - Structure Plan

Insert new plan when confirmed.

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14.2 Transport Rules

These sections are under-lined as they denote changes to be made to the Operative District Plan.

1. ***Insert new Rule 14.2.4.1 ii 'Parking requirements within Frankton Flats Special Zone (B)' and renumber subsequent rules under 14.2.4.1.***

ii Parking requirements within Frankton Flats Special Zone (B)

(a) Activities within Activity Areas C1, C2, D and E1 shall provide:

i. no more than the maximum number and no less than the minimum number of on-site parking spaces listed in Table 1D below; or

ii. where the particular use is not specified in Table 1D, no more than 115% or no less than 85% of the rate specified in Table 1 (rule 14.2.4.1):

Table 1D – Frankton Flats Special Zone (B)

Activity	Minimum parking spaces required	Maximum parking spaces required
Industrial and Service Activities	2.5 per 100m^2 of gross floor area used for maintaining, repairing, manufacturing, fabricating, processing, transporting or packing goods, plus 1 per 100m^2 of storage	3.5 per 100m^2 of gross floor area used for maintaining, repairing, manufacturing, fabricating, processing, transporting or packing goods, plus 1 per 100m^2 of storage space
Commercial Activities	1.5 per 100m2 GFA	2.5 per 100m2 GFA
Residential	1 per residential unit	2 per residential unit
Retail	2 per 100m2 GFA	5 per 100m2 GFA
Visitor Accommodation	For motels: 1 per unit For hotels: 1 per 4 rooms up to 60 rooms thereafter 1 per 5 rooms plus 1 coach park per 50 guest rooms. For all other unit type visitor accommodation: 1 per unit.	For motels: 1.5 per unit For hotels: 1.5 per 3 rooms up to 60 rooms thereafter 1.5 per 5 rooms plus 1 coach park per 50 guest rooms. For all other unit type visitor accommodation: 1.5 per unit.
Healthcare Services	1.5 per FTE professional staff member, 1 per FTE other staff member	2.5 per FTE professional staff, 1.5 per FTE other staff member
Restaurants	2.5 per 100m^2 PFA (excl toilets) plus 1 per 100m^2 PFA for staff with a minimum of two.	5 per 100m^2 PFA (excl toilets) plus 1.5 per 100m^2 PFA for staff with a minimum of two.

(b) Activities within Activity Area E2:

Within Activity Area E2 car parking requirements are based on the floor area of the building, not the activity, as follows:

Floor Level	Minimum Parking Spaces Required	Maximum Parking Spaces to be Provided
Ground floor units	2 spaces per 100m^2 of GFA	4 spaces per 100m^2 of GFA
Upper floor units, including mezzanines	1.5 spaces per 100m^2 of GFA	3 spaces per 100m^2 of GFA

2. ***Insert new Rule 14.2.4.1 iii, 'Parking requirements within Frankton Flats Special Zone (B)' and renumber subsequent rules under 14.2.4.1.***

Any activity which does not comply with Rule 14.2.4.1 ii, '**Parking requirements within Frankton Flats Special Zone (B)**' shall be a Restricted Discretionary Activity with the Council's discretion restricted to:

- Traffic management in the vicinity
- Effective use of land
- Demand for public transport and measures to reduce demand for travel
- Management of car parking, including shared parking arrangements.

3. ***Insert new Assessment Matters 14.3.2 (ix)(a), as follows:***

ix Frankton Flats Special Zone (B)

(a) Parking within Frankton Flats Special Zone (B)

Additional Parking Spaces

i. The effects of additional car parking on traffic generation and consequent effects on the efficient functioning of the road network

ii. Safety and efficiency of access into and out of the site

iii. Extent of reduction in demand for public transport/walking and cycling.

iv. Whether any actions are be taken to manage travel demand generated by the additional parking such as set out in a Travel Plan.

v. Fewer Parking Spaces

vi. Availability of bus services and provision of additional facilities for pedestrians/cyclists

vii. Potential for spillover parking and effects on efficiency of the transport network and amenity

viii. Any specific features of the activity

ix. Travel demand management benefits as set out in a Travel Plan.

