

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

7.5 Low Density and High Density Residential Zone Rules

7.5.1 Zone Purposes

7.5.1.1 Low Density Residential Zone

The purpose of the zone is to provide for low density permanent living accommodation, maintaining a dominance of open space and low building coverage. The zone seeks to maintain and enhance the low density residential areas with ample open space, low rise development and minimal adverse effects experienced by residents. Special amenity provisions remain in respect of the form, style and appearance of development on the terrace face along McDonnell Road at Arrowtown, being the Arrowtown Scenic Protection Area identified as part of the Zone.

Other activities are permitted in the zone provided they meet environmental standards which keep the activities compatible with residential activity and amenity. A number of established activities, mainly visitor accommodation facilities, have been scheduled to ensure full protection of these activities acknowledging their contribution to the local economy.

7.5.1.2 High Density Residential Zone

The purpose of the zone is to make provision for the continuation and establishment of higher density residential and visitor accommodation activities in recognition of these areas proximity to the town centres, entertainment, shopping facilities and the transport routes which provide a link to attractions elsewhere in the District.

Visitor accommodation has been acknowledged in the zone to protect those activities and the important contribution they make to the economic and social well being of the community. Residential units, intended to provide a more permanent living environment for local residents who desire a more urban setting or who cannot afford nearby low density housing, are no less important as they provide for the local work force and contribute to the life of the community.

Other non-residential activities, compatible with high density residential and visitor accommodation activities are permitted in the zone provided they meet the site and zone standards and have primary regard for residential amenities affecting the local community.

7.5.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

- | | | | |
|-----|--|---|----------------------|
| 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 |

7.5.3 Activities

7.5.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Restricted Discretionary, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.

7.5.3.2 Controlled Activities

The following shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying Restricted Discretionary or Discretionary Activity** and they comply with all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

i Garages in the low density residential zone

Garages within the minimum setback from road boundaries in the Low Density Residential Zone, in respect of the location, external appearance, height, materials, landscaping, screening and vehicle access.

ii Visitor Accommodation in the High Density Residential Zone and the Low Density Visitor Accommodation Sub-Zone

In respect of:

- (a) The location, external appearance and design of buildings;
- (b) The location, nature and scale of activities on site;
- (c) The location of parking and buses and access;
- (d) Noise, and
- (e) Hours of operation.

iii Buildings for

- (a) non-residential activities; and
- (b) Commercial Recreation Activities, Community Activities, Health Care Facilities, and Retail Sales ancillary to any Commercial Recreation Activity, Community Activity or Health Care Facility, within a Commercial Precinct;

In respect of the matters listed in Assessment Matter 7.7.2 (iii)

iv Buildings on Lot 1 DP 15037 and Sections 10,11 and 18 BLK VIII Town of Queenstown

In respect of external appearance and design of such buildings, generally in respect of Assessment Matter 7.7.2 xiii Urban Design Protocol

v Commercial and community activities within High Density Residential Sub Zone E (Lake View)

- (a) Buildings for commercial and community activities (excluding convention centres) within High Density Residential Sub Zone E (Lake View).

In respect of:

- (a) The location, external appearance and design of buildings;
- (b) The location, nature and scale of activities on site;
- (c) The location of parking and buses and access;
- (d) Associated landscaping;
- (e) Noise, and
- (f) Hours of operation.

7.5.3.3 Restricted Discretionary Activities

The following shall be **Restricted Discretionary Activities** provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Zone** standards. The matters in respect of which the Council has reserved control are listed with each **Restricted Discretionary Activity**.

i Multi-Unit Developments

The construction of, alteration to, or addition to any building(s) on any site in the High Density Residential Sub-Zones where the result will exceed three units shall be a Restricted Discretionary Activity in respect of Assessment Matter 7.7.2 (iv).

Except that this rule shall only apply to Lot 1 DP15037 and Sections 10,11 and 18 BLK VIII Town of Queenstown and within Subzone B1 in respect of external alterations.

ii Building Footprint

The construction of, alteration to, or addition to any building in the High Density Residential Sub-Zones that exceeds the maximum

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

building footprint sizes specified in Table 7.1 shall be a Restricted Discretionary Activity in respect of Assessment Matter 7.7.2 (v).

Table 7.1

Sub-zone	Maximum Building Footprint
High Density Residential Sub-Zone A	500m ²
High Density Residential Sub-Zone B	400m ²
High Density Residential Sub-Zone C	300m ²

Except:

- (a) that this rule does not apply to underground structures which are not visible from the ground level;
- (b) that this rule shall not apply to Lot 1 DP15037 and Sections 10,11 and 18 BLK VIII Town of Queenstown;
- (c) That where buildings are located on land contained in, or formerly contained in, Lot 1 DP 12665 the building footprint requirements will apply only to the extent that the proposed building footprint exceeds the building footprint shown on the approved plans under RM040624 dated 13 May 2005 and RM081099 dated 29 April 2009, whether or not these consents have lapsed.
- (d) that this rule does not apply to buildings on land contained in, or formerly contained in, Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown).

iii Outline Development Master Plan – Peninsula Bay

Within the Low Density Residential Zone at Peninsula Bay, the Outline Development Plan of the Low Density Residential Zone and the adjacent open space zone lodged with the Council pursuant to Rule 7.5.5. 3(xiv), in respect of:

- (a) Roading pattern, including access to and car parking for the use of the adjacent open space zone;

- (b) Indicative subdivision design and configuration, including allotment size;
- (c) Proposed landscaping within any road reserve;
- (d) Pedestrian linkages through the subdivision, and their relationship to the adjacent Open Space Zone, the margin of Lake Wanaka and adjacent residential land;
- (e) Location of easements for public access purposes throughout the Open Space Zone, and their relationship to the pedestrian linkages and roading access within the Low Density Residential Zone;
- (f) The location, height and visibility of future dwellings when viewed from the lake to the north of the site, particularly within the north-western corner of the zone.

An application for a resource consent for the Outline Development Plan must be accompanied by:

- A statement from the Wanaka Urban Design Panel evaluating the application;
- A statement recording the outcomes of a public open day, including notification, attendance, comments made and ways in which these have been incorporated into the Outline Development Master Plan.

iv Height and Elevation Restrictions along Frankton Road

The intrusion of a single building element on the south side of Frankton Road (SH6A) in the High Density Residential Sub-Zone A of no more than one story in height above the centreline of Frankton Road and limited to a length parallel to the road of not more than 10% of the length of the road frontage (to a maximum of 16 metres), used solely for access, reception and lobby uses related to the predominant use of the site shall be a Restricted Discretionary Activity in respect of Assessment Matter 7.7.2 xiii Urban Design Protocol

This rule applies to those properties from Cecil Road (Paper Road) to, and including, Lot 1 DP 12665.

v Buildings on Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown) for

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (a) non-residential activities; and
 - (b) Commercial Recreation Activities, Community Activities, Health Care Facilities, and Retail Sales ancillary to any Commercial Recreation Activity, Community Activity or Health Care Facility,
- in respect of Assessment Matter 7.7.2 (iii)(a),(b),(d), and (e) but not (c).

vi Convention Centres

Convention Centres, with the exercise of Council's discretion for applications within the in the High Density Residential Sub Zone E (Lake View) limited to:

(a) To manage effects on the transportation network: an integrated transport assessment, including a comprehensive travel, access and parking plan shall be provided to address manage transport impacts related to the activity, and may include directional street map signage to assist pedestrian and vehicle movements to the site.

(b) The enhancement of pedestrian connections and networks from the site to the Queenstown commercial centre (Shotover Street or surrounds).

(c) Provision for landscaping.

(d) Provision for screening of outdoor storage and parking areas and its siting proximate to adjoining properties.

(e) The design and layout of buildings and activities on site.

(f) Management of the effects of noise.

(g) Hours of operation.

(h) The positive effects of the activity.

If no resource consent has been approved pursuant to this rule by **[insert date 5 years after decision on plan change made]** this rule shall cease to apply.

7.5.3.4 Discretionary Activities

The following shall be **Discretionary Activities** provided they are not listed as a **Prohibited or Non-Complying** Activity and they comply with all the relevant **Zone** Standards:

- i Visitor accommodation in the low density residential zone, excluding the visitor accommodation sub-zone, in respect of:**
 - (a) The location, external appearance and design of buildings;
 - (b) The location, nature and scale of activities on site;
 - (c) The location of parking and buses and access;
 - (d) Noise, and
 - (e) Hours of operation
- ii The sale of liquor from visitor accommodation.**

Note: For the purposes of this Rule, the definitions of visitor accommodation and hotel do not include the sale of liquor.
- iii Retail Sales, except for Retail Sales ancillary to any Commercial Recreation Activity, Community Activity or Health Care Facility, within a Commercial Precinct.**
- iv Commercial Recreation Activities except within a Commercial Precinct.**
- v Comprehensive Residential Developments located in the Low Density Residential Zone.**
- viii Any Activity which is not listed as a **Non-Complying Activity** or **Prohibited Activity** and which complies with all the **Zone** Standards but does not comply with one or more of the **Site** Standards shall be a**

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

Discretionary Activity with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.

7.5.3.5 Non-Complying Activities

The following shall be **Non-Complying Activities**, provided that they are not listed as a **Prohibited Activity**:

- i **Factory Farming**
- ii **Forestry Activities**
- iii **Mining Activities**
- iv **Airports**
Airports **other than** the use of land and water for emergency landings, rescues and fire fighting.

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**.

7.5.3.6 Prohibited Activities

The following shall be **Prohibited Activities**:

- i Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.
- ii It is a prohibited activity in the Wanaka Residential Zone to plant the following trees:
 - i. Pinus radiata
 - ii. Pinus muricata
 - iii. Pinus contorta
 - iv. Pinus ponderosa
 - v. Pinus sylvestris
 - vi. Pinus nigra
 - vii. Douglas Fir
 - viii. All Eucalyptus varieties

7.5.4 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 in accordance with Section 95A and 95B of the Act, unless the Council considers special circumstances exist in relation to any such application:

- i All applications for **Controlled** Activities.
- ii All applications for the exercise of the Council's discretion in respect of the following Restricted Discretionary Activities:
 - (a) Outline Development Master Plan for Peninsula Bay
 - (b) Multi-Unit Developments as per rule 7.5.3.3.
- iii Applications for the exercise of the Council's discretion in respect of the following **Site** Standards:
 - (a) Access;
 - (b) Outdoor Living Space;
 - (c) Flood Risk.
- iv Earthworks – except for earthworks involving special circumstances such as blasting, presence of substantial groundwater (including but not limited to the Wanaka Basin Cardrona Gravel Aquifer as shown in Appendix A4- Interpretative Diagrams, Diagram 11) or earthworks located within any required building setback from an internal or road boundary.
- v Applications made pursuant to rules 7.5.3.3(i) (Multi-Unit Developments) and 7.5.5.2(xvi) (Landscape Coverage) in relation to Lot 1 DP15037 and Sections 10,11 and 18 BLK VIII Town of Queenstown.
- vi Applications made pursuant to rule 7.5.5.2(iii) (Setback from Roads) in relation to Lot 1 DP15037 and Sections 10,11 and 18 BLK VIII Town of Queenstown except that the Council as owner of Beach Street, Shotover Street and Hay Street may be notified as an affected party.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- vii Applications in relation to land contained in, or formerly contained in, Section 6-9 Block XLI Town of Queenstown and Lot 2 DP15118 (commonly known as 53-65 Frankton Road) made pursuant to rules 7.5.3.3 ii Building Footprint; 7.5.5.2 i Building Coverage; 7.5.5.2 iii Setback from Roads; 7.5.5.2 iv(d) Setback from Internal Boundaries; 7.5.5.2 vii Continuous Building Length, and 7.5.5.2 xvii Landscape Coverage, provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of these rules.
- viii Applications in relation to land contained in, or formerly contained in Lot 1 DP12665 (commonly known as 595 Frankton Road) made pursuant to rules 7.5.3.3 ii Building Footprint; 7.5.3.3 (iv) Height and Elevation Restrictions along Frankton Road (intrusion of a single building element); 7.5.5.2 iv(d) Setback from Internal Boundaries; 7.5.5.2 vii Continuous Building Length, and 7.5.5.2 xvii Landscape Coverage, provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of the relevant rule, except that the owners of any adjoining properties may be serviced with a copy of any resource consent application pursuant to Section 94(1) of the Act. When forming an opinion as to whether an adjoining residential property owner may be adversely affected by the activity for the purpose of Section 94(1) the consent authority may disregard adverse effects of the activity if those effects are permitted by the development consented under RM040624 dated 13 May 2005 and RM081099 dated 29 April 2009 whether or not these consents have lapsed.
- ix Applications for land contained in Lot 3 DP 25998 and Section 2 Block XLII Town of Wanaka made pursuant to rules 7.5.3.3 ii Building Footprint and 7.5.5.2.iv(d) Setback from Internal Boundaries except that the owners of Lot 3 DP 347224 may be served with a copy of any such application pursuant to Section 94(1) of the Act.
- x Applications made pursuant to rules 7.5.3.3(ii): Building Footprint; 7.5.5.2(iv)(d): Setback from Internal Boundaries; 7.5.5.2(vii): Continuous Building Length; 7.5.5.2(xvii): Landscape Coverage in relation to:
 - (a) land contained in, or formerly contained in, Lots 29 - 33 DP 7671 provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of these rules, except that the Council as owner of Section 129 Block XX Shotover Survey District and Section 110 Shotover Survey District may be notified as an affected party pursuant to Section 94(1) of the Act.
 - (b) land contained in, or formerly contained in, Lot 34 DP 7671 provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of these rules, except that the Council as owner of Section 129 Block XX Shotover Survey District or the owner of Lot 27 DP 7671 may be notified as an affected party pursuant to section 94(1) of the Act.
 - (c) land contained in, or formerly contained in, Lots 2 - 4 DP 7671 and Lot 1 DP 20122 provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of these rules, except that any adjoining property owner may be notified as an affected party pursuant to section 94(1) of the Act. For the avoidance of doubt an adjoining property owner does not include property owners separated by a road.
- xi Applications in relation to land contained in or formerly contained in Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown) made pursuant to rules 7.5.3.3 (v) Buildings et al.

