

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

**IN THE MATTER OF**            the Resource Management Act 1991

**AND**

**IN THE MATTER OF**            the Queenstown Lakes Proposed District Plan

Chapter 7 (Low Density Residential)

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**STATEMENT OF EVIDENCE OF JOHN KYLE**

(Submitter 433 and Further Submitter 1340)

30 SEPTEMBER 2016

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## 1. INTRODUCTION

### Qualifications and Experience

- 1.1 My name is John Kyle. I am a Partner with the firm Mitchell Partnerships Limited. I appear at this hearing to provide planning evidence with respect to submissions and further submission prepared by Queenstown Airport Corporation Limited (QAC).
- 1.2 My qualifications and experience are set out in paragraphs 1.1 to 1.4 of my statement of evidence for Chapters 3 (Strategic Directions), 4 (Urban Development) and 6 (Landscapes) of the Proposed Queenstown Lakes District Plan ("PDP"), dated 29 February 2016.
- 1.3 I confirm my acceptance of the obligations set out in the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### Scope of Evidence

- 1.4 This hearing specifically relates to the submissions made on Chapter 7 (Low Density Residential) and submissions relating to allotment size in Chapter 27 (Subdivision and Development) of the PDP.
- 1.5 In this statement of evidence, I address the following matters:
- The background to and context of QAC's submission;
  - The history of, and principles underpinning, Plan Change 35 (PC35);
  - The need to integrate PC35 in the Low Density Residential Zone provisions of the PDP.
- 1.6 Given the number of submission points made by QAC with respect to Chapter 7, this evidence only considers the key matters in QAC's submission. My comments and recommendations with respect to QAC's remaining submissions are set out in **Appendix A**. Where I have recommended changes to the provisions contained in the section 42A report, a further section 32AA evaluation is also provided.

- 1.7 My evidence does not specifically address QAC's submission with respect to the proposed subdivision standards (minimum lot size) applicable to the Low Density Residential Zone which are contained in Chapter 27. I understand that the hearing of submissions with respect to this matter was deferred during the hearing of submissions on Chapter 27.
- 1.8 My colleague, Ms. Kirsty O'Sullivan, pre-circulated evidence with respect the Chapter 27 matter on 15<sup>th</sup> July 2016. I have read and agree with the evidence of Ms. O'Sullivan and am happy to take questions regarding this matter.
- 1.9 For the Panel's convenience, I have attached a copy of Ms. O'Sullivan's evidence as **Appendix B**.
- 1.10 In preparing this brief of evidence, I confirm that I have read and reviewed:
- 1.1.1 The relevant chapters of the PDP as notified, including the associated section 32 evaluations;
  - 1.1.2 QAC's submissions and further submissions on the PDP;
  - 1.1.3 The Council's Right of Reply with respect to Chapters 3, 4 and 36 of the PDP;
  - 1.1.4 The section 42A reports prepared for Chapters 7 and 27 (dated 14 September 2016 and 29<sup>th</sup> June 2016 respectively);
  - 1.1.5 The evidence of Mr. Philip Osborne, Dr. Stephen Chiles, Mr. Garth Falconer and Mr. Ulrich Glasner; and,
  - 1.1.6 The evidence of Ms. O'Sullivan (dated 15 July 2016) with respect to Chapter 27.

## 2. **BACKGROUND CONTEXT**

### **Queenstown and Wanaka Airport**

- 2.1 I have described the history of Queenstown and Wanaka Airports, the important role they play in the district, and the planning framework within which they operate in my statement of evidence on Chapters 3 (Strategic Directions), 4 (Urban Development) and 6 (Landscapes) of the PDP dated 29<sup>th</sup>

February 2016.<sup>1</sup> Evidence for QAC was also presented at this same hearing by Mr. Mark Edghill who was then the acting Chief Executive of the QAC.

2.2 I note that these statements of evidence provide the contextual basis for some of the opinions I express in this statement. Copies of these statements of evidence are attached (as **Appendix C**), for the Panel's convenience.

2.3 To provide context to the discussion that follows, I wish to highlight the following key points from my earlier statement to demonstrate the national and regional significance of Queenstown Airport.<sup>2</sup>

2.3.1 More than a third of the local Queenstown Lakes District economy is based on tourism and around half of all employment is related to the tourism sector;

2.3.2 Estimated total tourism spend facilitated by Queenstown Airport by 2037 is forecast to be between \$1.1bn and \$1.4bn;

2.3.3 The ongoing operation and development of Queenstown Airport is of significant importance to the social and economic wellbeing of the community due to the contribution made to the tourism industry, the economy and local employment (both directly and indirectly).

2.3.4 The Operative and Proposed Regional Policy Statements for Otago provide policy directives around the sustainable management and use of infrastructure. Most notably, Policy 3.5.3 of the Proposed Regional Policy Statement seeks to protect infrastructure of national or regional significance by:

2.3.4.1 Restricting the establishment of activities that may result in reverse sensitivity effects;

2.3.4.2 Avoiding significant adverse effects on the functional needs of infrastructure;

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<sup>1</sup> Hearing Stream 1B.

<sup>2</sup> Refer to section 4 of my statement of evidence dated 29<sup>th</sup> February 2016.

2.3.4.3 Avoiding, remedying or mitigating other adverse effects on the functional needs of the such infrastructure;

2.3.4.4 Assessing the significance of the adverse effects on those needs, as detailed in the "Significance Threshold" schedule (Schedule 3) of the Proposed Regional Policy Statement);

2.3.4.5 Protecting infrastructure corridors for infrastructure needs, now and for the future.

2.4 Against this background it is therefore imperative that the PDP recognises the social and economic benefits that Queenstown Airport provides for the District and that any activities that could unduly constrain or curtail its current and future operation and growth are appropriately avoided or managed.

#### **The history and promulgation of PC35**

2.5 The history of PC35 and the associated Notice of Requirement ("NoR") is set out in my statement of evidence dated 29<sup>th</sup> February 2016 and in my summary evidence dated 16<sup>th</sup> March 2016 (refer to **Appendix C**).

2.6 For the purposes of this hearing, it is important to note that the aircraft noise boundaries established via PC35 and the associated NoR reflect the predicted position of the noise boundaries in the year 2037. In reality, growth in flight numbers at Queenstown Airport, and thus the aircraft generated noise will increase incrementally over time. It is important to understand that today's airport use scenario is not the ultimately permitted outcome. PC35 was based on forecasts which show steady incremental growth in scheduled aircraft operations out to 2037.

2.7 In order to achieve a balance between accommodating the needs of the Airport on an on-going basis and providing for the health, amenity values and development aspirations of those people occupying and using land surrounding the Airport, PC35 adopted the following land use management approach for activity sensitive to aircraft noise ("ASAN") within the Low Density Residential Zone:

2.7.1 A requirement for new buildings and/or alterations to existing buildings within the zone and containing ASAN to provide mechanical

ventilation for Critical Listening Environments on sites located within the PC35 OCB and mechanical ventilation and sound insulation for sites located within the PC35 ANB, to achieve an Indoor Design Sound Level of 40dB Ldn, based on 2037 Noise Contours.<sup>3</sup>

2.7.2 Enablement of future infill residential development on those sites within the zone capable of accommodating additional residential units, subject to meeting the building standards set out above. The minimum site density requirement of one residential unit per 450m<sup>2</sup> and the minimum subdivision allotment size of 600m<sup>2</sup> which are included in the operative District Plan were not altered as an assessment at the time PC35 was prepared revealed that the most likely outcome for infill development inside the OCB would be a relatively low number of additional dwelling units under this density/subdivision scenario.

2.7.3 For completeness it should be noted that ASANs in the Industrial, Commercial and Rural zones were prohibited within the OCB. This approach mirrored that within the operative District Plan and as can be seen below is supported by the relevant New Zealand Standard.

2.8 I note that the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 ("NZS6805") promotes an approach whereby all new ASAN within an airport's ANB and OCB are prohibited, where this can be practicably achieved. The approach adopted for the Low Density Residential zone was a compromise, which endeavored to balance the future needs of the airport with the needs and aspirations of the Frankton residential community. In the end, this approach was widely accepted by the community and members of the community continue to work closely with the QAC on noise management matters via their representation on the Airport Noise Management Committee.

2.9 While the land use management approach established under PC35 goes some way to addressing the potential noise effects of increasing aircraft operations at Queenstown Airport inside residential dwellings, it is important to

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<sup>3</sup> Refer to Rule 7.5.5.3 (vi)(a) and (b) of the PC35 Environment Court confirmed provisions attached as **Appendix D**.

understand that such measures are not effective at addressing the effects on outdoor amenity. Residents located within close proximity to the airport can and do find that the utilisation and enjoyment of their property (particularly outdoors in the summer months) is affected by aircraft noise. Acoustic treatment cannot mitigate this effect.

2.10 In dealing with various plan changes and resource consenting matters over the last decade it is evident to me that there is ongoing pressure to provide for the intensification of residential use at Frankton, and sometimes this is promoted within the ANB, and more particularly the OCB. I accept that there are a number of pressures brought to bear on the Council to intensify such uses at locations like Frankton, for a variety of reasons. Notwithstanding this, it remains my view that any decision that brings additional people to the impact of aircraft noise promotes a very poor outcome and would not appropriately provide for the needs of future generations.