x. Extent of any grouped parking and benefits from multi-use of parks

4. ***Insert new Rule 14.2.2.2 (ii) 'Controlled Activities', as follows:***

The following shall be **Controlled Activities** provided they are not listed as a **Discretionary Activity** and comply with all the relevant **Site Standards**. The matters in respect of which the Council has reserved control are listed with each Controlled Activity:

i [existing rule]

ii Off-Site Parking within Frankton Flats Special Zone (B)

Any off-site parking located within Activity Areas C1 and C2 is a Controlled Activity provided it complies with the following standards:

(a) It is located so that all the "off-site" car parking spaces allocated to the development are within a 200m walking distance of the boundary of the development; and

(b) It is secured by a legally binding agreement attached to the relevant land titles that guarantees the continued availability of the parking for the units the off-site parking is intended to serve.

Failure to comply with these standards triggers a requirement for land use consent as a restricted discretionary activity. Council has restricted discretion to:

i. the accessibility of the car park in relation to the nature of the activity and the nature and execution of any legal agreement.

5. ***Insert new Assessment Matter 14.3.2 (ix)(b), as follows:***

(a) Off Site Parking within Frankton Flats Special Zone (B)

i. The effectiveness of the agreement in ensuring ongoing provision of the car parking given possible changes in use and ownership

ii. The nature of the activity and whether off-site provision at a greater distance than 200m will result in employees and/or customers not using the parking to be provided

6. ***Insert new Rule 14.2.2.2(iii) 'Controlled Activities, as follows:***

i [existing rule]

ii **Off-Site Parking within Frankton Flats Special Zone (B)**

[refer to 4. above]

iii **Travel Demand Management - Frankton Flats Special Zone (B)**

(a) Permitted Activities - Travel Demand Management

Any residential activities and any non-residential activity that provides fewer than 25 car parks for staff and/or visitors.

Note: Car parks to accommodate vehicles that are part of the activity itself are not to be counted when determining the number of staff/visitor parks.

(b) Controlled Activities - Travel Demand Management

Any non-residential activity which has 25 of more car parks for visitors and/or staff shall be a Controlled Activity with the matters over which Council reserves control:

i. The number, location and design of facilities to promote walking and cycling by customers and workers

ii. Methods to manage use of car parking

iii. Monitoring of outcomes.

7. ***Add: Information Requirement Rule 14.2.2.2(iii) Travel Demand Management – Frankton Flats Special Zone (B)***

Information required in relation to Rule 14.2.2.2(iii) Travel Demand Management – Frankton Flats Special Zone (B)

(a) A Travel Plan shall be submitted as part of the application. The Travel Plan shall include:

i. The expected number of workers present during different times of the day and the week

ii. Measures to promote reduced use of car travel by employees, including:

a. Providing facilities for walkers and cyclists including change facilities and lockers;
b. Encouraging car pooling and public transport use through managing car parking;

c. Promoting travel outside peak hours, including telecommuting and flexible work hours.

iii. Measures to promote reduced car use by customers including:

a. measures to improve the attractiveness of alternative modes including provision of bike stands and safe and attractive pedestrian paths to public roads and public transport stops.
b. effective use of car parks provided for customers, such as signage, space for drop off and pick up, time limits and enforcement processes.

iv. Monitoring of the above.

8. ***Insert new Assessment Matter 14.3.2 (ix)(c), as:***

(c) Travel Demand Management within the Frankton Flats Special Zone (B)

i. Cycle parking for visitors/customers should:

a. Be located within 20m of the main building entrance
b. Involve stands that support the bicycle frame and front wheel
c. Enable bikes to be securely locked.

ii. Cycle parking for employees shall be within a secure, covered area. In general the rate for staff should be 1 space per 10 employees. At a minimum, for developments accommodating up to 40 staff, one unisex shower should be provided where the shower and associated changing facilities are provided independently of gender separated toilets; or a minimum of two showers (one separate shower per gender) with associated gender separated changing facilities.

iii. The nature and extent of facilities to promote walking and cycling, including change/locker spaces for workers and the design of the development in relation to a safe and barrier free walking environment for customers/visitors.

iv. Measures to promote effective use of car parking resources, including the nature and extent of measures to reduce use by employees during peak times.

v. Means of monitoring and reporting on travel plan outcomes.