7.5.5 Standards - Residential and Visitor Accommodation Activities

7.5.5.1 Application of Rules to Consented Development at Time of Subdivision

The Site and Zone Standards for Building Coverage, Setback from Roads, Setback from Internal Boundaries, Continuous Building Length and

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

Landscape Coverage shall not apply to developments where the following criteria are fulfilled:

- i land use consent for a development has been granted for a site; and
- ii subdivision consent is subsequently applied for to create separate titles for the units, building and/or buildings being part of that consented development; and
- iii the development did not require consent in respect of the issue addressed by this rule when the land use consent was considered and granted, and
- iv the granting of subdivision consent would trigger non compliance with rules enacted after the grant of the land use consent.

7.5.5.2 Site Standards - Residential Activities and Visitor Accommodation

i Building Coverage

- a) In the High Density Residential Sub-Zones, the maximum building footprint coverage for buildings at ground level or above ground level on any site shall be in accordance with Table 7.2.

Table 7.2

Sub- Zone	Building Coverage
High Density Residential Sub-Zone A	65%
High Density Residential Sub-Zone B1	55% when taken as a percentage of the B1 subzone as a whole.
High Density Residential Sub-Zone B	55%
High Density Residential Sub-Zone C	45%
<u>High Density Residential Sub-Zone D</u>	<u>80%</u>
<u>High Density Residential Sub-Zone E (Lake View)</u>	<u>80%</u>

Except that in respect of Sub-Zone B1, Building Coverage does not include any veranda over public open space. For the purposes of this exception:

- a. “veranda” means a structure or part of a structure extending over public open space for weather protection purposes only and not for any other building or activity purpose;
- b. “public open space” means land subject to an easement or other legal instrument providing for access across and use of that land by the general public.

The exercise of Council’s discretion shall be confined to those matters set out in assessment matter 7.7.2 xiii Urban Design Protocol.

This rule does not apply to underground structures which are not visible from the ground level.

Except for land contained in, or formerly contained in Lot 3 DP25998 and Section 2 Block XLII Town of Wanaka, where the maximum building coverage shall be 50%.

This rule does not apply to land contained in, or formerly contained in, Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown).

- b) The total building coverage for all buildings across High Density Residential Zone E (Lake View) shall not exceed 35%.

ii Scale and Nature of Activities

The following limitations apply to all activities; **other than** residential, farming, viticulture and wine making activities and those visitor accommodation activities which are Controlled or Discretionary Activities:

- (a) The maximum gross floor area of all buildings on the site used for any activity (except for High Density Residential Sub Zone E (Lake View)), other than discretionary retail, restaurant and cafe activities, and those activities listed above shall be 100m² ;
- (b) No goods, materials or equipment shall be stored outside a building; and

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (c) All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.

iii Setback from Roads

- (a) In the Low Density Residential Zone The minimum setback from road boundaries of any building, other than garages, shall be 4.5m.
- (b) In the High Density Residential Zone (except in High Density Residential Sub Zones E (Lake View)) the minimum setback from road boundaries of any building and/or outdoor storage, shall be 4.5m as measured to buildings at ground level and/or above ground level but not to underground structures which are not visible from the ground level.
- (c) In the High Density Residential Zone, any parking located in the setback shall be screened from view from public roads.

iv Setback from Internal Boundaries/Neighbours

- (a) **Except** as provided for below, the minimum setback from internal boundaries/neighbours for any building shall be:

Front Site

One setback of 4.5m and all other setbacks 2m.

Rear Sites

Two setbacks of 4.5m and all remaining setbacks to be 2m.

- (b) Exceptions to (a) minimum setbacks:
 - (i) Accessory buildings for residential activities other than those used for the housing of animals may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.

(ii) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:

- a. eaves up to 0.6m into the setback; and
 - b. balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and
 - c. porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
 - d. chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
 - e. no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.
- (c) In the Low Density Residential Zone no setback is required from an internal boundary where buildings share a common wall on that internal boundary.
 - (d) Where two or more buildings are located on a single lot within the High Density Residential Sub Zones A, B and C, the mutual setback requirements will apply as if an internal boundary exists to separate the buildings.
 - (i) This rule shall be applied with regard to the following:
 - (a) The setback distance between buildings shall be measured at ground level and/or above ground level

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

but shall not include underground structures which are not visible from the ground level.

- (b) The exercise of Council's discretion shall be confined to those matters set out in assessment matter 7.7.2 (xiii) Urban Design Protocol and 7.7.2 (xviii) Setback from Internal Boundaries/ Neighbours.

(ii) Except:

- (a) Where two or more buildings are located on a single lot with the High Density Residential Sub Zone B1 the mutual setback requirements will apply as if an internal boundary exists to separate the buildings but only to the extent that any two or more buildings on a lot are located other than in accordance with the master planned development consented under RM050908 and dated 28/7/2006.
- (b) This rule shall not apply to Lot 1 DP15037 and Sections 10,11 and 18 BLK VIII Town of Queenstown.
- (c) This rule shall not apply to land contained in, or formerly contained in, Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown).

- (d) No setbacks between internal boundaries are required in High Density Residential Sub Zones D and E (Lake View).

v Access

Each residential and/or visitor accommodation unit shall have legal access to a formed road.

vi Continuous Building Length in the Low Density Residential Zone

Where the aggregate length along one elevation of buildings measured parallel to any internal boundary or internal boundaries exceeds 16m; either:

- (a) The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum yard setback (continuous façades) at the same distances from the boundary;

or

- (b) That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary).

Refer Appendix 4

vii Continuous Building Length in the High Density Residential Zone (except in High Density Residential Sub Zones D and E (Lake View))

- (a) No unbroken building length shall exceed 16m. Breaks in building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break.
- (b) The aggregate length along any true elevation of a building, including breaks, shall not exceed 30m.
- (c) This rule does not apply to underground structures which are not visible from the ground level.
- (d) Provided that paragraphs (a) and (b) shall apply to a building in Subzone B1 only to the extent that the aggregate length along one elevation of buildings parallel to any internal boundary and the setbacks of all or part of any building along that internal boundary is other than in accordance with the master planned development consented under RM050908 and dated 28/7/2006.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (e) Provided that paragraphs (a) and (b) shall apply to buildings on land contained in, or formally contained in Lot 1 DP 12665 only to the extent that the aggregate length along one elevation of buildings parallel to any internal boundary and the setbacks of all or part of any building along that internal boundary is other than in accordance with the development consented under RM040624 dated 13 May 2005 and RM081099 dated 29 April 2009, whether or not these consents have lapsed.
- (f) Except that this rule shall not apply to Lot 1 DP15037 and Sections 10,11 and 18 BLK VIII Town of Queenstown.
- (g) Provided that paragraph (b) shall not apply to any building on land contained in, or formerly contained in, Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown).

Refer Appendix 4

viii Outdoor Living Space

- (a) The minimum provision of outdoor living space for each residential unit and residential flat contained within the net area of the site within the Low Density Residential Zone shall be:

36m² contained in one area with a minimum dimension of 4.5m at the ground floor level and 8m² contained in one area with a minimum dimension of 2m at any above ground floor level.
- (b) The minimum provision of outdoor living space for each residential unit and residential flat contained within the net area of the site within the High Density Residential Zone, shall be:

20m² contained in one area with a minimum dimension of 3m at the ground floor level and 8m² contained in one area with a minimum dimension of 2m at any above ground floor level.

- (c) The outdoor living space shall be readily accessible from a living area.
- (d) No outdoor living space shall be occupied by any building, other than an outdoor swimming pool, or accessory building of less than 8m² gross floor area, driveway or parking space.

ix Non-Reflective Buildings

All metal cladding, roofing or fences shall be painted or otherwise coated with a non-reflective finish.

x Arrowtown Scenic Protection Area

In addition to any of the above requirements, residential activities located in the area of the Residential Low Density Zone at Arrowtown identified as the Arrowtown Scenic Protection Area on the District Plan Maps, shall be subject to the following additional **Site** Standards:

- (a) The angle of the roof of any building shall not exceed 40° from the horizontal.
- (b) Any external paintwork is to be completed within 2 years of the building being first used for the intended purpose.
- (c) If an excavation involves a cut of more than 1.5m in vertical height in order to provide a building platform or foundations for any dwelling, then in addition to any other requirements contained in this plan or in any other legislation:
 - (i) the building platform or foundations must be designed by a registered engineer; and
 - (ii) the registered engineer who designed the foundations must certify that the design is suitable for the purpose of supporting the proposed dwelling; and

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (iii) the plans, specifications and engineers certificate must be approved by the Council before any excavation is commenced; and
- (iv) all works must be carried out under the supervision of a registered engineer who shall, within seven days of the works being completed, lodge with the Council a certificate the works have been carried out in accordance with plans and specifications approved by the Court.

xi Flood Risk

No building, greater than 20m² gross floor area, shall be constructed or relocated, with a ground floor level less than:

- (a) RL 312.0m above sea level (412.0m Otago Datum) at Queenstown and Frankton.
- (b) RL 281.9m above sea level (381.9m Otago Datum) at Wanaka.

xii Building Height (Lot 141 Block XX Shotover Survey District)

On Lot 141 Block XX Shotover Survey District the maximum height for building shall not exceed 10 metres above ground level.

Refer Appendix and Definition of Height and Ground Level

xiii Boundary Planting (Wanaka)

- (a) No tree or hedgerow boundary planting shall exceed 1.9 metres in height within 2 metres of the boundary, at any point of its length.

xiv Building Height - Lift Towers

No lift tower within a visitor accommodation development in the High Density Residential Zone shall exceed the maximum height for buildings in this zone.

xv Low Density Residential Zone - Frankton Corner / Hansen Road

The following standards shall apply to any development on Pt Sec 5 Block XXI Shotover SD, or any subdivided lot thereof, (on the northern side of State Highway 6 between Hansen Road and Frankton Cemetery - as shown on Planning Map 33):

- (a) No landscaping (including the removal of any of the existing trees as well as new planting) shall be carried out within 4 metres of the historic stone wall on the boundary of the Frankton Cemetery.
- (b) All vehicle access shall be via Hansen Road to the State Highway. There shall be no vehicle access directly onto the State Highway.
- (c) The landscaping shall:
 - (i) consist of trees and underplanting to a depth of at least 5 metres; and
 - (ii) contain trees planted at a maximum of 5 metre intervals, be specimens of at least 1.5 metres in height at the time of planting and shall be a species capable of reaching at least 3 metres in height at maturity; and
 - (iii) be irrigated, maintained and any plants or trees that die or become, diseased or damaged replaced.

xvi Earthworks

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

- (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.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (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) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).
 - (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). 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.
 - c. 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 of the Plan, 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.
- xvii Landscape Coverage**
- The minimum coverage for landscaped area on any site in ~~the~~ High Density Residential Sub-Zones A, B, B1 and C shall be in accordance with Table 7.3:
- Table 7.3**
- | Sub- Zone | Landscape Coverage |
|-------------------------------------|--|
| High Density Residential Sub-Zone A | 20% |
| High Density Residential Subzone B1 | 20% (This is to be taken as a percentage of the B1 subzone as a whole) |
| High Density Residential Sub-Zone B | 30% |

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

High Density Residential Sub-Zone C	40%
-------------------------------------	-----

- (a) The landscaped area shall not be utilised for car parking or vehicle manoeuvring.
- (b) At least half of this landscaped area must consist of permeable surfaces and is to be planted.
- (c) Except that paragraph (b) shall only apply in respect of land contained in, or formally contained in Lot 1 DP 12665 to the extent that that area of permeable surface is other than in accordance with the development consented under RM040624 dated 13 May 2005 and RM081099 dated 29 April 2009, whether or not these consents have lapsed.

xviii Fence Heights in the High Density Residential Zone

No Visually Opaque Fence constructed within the Road Setback shall exceed 1.2m in height above ground level.

xix Height and Elevation Restrictions along Frankton Road and Frankton Track

- (a) No building or building element on the south side of Frankton Road (SH6A) shall rise above the nearest point of the roadway centreline, except for the intrusion of a single building element of no more than one story in height above the nearest point of the roadway centreline and limited to a cumulative length parallel to the road of not more than 10% of the length of the road frontage (to a maximum of 16 metres), used solely for access, reception and lobby uses related to the predominant use of the site.