2.11 Allowing the intensification of ASAN within the ANB or OCB will ultimately increase the number of people exposed to the increasing effects of aircraft noise over time. History shows, both at Queenstown and other airports that such activity will also inevitably lead to an increase in reverse sensitivity concerns. As a result, QAC may be required to curtail aircraft operations because of growing community concern. If the operation of the Airport is unduly curtailed and projected growth is not accommodated, then this will compromise the attractiveness of Queenstown as a destination for airlines, which could result in the curtailment of aircraft activity over time. This would likely have a significant effect on the essential underpinnings of the Queenstown economy.

### **3. PC35 AND THE LOW DENSITY RESIDENTIAL ZONE PROVISIONS**

3.1 QAC lodged a number of submissions and further submissions on Chapter 7 which essentially sought to carry over the planning framework established under PC35 into the PDP.

3.2 In summary, these submissions sought to:

- 3.2.1 insert additional text into the introductory section of the chapter regarding the potential for reverse sensitivity effects for ASAN within the ANB and OCB;<sup>4</sup>
  - 3.2.2 Oppose provisions that provide for the intensification of ASAN within the ANB and OCB and insert new provisions to further discourage such activities;<sup>5</sup>
  - 3.2.3 Support provisions (subject to minor amendments) that impose sound insulation and mechanical ventilation requirements for new and/or additions or alterations to existing buildings containing ASAN within ANB and mechanical ventilation within the OCB at Queenstown Airport. <sup>6</sup>
  - 3.2.4 Insert new notification provisions for activities that do not achieve the required sound or mechanical ventilation requirements.<sup>7</sup>
  - 3.2.5 Support the definitions of “Activity Sensitive to Aircraft Noise (ASAN)”, “Community Activity”, “Education Facility”, “Residential Activity”, “Residential Flat” and “Residential Unit” as notified, subject to some minor amendments.<sup>8</sup>
- 3.3 For the most part, the section 42A report author (subsequently referred to as the “Council Officer”) recommends accepting or accepting in part QAC’s submissions.<sup>9</sup> For the reasons set out in paragraphs 2.5 to 2.11, I support the recommendations of the Council Officer subject to the further refinements set out in my **Appendix A**.

#### **Objective 7.2.2 and associated policies**

- 3.4 With respect to Objective 7.2.2 (of the section 42A report), the Council Officer has recommended the following amendments in response to QAC’s submission:

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<sup>4</sup> No submission number allocated.

<sup>5</sup> Submission 433.51-52, 433.59 and Further Submissions FS1340.15-24.

<sup>6</sup> Submission 433.53-55 and 433.57-58.

<sup>7</sup> Submission 433.60.

<sup>8</sup> Submission 433.2, 433.17, 433.21 and 433.30-32.

<sup>9</sup> Specifically, notified Objective 7.2.3 (or Objective 7.2.2 of the section 42A report), Policies 7.2.10.1 to 7.2.10.2 (or Policies 7.2.7.1 to 7.2.7.2 of the section 42A report), Rules 7.5.3 to 7.5.4 (or Rule 7.5.4 to 7.5.5 of the section 42A report), Rule 7.5.6 and Rules 7.4.9 to 7.4.10.

Development of ~~Allow higher housing~~ “gentle density” densities than typical in the zone occurs where ~~provided that it retains a low rise built form and~~ responds appropriately and sensitively to the context and character of the locality and does not occur within the Queenstown Airport Air Noise Boundary or Outer Control Boundary.

3.5 I have some concerns with the Council Officer’s recommended amendments to Objective 7.2.2. as it is not clear what is meant by the term “gentle density”. I understand that this objective is intended to provide for discrete areas of infill residential development within the Low Density Residential Zone,<sup>10</sup> Objective 7.2.2 should therefore use clear and purposeful language that reflects this outcome. I therefore propose the following alternative drafting:

~~Allow~~ Discrete areas of infill housing is provided for where:

- (a) ~~I development higher densities than typical in the zone provided it low rise built form is retained;~~
- (b) *the density of the activity responds appropriately and sensitively to the context and character of the locality, and;*
- (c) *the activity does not occur within the Queenstown Airport Air Noise Boundary or Outer Control Boundary.*

3.6 Notwithstanding the amendments I have proposed above, there do not appear to be any policies that implement the second half of the objective (as recommended to be amended by the Council Officer or by myself) nor support the non-complying activity status that accrues if infill development is proposed within the ANB or OCB. While QAC lodged a submission<sup>11</sup> seeking the inclusion of a new policy that would effectively address this matter, the Council Officer has not recommend accepting this submission.<sup>12</sup> In my opinion, the policy proposed by QAC, as set out below, is appropriate in giving effect to the latter part of Objective 7.2.2 and should therefore be included in the PDP. The proposed policy is deliberately dissuasive toward further infilling inside the

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<sup>10</sup> Refer to paragraph 9.24 of the section 42A report for Chapter 7 dated 14 September 2016 and the discussion around “gentle density” under Issue 6 of the section 32 Report for the Low Density Residential Zone (page 17).

<sup>11</sup> Submission 433.52

<sup>12</sup> Refer to paragraph 9.57 of the section 42A report for Chapter 7 (Low Density Residential Zone), dated 14 September 2016.

OCB, which is reflective of the matters I highlight in paragraphs 2.9 to 2.11 above.

3.7 The proposed new policy reads as follows:

Discourage infill development of Activities Sensitive to Aircraft Noise within the Outer Control Noise Boundary on land around Queenstown Airport.

**Objective 7.2.7 and Policies 7.2.7.1 and 7.2.2.2**

3.8 Proposed Objective 7.2.7 (as amended in the section 42A report) seeks to ensure that:

*“Residential amenity is maintained through pleasant living environments within which adverse effects are minimized while still providing the opportunity for community needs.”*

3.9 Two policies (as suggested for amendment by the section 42A report) are intended to give effect to this objective as follows:

Policy 7.2.7.1            *Require, as necessary, mechanical ventilation of any Critical Listening Environment within ~~new~~ buildings and any alterations and additions to existing buildings that containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.*

Policy 7.2.7.2            *Require, as necessary, mechanical ventilation of any Critical Listening Environment within ~~any new~~ buildings and any alterations and additions to existing buildings that containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary*

3.10 Under PC35, the Low Density Residential Zone includes two objectives and policies that seek to manage the effects of aircraft noise on residential amenity and manage the effects of reverse sensitivity effects on Queenstown Airport. These provisions read as follows:

*Objective 3 – Residential Amenity (Section 7.1.2)*

*Pleasant living environments within which adverse effects are minimized while still providing the opportunity for community needs.”*

Policy 3.11    *To require as necessary mechanical ventilation for any Critical Listening Environment within new and alterations and additions to*

*existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*

*Objective 5 (Section 7.2.3)*

*To protect the Airport from reverse sensitivity effects of Activities Sensitive to Aircraft Noise.*

*Policy 11. To require as necessary mechanical ventilation of any Critical Listening Environments within any new and alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise on sites within the Outer Control Boundary and require sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing Activity Sensitive to Aircraft Noise within the Air Noise Boundary, to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours.*

- 3.11 For the Panel's convenience, a copy of the PC35 Residential Zone provisions is attached as **Appendix D**.
- 3.12 While I acknowledge that there is a degree of duplication between the aforementioned PC35 provisions, it is clear that the two objectives and associated policies serve a different purpose and seek to achieve a different environmental outcome. Objective 3 and Policy 3.11 are concerned with preserving residential amenity, whilst Objective 5 and Policy 11 are concerned with managing reverse sensitivity effects on Queenstown Airport. Both are matters that were addressed by PC35.
- 3.13 The Low Density Residential Zone provisions contained in the PDP have only carried through the residential amenity element of the PC35 approach. In my view, it is necessary at an objective level to recognize that the proposed method fulfils both an amenity and reverse sensitivity function. Furthermore, Policies 7.2.7.1 and 7.2.7.2 relate to all ASAN, not just residential activities.

This is not reflected in the corresponding objective 7.2.7 that they seek to give effect to.

- 3.14 In accordance with the approach taken via PC35, it is therefore appropriate to insert a new objective into Chapter 7 that reads as follows:

*Queenstown Airport is protected from the reverse sensitivity effects of Activities Sensitivity to Aircraft Noise.*

- 3.15 Policies 7.2.7.1 and 7.2.7.2 could then be relocated (or repeated) to give effect to this objective.

### **Relocatable Buildings**

- 3.16 In response to submissions made with respect to Relocatable Buildings in Chapter 35, the Council Officer (for Chapter 35) recommended that relocatable buildings be a controlled activity subject to the relevant zone controls.<sup>13</sup> The Council Officer identified however, that a potential loophole exists whereby the policies and methods relating to mechanical ventilation and sound insulation in the Low Density Residential zone only make reference to “new and additions and alterations to existing buildings”. As a consequence, the Council Officer considered that it could be interpreted that relocatable are not captured by these provisions as relocatable buildings are neither “new”, nor “additions or alterations” to existing buildings.<sup>14</sup>
- 3.17 To address this matter, the Council Officer for Chapter 7 has recommended removing reference to “new” within Policies 7.2.7.1, 7.2.7.2 and Rules 7.5.3 and 7.5.4.
- 3.18 While I agree that the aforementioned policies and rules could be interpreted in such that they not apply to relocatable buildings, I do not consider that the Council Officers recommended amendments are appropriate or effective. In my view, the recommended amendments give rise to further ambiguity and potential problems as they now relate to “Buildings, and alterations and additions to existing buildings”.