9. ***Change Rule 14.2.4.1 (xi) 'Loading', as follows:***

The following provisions shall be made for off-street loading on every site in the Business, Industrial A, Industrial B, Frankton Flats Special Zone (B), Town Centre, Frankton Corner Shopping Centre Zones and Activity Area 2 of the Kingston Village Special Zone except on sites where access is only obtained from the following roads:

- [as existing]

10. ***Change Appendix 6 – Road Hierarchy, as follows:***

Update the list of Arterial Roads in Frankton area to include "Eastern Access Road"

Update list of Collector Roads in Frankton area to include "Grant Road"

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15.2 Subdivision, Development and Financial Contributions Rules

1. ***Amend Rule 15.2.3.2 Controlled Subdivision Activities, as follows:***

(a) Subdivision in the Frankton Flats Special Zone (B) for the purpose of creating a single certificate of title for an Activity Area or part thereof. Any title for part of an Activity Area must match the boundary of land ownership as of 7 July 2007 or as altered as a result of a designation by NZTA or the Council. Rules 15.2.4 to 15.2.17 do not apply to subdivision under this rule.

The matters over which the Council reserves control are:

i. Creation or cancellation of easements for any purpose

Assessment Matters:
ii. Refer to Rule 15.2.18.2.

(b) Except as provided for in (a) above and where specified as a Discretionary or Non-Complying Activity in Rules 15.2.3.3 and 15.2.3.4 any subdivision or development in any zone which complies with all of the Site and Zone Standards shall be a **Controlled Activity.**

2. ***Insert new clause (ix) to Rule 15.2.3.3 Discretionary Subdivision Activities, as follows:***

(ix) Subdivision in the Frankton Flats Special Zone (B).

(a) Any subdivision within Activity Areas C1 and C2 shall be a Restricted Discretionary Activity, with the Council's discretion restricted to:

i. The matters listed in Rule 15.2.6 to 15.2.18.

ii. The alignment of Road 5 (where Road 5 is included within Activity Areas C1 or C2)

iii. The alignment of Road 14

iv. The spatial layout of the subdivision and the Activity Area, including relationships to other Activity Areas, in relation to the location, capacity and form of:

a. Road, access ways and laneways;
b. Infrastructure;
c. Viewshafts; and
d. Open spaces.

(b) Any subdivision within Activity Areas E1, E2 and D shall be a Restricted Discretionary Activity, with Council's discretion restricted to:

i. The matters listed in Rule 15.2.6 to 15.2.18.

ii. The alignment of Roads 4, 5 and 12.

iii. The location and number of vehicle crossing points along the EAR.

Information Requirements for spatial layout plan

Applications for subdivision in Activity Area C1 and C2 shall be accompanied by a spatial layout plan for the Activity Area showing:

(a) roads and publicly accessible laneways and accessways

(b) publicly accessible open spaces

(c) location of indicative viewshafts

(d) proposed landscape treatment of the above

(e) three waters infrastructure.

Where relevant, applications may rely upon any spatial layout plan submitted in support of a prior application where that application has received consent.

Assessment Matters: Subdivision in AA C1 and C2

(a) The assessment matters listed under Rule 15.2.6 to 15.2.18.

(b) In considering the subdivision and the associated works the Council must be satisfied that these works, in relation to the matters set out in Policy 3.1 will contribute to, and not undermine:

i. A connected street network which can be progressively developed that:

a. Enables convenient and safe traffic circulation, while managing traffic speeds and moderating driver behaviour.

b. Promotes walking and cycling through short blocks and regular intersections (block lengths in excess of 200m and culs-de-sac are discouraged) Any pedestrian and cycle only connections should be safe and convenient. Generally they should have a straight alignment and be edged by buildings that provide a sense of safety for users.

c. Provides for coherent landscape treatment of streets.

d. Incorporates water sensitive urban design elements (e.g. bio filtration, permeable paving etc).

e. Enables a built form (building footprints, mass and typologies) that meets the policies and site standards of the Activity Area.

ii. An arrangement of publicly accessible open space areas that can meet future needs and supports the built environment policies of the Zone.

a. Within AA C1, a civic focal space, adjacent to the Mainstreet should be identified, with a form that is suitable for a range of public gatherings and use.