This Rule applies to those properties from Cecil Road (Paper Road) to, and including, Lot 1 DP 12665.

- (b) The lowest level of any floor constructed to the north side of the Frankton Track shall not be less than two metres above the centreline of the Track.

Refer to Appendix 4

xx Visitor Accommodation in High Density Residential Sub Zone E (Lake View)

Visitor Accommodation activities in High Density Residential Sub Zones E (Lake View) shall achieve the following noise insulation standard:

A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 1 in Appendix 13. All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.

xxi Building height in High Density Residential Sub Zone E (Lake View)

The maximum height for buildings within High Density Residential Sub Zone E (Lake View) shall be 12 m. In considering applications which breach this standard, in addition to any other relevant matters required by this Plan, Council shall exercise discretion over the following matters:

- a) Effects on landscape values;
- b) Effects on amenity values, including shading and views;
- c) Effects on heritage values;
- d) Transport effects within and beyond High Density Residential Sub Zone E (Lake View), including measures to manage travel demand; and
- e) The contribution the proposal may make toward affordable or community housing.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

xxii Realignment of Thompson Street

No building shall be approved or constructed within that part of the High Density Residential Sub Zone E (Lake View) labelled on the planning maps as 'Building Height Restriction Area' without a legally secured commitment to realign the Thompson Street corner toward the east of that site in a manner which ensures that the street will enable ongoing safe and efficient vehicular use, accounting for projected traffic growth.

7.5.5.3 Zone Standards - Residential Activities and Visitor Accommodation

i Building Line Restriction

Where a building line restriction is shown on the District Plan Maps, no building shall be located within the restricted area as identified on the Planning Map.

ii Building Coverage

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

- (a) 40% in the Low Density Residential Zone
- (b) 70% in Sub Zones A, B, B1 and C of the High Density Residential Zone (provided that in Sub-Zone B1 this is to be taken as a percentage of Sub-Zone B1 as a whole).

This rule does not apply to underground structures which are not visible from the ground level.

iii Site Density

In the Low Density Residential Zone, the minimum net area for any site shall be 450m² for each residential unit contained within the site, **except** that where:

- (a)
 - (i) a site is shown as being located in the Medium Density Residential Sub-Zone; and
 - (ii) the site was contained in a separate Certificate of Title as at 10 October 1995; and
 - (iii) no residential unit has been built on the site; and
 - (iv) the site has an area between 625m² and 900m²

then two residential units may be erected on the site.

- (b) the minimum net area for any site for each residential unit established as part of a comprehensive residential development shall be 200m² except within the Wanaka Low Density Residential zones shown on Planning Maps 18, 20, 21, 22 and 23 where the minimum net area shall be 350m².

iv Site Density in the High Density Residential Sub- Zone C

In the High Density Residential Sub-Zone C, the maximum density of residential units to the site area shall not exceed one unit per 250m² of site area.

v Building Height

Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

Where any elevation indicates a ground slope of greater than 6 degrees (approximately 1:9.5) then rule 7.5.5.3(v)(b) Sloping sites where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5), shall apply.

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then rule 7.5.5.3(v)(a), Flat sites where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5), shall apply.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

(a) Flat sites where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5).

The maximum height for buildings shall be 8.0m, and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point on the site boundary:

except:

- (i) Gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m² with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.
- (ii) This rule shall not apply to Lot 141 Block XX Shotover Survey District (refer Rule 7.5.5.2xii).
- (iii) The maximum height for buildings in the Residential Low and High Density Zones at Wanaka shall be 7m.
- (iv) The maximum height for building in that part of the Residential Low Density Zone at Arrowtown shall be 6m, except that within the Arrowtown Scenic Protection Area of the zone the maximum height shall be 5m.
- (v) The maximum height for buildings in the High Density Residential Zone located immediately west of the Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7 metres above any given point along the required boundary setbacks at the southern zone boundary.
- (vi) This rule shall not apply to any lift tower within a visitor accommodation development in the High Density Residential Zone, which exceeds the maximum height permitted for buildings in the relevant zone by no more than 3 metres.

- (vii) For the purposes of calculating the height of buildings on part Section 1 Block V and part Section I Block IV, Town of Frankton, notwithstanding the definition of “Ground Level” in this plan, “ground level” at any point within that land shall be the level of a straight line drawn parallel to Douglas Street between the following two lines:

- a. A straight line running along the Robertson Street southern boundary between datum level 343.50RL at the southeast corner and datum level 341.50RL at the southwest corner.
- b. A straight line running along the Humphrey Street northern boundary between datum level 344.40RL at the northeast corner and datum level 340.30RL at the northwest corner.

(b) Sloping sites where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5)

The maximum height for buildings shall be 7.0m:

except:

- (i) No part of any accessory building located within the setback distances from internal boundaries shall protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary.
- (ii) This rule shall not apply to Lot 141 Block XX Shotover Survey District (refer Rule 7.5.5.2xii)
- (iii) The maximum height for building in that part of the Residential Low Density Zone at Arrowtown shall be 6m, except that within the Arrowtown Scenic Protection Area of the zone the maximum height shall be 5m.
- (iv) The maximum height for buildings in the High Density Residential Zone located immediately west of Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7 metres above

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

any given point along the required boundary setbacks at the southern zone boundary.

- (v) The maximum height in High Density Residential Sub Zone D shall be 12m and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 25° commencing from a line 2.5 metres above the Glasgow Street boundary.
- (vi) In High Density Residential Sub Zones E (Lake View) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° commencing from a line 4.5 metres above the Thompson Street boundary
- (vii) In the building height restriction area shown on the Planning Maps within High Density Residential Sub Zone E (Lake View), buildings shall not exceed 4 metres in height.

Refer to the definitions of Height and Ground Level.

- (v) This rule shall not apply to any lift tower within a visitor accommodation development in the High Density Residential Zone, which exceeds the maximum height permitted for buildings in the relevant zone by no more than 3 metres.
- (vi) The maximum height for buildings on Lot 1 DP15307 shall be defined by the measurements and images held with the electronic file described as Lot 1 DP 15307 – Building Height. **Refer Appendix 4 – Interpretative Diagrams, Diagram 8.**
- (vii) The height of any lift or plant tower on Lot 1 DP 15307 shall be permitted to exceed the height limit described in rule 7.5.5.3(v)(b)(vi) by up to an additional 3 metres, provided that the area of that additional over-run shall have a total area of no more than 40m² and shall be located at least 10 metres from a road boundary.

vi Airport Noise - Queenstown Airport

- (a) On any site located within the Outer Control Boundary as indicated on the District Plan Maps, any building or part of a building used for residential activities or visitor accommodation shall be insulated from aircraft noise so as to meet an indoor design level of 40 dBA Ldn, except for non-critical listening environments where no special sound insulation is required.
- (b) 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 7.4 in part 7.5.5.3.

Table 7.4 – Acoustic Insulation of Buildings Containing Noise Sensitive Activities (except non-critical listening areas)

BUILDING ELEMENT	REQUIRED CONSTRUCTION
External Walls	Exterior: 20mm 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

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

	(R2.2 Batts or similar) Ceiling: 12.5 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 9.55mm gypsum plasterboard*
External Door	Solid core door (min 24kg/m2) with weather seals

* Where exterior walls are of brick veneer or stucco plaster the internal linings need to 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)

vii Glare

- (a) All fixed exterior lighting shall be directed away from the adjacent sites and roads; and
- (b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.

viii Building Platforms

Where a building platform is indicated for a site on the subdivision plan, all building shall be located entirely within the building platform.

ix Heavy Vehicle Storage

Except for visitor accommodation, no more than one heavy vehicle shall be stored or parked overnight on any site for any activity. This standard

applies to residential and non-residential activities cumulatively and only one heavy vehicle in total shall be stored or parked overnight on any site.

x Keeping of Animals

There shall be no keeping of pigs.

xi Roof Colours

The colour of any roof on any dwelling or accessory building situated on any part of the land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes which is zoned Low Density Residential as shown on Planning Map 30, shall be within the range of browns, greens, greys and blue greys.

xii Noise

- (a) Sound from visitor accommodation activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

- (i) daytime (0800 to 2000 hrs) 50 dB $L_{Aeq(15 \text{ min})}$
- (ii) night-time (2000 to 0800 hrs) 40 dB $L_{Aeq(15 \text{ min})}$
- (iii) night-time (2000 to 0800 hrs) 70 dB L_{AFmax}

Except that, in High Density Residential Sub Zone E (Lake View) sound from visitor accommodation activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in the Sub Zone:

- (i) daytime (0800 to 2200 hrs) 60 dB $L_{Aeq(15 \text{ min})}$
- (ii) night-time (2200 to 0800 hrs) 50 dB $L_{Aeq(15 \text{ min})}$
- (iii) night-time (2200 to 0800 hrs) 70 dB L_{AFmax}

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

(b) Sound from premises licensed for the sale of liquor in High Density Residential Sub Zone E (Lake View) sound measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

(i) night-time (2200 to 0800 hrs) 50 dB LAeq(15 min)

(ii) night-time (2200 to 0800 hrs) 70 dB LAFmax

(b) Sound from licensed premises in High Density Residential Sub Zone E (Lake View) and visitor accommodation activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

(c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

(d) The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

xiii Low density residential zone – Frankton Corner / Hansen Road

The following standards shall apply to any development on Part Sections 5 and 120 Block I Shotover SD and Lot 1 DP 26426, or any subdivided lot thereof, (on the northern side of State Highway 6 and Hansen Road near the Frankton Corner – as shown on Planning Map 33):

(a) Prior to the erection of any buildings, a 1.5 metre wide compacted gravel footpath shall be constructed on the State Highway along the frontage between Hansen Road and the Frankton Cemetery.

The final design and location of that footpath shall be as approved by Transit New Zealand.

(b) All vehicle access shall be via Hansen Road to the State Highway. There shall be no vehicle access directly onto the State Highway.

xiv Outline Development Master Plan – Peninsula Bay

No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council pursuant to Rule 7.5.3.3(iii).

Xv Commercial activities in High Density Residential Sub Zone E (Lake View)

(a) The total commercial activity floor space in High Density Residential Sub Zone E (Lake View) shall not exceed 6500m²

(b) At any given time the amount of commercial floorspace, including floorspace that is ancillary to other uses, shall not exceed 10% of the total gross floor area of the total floorspace within High Density Residential Sub Zone E (Lake View)

7.5.6 Standards - Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone)

7.5.6.1 Restricted Discretionary Activities

The following shall be **Restricted Discretionary Activities** provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Zone** standards. The matters in respect of which the Council has reserved control are listed with each **Restricted Discretionary Activity**.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

i Building Footprint

The construction of, alteration to, or addition to any building in the High Density Residential Sub-Zones that exceeds the maximum building footprint sizes specified in Table 7.5 shall be a Restricted Discretionary Activity in respect of Assessment Matter 7.7.2 (v).

Table 7.5

Sub-zone	Maximum Building Footprint
High Density Residential Sub-Zone A	500m ²
High Density Residential Sub-Zone B	400m ²
High Density Residential Sub-Zone C	300m ²

Except that this rule does not apply to underground structures which are not visible from the ground level.

Except that this rule does not apply to land contained in, or formerly contained in, Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown).

7.5.6.2 Site Standards - Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone).

i Nature and Scale of Activities except for community facilities within the Community Facility Subzone and except for High Density Residential Sub Zone E (Lake View).

- (a) No more than one full-time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity on the site.
- (b) No more than 40m² of the gross floor area of all the buildings on a site shall be used for activities, other than residential activities. Nothing in this Site Standard applies within a Commercial Precinct to any Commercial Recreation Activity, Community Activity, Health Care Facility, or Retail Sales ancillary to any

Commercial Recreation Activity, Community Activity or Health Care Facility.