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<sup>13</sup> Refer to paragraphs 9.3 and 9.10 of the QLDC Right of Reply for Chapter 35, dated 22 September.

<sup>14</sup> Refer to paragraph 8.3 of the section 42A report for Chapter 35, dated 17 August 2016.

3.19 A result of the Council Officer's suggested change would be to subject all buildings, including existing ones, to the ventilation and/or insulation methods. That was never the intent in promulgating PC35. Only new buildings, or alterations to existing buildings, where these are intended to house ASAN are proposed to be subject to the requirement. The requirement is not intended to apply to pre-existing dwellings. That would result in a wholesale upgrading requirement, borne by the Frankton property owners, which is likely to be very onerous in some situations. Notably, conditions on the QAC designation require the airport to do some progressive retrofitting of residential dwellings to add ventilation and insulation (in the ANB) and ventilation (in the OCB) over time. This work is under way.

3.20 In my view, it would be more effective if the aforementioned policies and rules were amended to make reference to relocatable buildings as follows:

*.....new buildings, relocatable buildings and alterations and additions to existing buildings”.*

### **Density Provisions**

#### *Rule 7.5.6*

3.21 As notified, Rule 7.5.6 of the PDP provided for residential development within the Low Density Residential Zone at a rate of one residential unit per 300m<sup>2</sup>.<sup>15</sup> While I understand, based on the section 32 evaluation, that this provision was intended to allow for discrete areas of infill development within the zone, the implications of the rule are much broader and would potentially enable greater intensification of ASAN with the OCB at Queenstown Airport.

3.22 In response to the QAC submission on this matter, the Council Officer has recommended deleting Rule 7.5.6 and amending Rules 7.4.9 and 7.4.10 to ensure that residential development within the ANB and OCB at Queenstown Airport retains the operative District Plan approach to managing residential density of one residential unit per 450m<sup>2</sup>.<sup>16</sup>

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<sup>15</sup> Refer to Rule 7.5.6 of the PDP as notified.

<sup>16</sup> Refer to paragraphs 9.48 to 9.56 of the section 42A report for Chapter 7, dated 14 September 2016.

- 3.23 For the reasons set out paragraphs 2.5 to 2.11, I maintain that it is inappropriate to provide for the intensification of ASAN within the ANB and OCB at Queenstown Airport. I therefore consider that the Council Officer's recommendations are appropriate and accord with the expectations of the Frankton community post PC35.
- 3.24 I acknowledge that there is currently a housing shortage in the Queenstown Lakes District and based on the evidence of Mr. Osborne, an additional 10,000 to 16,000 additional dwellings might be required by 2045 to accommodate the District's growth.<sup>17</sup> In my view however, enabling the intensification of residential activity within the ANB (and likely the OCB) is not an appropriate response to these housing issues.

*Rule 7.4.11*

- 3.25 I understand that the Board of Airline Representatives New Zealand ("BARNZ") has submitted in support of Rule 7.4.11 which restricts the development of dwellings, residential units and residential flats to one per site within the ANB. Despite supporting this rule, BARNZ notes that at other airports throughout New Zealand, the development of new ASAN within the ANB is generally prohibited.
- 3.26 I understand that prohibiting the development of new ASAN within the ANB (where practicably achievable) is consistent with the approach set out in NZS6805. I therefore support, in principle, the BARNZ position.
- 3.27 However, as discussed in paragraph 2.8 QAC adopted a compromise position in promulgating PC35. In my opinion, this approach remains sound in the circumstances and it should be noted was accepted by the Court in deliberating on PC35.

**4. CONCLUSION**

- 4.1 The Low Density Residential Zone is located to the west of Queenstown Airport.

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<sup>17</sup> Refer to paragraph 2.6 of the statement of evidence of Mr Osborne, dated 14 September 2016.

- 4.2 Parts of the zone are located within the PC35 ANB and OCB, and will therefore be exposed to the increasing effects of aircraft noise over time.
- 4.3 PC35 put in place a land use management framework for the Low Density Residential Zone that would achieve a balance between accommodating the needs of the Airport on an on-going basis and providing for the health, amenity values and development aspirations of those people occupying and using land surrounding the Airport. QAC's submission with respect to this chapter generally seeks to retain this approach and carry it forward into the PDP.
- 4.4 The PC35 provisions have been subject to recent and extensive Environment Court proceedings involving QAC, QLDC and other affected parties. The provisions enable Queenstown Airport to continue to grow and operate in line with its 2037 growth projections and will thus allow the Airport to continue to fulfil its role as a contributor to the social and economic wellbeing of the community.
- 4.5 It is therefore imperative in my opinion that the PDP Plan adopts and incorporates the land use management regime established under PC35, without substantive amendment.

**J Kyle**

**30 September 2016**

## **APPENDIX A**

### Section 32AA Evaluation

CHAPTER 7 – LOW DENSITY RESIDENTIAL ZONE - AMENDMENTS AND SECTION 32AA ASSESSMENT

Proposed provisions set out in the section 42A report dated 14 September 2016	Amended Provisions (deleted text <del>struck through</del> added text <u>underlined</u> ) recommended by John Kyle on 30 September 2016	General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective		
<p><b>Zone Purpose</b></p> <p>.....</p> <p>Fundamentally the zone provides for traditional suburban densities and housing forms. Houses will typically be detached and set on sections between 450 and 1000 square metres in area. However, the zone will also support some increased density, whether through smaller scale and low rise infill development, or larger comprehensively designed proposals, to provide more diverse and affordable housing options.</p>	<p><b>Zone Purpose</b></p> <p>.....</p> <p>Fundamentally the zone provides for traditional suburban densities and housing forms. Houses will typically be detached and set on sections between 450 and 1000 square metres in area. However, the zone will also support some increased density, whether through smaller scale and low rise infill development, or larger comprehensively designed proposals, to provide more diverse and affordable housing options: <u>except where such activities are located inside the Queenstown Airport Air Noise Boundary or Outer Control Boundary.</u></p>	<ul style="list-style-type: none"> <li>The relief sought is consistent with the intent of Issue 7.1.1.(i)(a) of Operative District Plan, as amended by PC35.</li> <li>Given that restrictions are proposed for infill development within the ANB and OCB at Queenstown Airport, it is important to recognise the significance of the Airport in the overarching Zone Purpose statement.</li> </ul>		
		<p><b>Environmental, Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p><b>Objective <del>7.2.3</del> 7.2.2</b></p> <p><u>Development of Allow higher housing “gentle density” densities than typical in the zone occurs where provided that it retains a low rise built form and responds appropriately and sensitively to the context and character of the locality and does not occur within the Queenstown Airport Air Noise Boundary or Outer Control Boundary.</u></p>	<p><b>Objective <del>7.2.3</del> 7.2.2</b></p> <p><del>Allow</del> Discrete areas of infill housing is provided for where:</p> <p>(a) <del>I development higher densities that typical in the zone provided it</del> low rise built form is retained;</p> <p>the density of the activity responds appropriately and sensitively to the context and character of the locality, and;</p> <p>(b) <u>the activity does not occur within the Queenstown Airport Air Noise Boundary or Outer Control Boundary.</u></p>	<p><b>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The objective is appropriately at achieving both the residential and airport related higher order objectives and policies contained in Chapter 4 of the PDP (QLDC Right of Reply version) as it provides for infill development whilst avoiding those areas most acutely exposed to the effects of aircraft noise.</li> <li>The proposed amendments are structural rather than substantive and ensure that the intent of the objective is clear through removing references to ambiguous terms such as “gentle density”.</li> </ul>		
		<p><b>Environmental, Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
	<p><b>New Policy 7.2.2.5 (was previously numbered 7.2.4.2 in QAC’s submission)</b></p> <p><u>Discourage infill development of Activities Sensitive to Aircraft Noise within the Outer Control Noise Boundary on land around Queenstown Airport.</u></p>	<p><b>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The policy is appropriate as it gives effect to the second part of Objective 7.2.2 and provides the framework for the non-complying activity status that prevails if infill development is proposed within the ANB or OCB.</li> </ul>		
		<p><b>Environmental, Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>Operational benefits from avoiding the potential for reverse sensitivity effects to arise from the intensification of ASAN within the ANB and OCB.</li> <li>Social and environmental benefits from discouraging the</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>The policy is effective at achieving the objective and ensures the framework is in place for the non-complying activity status that accrues if infill development is proposed within the ANB or OCB.</li> </ul>