b. Within AA C2, the location and form of open space areas, including open space that can provide for the passive neighbourhood recreational open space needs of residents and visitors in the Zone, should be identified.

iii. Indicative viewshafts that will be maintained in an appropriate manner that retains their role as continuous viewshafts with straight alignments, including consistent controls on fencing, structures and vegetation within the viewshaft area.

iv. Sufficient provision is made to accommodate future infrastructure needs, taking into account demands from adjacent sites and Activity Areas, including:

a. on-site soakage and overland flow paths for rainfall events that exceed the capacity of the piped network. In AA C1 these soakage areas may be pits and chambers overlain by hard surfaces, while in AA C2 there may be a mix of permeable areas and engineered soakage areas.

b. Water and wastewater networks and space for other utilities.

Assessment Matters for subdivision in Activity Areas D, E1 and E2:

(a) The assessment matters in Rule 15.2.6 to 15.2.18

(b) The identification of cycleway / pedestrian walkways, including a through site-link from Activity Area C2 through to E2 to the western side of the Eastern Access Road, and alignment with any pedestrian crossing over the Eastern Access Road.

(c) The EAR shall be designed to a minimum standard classification of Primary Street: Arterial as defined in NZS 4404: 2004. The legal road reserve width will need to provide for landscaping and multi-use (pedestrian, cycle and vehicles).

(d) Vehicle access points onto the EAR should be limited to one per 50m of frontage. Joint use of crossing points by lots is expected.

3. ***Amend Rule 15.2.6.3 Zone Subdivision Standards – Lot Sizes and Dimensions***

i Lot Sizes

(a) No lots to be created by subdivision, including balance lots, shall have a net area less than the minimum specified for each zone in the Table below, except as provided for in (c), (d) and (e) below.

Zone	Minimum Lot Area
Frankton Flats Special Zone (B) - Activity Area D	3,000 m^2
Frankton Flats Special Zone (B) - Activity Areas A, C1, C2, E1, E2	No Minimum

4. ***Insert new clause (i) to Rule 15.2.6.3 i Lot Sizes, following (h) Mount Cardrona Special Zone (at page 15-32), as follows:***

(i) Frankton Flats Special Zone (B)

(i) Subdivisions must be in accordance with the Structure Plan.

(ii) All subdivision shall ensure that those Required Roads that will provide access to and within the subdivision are created in accordance with the Structure Plan.

For the purposes of this rule "created" means:

(a) That the road will be shown as a separate allotment on the subdivision plan and either vest in the Council or will be retained in private ownership with public access secured by an appropriate legal agreement between the Council and the owners of the road; and

(b) Formed in accordance with the conditions of Council consent.

(iii) Subdivisions in Activity Areas E1 and E2 must result in an arrangement of lots, unit titles, cross leases and company leases capable of accommodating buildings and uses in accordance with the permitted and controlled activity rules and Site and Zone standards for the particular Activity Area in which the site(s) is located and the requirements of Section 14 – Transport.

DEFINITIONS:

1. ***Insert the following definitions in to Appendix 1 of the District Plan.***

ACTIVITIES SENSITIVE TO AIRPORT NOISE	Means Residential Activities, Visitor Accommodation, Educational and Community Activities (with the exclusion of Police Stations, Fire Station, Courthouses, Probation and Detention Centres and Government and Local Government Offices) as defined in this District Plan. It includes educational classrooms and buildings, educational playgrounds or outdoor fields, but excludes non- educational playgrounds or outdoor fields.
CONVENIENCE RETAIL	Means a subset of retail involving a dairy, grocery store or newsagent and lunch bars, or cafe/ and restaurants where the gross floor area does not exceed 200m^2 GFA.
LIGHT INDUSTRIAL ACTIVITY	Means the use of land and building for an Industrial activity where that activity, and the storage of any material, product or machinery (including waste storage) incidental to the activity occurs wholly indoors, within and enclosed by a building. The requirement for the activity to occur indoors does not apply to required car parking and manoeuvring areas. These activities will not require the use, storage or handling of large quantities of hazardous substances nor require air discharge consents.
PERMEABLE SURFACE	Any surface which allows liquid to pass through or penetrate, i.e. soil, and grass. It includes permeable paving and surfaces.

THE SEAL OF THE ENVIRONMENT COURT OF NEW ZEALAND