- (c) Paragraphs (a) and (b) of this rule shall not apply to any visitor accommodation activity.

ii Setback from Roads

- (a) The minimum setback from road boundaries of any building shall be 4.5m except community facilities within the Community Facility Sub-Zone where the minimum setback from road boundaries shall be 5.0 metres and in High Density Residential Sub Zone E (Lake View) where no set back shall be required; and
- (b) Parking areas shall be screened from adjoining road(s) to at least 1.8m in height, except where adjoining vehicle crossings. Where such screening is by way of planting it shall be for a minimum depth of 1.5m along the road frontage(s).
- (c) In the High Density Residential Zone the minimum setback from road boundaries of any building, and/or outdoor storage, shall be 4.5 m as measured to buildings at ground level and/or above ground level but not to underground structures which are not visible from the ground level.

iii Setback from Internal Boundaries/Neighbours

- (a) **Except** as provided for below, the minimum setback from internal boundaries for any building shall be:

Front Sites

One setback of 4.5m and all other setbacks 2m.

Rear Sites

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

Two setbacks of 4.5m and all remaining setbacks to be 2.0m. At least one of the 4.5m setbacks must be adjoining an internal boundary of at least 15m in length.

(b) Exceptions to (a) minimum setbacks:

(i) Eaves, porches, balconies, bay and box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:

- a. eaves up to 0.6m into setback; and
- b. balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and
- c. porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
- d. chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
- e. no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.

(c) In the Low Residential Zone no setback is required from an internal boundary where buildings share a common wall on that internal boundary.

(d) No part of any building, designed and/or used for the housing of animals shall be permitted to locate within 2m of any internal boundary.

(e) Community Facilities in a Community Facility Sub-Zone shall be set back a minimum of 5 metres from internal boundaries.

(f) No part of any building which is to be used for visitor accommodation shall be permitted to locate within 4 metres of an internal boundary, where the site(s) adjoining that internal boundary is zoned residential.

(g) Parking and outdoor storage areas associated with visitor accommodation activities shall be adequately screened from adjoining properties.

(h) Where two or more buildings are located on a single lot within the High Density Residential Sub Zones A, B and C, the mutual setback requirements will apply as if an internal boundary exists to separate the buildings.

(i) This rule shall be applied with regard to the following:

- a. The setback distance between buildings shall be measured at ground level and/or above ground level but shall not include underground structures which are not visible from the ground level.
- b. The exercise of Council's discretion shall be confined to those matters set out in assessment matter 7.7.2 xiii Urban Design Protocol and 7.7.2 xvii Setback from Internal Boundaries/Neighbours.

(ii) Except:

- a. Where two or more buildings are located on a single lot with the High Density Residential Sub Zone B1 the mutual setback requirements will apply as if an internal boundary exists to separate the buildings but only to the extent that any two or more buildings

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

on a lot are located other than in accordance with the master planned development consented under RM050908 and dated 28/7/2006.

- b. This rule shall not apply to Lot 1 DP15037 and Sections 10,11 and 18 BLK VIII Town of Queenstown.
- c. This rule shall not apply to land contained in, or formerly contained in, Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown).

(i) No setbacks between internal boundaries are required in High Density Residential Sub Zones D and E (Lake View).

iv Continuous Building Length in the Low Density Residential Zone

Where the aggregate length along one elevation of buildings measured parallel to any internal boundary or internal boundaries exceeds 16 m; either

- (a) the entire building(s) shall be set back an additional 0.5 m for every 6 m of additional length or part thereof from the minimum yard setback (continuous façade(s) at the same distances from the boundary)

or

- (b) that part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5 m for every 6 m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary).

Refer Appendix 4

v Continuous Building Length in the High Density Residential Zone (except in High Density Residential Sub Zones D and E (Lake View))

- (a) No unbroken building length shall exceed 16m. Breaks in building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break.
- (b) The aggregate length along any true elevation of a building including breaks, shall not exceed 30m.
- (c) This rule does not apply to underground structures which are not visible from the ground level.
- (d) Provided that paragraph (b) shall not apply to any building on land contained in, or formerly contained in, Lots 1 and 2 DP 306661, and Lot 2 DP27703 (being a portion of the commercial precinct overlay on Brecon St, Queenstown).

Refer Appendix 4

vi Arrowtown Scenic Protection Area

The **Site** standards set out for Residential Activities in the Arrowtown Scenic Protection Area also apply to Non-Residential Activities in the Arrowtown Scenic Protection Area.

vii Flood Risk

No building, greater than 20m² gross floor area, shall be constructed or relocated, with a ground floor level less than:

- (a) RL 312.0 m above sea level (412.0m Otago Datum) at Queenstown and Frankton.
- (b) RL 281.9 m above sea level (381.9m Otago Datum) at Wanaka.

viii Landscaping and Screening - Community Facility Sub-Zone

- (a) All community facilities shall landscape an area with a minimum width of 5 metres along all road and internal boundaries.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (b) All outdoor storage shall be situated behind buildings and/or screened from roads, reserves and adjoining sites by either a solid fence of at least 2 metres minimum height, or dense planting of the same height.

ix Landscape Coverage

The minimum coverage for landscaped area on any site in ~~the~~ High Density Residential Sub-Zones A, B, B1 and C shall be in accordance with Table 7.6:

Table 7.6

Sub- Zone	Landscape Coverage
High Density Residential Sub-Zone A	20%
High Density Residential Sub-Zone B1	20% taken as a percentage of Sub-Zone B1 as a whole
High Density Residential Sub-Zone B	30%
High Density Residential Sub-Zone C	40%

- (a) The landscaped area shall not be utilised for car parking or vehicle manoeuvring areas.
- (b) At least half of this landscaped area must consist of permeable surfaces and planted.

x Building Height - Lift Towers

No lift tower within a visitor accommodation development in the Visitor Accommodation Sub-Zone shall exceed the maximum height for buildings in this zone.

xi Earthworks

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

- (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.
- (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) Where any earthworks are undertaken within 7m of a water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).
- (iv) No earthworks shall:
- expose any groundwater aquifer;
 - cause artificial drainage of any groundwater aquifer;
 - 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). 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:

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- 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.
 - c. 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 of the Plan, 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.

xii Building Coverage

In the High Density Residential Sub-Zones, the maximum building coverage for all activities on any site shall be in accordance with Table 7.7. This standard shall only apply to buildings at ground level and/or above ground level which are visible from the ground level.

Table 7.7

Sub- Zone	Building Coverage
High Density Residential Sub Zone C	45%

This rule does not apply to underground structures which are not visible from the ground level.

The Council's discretion is restricted to Assessment Matter 7.7.2 xiii Urban Design Protocol.

xiii Fence Heights in the High Density Residential Zone

No Visually Opaque Fence constructed within the Road Setback shall exceed 1.2m in height above ground level.

xiv Height and Elevation Restrictions along Frankton Road and Frankton Track

- (a) No building or building element on the south side of Frankton Road (SH6A) shall rise above the nearest point of the roadway centreline, except for the intrusion of a single building element of no more than one story in height above the nearest point of the roadway centreline and limited to a cumulative length parallel to the road of not more than 10% of the length of the road frontage (to a maximum of 16 metres), used solely for access, reception and lobby uses related to the predominant use of the site.
This Rule applies to those properties from Cecil Road (Paper Road) to, and including, Lot 1 DP 12665.
- (b) The lowest level of any floor constructed to the north side of the Frankton Track shall not be less than two metres above the centreline of the Track.

Refer to Appendix 4

xv Building height in High Density Residential Sub Zone E (Lake View)

The maximum height for buildings within High Density Residential Sub Zone E (Lake View) shall be 12 m. In considering applications which breach this standard, in addition to any other relevant matters required by this Plan, Council shall exercise discretion over the following matters:

- a) Effects on landscape values;

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- b) Effects on amenity values, including shading and views;
- c) Effects on heritage values;
- d) Transport effects within and beyond High Density Residential Sub Zone E (Lake View), including measures to manage travel demand.

Xvi Realignment of Thompson Street

No building shall be approved or constructed within that part of the High Density Residential Sub Zone E (Lake View) labelled on the planning maps as 'Building Height Restriction Area' without a legally secured commitment to realign the Thompson Street corner toward the east of that site in a manner which ensures that the street will enable ongoing safe and efficient vehicular use, accounting for projected traffic growth.

7.5.6.3 Zone Standards - Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone)

i Building Line Restriction

Where a building line restriction is shown on the District Plan Maps, no building shall be located within the restricted area as identified on the Planning Map.

ii Building Coverage

The maximum building coverage for all non- residential activities on any site shall be 40% in the Low Density Residential Zone and 55% in the High Density Residential Zone, except within a Commercial Precinct where the maximum building coverage shall be 70% and High Density Residential Sub Zones D and E (Lake View) where the maximum shall be 80%.

- (a) The maximum building coverage for community facilities within a Community Facility Sub-Zone in a Low Density Residential Zone shall be 50%.
- (b) In the High Density Residential Zone this rule does not apply to underground structures which are not visible from the ground level.
- (c) Except that in respect of Sub-Zone B1, Building Coverage is taken as a percentage of Sub-Zone B1 as a whole and does not include any veranda over public open space. For the purposes of this exception:
 - i. "veranda" means a structure or part of a structure extending over public open space for weather protection purposes only and not for any other building or activity purpose;
 - ii. "public open space" means land subject to an easement or other legal instrument providing for access across and use of that land by the general public.

- (d) The total building coverage for all buildings across High Density Residential Zone E (Lake View) shall not exceed 35%.

The exercise of Council's discretion shall be confined to those matters set out in assessment matter 7.7.2 xiii Urban Design Protocol.

This rule does not apply to underground structures which are not visible from the ground level.

iii Building Height

Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

Where any elevation indicates a ground slope of greater than 6 degrees (approximately 1:9.5) then rule 7.5.6.3(iii)(b) Sloping sites where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5), shall apply.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then rule 7.5.6.3(iii)(a), Flat sites where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5), shall apply.

(a) Flat sites where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5)

The maximum height for buildings shall be 8.0m, and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point on the site boundary.

Except:

- (i) Gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m² with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.
- (ii) The maximum height for buildings in that part of the Residential High Density Zone located on the eastern side of Fernhill Road shall be 10m.
- (iii) The maximum height for buildings in the Residential Low and High Density Zones at Wanaka shall be 7m.
- (iv) The maximum height for building in that part of the Residential Low Density Zone at Arrowtown shall be 6m, except that within the Arrowtown Scenic Protection Area of the zone the maximum height shall be 5m. The maximum height for buildings in the High Density Residential Zone located immediately west of the Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7 metres above any given point along the required boundary setbacks at the southern zone boundary.
- (v) The maximum height for a community facility building in the Community Facility Sub-Zone shall be 10 metres other than for

the facilities at 20 Park Street, Queenstown and 32 McBride Street, Frankton where the maximum height shall be 7 metres.

- (vi) This rule shall not apply to any lift tower within a visitor accommodation development in the Visitor Accommodation Sub-Zone, which exceeds the maximum height permitted for buildings in the relevant zone by no more than 3 metres.
- (vii) The maximum height for buildings located within the Visitor Accommodation Sub-Zone located on Lake Avenue, Frankton shall be 7 metres and in addition no building or part of any building shall protrude through a horizontal plane drawn at RL 343.50 masl (being 443.50m, Otago Datum)
- (viii) The maximum height in High Density Residential Sub Zone D shall be 12m and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 25° commencing from a line 2.5 metres above the Glasgow Street boundary.
- (ix) In High Density Residential Sub Zones E (Lake View) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° commencing from a line 4.5 metres above the Thompson Street boundary
- (x) In the building height restriction area shown on the Planning Maps within High Density Residential Sub Zone E (Lake View), buildings shall not exceed 4 metres in height.
- (viii) For the purposes of calculating the height of buildings on part Section 1 Block V and part Section 1 Block IV, Town of Frankton, notwithstanding the definition of “Ground Level” in this plan, “ground level” at any point within that land shall be the level of a straight line drawn parallel to Douglas Street between the following two lines:
 - a. A straight line running along the Robertson Street southern boundary between datum level 343.50RL at the southeast corner and datum level 341.50RL at the southwest corner.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- b. A straight line running along the Humphrey Street northern boundary between datum level 344.40RL at the northeast corner and datum level 340.30RL at the northwest corner.