		bringing of sensitive receivers to the effect.			
<p><b>Policy <del>7.2.10.1</del> 7.2.7.1</b> Require, as necessary, mechanical ventilation of any Critical Listening Environment within new buildings and any alterations and additions to existing buildings that containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.</p> <p><b>Policy <del>7.2.10.2</del> 7.2.7.2</b> Require, as necessary, sound insulation and mechanical ventilation for any Critical Listening Environment within new buildings and any alterations and additions to existing buildings that containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.</p>	<p><b>Policy 7.2.10.1</b> Require, as necessary, mechanical ventilation of any Critical Listening Environment within new buildings, <u>relocatable buildings</u> and any alterations and additions to existing buildings that containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary <u>to achieve an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours.</u></p> <p><b>Policy 7.2.10.2</b> Require, as necessary, sound insulation and mechanical ventilation for any Critical Listening Environment within new buildings, <u>relocatable buildings</u> and any alterations and additions to existing buildings that containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary <u>to achieve an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours.</u></p>	<b>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</b>			
		<ul style="list-style-type: none"> <li>The policy is generally consistent with Policy 3.11 of Section 7.1.2 of the Operative District Plan, as amended by PC35.</li> <li>The policy gives achieves higher order contained in Chapter 4 of the PDP (specifically Policies 4.2.6.1 and 4.2.6.2, as set out in QLDC’s Right of Reply for Hearing Stream T01B version).</li> <li>References to “relocatable buildings” ensures that it is clear that the provisions apply to relocatable buildings, which are neither ‘new’ nor ‘existing’ in accordance with the notified drafting of this provision.</li> <li>The proposed amendments are appropriate as they provide further direction as to the outcome to be achieved (i.e. an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours).</li> </ul>			<p><b>Environmental, Cultural, Economic, Social and Cultural Benefits</b></p> <ul style="list-style-type: none"> <li>The amendments define what is considered to be an appropriate Indoor Design Sound Level.</li> </ul>
	<p><b>New Objective 7.2.11</b> <u>Queenstown Airport is protected from the reverse sensitivity effects of Activities Sensitive to Aircraft Noise.</u></p> <p><b>New Policy 7.2.11.1</b> <u>Require, as necessary, mechanical ventilation of any Critical Listening Environment within new buildings, relocatable buildings and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary to achieve an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours.</u></p> <p><b>New Policy 7.2.11.1</b> <u>Require, as necessary, sound insulation and mechanical ventilation for any Critical Listening Environment within new buildings, relocatable buildings and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary to achieve an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours.</u></p>	<b>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</b>			
		<ul style="list-style-type: none"> <li>The objective is consistent with Objective 5 of Section 7.2.3 and Policy 11 of Section 7.2.3 of the Operative District Plan, as amended by PC35.</li> <li>The objective and policy address reverse sensitivity effects, whereas Objective 7.2.10 and Policy 7.2.10.1 and 7.2.10.2 seek to protect residential amenity.</li> <li>The policy gives effect to higher order provisions contained in Chapter 4 of the PDP (specifically Policies 4.2.6.1 and 4.2.6.2, as set out in QLDC’s Right of Reply for Hearing Stream T01B version).</li> <li>References to “relocatable buildings” ensures that it is clear that the provisions apply to relocatable buildings, which are neither ‘new’ nor ‘existing’ in accordance with the notified drafting of this provision.</li> <li>The proposed amendments are appropriate as they provide further direction as to the outcome to be achieved (i.e. an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours).</li> </ul>			<p><b>Environmental, Cultural, Economic, Social and Cultural Benefits</b></p> <ul style="list-style-type: none"> <li>Reverse sensitivity effects on Queenstown Airport will be reduced through the provision for mechanical ventilation and/or sound insulation.</li> </ul>

<p><b>Rule 7.4.8</b> Community facilities and/or activities</p>	<ul style="list-style-type: none"> <li>I support the amendments recommended by the Council Officer.</li> </ul>	<ul style="list-style-type: none"> <li>No section 32AA assessment required.</li> </ul>
<p><del><b>Rule 7.4.11</b> Dwelling, Residential Unit, Residential Flat that is more than one (1) per site and located within the Air Noise Boundary of the Queenstown Airport.</del></p> <p><del><b>Rule 7.5.6</b> Density</del></p> <p><del>The maximum site density shall be one residential unit or dwelling per 300m<sup>2</sup> net site area, except for:</del></p> <ul style="list-style-type: none"> <li><del>the Queenstown Heights Overlay Area where the maximum site density shall be one residential unit or dwelling per 1500m<sup>2</sup> net site area.</del></li> </ul> <p><del><b>Rule 7.4.9</b> Dwelling, Residential Unit, Residential Flat</del></p> <p><del>Rule 7.4.9.1 One (1) per site in Arrowtown.</del></p> <p><del>Rule 7.4.9.1 For all other locations, two (2) or less per site.</del></p> <p><del><u>7.4.9.1 Development of no greater than one residential unit per 450m<sup>2</sup> net site area, except within the following areas:</u></del></p> <p><del>(a) <u>The Queenstown Heights Overlay Area where the maximum site density shall be one residential unit per 1500m<sup>2</sup> net site area.</u></del></p> <p><del>Note – Additional rates and development contributions may apply for multiple units located on one site.</del></p> <p><del>Rule 7.4.10</del></p> <p><del><b>Dwelling, Residential Unit, Residential Flat</b></del></p> <p><del>Rule 7.4.10.1 Two (2) or more per site in Arrowtown.</del></p> <p><del>Rule 7.4.10.2 For all other locations, three (3) or more per site.</del></p> <p><del>Rule 7.4.10.1 Development of no greater than one residential unit per 300m<sup>2</sup> net site area, except within the following areas:</del></p> <p><del>(a) <u>Site located within the Queenstown Heights Overlay Area.</u></del></p> <p><del>(b) <u>Sites located within the Air Noise Boundary or located between the Air Noise Boundary and Outer Control Boundary of Queenstown Airport.</u></del></p>	<ul style="list-style-type: none"> <li>I support the amendments recommended by the Council Officer.</li> </ul>	<ul style="list-style-type: none"> <li>No section 32AA assessment requirement.</li> <li>The proposed amendments give effect to the higher order objectives and policies contained in Chapter 4 that relate to Queenstown Airport (QLDC Right of Reply version).</li> <li>For reasons set out in paragraphs 2.5 to 2.11 and 3.21 to 3.27 of my evidence, the proposed amendments to these methods is appropriate.</li> </ul>

<p><b>Rule 7.5.34</b>  <b>Airport Noise – Queenstown Airport (excluding any non-critical listening environments) within the Air Noise Boundary (ANB)</b>  New Buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours.  ...  <b>Rule 7.5.45</b>  <b>Airport Noise – Queenstown Airport (excluding any non-critical listening environments) between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</b>  New Buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours.</p>	<p><b>Rule 7.5.34</b>  <b>Airport Noise – Queenstown Airport (excluding any non-critical listening environments) within the Air Noise Boundary (ANB)</b>  New buildings, <u>relocatable buildings</u> and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours.  .....  <b>Rule 7.5.45</b>  <b>Airport Noise – Queenstown Airport (excluding any non-critical listening environments) between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</b>  New buildings, <u>relocatable buildings</u> and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours.</p>	<p><b>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The method is generally consistent with Rule 7.5.5.3(vi)(a) and Rule 7.5.6.3(vii)(a) of Chapter 7 of the Operative District Plan, as amended by PC35.</li> <li>The method is appropriate at achieving the higher order provisions contained in Chapter 4 of the PDP (QLDC’s Right of Reply for Hearing Stream T01B version), as well as Objective 7.2.7, Policy 7.2.7.1 and 7.2.7.1 and the proposed new objective and policy suite described above (Objective 7.2.11 and Policy 7.2.11.1 and 7.2.11.2).</li> <li>References to “relocatable buildings” ensure that it is clear that the provisions apply to relocatable buildings, which are neither ‘new’ nor ‘existing’ in accordance with the notified drafting of this provision.</li> </ul>		
		<p><b>Environmental, Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>Exposure to aircraft noise will be appropriately managed for new ASAN proposed within relocatable buildings.</li> <li>Reverse sensitivity effects will continue to be managed for ASAN within the ANB and OCB at Queenstown Airport.</li> </ul>	<ul style="list-style-type: none"> <li>Costs associated with the installation of mechanical ventilation and/sound insulation will accrue. This costs are already incurred for all other new and/or alterations to existing buildings containing ASAN within the ANB and OCB.</li> </ul>	<ul style="list-style-type: none"> <li>The amendment is both effective and efficient at addressing the requirement for relocatable buildings to be subject to the relevant sound and/or mechanical ventilation requirements with inserting new rules into the PDP.</li> </ul>
<p><b>7.6 Non-Notification of Applications</b>  7.6.1 Applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.  7.6.2 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:</p>	<ul style="list-style-type: none"> <li>I support the amendments recommended by the Council Officer.</li> </ul>	<ul style="list-style-type: none"> <li>No section 32AA assessment requirement.</li> <li>I support the Council Officer’s recommendation with respect to QAC submission (433.60) and consider that any resource consent application to contravene rules 7.5.4 and 7.5.5 will require resource consent as a non-complying activity. In such circumstances, it is likely that the requiring authority for Queenstown Airport will be served a copy of the application.</li> </ul>		