Refer Planning Map 33

(b) Sloping sites where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5)

The maximum height for buildings shall be 7.0m:

Except:

- (i) No part of any accessory building located within the setback distances from internal boundaries shall protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary.
- (ii) The maximum height for buildings in that part of the Residential High Density Zone located on the eastern side of Fernhill Road shall be 10m.
- (iii) The maximum height for building in that part of the Residential Low Density Zone at Arrowtown shall be 6m, except that within the Arrowtown Scenic Protection Area for the zone the maximum height shall be 5m.
- (iv) The maximum height for buildings in the High Density Residential Zone located immediately west of the Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7metres above any given point along the required boundary setbacks at the southern zone boundary.
- (v) This rule shall not apply to any lift tower within a visitor accommodation development in the Visitor Accommodation Sub-

Zone, which exceeds the maximum height permitted for buildings in the relevant zone by no more than 3 metres.

- (vi) The maximum height for buildings located within the Visitor Accommodation Sub-Zone located on Lake Avenue, Frankton shall be 7 metres and in addition no building or part of any building shall protrude through a horizontal plane drawn at RL 343.50 masl (being 443.50m, Otago Datum)

Refer Planning Map 33

Refer to Appendix 4 and the definitions of Height and Ground Level.

iv Hours of Operation

Except for

- (a) Residential care facilities and visitor accommodation or community facilities located in the Community Facility Sub-Zone;
- (b) Commercial Recreation Activities, Community Activities, Health Care Facilities and Retail Sales ancillary to any Commercial Recreation Activities, Community Activities and Health Care Facilities, within a Commercial Precinct.

(c) Within High Density Residential Sub Zone E (Lake View).

Hours of operation shall be limited to between the hours:

0730 - 2000

except that where:

- (a) the entire activity is located within a building and occupies not more than 40m² of floor space; and
- (b) each person engaged in the activity outside the above hours resides permanently on the site; and

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

(c) there are no visitors, clients or deliveries to or from the site outside the above hours; and

(d) all other relevant zone standards are met

the activity may be carried out outside the above hours.

v Nature and Scale of Activities

Except for within High Density Residential Zone E (Lake View) and for community facilities within the Community Facility Sub-Zone: No goods shall be displayed, sold or offered for sale from a site other than handicrafts, goods grown, reared or produced on the site.

(a) At least one person engaged in the activity must reside on the site.

(b) No more than three full-time equivalent persons who permanently reside elsewhere than on the site shall be employed in undertaking a non-residential activity on the site.

(c) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight and the storage of outdoor items ancillary to a visitor accommodation activity located on the site, such as outdoor furniture.

(d) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

Subclauses (a) and (b) of this Zone Standard do not apply within a Commercial Precinct to any Commercial Activity, Community Activity, Health Care Facility, or Retail Sales ancillary to any Commercial Recreation Activity, Community Activity or Health Care Facility.

(e) Paragraphs (a) and (b) of this rule shall not apply to any visitor accommodation activity.

vi Retail Sales

Retail Sales, except for the High Density Residential Zone E (Lake View) and Retail Sales ancillary to any Commercial Recreation Activity, Community Activity or Health Care Facility within a Commercial Precinct.

(a) No goods shall be displayed, sold or offered for sale from a site other than:

- (i) handicrafts;
- (ii) goods grown, reared or produced on the site; or
- (iii) retail sales which are ancillary to visitor accommodation located on the site.

(d) Retail Activities in High Density Residential Zone E (Lake View) shall not exceed a maximum gross floor area of 400m² per tenancy.

vii Noise

(a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

1.	daytime	(0800 to 2000 hrs)	50 dB L _{Aeq(15 min)}
2.	night-time	(2000 to 0800 hrs)	40 dB L _{Aeq(15 min)}
3.	night-time	(2000 to 0800 hrs)	70 dB L _{AFmax}

Except that, in High Density Residential Sub Zone E (Lake View) sound from visitor accommodation activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in the Sub Zone:

- (i) daytime (0800 to 2200 hrs) 60 dB L_{Aeq(15 min)}**
- (ii) night-time (2200 to 0800 hrs) 50 dB L_{Aeq(15 min)}**

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

(iii) night-time (2200 to 0800 hrs) 70 dB LA_{Fmax}

(b) Sound from premises licensed for the sale of liquor in High Density Residential Sub Zone E (Lake View) sound measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

(i) night-time (2200 to 0800 hrs) 50 dB LA_{eq}(15 min)

(ii) night-time (2200 to 0800 hrs) 70 dB LA_{Fmax}

(c) Sound from non-residential activities which is received in another zone or sub zone shall comply with the noise limits set in the zone standards for that zone or sub zone.

(d) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

(e) The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

(f) The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.

viii Airport Noise - Queenstown Airport

(a) On any site located within the Outer Control Boundary as indicated on the District Plan Maps, any building or part of a building used for community activities shall be insulated from

aircraft noise so as to meet an indoor design level of 40 dBA L_{dn}, except for non-critical listening environments where no special sound insulation is required.

(b) 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 7.8 in part 7.5.6.3

Table 7.8 – Acoustic Insulation Of Buildings Containing Noise Sensitive Activities (except non-critical listening areas)

BUILDING ELEMENT	REQUIRED CONSTRUCTION
External Walls	Exterior: 20mm timber or 6mm fibre cement Frame: 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar) Two layers of 12.5 mm 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)

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

Pitched Roof	Cladding: 0.5mm profiled steel or tiles or 6mm corrugated cement Frame: Timber truss with 100mm acoustic blanket (R2.2 Batts or similar) Ceiling: 12.5 gypsum plasterboard*
Skillion Roof	Cladding: 0.5 mm profiled steel or 6mm fibre cement Sarking: 20 mm 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

* Where exterior walls are of brick veneer or stucco plaster the internal linings need to 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)

ix Glare

- (a) All fixed exterior lighting shall be directed away from adjacent sites and roads; and
- (b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site, measured at any point inside the boundary of the other site.

x Boarding and Keeping of Animals

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

xi Heavy Vehicle Storage

Except where a site is to be used for visitor accommodation no more than one heavy vehicle shall be stored or parked overnight on any site for any activity. This standard applies to residential and non-residential activities cumulatively and only one heavy vehicle in total may be stored or parked overnight on any site.

xii External Appearance of Buildings

All metal cladding, roofing or fences shall be painted or otherwise coated with a non-reflective finish.

xiii Building Platforms

Where a building platform is indicated for a site on the subdivision plan, all building shall be located entirely within the building platform.

xiv Roof Colours

The colour of any roof on any dwelling or accessory building situated on any part of the land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes which is zoned Low Density Residential as shown on Planning Map 30 shall be within the range of browns, greens, greys and blue greys.

xv Outline Development Master Plan – Peninsula Bay

No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council pursuant to Rule 7.5.3.3 (iii).

xvi Commercial activities in High Density Residential Sub Zone E (Lake View)

- (a) The total commercial activity floor space in High Density Residential Sub Zone E (Lake View) shall not exceed 6500m²

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (b) At any given time the amount of commercial floorspace, including floorspace that is ancillary to other uses, shall not exceed 10% of the total gross floor area of the total floorspace within High Density Residential Sub Zone E (Lake View)
- (c) Until such time as a convention centre is operating, there shall be no commercial activities within High Density Residential Sub Zone E (Lake View) aside from those ancillary to other permitted or approved activities.

7.5.7 Resource Consent - Assessment Matters

The Assessment Matters which apply to the consideration of resource consents in the Low Density and High Density Residential Zones are specified in Rule 7.7

7.6 Residential Arrowtown Historic Management Zone Rules

7.6.1 Zone Purpose

This Zone covers the older part of the residential settlement of Arrowtown. It is generally located north of Kent and Boundary Streets and surrounds the town centre. The area has a distinctive character and atmosphere which has evolved from the development pattern set at the time of early gold mining in the District.

The purpose of this zone is to allow for the continued development of the historic area of residential Arrowtown in a way that will enhance and protect those characteristics which make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations, unique character and outstanding individual buildings. In particular the management area seeks to retain the early subdivision pattern and streetscape, ensure future development is at a scale sympathetic to the present character, and to encourage the protection and conservation of the trees and shrubs.

7.6.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

- | | | |
|-----|--|-----------------|
| 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 |

7.6.3 Activities

7.6.3.1 Permitted Activities

- i Any Residential Activity which complies with all the **Site** and **Zone** Standards for Residential Activities and is not listed as a **Controlled, Discretionary, Non-Complying** or **Prohibited Activity**.
- ii Any Non-Residential Activity which complies with all the **Site** and **Zone** Standards for Non-Residential Activities and is not listed as a **Controlled, Discretionary, Non-Complying** or **Prohibited Activity**.

7.6.3.2 Controlled Activities

- i Visitor Accommodation within the Visitor Accommodation Sub Zone

7.6.3.3 Discretionary Activities

The following shall be **Discretionary Activities** provided that they are not listed as a **Prohibited** or **Non-Complying Activity** and they comply with all of the relevant **Zone** Standards.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

i Trees

The removal of any tree greater than 2.5m high and the pruning, trimming or topping of any tree greater than 4m high.

ii Buildings

Buildings with the exercise of the Council's discretion being limited to the external appearance and finish of the building.

iii Visitor Accommodation

iv Retail Sales

- v Any Activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone** Standards but does not comply with one or more of the **Site** Standards shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.

7.6.3.4 Non-Complying Activities

The following shall be **Non-Complying Activities** provided that they are not listed as a **Prohibited Activity**.

i Factory Farming

ii Forestry Activities

iii Mining Activities

iv Airport

The take-off or landing of aircraft other than for emergency rescues or fire-fighting.

- v Any Activity which is not listed as a **Prohibited Activity** and does not comply with one or more of the **Zone** Standards.

7.6.3.5 Prohibited Activities

The following shall be **Prohibited Activities**:

- (i) Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing or Any Activity requiring an Offensive Trade Licence under the Health Act 1956.

7.6.4 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 in accordance with Section 93 Resource Management Act 1991, unless the Council considers special circumstances exist in relation to any such application:

- i All applications for **Controlled** Activities.
- ii Applications for the exercise of the Council's discretion in respect of the following **Site** Standards:
- (a) Access
 - (b) Outdoor Living Space
 - (c) Flood Risk.

7.6.5 Standards – Residential Activities

7.6.5.1 Site Standards - Residential Activities

i Setback from Roads

The minimum setback from road boundaries of any building shall be:

- (a) Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (b) Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6.0m, whichever is the greater.

ii Setback from Internal Boundaries

The minimum setback from internal boundaries of any building shall be 3m except as follows.

- (a) Accessory buildings for residential activities may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings along any walls within 2m of an internal boundary.
- (b) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
 - (i) eaves up to 0.6m into the setback; and
 - (ii) balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window intrusion is permitted on each setback of each building; and
 - (iii) porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
 - (iv) chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and

- (v) no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.

- (c) No part of any building designed and/or used for the housing of animals shall be permitted to locate within 2m of any internal boundary.

- (d) No setback is required where buildings on adjoining sites have a common wall on an internal boundary provided that only one common wall is permitted per residential unit.

iii Access

Each residential unit shall have legal access to a formed road.

iv Continuous Building Length

Where the aggregate length of buildings measured parallel to any internal boundary exceeds 16m; either

- (a) the entire building(s) shall be set back an additional 0.5 m for every 6 m of additional length or part thereof from the minimum yard setback (continuous façade(s) at the same distances from the boundary)

or

- (b) that part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5 m for every 6 m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary).

Refer Appendix 4

v Outdoor Living Space

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (a) The minimum provision of outdoor living space for each residential unit, contained within the net area of the site, shall be 36m² contained in one area with a minimum dimension of 4.5m.
- (b) The outdoor living space shall be readily accessible from a living area.
- (c) No outdoor living space shall be occupied by any building (other than an outdoor swimming pool, or accessory building of less than 8m² gross floor area), driveway or parking space.

vi Earthworks

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

(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.
- (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) Where any earthworks are undertaken within 7m of a water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).
- (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). 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.
 - c. 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 site of cultural heritage

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (i) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, 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.

7.6.5.2 Zone Standards - Residential Activities

i Site Density

The minimum net area for any site for each residential unit shall be 650m²; except that:

- (a) For residential units to be erected on vacant shares of fee simple titles over which there is/are existing cross-lease(s) or on unit titles where a proposed unit development plan is already approved, as at the date of notification of the District Plan, there shall be no minimum net area for the site, provided that all other applicable Site and Zone Standards are complied with, or resource consents obtained in respect of those Site Standards not complied with.

ii Building Height

The maximum height for buildings shall be 5m.

iii Building Coverage

The total area covered by hard surfacing and buildings on any site shall not exceed 30% of the net site area.

iv Glare

- (a) All fixed exterior lighting shall be directed away from the adjacent sites and roads; and

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

v Heavy Vehicle Storage

No more than one heavy vehicle shall be stored or parked overnight on any site for any activity. This standard applies to residential and non-residential activities cumulatively and only one heavy vehicle in total shall be stored or parked overnight on any site.

vi Keeping of Animals

There shall be no keeping of pigs.