<p>7.6.2.1 Residential development units pursuant to 7.4.10, except where direct access on to or off a State Highway is sought where New Zealand Transport Agency will be notified.</p>										
<p><b>Activity Sensitive to Aircraft Noise / <u>Activities sensitive to road noise</u></b> Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.</p>	<ul style="list-style-type: none"> <li>I support the amendments recommended by the Council Officer.</li> </ul>	<ul style="list-style-type: none"> <li>No section 32AA assessment requirement.</li> <li>The proposed definition, insofar as it relates to ASAN, is consistent with the Environment Court confirmed definition.</li> </ul>								
<p><b>Community Activity</b> Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual wellbeing. Excludes recreational activities. A community activity includes <del>schools</del> education activities, hospitals, doctor's surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.</p>	<ul style="list-style-type: none"> <li>I support the amendments recommended by the Council Officer.</li> </ul>	<ul style="list-style-type: none"> <li>No section 32AA assessment requirement.</li> </ul>								
<p><del>Education Facility</del> <del>Means land and/or buildings used for the provisions of regular instruction or training and includes their ancillary administrative, cultural and commercial facilities.</del> <b><u>Education Activity</u></b> Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education and including ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.</p>	<p><b><u>Education Activity</u></b> Means the use of land and buildings for the <del>primary</del> purpose of regular instruction or training including (but not limited to) early childhood education, primary, intermediate and secondary schools, tertiary education and including ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.</p>	<p><b>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</b></p> <ul style="list-style-type: none"> <li>Education activities undertaken at a site where education is not the primary use of the site will not be captured by this definition. Educational activities are considered an ASAN. All education activities, whether the primary or secondary use of the site therefore need to be captured by this rule.</li> <li>Education activities may include community led education activities. By limiting the range of education activities, such community lead activities are not captured by the definition.</li> <li>The amendments are appropriate at achieving the land use management framework established under PC35 and PC26 for ASAN within the ANB at Queenstown Airport and the OCB at Queenstown and Wanaka Airports.</li> </ul> <table border="1" data-bbox="1329 1581 2689 1900"> <thead> <tr> <th data-bbox="1329 1581 1745 1728">Environmental, Cultural, Economic, Social and Cultural Benefits</th> <th data-bbox="1745 1581 2211 1728">Environmental, Economic, Social and Cultural Costs</th> <th data-bbox="2211 1581 2689 1728">Effectiveness &amp; Efficiency</th> </tr> </thead> <tbody> <tr> <td data-bbox="1329 1728 1745 1900"> <ul style="list-style-type: none"> <li>Operational benefits will accrue for the operators of Queenstown and Wanaka Airports through avoiding reverse sensitivity effects</li> </ul> </td> <td data-bbox="1745 1728 2211 1900"> <ul style="list-style-type: none"> <li>No costs identified as the intent is the same as the Operative District Plan.</li> </ul> </td> <td data-bbox="2211 1728 2689 1900"> <ul style="list-style-type: none"> <li>The amended definition is effective at ensuring that all relevant activities that are considered ASAN are captured by the definition.</li> </ul> </td> </tr> </tbody> </table>			Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Effectiveness & Efficiency	<ul style="list-style-type: none"> <li>Operational benefits will accrue for the operators of Queenstown and Wanaka Airports through avoiding reverse sensitivity effects</li> </ul>	<ul style="list-style-type: none"> <li>No costs identified as the intent is the same as the Operative District Plan.</li> </ul>	<ul style="list-style-type: none"> <li>The amended definition is effective at ensuring that all relevant activities that are considered ASAN are captured by the definition.</li> </ul>
Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Effectiveness & Efficiency								
<ul style="list-style-type: none"> <li>Operational benefits will accrue for the operators of Queenstown and Wanaka Airports through avoiding reverse sensitivity effects</li> </ul>	<ul style="list-style-type: none"> <li>No costs identified as the intent is the same as the Operative District Plan.</li> </ul>	<ul style="list-style-type: none"> <li>The amended definition is effective at ensuring that all relevant activities that are considered ASAN are captured by the definition.</li> </ul>								

		arising from educational activities not captured by section 42A report definition.		
<p><b>Residential Flat</b> Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:</p> <ul style="list-style-type: none"> <li>• Has a total floor area not exceeding 70m<sup>2</sup>, and 150m<sup>2</sup> in the Rural Zone and Rural Lifestyle Zone, not including the floor area of any garage or carport;</li> <li>• contains no more than one kitchen facility;</li> <li>• is limited to one residential flat per residential unit; and</li> <li>• is situated on the same site and held in the same ownership as the residential unit, <del>but may be leased to another party.</del></li> </ul>	<ul style="list-style-type: none"> <li>• I support the amendments recommended by the Council Officer.</li> </ul>	<ul style="list-style-type: none"> <li>• No section 32AA assessment requirement.</li> </ul>		
<p><b>Residential Unit</b> Means a residential activity (including a dwelling) which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.</p>	<ul style="list-style-type: none"> <li>• I support the amendments recommended by the Council Officer.</li> </ul>	<ul style="list-style-type: none"> <li>• No section 32AA assessment requirement.</li> </ul>		

**APPENDIX B**

Statement of Evidence of Kirsty O'Sullivan with respect to Chapter 27  
(Subdivision)

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** the Queenstown Lakes Proposed  
District Plan

Chapter 27 (Subdivision and  
Development)

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**EVIDENCE OF KIRSTY O’SULLIVAN  
(Submitter 433 and Further Submitter 1340)**

**(15 July 2016)**

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## **1 INTRODUCTION**

### **Qualifications and Experience**

- 1.1. My name is Kirsty O'Sullivan. I am a Senior Resource Management Consultant with the firm Mitchell Partnerships Limited.
- 1.2. My qualifications and experience are set out in paragraphs 1.1 to 1.4 of my statement of evidence on Chapter 3 (Strategic Directions), Chapter 4 (Urban Development) and Chapter 6 (Landscapes) of the Proposed Queenstown Lakes District Plan ("PDP"), dated 29 February 2016.
- 1.3. I confirm my obligations in terms of the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **Scope of Evidence**

- 1.4. This hearing specifically relates to the submissions made on Chapter 27 (Subdivision and Development) of the PDP.
- 1.5. The Queenstown Airport Corporation ("QAC") lodged submissions and further submissions on Chapter 27. These submissions generally sought:
  - 1.5.1. For residential properties located within the Outer Control Boundary ("OCB") and Air Noise Boundary ("ANB") at Queenstown Airport, to maintain the development rights at levels consistent with those contained in the Operative District Plan, so to avoid an increase in the number of sensitive receivers exposed to aircraft noise, and thereby minimise potential reverse sensitivity effects on the Airport (i.e. a continuation of the Plan Change 35 ("PC35") approach); and,
  - 1.5.2. Discourage the development of activities in proximity to Queenstown and Wanaka Airports that could give rise to bird strike, so to avoid potential adverse effects on operations and safety at those Airports.

1.6. In this statement of evidence, I address the following matters:

- The background to and context of QAC's submission;
- The PDP's proposed minimum allotment size for subdivision within the Low Density Residential Zone, the ANB and OCB at Queenstown Airport;
- The notification parameters for subdivision activities within the ANB and OCB at Queenstown Airport; and,
- QAC's proposed new provisions relating to the discouragement of activities that may give rise to bird strike within aircraft flight paths.

## **2 BACKGROUND CONTEXT**

### **Queenstown and Wanaka Airport**

2.1 The history of Queenstown and Wanaka Airports, their role in the Queenstown Lakes District, and the planning framework within which they operate has been described by Mr Mark Edghill and Mr John Kyle in their respective statements of evidence on Chapter 3 (Strategic Directions), Chapter 4 (Urban Development) and Chapter 6 (Landscapes) of the PDP dated 29<sup>th</sup> February 2016 and 16<sup>th</sup> March 2016.

2.2 I adopt this evidence, the purposes of this hearing, noting it provides the contextual basis for some of the opinions I express in this statement. Copies of Mr Kyle's and Mr Edghill's evidence are **attached** (as Appendix A) to this statement, for the Panel's convenience.

### **The history and promulgation of PC35**

2.3 The history of PC35 is set out in the evidence of Mr Kyle dated 29<sup>th</sup> February 2015 and his summary evidence dated 16<sup>th</sup> March 2016.

2.4 I adopt the evidence of Mr Kyle with respect to PC35.

2.5 To provide context to the following discussion, I wish to highlight the following points from Mr Kyle's evidence:

2.5.1 The purpose of PC35 was to put in place an appropriate management regime for land use around Queenstown Airport, while providing for

predicted ongoing growth in aircraft operations until 2037<sup>1</sup>. Accordingly, PC35 updated the Airport's noise boundaries (OCB and ANB), to provide for predicted growth in aircraft operations, and amended various zone provisions relating to the use of land within those noise boundaries likely to be affected by increased aircraft noise.

2.5.2 The foundation of the land use management approach adopted in PC35 is the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 ("NZS6805");<sup>2</sup>

2.5.3 NZS6805 recommends that all new activities sensitive to aircraft noise ("ASAN")<sup>3</sup> within an airport's ANB and OCB are prohibited;<sup>4</sup>

2.5.4 PC35 takes a more moderated approach than recommended by NZS6805 however, in recognition of historical development and zoning around the Airport. At the time PC35 was promulgated, residential dwellings within the Low Density Residential Zone addressed by the OCB and ANB were a permitted activity (subject to specific development standards). Notwithstanding the approach recommended by NZS6805, PC35 grandfathered these existing development rights, but sought to discourage any additional development.<sup>5</sup>

2.6 QAC's submission on Chapter 27 of the PDP seeks to continue this approach.

### **3 SUBDIVISION WITHIN THE OUTER CONTROL BOUNDARY AND AIR NOISE BOUNDARY**

3.1 QAC lodged submissions on Chapter 27 of the PDP, opposing the introduction of new provisions / the amendment of existing (operative) provisions that would

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<sup>1</sup> Paragraph 5.1 of the Statement of Evidence of Mr Kyle, Hearing 1B, dated 29 February 2016

<sup>2</sup> Paragraph 5.11 of the Statement of Evidence of Mr Kyle, Hearing 1B, dated 29 February 2016.

<sup>3</sup> Activity Sensitive to Aircraft Noise is defined in the Operative and Proposed Plans as meaning "*any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices*".

<sup>4</sup> Paragraph 5.22 and 5.27 of the Statement of Evidence of Mr Kyle, Hearing 1B, dated 29 February 2016.

<sup>5</sup> Paragraph 5.22 of the Statement of Evidence of Mr Kyle, Hearing 1B, dated 29 February 2016.

enable the intensification of ASAN with the ANB and OCB at Queenstown Airport<sup>6</sup>, above what is provided for under the Operative District Plan.

**Rule 27.5.1**

- 3.2 Specifically, QAC lodged a submission in opposition to notified rule 27.5.1<sup>7</sup>, reasoning that the proposed minimum allotment size of 450m<sup>2</sup> for Low Density Residential subdivision (reduced from 600m<sup>2</sup> in the Operative District Plan) was inconsistent with the approach adopted in PC35.
- 3.3 The section 42A report on Chapter 27 recommends that QAC's submission on this rule be accepted, correctly recognising that a minimum lot size of 450m<sup>2</sup> within the OCB provides for further intensification of ASAN than is provided for under the Operative District Plan. The section 42A report therefore recommends the inclusion of a new rule in the PDP that maintains the 600m<sup>2</sup> minimum allotment size for residential subdivision within the ANB and OCB. I support this recommendation for the reasons I give below.
- 3.4 Enabling a reduced allotment size will enable the intensification of ASAN within the ANB and OCB. In my view, this is inappropriate as it increases the number of sensitive receivers (i.e. residents) being exposed to the effects of aircraft noise. Intensifying residential use within the OCB may give rise to an increase in complaints about aircraft noise and consequently an increased potential for reverse sensitivity effects on the Airport. For example, QAC could potentially be required to curtail aircraft operations at Queenstown Airport. If this was to occur, it would adversely impact the efficient and effective operation of Queenstown Airport and would in turn, adversely impact on the economic wellbeing of QAC and the wider community<sup>8</sup>.
- 3.5 In my view, retaining the Operative District Plan's 600m<sup>2</sup> minimum allotment size in the Low Density Residential Zone is effective as continues to provide for the existing development rights of residents within the ANB and OCB, while appropriately mitigating potential reverse sensitivity effects. It will allow QAC to continue to operate effectively and efficiently, providing for the social and economic wellbeing of both QAC and the wider community. In my view, this

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<sup>6</sup> Subdivision Rules 27.5.1, 27.5.2, 27.5.3 of the notified PDP.

<sup>7</sup> Or rule 27.6.1 of the section 42A report (refer to page 27-23).

<sup>8</sup> Paragraphs 3.36 to 3.40 of the Statement of Evidence of Mr Edghill, Hearing 1B, dated 29<sup>th</sup> February 2016.

outcome is appropriate as it achieves the outcomes sought by PC35 and various objectives and policies contained in the Strategic Directions and Urban Development Chapter of the PDP.<sup>9</sup>

### **Rules 27.5.2 and 27.5.3**

- 3.6 QAC's submission on Chapter 27 also addressed proposed rules 27.5.2 and 27.5.3<sup>10</sup> which, as notified, sought to provide for infill development within the Low Density Residential Zone. QAC opposed these provisions for reasons similar to those expressed in respect of proposed rule 27.5.1<sup>11</sup>, specifically that the proposed rules would result in the intensification of ASAN within the OCB, and potentially give rise to an increased risk of reverse sensitivity effects on the Airport.
- 3.7 The section 42A report recommends that QAC's submission on these rules be accepted in part. The report writer recommends that instead of deleting the rules, as sought by QAC, a new rule<sup>12</sup> be introduced which specifies that Rule 27.5.3<sup>13</sup> shall not apply to the Low Density Residential Zone within the Queenstown Airport ANB and OCB. I support this amendment, as it ensures that the density of infill development enabled within the Zone remains consistent with the Operative District Plan, and continues to 'grandfather' existing development rights, which is consistent with PC35.

### **Rule 27.9.2**

- 3.8 With respect to the notification rules for subdivision, QAC lodged a submission seeking amendments to Rule 27.9.2<sup>14</sup> of the PDP to require notice to be served on QAC for subdivision consent applications located within the ANB or OCB at Queenstown or Wanaka Airports. This relief was opposed by two further submitters<sup>15</sup>.
- 3.9 The section 42A report acknowledges QAC's reverse sensitivity concerns, however recommends that QAC's submission be rejected. The section 42A report writer reasons that the relief sought by QAC is unnecessary where issues

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<sup>9</sup> Objective 3.2.8.1, Policy 3.2.8.1.1, Objective 4.2.6 and Policy 4.2.6.1 of the Reply of Mr Matthew Paetz dated 7 April 2016 (pages 3-7 and 4-4).

<sup>10</sup> Or rule 27.7.13 and 27.7.14 of the section 42A report (refer to page 27-36).

<sup>11</sup> Or rule 27.3.1 of the section 42A report (refer to page 27-23).

<sup>12</sup> Proposed rule 27.7.14.2 of the section 42A report (page 27-36).

<sup>13</sup> Or rule 27.7.14 of the section 42A report (refer to page 27-36).

<sup>14</sup> Rule 27.11.2 of the section 42A report (page 27-51).

<sup>15</sup> Further Submitters 1097.385 and FS1117.147.

of reverse sensitivity are already well catered for via the PC35 provisions, which he recommends be carried over into the PDP (my paraphrasing). I assume that here he is referring to proposed rules 27.5.1, 27.5.2 and 27.5.3, as discussed above.

- 3.10 I understand it is proposed that any subdivision that does not comply with the Low Density Residential Zone minimum allotment size (being 600m<sup>2</sup> within the ANB and OCB if the Panel accepts the S42A report writer's recommendation), requires resource consent as a non-complying activity. I would therefore anticipate that the consent authority would notify QAC, in accordance with section 95E, if such an activity were proposed and the effects on QAC were considered to be minor or greater.
- 3.11 With respect to Rural zoned land surrounding Queenstown and Wanaka Airport, I understand it is proposed that the establishment of new ASAN within the OCB be prohibited. Even if subdivision were to occur on this land, no intensification of ASAN could result.
- 3.12 In light of the above, I agree with the section 42A report writer's recommendation with regards to Rule 27.9.2<sup>16</sup> of the PDP, provided the activity status for a breach of the rules discussed in paragraphs 3.10 and 3.11 above remain as currently proposed.<sup>17</sup>

#### **4 BIRD STRIKE**

- 4.1 QAC lodged a submission seeking the inclusion of a new policy in Chapter 27 of the PDP in respect of bird strike. Specifically, this policy sought to discourage activities that encourage the congregation of birds within aircraft flight paths. This submission was opposed by two further submitters<sup>18</sup>.
- 4.2 The section 42A report writer recommends that QAC's submission on this issue be rejected, citing that the practical application of the policy will not achieve the outcomes sought, because there is no recommended method (i.e. rule) to assist with guiding plan users. I do not agree with this reasoning.

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<sup>16</sup> Rule 27.11.2 of the section 42A report (refer to 27.51).

<sup>17</sup> Rule 27.8 of the section 42A report (page 27-37).

<sup>18</sup> Further Submitters 1097.380 and 1117.142.

- 4.3 Bird strike poses a real and significant risk to the safe operation of aircraft at Queenstown and Wanaka Airports.
- 4.4 QAC has a responsibility under Civil Aviation regulations to provide a safe operating airport environment and therefore must actively work to minimise all potential risks. The Civil Aviation Authority also encourages the relevant regulatory authorities (i.e. the airport operator, the Council and others such as the Department of Conservation) to actively work together to minimise the threat and incidence of bird strike around airports<sup>19</sup>. I consider QAC's submission on the PDP is consistent with its responsibilities under the Civil Aviation Act. I consider that without the proposed policy, there is a real risk that activities could establish within flight paths that may give rise to an increased risk of bird strike, (for example, the creation of water bodies associated with sewerage and/or stormwater treatment and disposal), with no regard being had to the risk when processing the application.
- 4.5 As for the section 42A report writer's comment that there is no associated method to implement the policy, I note that as notified, the PDP proposed that all subdivision within the District would require discretionary resource consent. I understand that a discretionary resource consent necessitates an assessment against the relevant objectives and policies of the District Plan. This would include QAC's proposed new policy. The consent authority would therefore be required, when assessing the subdivision application, to give consideration to whether or not the proposal would encourage the congregation of birds, thus increasing the potential incidence of bird strike.
- 4.6 I understand that the section 42A report writer has recommended that subdivision be provided for by way of restricted discretionary activity for most zones throughout the District, instead of a discretionary activity, as notified. The matters over which the consent authority can exercise its discretion are therefore restricted to those matters specified in the District Plan, and an assessment of the objectives and policies of the Plan would not be required. I note that for the Rural and Gibbston Character Zone, the section 42A report writer recommends that a discretionary activity status remains, therefore consideration of the objectives and policies of the Plan would be required for

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<sup>19</sup> Civil Aviation Authority of New Zealand Advisory Circular AC139-16 Wildlife Hazard Management at Aerodromes.

subdivision in these zones, which would include QAC's proposed policy (as relevant).