7.6.6 Standards - Non-Residential Activities

7.6.6.1 Site Standards - Non-Residential Activities

i Nature and Scale of Activities

- (a) No more than one full-time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity on the site.
- (b) No more than 40m² of the gross floor area of the buildings on a site shall be used for activities, other than residential activities. Provided that this standard does not apply to visitor accommodation which is a Permitted Activity.

ii Setback from Roads

The minimum setback from road boundaries of any building for a non-residential activity shall be:

- (a) Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

boundary to the building (other than an accessory building) measured at right angles to the front boundary; or

- (b) Where no existing buildings (other than accessory buildings) are located on the site - the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6.0m, whichever is the greater.

iii Setback from Internal Boundaries

- (a) Minimum setback from internal boundaries of any building for any non-residential activity shall be 3m.
- (b) Eaves, porches, balconies, bay and box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
 - (i) eaves up to 0.6m into setback; and
 - (ii) balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window intrusion is permitted on each setback of each building; and
 - (iii) porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
 - (iv) chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
 - (v) no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.

- (c) No part of any building designed and/or used for the housing of animals shall be permitted to locate within 2m of any internal boundary.

iv Continuous Building Length

Where the aggregate length of buildings measured parallel to any internal boundary exceeds 16 m; either

- (a) the entire building(s) shall be set back an additional 0.5 m for every 6 m of additional length or part thereof from the minimum yard setback (continuous façade(s) at the same distances from the boundary)

or
- (b) that part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5 m for every 6 m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary).

Refer Appendix 4

v Earthworks

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

- (a) Volume of earthworks
 - (i) The total volume of earthworks does not exceed 100m³ per site.
 - (ii) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 200m³ in the area within that site.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (b) Height of cut and fill
 - (i) The height of any cut or fill shall not be greater than the distance of the cut or fill from the site boundary. Except where the cut and fill is retained, in which case it may be located up to the boundary, if less than 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) Measures to control sediment
 - (i) No contamination, including siltation, of any water body shall occur.
 - (ii) 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.
 - (iii) No vegetation, soil, earth, rock or any other debris shall be allowed to enter or shall be positioned where it may dam or divert any river or stream or adversely affect in-stream habitats.
 - (iv) Measures to minimise dust emissions shall be adopted.
- (d) Protection of sites of cultural heritage value
 - (i) The activity shall not interfere with or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
 - (ii) The activity shall not effect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within a Statutory Acknowledgement Area.

7.6.6.2 Zone Standards - Non-Residential Activities

i Building Coverage

The total area covered by hard surfacing and buildings on any site shall not exceed 30% of the net site area.

ii Building Height

The maximum height for buildings shall be 5m.

iii Hours of Operation

Hours of operation shall be limited to between the hours:

0730 - 2000

except that where:

- (a) the entire activity is located within a building and occupies not more than 40m² of floor space; and
- (b) each person engaged in the activity outside the above hours resides permanently on the site; and
- (c) there are no visitors, clients or deliveries to or from the site outside the above hours; and
- (d) all other relevant zone standards are met;
- (e) the activity may be carried out outside the above hours.

iv Nature and Scale of Activities

- (a) At least one person engaged in the activity must reside on the site.
- (b) No more than three full-time equivalent persons who permanently reside elsewhere than on the site shall be employed in undertaking a non-residential activity on the site.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (c) No more than 60m² of the gross floor area of the buildings on a site shall be used for activities other than residential activities.
- (d) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.
- (e) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

v Retail Sales

No goods shall be displayed, sold or offered for sale from a site other than handicrafts, goods grown, reared or produced on the site.

vi Noise

- (a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

1.	daytime (0800 to 2000 hrs)	50 dB L _{Aeq(15 min)}
2.	night-time (2000 to 0800 hrs)	40 dB L _{Aeq(15 min)}
3.	night-time (2000 to 0800 hrs)	70 dB L _{AFmax}

ii. Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

iii. The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

- (d) The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

vii Glare

- (a) All fixed exterior lighting shall be directed away from adjacent sites and roads; and
- (b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site, measured at any point inside the boundary of the other site.

viii Boarding and Keeping of Animals

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

ix Heavy Vehicle Storage

No more than one heavy vehicle shall be stored or parked overnight on any site for any activity. This standard applies to residential and non-residential activities cumulatively and only one heavy vehicle in total shall be stored or parked overnight on any site.

7.6.7 Resource Consent – Assessment Matters

The Assessment Matters which apply to the consideration of resource consents in the Residential Arrowtown Historic Management Zone are specified in Rule 7.7.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

7.7 Resource Consents - Assessment Matters Residential and Visitor Accommodation Zones

7.7.1 General

- i The following Assessment Matters are methods included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- ii In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant *Assessment Matters* set out in Clause 7.7.2 below.
- iii In the case of *Controlled and Discretionary Activities*, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).
- iv In the case of *Controlled Activities*, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.
- v Where an activity is a *Discretionary Activity* because it does not comply with one or more relevant Site Standards, but is also specified as a *Controlled Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

7.7.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:

i Controlled Activity - Garages within road setback within the low density residential zone

Conditions may be imposed to ensure that:

- (a) The garage is sited and designed to mitigate against any adverse effects on the visual values of the streetscape and views.
- (b) The location and design of vehicle access is such to protect the safe and efficient movement of vehicles.

ii Controlled Activity - Visitor Accommodation

Conditions may be imposed to ensure that:

- (a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and
 - (i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods
 - (ii) The nature of the development in the context of the permitted future uses on nearby sites
 - (iii) Loss of privacy
 - (iv) The proximity of outdoor facilities to residential neighbours
 - (v) Hours of operation
 - (vi) The ability to landscape/plant to mitigate visual effects
- (vii) Whether the external appearance of the buildings complements the surrounding landscape and urban character, including when viewed from the lake

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (viii) Compatibility with the New Zealand Urban Design Protocol having regard to those assessment matters under 7.7.2 xiii Urban Design Protocol.
- (b) Any adverse effects from the activity are avoided, remedied or mitigated in terms of:
 - (i) The adequacy and location of car parking for the site
 - (ii) Noise, vibration and lighting from vehicles entering and leaving the site
 - (iii) Pedestrian safety within the vicinity of the activity
 - (iv) Provision for coaches to be parked off-site
- (c) Mitigation of noise emissions beyond the property boundary considering:
 - (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.
 - (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.

iii Controlled Activity - Buildings for Non-Residential Activities

Conditions may be imposed in respect of:

- (a) The location, height, external appearance and methods of construction to avoid or mitigate adverse effects on:
 - (i) the street scene;
 - (ii) adjoining or surrounding buildings;
 - (iii) public open space, amenity linkages and view corridors;
 - (iv) the visual amenity of open spaces, streets and the surrounding landscape.

- (b) The relationship of the building to its neighbours in terms of its built form, and to other built elements in the Zone, including public open spaces.
- (c) The relationship of parking, access and manoeuvring areas in respect of access point options for joint use of car parking and the safety of pedestrians.
- (d) The extent and quality of any landscaping proposed and the effectiveness of proposed planting in enhancing the general character of the area, screening car parking areas, and the impact on residential uses.
- (e) Compatibility with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 xiii Urban Design Protocol.

iv Buildings within High Density Residential Sub Zones D and E (Lakeview)

In addition to other relevant assessment matters listed in this Plan, in exercising its control and / or discretion Council may have regard to the following anticipated outcomes:

Urban Design Principles

1. Public Spaces

- a. The design of buildings contribute to the amenity of the public spaces.

2. Street Edges (including Active Frontages)

- a. Built form contributes to providing a high quality, spatially well-defined and contained streetscape and associated urban amenity.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- b. Visual interest is provided through a variety of building forms and frontages in terms of footprint, height and design.
- c. Buildings avoid blank walls which are visible from public spaces.
- d. Where provided, car parking is accessible and does not dominate the streetscape.
- e. Buildings and streetscape design comply with CPTED principles.

3. Sustainable Buildings

- a. The adoption of sustainable building design principles using sustainable materials, passive and active solar energy collection (where this is workable), water conservation techniques and/or, grey water recycling.

vi Controlled Activity - Convention Centres

In exercising its discretion Council may have regard to the following anticipated outcomes:

1. Design and Layout

The external scale and design and appearance, of buildings (including materials and colours), equipment and structures:

- a. Provide visual interest through a variety of forms in terms of footprint, height and design.
- b. Break down the building bulk and scale by architectural articulation and modulation of building form.
- c. Minimise adverse effects of shading on adjacent public spaces (including footpaths).
- d. Contribute positively to local public spaces and streetscape character and amenity through bulk, scale,

architectural articulation and modulation, rooflines and the choice of materials and colours.

- e. Visually enhance those parts of the site visible from public spaces e.g. major arterial transport corridor frontages, Queenstown Bay and the Square.

2. Transportation

Parking, loading, manoeuvring areas and outdoor service areas are designed and located to:

- a. Protect amenity values, the streetscape and adjoining sites by screening and landscaping.
- b. Be away from the front of the site and the primary entrances to buildings.
- c. Ensure traffic flows minimise adverse effects on amenity values.
- d. Minimise traffic conflicts and provide safe and efficient vehicle circulation on the site.
- e. Create an attractive environment that maintains safety and amenity for pedestrians.
- f. Where applicable, integrate with adjacent activities and development in terms of the provision of entrances, publicly accessible spaces, parking (including the degree to which the parking resource is available for use by other activities in the sub-zone), loading areas, access to public transport and pedestrian linkages.
- g. A traffic management plan commits to effective measures to manage traffic demand and alleviate congestion within and beyond the site.

3. Landscaping

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

Planting and landscaping is designed to:

- a. Maintain access to winter sun.
- b. Integrate site landscape design with that of the wider neighbourhood.
- c. Comply with CPTED principles.

vii Restricted Discretionary Activity – Multi-Unit Developments in the High Density Residential Zone

When considering applications to exceed three units the Council shall have regard to the New Zealand Urban Design Protocol as per Assessment Matter 7.7.2 xiii Urban Design Protocol.

viii Restricted Discretionary Activity – Building Footprint in the High Density Residential Zone

When considering applications to exceed the maximum footprint size, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 xiii Urban Design Protocol.

When considering applications for land contained in, or formally contained in, Lot 1 DP 12665 regard shall be had to the nature and extent of the landscaping and built form consented to under RM040624 and RM081099, whether or not these consents have lapsed.

vi Discretionary Activity - Comprehensive Residential Development

- (a) Any adverse effects of the activity in terms of:
 - (i) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.
 - (ii) Loss of privacy

- (iii) Level of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
- (iv) Pedestrian safety in the vicinity of the activity.
- (v) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.

- (b) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- (c) Any adverse effects of the proximity or bulk of the buildings, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.
- (d) Any adverse effects of the proximity or bulk of the buildings, in terms of loss of access to daylight on adjoining sites.
- (e) The ability to provide adequate opportunities for garden and tree plantings around buildings.
- (f) The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.
- (g) The ability to provide adequate vehicle parking and manoeuvring space on site.
- (h) The extent to which the increased building coverage would have any adverse effects on adjoining properties in terms of dominance

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

by buildings, loss of privacy, access to sunlight and daylight and loss of opportunities for views.

- (i) The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.
- (j) The ability to mitigate any adverse effects of increased coverage.
- (k) Whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

vii Discretionary Activity - Visitor Accommodation

- (a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and
 - (i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods
 - (ii) The nature of the development in the context of the permitted future uses on nearby sites
 - (iii) Loss of privacy
 - (iv) The proximity of outdoor facilities to residential neighbours
 - (v) Hours of operation
 - (vi) The ability to landscape/plant to mitigate visual effects
 - (vii) Whether the external appearance of the buildings complements the surrounding landscape and urban character, including when viewed from the lake.
- (b) Any adverse effects in terms of:

- (i) The adequacy and location of car parking for the site
 - (ii) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.
 - (iii) Loss of privacy.
 - (iv) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
 - (v) Pedestrian safety in the vicinity of the activity.
 - (vi) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
 - (vii) Provision for coaches to be parked off-site
 - (viii) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- (c) Mitigation of noise emissions beyond the property boundary considering:
 - (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.
 - (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.
 - (d) The ability to supply water, and dispose of sewage, stormwater and other wastes consistent with Regional Council requirements.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (e) The ability to provide adequate, potable water supply, adequate firefighting provisions, and to dispose of sewage, stormwater and other wastes so as to avoid potential adverse effects.

viii Discretionary Activity- Sale of liquor from visitor accommodation activities

- (a) Compatibility with amenity values of the surrounding environment considering:
 - (i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods
 - (ii) The nature of the development in the context of the permitted future uses on nearby sites
 - (iii) The relative impact of adverse effects caused by activities associated with the sale of liquor, including its availability to persons other than those residing on the premises and the maximum number of persons that may be present in any licensed area
 - (iv) Loss of privacy
 - (v) The proximity of outdoor facilities to residential neighbours
 - (vi) Hours of operation
- (b) Avoidance of noise emissions beyond the property boundary considering:
 - (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.
 - (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.

ix Building Height - Lift Towers - Site Standard

- (a) The extent to which protrusion through the height plane is necessary to enable more efficient and/or appropriate use of the site within the height plane.
- (b) Whether alternative lift technology is available and/or appropriate which would enable efficient use of the site.
- (c) Any adverse effects of the height, bulk or location of the lift tower in terms of visual dominance of the outlook from adjoining or nearby sites and buildings.
- (d) Any adverse effects of the height, bulk or location of the lift tower in terms of loss of access to daylight on adjoining sites.
- (e) Any adverse effects of the location of the lift tower in terms of noise on adjoining sites.
- (f) Any increased adverse effects of the visitor accommodation development on the residential character of the neighbourhood due to the height, bulk or location of the lift tower.
- (g) Whether any earthworks have been carried out on the site prior to the date of notification (10 October 1995) that have lowered the level of the site.
- (h) Whether there are rules requiring the site to be built up.

x Building Height - Site Standard (Lot 141 Block XX Shotover Survey District).

- (a) Whether the architectural style is sympathetic to the mountain setting and local context.
- (b) Whether the height of the building is appropriate to the scale of the natural landforms and vegetation of the area.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (c) Whether the building is likely to create adverse effects of shading on Fernhill Road and neighbouring properties.

Xi Building Height Site Standard – High Density Residential Sub Zone E (Lake View)

- (a) The extent to which buildings which exceed 12 m in height are set toward the Northern edge of Lake View, where their siting against the mountain background can mitigate adverse effects on landscape and amenity values.
- (b) The extent to which the design of the building, including form, scale and choice of exterior building materials and colours mitigates adverse effects on landscape and amenity values.
- (c) The extent to which the building design contributes to a vibrant mixed-use amenity outcome within the Lake View Subzone through building design, landscaping, open space and the location and orientation of activities.
- (d) The extent to which adverse effects on private and public places arising from shadowing can be mitigated or avoided through building design, location and scale.
- (e) The extent to which building design, location and scale can reasonably maintain or enhance the enjoyment of views from buildings and widely used public places.
- (f) The extent to which buildings and activities near the cemetery which adjoins Brecon Street are designed, located, orientated and scaled in such as way as to ensure that important view shafts are maintained, the intrusion upon the amenity values and privacy of mourners and visitors is not unduly disturbed, and heritage values are respected.
- (g) The extent to which development is designed to ensure the safe and efficient movement of vehicles within the Sub Zone in a manner compatible with a high amenity pedestrian environment.

- (h) The extent to which measures to encourage alternatives to private vehicle use and to assist vehicle users and pedestrians to find their way within, to and from Lake View are employed.

xi Discretionary Activity and Zone Standard - Retail Sales

- (a) The extent to which the activity will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding residential area.
- (b) Any adverse effect of the likely traffic generation from the proposed activity in terms of:
- (i) Noise and vibration from vehicles entering and leaving the site or adjoining road, which is incompatible with the noise levels acceptable in a low-density residential environment.
 - (ii) Glare from headlights of vehicles entering and leaving the site or adjoining road which is intrusive for residents or occupants of adjoining residential sites.
 - (iii) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
 - (iv) Reduction in the availability of on-street parking which is such as to cause a nuisance for residents, occupants or visitors to adjoining residential sites.
 - (v) Fumes from vehicles entering or leaving the site, which are objectionable to residents or occupiers of adjoining residential sites.
 - (vi) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (c) The extent to which the proposed traffic generation will be compatible with or not result in adverse effects upon activities in the surrounding neighbourhood.
- (d) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- (e) Any adverse effects of increased levels of pedestrian activity as a result of the retail sales in terms of noise, disturbance and loss of privacy which is inconsistent with the low-density suburban living environment.
- (f) The extent to which retail sales from the site are an integral and necessary part of other activities being undertaken on the site and assist in providing alternative home-based employment and income-generating opportunities for residents or occupiers of the site.
- (g) The proximity of the site of the retail sales to the sites of scheduled commercial or community activities, or to arterial roads.

xii Building Height - Zone Standard

- (a) Whether any earthworks have been carried out on the site prior to the date of notification (10 October 1995) that have lowered the level of the site.
- (b) Whether there are rules requiring the site to be built up.
- (c) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

xiii New Zealand Urban Design Protocol

- (a) Context

- (i) The nature of the relationship with and integration into the surrounding streets and neighbourhood such that the development fits well within the existing urban fabric and makes a positive contribution to the residential amenity of public spaces, walkways and views;
- (ii) Presents itself as a “good neighbour” in terms of its relationship to adjacent and nearby properties in terms of access to sunlight and views, readily accessible and safe temporary parking, stopping and loading/unloading areas that respect neighbouring properties, passing traffic and pedestrians; and
- (iii) The avoidance of unsightly elements such as prominent carpark entrances, garish signs, cluttered rooftops (to include parking) and intrusive utility connections, stormwater facilities and trashbin placements that diminish public amenity.

(b) Character

- (i) The use of materials and other architectural elements that do not clash with adjacent and nearby buildings and that contribute positively to the wider street scene;
- (ii) The uses of architectural elements that reflect the unique history and cultural values of the surrounding area;
- (iii) Attention to human scale in façade design, fenestration details and street level experience, to include entries, gardens and hardscape elements;
- (iv) Varying rooflines and/or roof pitches to provide architectural interest and avoid a commercial appearance; and
- (v) Landscaping that softens the building impact on the streetfront and provides amenity for passersby.

(c) Choice

- (i) Adaptable designs that provide a mixture of unit sizes and numbers of bedrooms to create flexibility in terms of future reuses over the longer term so as to ensure a sustainable community.

(d) Connections

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (i) Ready access to public transportation, footpaths and tracks, cycle ways and other means of transportation that do not require private vehicles;
 - (ii) Efficient and considerate of public amenity means of delivering goods and collecting waste;
 - (iii) Utility and safety of public parking, drop-off and stopping areas;
 - (iv) Supporting and enhancing public views and access to the surrounding built and natural environment;
 - (v) Facilitating contact among people both within the site and within the surrounding neighbourhood area; and
 - (vi) Providing lively and safe public spaces and places.
- (e) Creativity
 - (i) Artistic vision that enhances neighbourhood amenity values while not competing for individual attention;
 - (ii) Articulated façades that utilise architectural elements to create an overall composition that enriches the eye in terms of scale, rhythm and detailing of the building while avoiding inappropriate or unattractive repetitive façades, “cookie cutter” design solutions and flat, blank or uninteresting walls; and
 - (iii) Attractive use of landscaping materials to enhance building appearance and use.
- (f) Custodianship
 - (i) Environmentally sustainable and responsive design solutions that include attention to energy efficiency, waste disposal, transportation access, sunlight, and outdoor spaces;
 - (ii) Enjoyable, safe public spaces; and
 - (iii) A quality environment that infuses a sense of ownership and responsibility in residents and visitors such that they care for and protect the places and spaces.
- (g) Collaboration
 - (i) Where appropriate, use of a multi-disciplinary design approach involving architects, landscape architects and urban planners early in

- the design process, to include reference to current and planned public projects, if relevant; and
- (ii) Where appropriate, involvement of neighbours and public in decision making process that may have a substantial impact on their amenity values.

(h) Notes

- (i) When applying paragraphs (a) to (g) to Sub-Zone B1 regard shall be had to the master planned development consented under RM050908 dated 28/7/2006.
- (ii) When applying paragraphs (a) to (g) to land contained in or formerly contained in Lot 1 DP12665, regard shall be had to development consented under RM040624 and RM081099 dated 13/11/2008.

xiv Coverage

- (a) The extent to which there will remain on the site opportunities for landscaping in addition to buildings.
- (b) The ability to provide adequate opportunity for landscaping around buildings.
- (c) The extent to which there is a need for increased building coverage in order to undertake the proposed activities on site.
- (d) The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.
- (e) The ability to provide adequate on-site vehicle parking and manoeuvring space.
- (f) The extent to which increased building coverage would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, sunlight and day light and loss of opportunities for views.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (g) The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.
- (h) The ability to mitigate any adverse effects of increased coverage.
- (i) The extent to which increased building coverage or hardsurface coverage would have any adverse effects on the historic character of Arrowtown.
- (j) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

xv Site Density in the High Density Residential Sub- Zone C

- (a) When considering applications to exceed the maximum allowable density, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 xiii Urban Design Protocol, and
- (b) Any significant (more than minor) public amenity values in terms of overall building appearance, function and neighbourhood impact resulting from the increased building density.
- (c) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

xvi Building Coverage in the High Density Residential Zone

- (a) When considering applications to exceed the maximum building coverage, the Council shall have regard to the compatibility of the

proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 xiii Urban Design Protocol, and

- (b) Any significant (more than minor) public amenity values in terms of overall building appearance, function and neighbourhood impact resulting from the increased building coverage.
- (c) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

xvii(1) Setback from Roads in the High Density Residential Zone

- (a) When considering applications to reduce the setback from roads, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (xiii) Urban Design Protocol
- (b) The provision of adequate space for landscaping in the vicinity of road boundaries, which will mitigate the effects of the building intrusion into the street scene;
- (c) The ability to provide adequate on-site parking and manoeuvring for vehicles;
- (d) The compatibility of proposed building with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from road boundaries;
- (e) The proposed building size, form, proportions, roof line, style and external appearance that is similar to or in keeping with those of existing buildings on the site;
- (f) The preservation of views to and from public spaces;

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (g) The provision of an equal or greater amount of open space on the site that contributes to the sense of space and openness as viewed from public places;
- (h) Significant (more than minor) public and pedestrian amenity values in terms of building appearance and function resulting from the setback infringement;
- (i) The extent and effect of shadowing on any adjacent property or public road and
- (j) Any likely future increases in the usage of the road.
- (k) Whether and the extent to which land has been required for roading improvements adjacent to land contained in, or formerly contained in, Sections 6-9 Block XLI Town of Queenstown and Lot 2 DP15118, and whether a reduction to a 2.0 metre front yard is appropriate.

xvii(2) Setback from Roads in the Low Density Residential Zone and Residential Arrowtown Historic Management Zone

- (a) The extent to which the intrusion into the street scene is necessary in order to allow more efficient, practical use of the remainder of the site.
- (b) The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street and adjoining sites.
- (c) The ability to provide adequate opportunity for landscaping in the vicinity of road boundaries, which will mitigate the effects of building intrusion into the street scene.
- (d) The ability to provide adequate on-site parking and manoeuvring for vehicles.
- (e) The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the

surrounding area, including the setback of existing buildings in the vicinity of road boundaries.

- (f) The extent to which the proposed building will have size, form, proportions, roof line, style, external appearance which are similar to or in keeping with those existing buildings on the site.
- (g) The extent to which the location of the proposed building would adversely affect the historic character of Arrowtown.

xviii(1) Setback from Internal Boundaries/Neighbours in the High Density Residential Zone

When considering applications to reduce setbacks, the Council shall have regard to:

- (a) the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 xiii Urban Design Protocol, and
- (b) The extent to which a lower building coverage may offset or reduce the need to infringe upon the setback.

xviii(2) Setback from Internal Boundaries/Neighbours in the Low Density Residential Zone and Residential Arrowtown Historic Management Zone

- (a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical use of the remainder of the site.
- (b) Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.
- (c) Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy through being overlooked from or being in

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

close proximity to neighbouring buildings, to and extent which is inconsistent with the suburban living environment.