4.7 In order to ensure that the consent authority has an ability to consider the appropriateness of activities associated with subdivision that may give rise to the congregation of birds within aircraft flight paths within other zones (i.e. where subdivision is a restricted discretionary activity), for example, due to the provision of stormwater disposal ponds, I consider that a new matter of discretion (or similar) could be inserted into the section 42A report's recommended rule 27.5.5 as follows:

- *The extent to which the safe and efficient operation aircraft may be compromised by subdivision and its ancillary activities encouraging the congregation of birds within aircraft flight paths.*

4.8 In my view, the above approach is effective at addressing the potential risks posed by activities ancillary to subdivision on aircraft and is also efficient as it does not impose development controls throughout the entire district. The proposed assessment matter and policy both give effect to and achieve Objectives 3.2.1.5, Objective 30.2.6 and Policy 30.2.6.5 of the PDP.

## **5 CONCLUSION**

5.1 The section 42A report has recommended a number of changes to Chapter 27 that will address the concerns of QAC with respect to the intensification of ASAN within the ANB and OCB at Queenstown Airport. I support these changes and consider that they are appropriate at achieving the higher order objectives of the PDP, and ensuring that QAC, as significant regional infrastructure, is appropriately protected from potential reverse sensitivity effects.

5.2 With respect to the section 42A report's recommendation regarding QAC's proposed new policy on bird strike, I consider that the wholesale changes made to the activity status of subdivision throughout the District make the application of this policy challenging. In my view, this matter can be easily rectified, by inserting a new matter of discretion in proposed new Rule 27.5.5.

**K O'Sullivan**

**15 July 2016**

## **APPENDIX C**

Statement of Evidence of John Kyle and Mark Edghill with respect to Chapter 3 (Strategic Direction), Chapter 4 (Urban Development) and Chapter 6 (Landscape)

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** the Queenstown Lakes Proposed  
District Plan

Chapter 3 (Strategic Direction),  
Chapter 4 (Urban Development) and  
Chapter 6 (Landscape)

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**STATEMENT OF EVIDENCE JOHN CLIFFORD KYLE**

**(29 FEBRUARY 2016)**

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## 1. INTRODUCTION

### Qualifications and Experience

- 1.1 I hold an honours degree in Regional Planning from Massey University, obtained in 1987. I am a Partner with the firm Mitchell Partnerships, which practices as a planning and environmental consultancy throughout New Zealand, with offices in Auckland, Tauranga and Dunedin.
- 1.2 I have been engaged in the field of town and country planning and resource and environmental management for 28 years. My experience includes a mix of local authority and consultancy resource management work. For the past 22 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management and environmental effects assessment. This includes extensive experience with large-scale projects involving inputs from a multidisciplinary team.
- 1.3 An outline of the projects in which I have been called upon to provide environmental planning advice in recent times is included as **Appendix A**.
- 1.4 I am familiar with and have made numerous visits to Queenstown Airport and the areas surrounding the Airport. I have assisted the Queenstown Airport Corporation with planning matters for more than a decade. I am generally familiar with planning issues in the Queenstown Lakes District, having actively practiced there since 1994.
- 1.5 I advise that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. In particular, unless I state otherwise, this evidence is within my scope of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.6 My firm, Mitchell Partnerships Limited (**MPL**) has been commissioned by Queenstown Airport Corporation (**QAC**) to provide resource management planning advice with respect to the Proposed Queenstown Lakes District Plan (**Proposed Plan**). My firm prepared the submissions and further submissions on behalf of QAC.

## Scope of Evidence

1.7 In this brief of evidence, I will:

- Set out the planning context for Queenstown and Wanaka Airports;
- Provide an overview of the strategic significance of Queenstown and Wanaka Airports and why they warrant recognition in the Proposed Plan;
- Provide the contextual background and genesis behind Plan Change 35 and the associated Notice of Requirement initiated by QAC in 2008;
- Set out why the provisions that were settled via the Environment Court process as part of Plan Change 35 (**PC35**) remain the most suitable means of managing the effects of aircraft noise at and around Queenstown Airport;
- Explain how the higher order objectives and policies of PC35 should be carried forward and incorporated into the Proposed Plan; and,

## 2. QUEENSTOWN AIRPORT – PLANNING CONTEXT

2.1 QAC operates the regionally and nationally significant Queenstown Airport, and the regionally significant Wanaka Airport. Mr Edghill has provided some context about QAC and the role of Queenstown and Wanaka Airports in facilitating the transportation of people and goods to the region. I do not intend to repeat that here.

2.2 Queenstown Airport is managed by QAC. QAC is a network utility operator and a requiring authority under section 166 of the Resource Management Act 1991 (the **RMA** or the **Act**).

2.3 Queenstown Airport is the subject of three designations in the operative Queenstown Lakes District Plan (**Operative Plan**), namely:

- **Designation 2 – Aerodrome Purposes:** The purpose of this designation is to protect the operational capability of the Airport, while at the same time minimising adverse environmental effects from aircraft noise on the community at least to year 2037;

- **Designation 3 – Air Noise Boundary:** This designation defines the location of the Airport’s Air Noise Boundary (**ANB**). The location of the ANB shown in the designation is outdated however, and was updated, to provide for airport operations until 2037, via noise boundaries promulgated as part of Plan Change 35; and,
- **Designation 4 – The Approach and Land Use Control (transitional slopes and surfaces):** The purpose of this designation is to provide obstacle limitation surfaces around the Airport to ensure the safe operation of aircraft approaching and departing the Airport.

2.4 Excepting Designation 3, these designations are proposed to be “rolled over” (with modifications), in the Proposed Plan. Designation 3 has been subsumed by Plan Change 35 which provides for an updated ANB to be included in the District Plan (Planning Map 31a) (refer to paragraph 5.31 of my evidence for further background). QAC has therefore given notice of its intent to withdraw Designation 3.

2.5 Maps depicting the extent of Designation 2 (Aerodrome Purposes) and two figures showing the extent of Designation 4 (Approach and Land Use Controls) are attached in **Appendix B**. The extent of QAC’s landholdings (designated and undesignated) is attached as **Appendix C**.

### 3. WANAKA AIRPORT – PLANNING CONTEXT

3.1 The Queenstown Lakes District Council (**QLDC**) is the requiring authority for Wanaka Airport, with QAC managing the operations of the Airport on QLDC’s behalf.

3.2 Wanaka Airport is designated for “Aerodrome Purposes” (Designation 64) and a designation exists for “Approach and Land Use Control” purposes (Designation 65) in the Operative Plan. The purpose of these designations is to:

- Protect the operational capability of the Airport, while at the same time minimising adverse effects from aircraft noise (Designation 64); and,
- Define essential airport protection measures, transitional slopes and surfaces, aircraft take off climb and approach slopes and airport height and obstacle clearances (Designation 65).

- 3.3 These designations are also proposed to be “rolled over” (with modifications), in the Proposed Plan.
- 3.4 A map depicting the extent of these designations is attached as **Appendix D**.

#### **4. THE NATIONAL AND REGIONAL SIGNIFICANCE OF INFRASTRUCTURE**

- 4.1 Queenstown and Wanaka Airports comprise significant infrastructure that plays a critical role in providing for the economic and social wellbeing of the Queenstown Lakes District.

##### **Queenstown Airport as a facilitator of economic growth and wellbeing**

- 4.2 Research undertaken by QLDC in 2013<sup>1</sup> estimated that more than a third of the local economy is based on tourism and around half of all employment is related to the tourism sector<sup>2</sup>.
- 4.3 Queenstown Airport serves an important role in facilitating the movement of people and goods, which in turn feeds the District’s tourism industry and commerce more generally. Queenstown Airport is the primary arrival and departure port for many visitors to the District.
- 4.4 As explained by Mr Edghill, over the previous 12 month period, Queenstown Airport accommodated in excess of 1.5 million passengers. Recent growth projections have indicated that passenger growth is set to continue, with 2.5 million passengers projected by 2025.
- 4.5 Based on the Ministry of Business, Innovation and Employment tourism forecasts and passenger number growth rates, total tourism spending is projected to increase by between 3.4 per cent and 3.9 per cent per annum. A 2014 economic assessment<sup>3</sup> indicated this is expected to take the total tourism spending facilitated by Queenstown Airport to between \$1.1bn and \$1.4bn by 2037. However, that amount will likely now be significantly greater, given the Airport’s most recent growth predictions.

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<sup>1</sup> Market Economics Limited “*Queenstown Airport Mixed Use Zone, Economic Assessment*” November 2014.

<sup>2</sup> Note, these figures did not the wider tourism activities inputs (supply chains).

<sup>3</sup> Market Economics Limited “*Queenstown Airport Mixed Use Zone, Economic Assessment*” November 2014.