- (d) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.
- (e) The ability to provide adequate opportunities for landscaping around buildings.
- (f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
- (g) Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.
- (h) Any adverse effects on adjoining sites of the proximity of buildings housing scheduled community or private recreation facilities in terms of noise, glare or vibration which is inconsistent with the suburban living environment.
- (i) The ability to mitigate adverse effects of the proposal on adjoining sites.
- (j) Any adverse effects of the proximity or bulk of the building, in terms of the loss of the historic character of Arrowtown.

xix Access

- (a) The extent to which alternative formed access can be assured to the activity in the long-term.
- (b) The extent to which the level and nature of the use will make it unlikely that access by way of a formed road will ever be necessary.
- (c) The extent to which access to any State Highway will adversely affect the safe and efficient movement of vehicles.

xx(1) Continuous Building Length in the High Density Residential Zone

- (a) When considering applications to exceed the maximum continuous building length, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 xiii Urban Design Protocol.
- (d) The extent to which a smaller building may offset or reduce the need to exceed the building length rule.
- (c) When considering applications for land contained in, or formally contained in, Lot 1 DP 12665 regard shall be had to the nature and extent of the landscaping and built form consented to under RM040624 and RM081099, whether or not these consents have lapsed.

xx(2) Continuous Building Length in the Low Density Residential Zone and Residential Arrowtown Historic Management Zone

- (a) Any adverse effects of the continuous building length in terms of visual dominance by building(s) of the outlook from the street and adjoining sites, which is out of character with the local area.
- (b) The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining site.
- (c) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

xxi(1) Landscape Coverage in the High Density Residential Zone

- (a) When considering applications to reduce the landscape coverage requirement, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 xiii Urban Design Protocol, and
- (b) The extent to which a lower building coverage and the provision of other public amenities may offset or reduce the need to reduce the landscape requirement.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (c) When considering applications for land contained in, or formally contained in, Lot 1 DP 12665 regard shall be had to the nature and extent of the landscaping and built form consented to under RM040624 and RM081099, whether or not these consents have lapsed.

xxi(2) Landscape Coverage in the Low Density Residential Zone

- (a) The extent to which landscaping should be undertaken to protect and enhance a desirable level of residential amenity, including the need to provide open space, mature trees, and the screening of parking and outdoor storage associated with visitor accommodation activities from adjoining sites.

xxii Outdoor Living Space

- (a) The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of the site to provide for the outdoor living needs of likely future residents of the site.
- (b) Any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents.
- (c) The extent to which the reduction in outdoor living space or the lack of access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.
- (d) Whether the residential units are to be used for elderly persons housing and the extent to which a reduced area of outdoor living space will adequately provide for the outdoor living needs of the likely residents of the site.

xxiii Landscaping – Low density residential zone Frankton Corner/Hansen Road

- (a) With respect to landscaping (removal of existing trees as well as new planting) adjacent to the historic stone wall on the boundary of the Frankton Cemetery, whether:
- (i) removal of existing trees will damage the stone wall;

- (ii) new landscaping will maintain the integrity and enhance the views of the historic stone wall;
- (iii) consultation with local community groups and historical society has been undertaken.

- (b) With respect to landscaping within the building line restriction area adjoining State Highway 6, whether:

- (i) the landscaping will enhance the entrance to Queenstown
- (ii) the landscaping design will complement and harmonise with other landscaping adjacent to State Highway 6 on the Frankton Flats;
- (iii) the landscaping will mitigate the visual effects of development;
- (iv) the design incorporates alternatives such as mounding to compensate for reduction in tree planting;
- (v) how the issue of ongoing maintenance has been addressed.

xxiv Nature and Scale of Non-Residential Activities

- (a) The extent to which the scale of the activity and the proposed use of the buildings will be compatible with the scale of other buildings and activities in the surrounding area and will not result in visual dominance as a result of the area of buildings used, which is out of character with the low density suburban environment.
- (b) The extent to which the character of the site will remain dominated by landscaping rather than by buildings and areas of hard surfacing.
- (c) The extent to which the activity will result in the loss of residential activity on the site.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (d) The extent to which the activities on the site remain dominated by residential activity, rather than by activities which are not associated with or incidental to residential activity on the site.
- (e) Any adverse effects of the activity in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.
- (f) The extent to which the activity provides a local function by meeting the needs of residents principally within the surrounding residential environment.
- (g) The ability to mitigate any adverse effects of the increased scale of activity.
- (h) The extent to which the activity will detract from the coherence and attractiveness of the site as viewed from adjoining roads and sites.
- (i) Any adverse effects of the activity on the outlook of people on adjoining sites, including the loss of residential character.
- (j) The extent to which the activity will be compatible with the appearance, layout and functioning of other sites in the adjoining area.
- (k) The ability to mitigate any adverse effects of the activity on adjoining roads and sites.
- (l) The extent to which additional employment will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding residential area.
- (m) The extent to which additional employment is an integral and necessary part of other activities being undertaken on the site and assists in providing alternative home-based employment and income generating opportunities for residents or occupiers of the site.

xxv Fence Heights in the High Density Residential Zone

- (a) When considering applications for relief from the rule limiting fence heights, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (xiii) Urban Design Protocol.
- (b) The creation of a significant (more than minor) pedestrian amenity;
- (c) The degree to which a higher fence undercuts the visual relationship between the public and private realms, and
- (d) The necessity of the increased fence in terms of public safety.

xxvi Frankton Road and Track

(a) Frankton Road

- (i) When considering applications to exceed the permitted height of structures along Frankton Road in the High Density Residential Zone, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments,
- (ii) The extent to which a lower building coverage and the provision of landscaping and/or other public amenities may offset or reduce the need to comply with the height restriction,
- (iii) The effect on views from any vehicle travelling along Frankton Road to the lake and mountains;
- (iv) The extent to which the intrusion is necessary to provide for signage for the purpose of identification of the site or directions for the purposes of access to the site,
- (v) The extent to which the proposed intrusion will provide architectural interest in relation to the design treatment of a rooftop.

(b) Frankton Track

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (i) When considering applications to drop below the minimum floor plane elevation of structures along the Frankton Track in the High Density Residential Zone, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments;
- (ii) Shadowing onto the Frankton Track.
- (iii) Any adverse effects on the amenity of pedestrians along the Track;
- (iv) The avoidance of landscaping as a mitigation method of views into private spaces;
- (v) The addition to public and pedestrian amenity from a lowered floor plane; and
- (vi) The negative impact of the resultant development on the privacy and isolation one experiences in using the Track.

xxvii Trees

- (a) The extent to which pruning, trimming or topping of a tree is necessary due to the health of the tree or any potential hazard that exists.
- (b) The effect of any trimming or changes on the root system of the tree or on the tree's appearance or health.
- (c) Whether the tree or trees are currently causing, or likely to cause, significant damage to buildings, services or property, whether public or privately owned.
- (d) Whether the tree or trees seriously restrict any development.
- (e) Any substitute or compensating tree planting or landscaping proposed.
- (f) The effect of pruning, trimming or topping of the tree on the amenity and historic character of the Residential Arrowtown Historic Management Zone.

xxviii Arrowtown Scenic Protection Area

- (a) The extent to which any departure from the standards will detract from the views of Arrowtown.
- (b) The extent to which any departure would impinge on the visual outlook and open space provisions of the surrounding rural areas.
- (c) The extent to which any mitigation measures are available to maintain and enhance the purpose of the Arrowtown Scenic Protection Area.

xxix Additional Matters – Arrowtown

The extent to which any building blends harmoniously with and contributes to the historic character of the residential area. In this regard the following matters are important:

(a) Building Form

The extent to which the building forms generally match the common building forms of the old town area.

The primary building form should be a gabled rectangular planned structure with a maximum street frontage of 12 m and with a maximum height to the eaves of 3.0 m. The maximum building height generally should be 4.0 m to the ridge.

A larger building can be constructed by combining additional primary building forms in parallel or at right angles. Other elements which can be added are verandahs and lean-tos.

(b) Roofs

The extent to which any roofs proposed reflects the following:

Main roofs should be gabled only, with pitches varying between 25 and 35 degrees. The main roof may comprise a salt-box roof pitch where the street elevation roof pitch is higher than the rear roof pitch. Lean-to and veranda roof pitches should generally be less than the main roof pitch.

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

Subsequent lean-to's should generally be a lesser pitch again. Veranda roofs may be hipped. Dormer windows are not appropriate, but glazed skylights in the plane of the roof which project no more than 100mm are acceptable.

(c) Location

The extent to which the location of buildings reflects the following:

Houses should be located centrally between the side boundaries with the long wall of the main rectangular form parallel with the street. Subsequent building forms should generally be, no closer to the street boundary than the principal form and can be at right angles or parallel to the principal building form.

(d) Exterior Materials and Finishes

The extent to which the exterior materials and finishes reflects the following:

Building materials and their finishes generally shall be:

- (i) schist with lime mortar with or without a low percentage of cement for walls and chimneys, with a natural finish or finished with a lime, sand plaster and/or a natural limewash;
- (ii) painted timber rusticated or shiplap weatherboards for walls;
- (iii) painted corrugated steel or uncoated timber shingles for roofs;
- (iv) painted timber for roof and wall coverboards, baseboards, and cornerboards;
- (v) painted timber windows, glazing bars, sills, and frames;
- (vi) painted timber door panels, stiles, mullions, rails, glazing bars, sills, and frames;
- (vii) natural or limewashed bricks for chimneys;
- (viii) painted timber architraves to doors and windows for timber clad houses;
- (ix) lime-sand rendered architraves may be applied to schist buildings;
- (x) painted corrugated steel for walls;
- (xi) painted timber framing to verandahs.

(e) Details

Gables and eaves shall generally not overhang walls by more than 300mm.

Verandahs can have broken-back roofs or roofs springing from immediately under the gutterboard of the main roof. Veranda roofs can be hipped or half gables. Veranda posts should have a positive base detail which does not decrease in dimension from the main support post.

Decoration if applied, should be simple and be limited to bargeboards and the veranda frieze or fringe. Reproduction of details shall be avoided and the use of new ornamentation designs, where used, is encouraged.

In simple rectangular house forms, chimneys shall generally be located at either end of the house, either expressed on the exterior or within the interior of the house. In 'T' plan house forms a chimney may be located at the junction of the two rectangular forms. Chimneys on the ridge shall project a minimum of 300mm above the ridge line. Chimneys can also be located at the rear of the house.

(f) Proportions

The range of facade should be between 1: 2.5 and 1: 4.4. Window proportions, should be approximately 1: 2.5 without a toplight and 1: 3.2 with a toplight.

The general proportion of opening to solid wall should not be more than 3: 1.

(g) Colour

Colours should be similar to the original colour schemes.

(h) Ancillary Buildings

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (i) Garages should be to the rear of the building and follow the general design principles as for the main building.
- (ii) Fences shall generally match the design and heights of original fences.

xxx Additional Matters – Community Facilities

(a) Screening

- (i) The type of goods or vehicles to be stored on site, their visual appearance and the extent to which the site is visible from adjoining sites, particularly from residential areas and the effect this will have on the amenities and character of the area.
- (ii) The location of the storage area in relation to buildings and options for the alternative layout of activities on site.

(b) Landscaping

- (i) The extent of the visual impact of buildings, outdoor parking and outdoor storage areas where a reduced area of landscaping is proposed having regard to its visibility from adjoining sites, public places or the road and in particular, from sites of residential activity.
- (ii) The extent to which other factors may compensate for a reduced landscape area such as:
 - a. a higher quality of planting over a smaller area.
 - b. a higher standard of architectural design which is not visually obtrusive.
 - c. The type of building materials used.
 - d. The location of different activities on site and their relationship to the boundaries of the site and their visibility from the general area.
- (iii) The importance of improving the standard of landscape having regard to the visual appearance of the site, the length of

boundary open to public view and the impact of buildings and activities within the site on the character and amenity of the area, particularly where a low standard of landscaping currently exists.

xxxi Earthworks

In the High Density Residential Zone notification may be required in situations involving special circumstances with regard to any aspect of earthworks to include, but not limited to, work schedules, blasting or extensive drilling, unstable or suspect geological conditions, substantial subsurface water, safety and traffic management.

In all zones covered by this section of the District Plan,

(a) Environmental Protection Measures

- (i) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (ii) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (iii) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (iv) 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.
- (vi) Whether appropriate measures to control dust emissions are proposed.
- (vii) 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.

(b) Effects on landscape and visual amenity values

Attachment 3 – Mike Holm Closing Legal Submission – Recommended changes to rules

- (i) Whether the scale and location of any cut and fill will adversely affect:
 - a. the visual quality and amenity values of the landscape;
 - b. the natural landform of any ridgeline or visually prominent areas;
 - c. the visual amenity values of surrounding sites
- (ii) Whether the earthworks will take into account the sensitivity of the landscape.
- (iii) The potential for cumulative effects on the natural form of existing landscapes.
- (iv) The proposed rehabilitation of the site.
- (c) Effects on adjacent sites:**
 - (i) Whether the earthworks will adversely affect the stability of neighbouring sites.
 - (ii) 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.
 - (iii) Whether cut, fill and retaining are done in accordance with engineering standards.
- (d) General amenity values**
 - (i) 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.
 - (ii) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
 - (iii) Whether natural ground levels will be altered.
 - (iv) The extent to which the transportation of soil to or from the site will generate any negative effects on the safety or efficiency of the road network.
- (e) Impacts on sites of cultural heritage value:**
 - (i) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgement Area, and whether tangata whenua have been notified.
 - (ii) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.
- xxxii Site Density**
 - (a) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

Kirimoko Block – Wanaka – Structure Plan