- 4.6 Quite clearly the economic impact of the Airport both now and in the future is significant. Moreover, as indicated in the evidence of Mr Edghill, Queenstown Airport comprises an important tourist gateway into the Queenstown Lakes District. In recent times, the growth in passenger numbers has been pronounced, with greatest percentage growth occurring in international passengers. Queenstown is a nationally significant tourist destination. Tourism is a crucially important industry to the New Zealand economy as a whole. It is evident that the on-going ability of Queenstown Airport to function is essential to the tourism industry, both regionally and nationally.
- 4.7 The on-going ability of Queenstown Airport to function and grow without undue constraint is therefore of significant importance to the tourism industry, both regionally and nationally.
- 4.8 Because the tourism industry is such a significant contributor to the District's economy, the ongoing operation and development of the Airport is also of significant importance to the social and economic wellbeing of the community.

#### **QAC as a Lifeline Utility Entity**

- 4.9 Queenstown Airport is a lifeline utility under the Civil Defence Emergency Management Act 2002 (**CDEM**) in respect of its operation of Queenstown Airport. Accordingly, QAC has duties under that Act which are aimed at ensuring the wellbeing of people and the community is maintained during and after an emergency.
- 4.10 While not an identified lifeline utility under the CDEM, Wanaka Airport is likely to provide important air access to the Queenstown Lakes District in the event that road access is compromised during an emergency event<sup>4</sup>.

#### **Regional Policy Statements (RPS)**

- 4.11 The Operative and Proposed Regional Policy Statements for Otago provide specific policy recognition of infrastructure and acknowledge its importance in providing for the social, economic and cultural wellbeing of people and communities. Of note are the following provisions:

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<sup>4</sup> In the Queenstown Lakes District Council Emergency Management Plan 2013-2016.

*Operative Regional Policy Statement for Otago*

- Queenstown Airport is recognised in the explanation to issue 9.3.3<sup>5</sup> of the RPS as one of the region's major airports.
- Objective 9.4.2<sup>6</sup> seeks to promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.
- Policy 9.5.2<sup>7</sup> seeks to promote and encourage efficiency in the development and use of Otago's infrastructure through:
  - Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology;
  - Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure;
  - Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and
  - Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.
- Policy 9.5.3<sup>8</sup> aims to promote and encourage the sustainable management of Otago's transport network through:
  - Promoting the use of fuel efficient modes of transport; and
  - Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and
  - Promoting a safer transport system; and
  - Promoting the protection of transport infrastructure from the adverse effects of land use activities and natural hazards.

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<sup>5</sup> Issue 9.3.3, page 123 of the Operative Regional Policy Statement for Otago 1998.

<sup>6</sup> Objective 9.4.2, page 125 of the Operative Regional Policy Statement for Otago 1998.

<sup>7</sup> Policy 9.5.2, page 126 of the Operative Regional Policy Statement for Otago 1998.

<sup>8</sup> Policy 9.5.3, page 127 of the Operative Regional Policy Statement for Otago 1998.

### *Proposed Regional Policy Statement*

- Objective 3.5<sup>9</sup> aims to ensure that infrastructure of national and regional significance is managed in a sustainable way.
- Policy 3.5.1<sup>10</sup> seeks to recognise the national and regional significance of infrastructure, including airports (as noted in subparagraph (e)).
- Policy 3.5.3<sup>11</sup> seeks to protect infrastructure of national or regional significance, by:
  - Restricting the establishment of activities that may result in reverse sensitivity effects;
  - Avoiding significant adverse effects on the functional needs of infrastructure;
  - Avoiding, remedying or mitigating other adverse effects on the functional needs of the such infrastructure;
  - Assessing the significance of the adverse effects on those needs, as detailed in the “Significance threshold” schedule (Schedule 3) of the Proposed Regional Policy Statement);
  - Protecting infrastructure corridors for infrastructure needs, now and for the future.

4.12 The Proposed Plan is required to give effect to the Operative and have regard to the Proposed Regional Policy Statements.

### **Summary**

4.13 It is clear from the above that Queenstown and Wanaka Airports comprise significant infrastructure that contributes to the social and economic wellbeing of the community. In my opinion, it is therefore imperative that such infrastructure is properly recognised and provided for in the Proposed Plan. Put simply, the wider benefits that accrue from the airport should attract significant weight in preparing and confirming the provisions of the Proposed Plan.

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<sup>9</sup> Objective 3.5, page 59 of the Proposed Regional Policy Statement for Otago 2015.

<sup>10</sup> Policy 3.5.1, page 59 of the Proposed Regional Policy Statement for Otago 2015.

<sup>11</sup> Policy 3.5.3, page 60 of the Proposed Regional Policy Statement for Otago 2015.

4.14 Given the role of the Strategic Directions chapter of the Proposed Plan in setting the policy framework for the management of growth, land use and development, it is important in my view that the significance of infrastructure is recognised and provided for within this chapter. It is also required in order to give effect/have regard to the Operative and Proposed Regional Policy Statements. My colleague, Ms Kirsty O'Sullivan, will provide evidence with respect to the form that such policy recognition should take. I have reviewed her evidence and endorse what she has to say in this respect.

## **5. PLAN CHANGE 35 - THE GENESIS AND BACKGROUND TO THE PLAN CHANGE**

5.1 In 2008 QAC initiated Plan Change 35 (**PC35**) and an associated Notice of Requirement (**NOR**) to alter Designation 2. The purpose of PC35 was to put in place an appropriate management regime for managing land use around Queenstown Airport while providing for the predicted ongoing growth of the aircraft operations to 2037. Accordingly, the Plan Change updated the Airport's noise boundaries<sup>12</sup> (Air Noise Boundary (**ANB**) and Outer Control Boundary (**OCB**)) to provide for predicted growth in aircraft operations to 2037, and amended various zone provisions relating to the use of land within those updated boundaries likely to be affected by increased aircraft noise.

5.2 Specifically, PC35 sought changes to the following chapters of the Operative District Plan:

Chapter 4 District Wide Issues;

Chapter 5 Rural Areas

Chapter 6 Queenstown Airport Mixed Use

Chapter 7 Residential Areas

Chapter 11 Business and Industrial Areas;

Chapter 12 Special Zones

Chapter 14 Transport

Appendix 1 Designations

Appendix 13 (relating to Sound Insulation and Ventilation Requirements);  
Definitions;

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<sup>12</sup> Prior to which the OCB being contained in the Operative District Plan and the ANB in Designation 3.

- 5.3 In conjunction with the land use management regime proposed by PC35, the associated NOR proposed to introduce obligations for QAC (via its Aerodrome Purposes Designation) to undertake and fund noise mitigation works for those existing houses within the updated noise boundaries likely to be exposed to increased levels of aircraft noise.
- 5.4 PC35 was adopted by QLDC and following the hearing of submissions, was confirmed on 1<sup>st</sup> November 2010.<sup>13</sup>
- 5.5 PC35 was the subject of a number of appeals to the Environment Court. The appeals were largely resolved by agreement in early 2012, which was jointly presented to the Court during the course of two hearings and the filing of subsequent memoranda.
- 5.6 During the course of the Court proceedings the provisions were, at the Court's direction, redrafted by the parties to correct errors, ambiguities and inconsistencies contained in QLDC's decision on the Plan Change. A final set of provisions, giving effect to the Court's directions, was filed jointly by the parties in May 2013.
- 5.7 To provide some context for the Panel, I attach as **Appendix E** of my evidence, the full suite of provisions confirmed by the Environment Court on 8<sup>th</sup> May 2013. The three interim Environment Court decisions that relate to PC35 and together confirm its provisions and those of the associated NOR are attached as **Appendix F** to my evidence. I note the Noise Management Plan included in the Appendix contains a summary of QAC's noise mitigation obligations under the Designation. This may be of some assistance to the Panel in understanding the more technical aspects of PC35.
- 5.8 I note that the Environment Court confirmed PC35 provisions affect the following chapters of the Proposed Plan:
- Chapter 3 Strategic Direction;
  - Chapter 4 Urban Development
  - Chapter 7 Low Density Residential

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<sup>13</sup> Excepting provision for a limited number of scheduled flights after 10pm, which decision was accepted by QAC (i.e. not appealed).

- Chapter 15 Local Shopping Centre
- Chapter 17 Airport Mixed Use
- Chapter 21 Rural
- Chapter 36 Noise
- Chapter 37 Designations

- 5.9 It is therefore appropriate in my view to provide an overview of PC35 and the associated NOR in this phase of the hearing of submissions on the Proposed Plan in order to ensure the Panel has the contextual background necessary to consider QAC's submissions on the chapters which are the subject of this hearing and on later chapters.
- 5.10 In order to understand why, in my opinion, the Environment Court confirmed provisions remain the most current and appropriate means of managing the effects of aircraft noise on activities sensitive to aircraft noise (ASAN), and why similar provisions should be incorporated in the Proposed Plan, I will provide some background around the promulgation of PC35, and how the provisions were developed.

**New Zealand Standard on Airport Noise Management and Land Use Planning (NZS6805:1992)**

- 5.11 The foundation of the approach adopted by PC35 is the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 (the **New Zealand Standard** or the **Standard**). This Standard is recognised as the key guiding document for managing aircraft noise at New Zealand airports.
- 5.12 As noted, PC35 seeks to provide for growth in aircraft operations at the Airport until 2037, that being 25 years from when the Plan Change was first promulgated. The initial part of the PC35 process involved undertaking aircraft noise monitoring, and modelling how this would change over time, out to the year 2037<sup>14</sup>. The modelling determined that the noise boundaries contained in the Operative District Plan were quickly becoming out of date and that QAC needed to investigate how best to provide for its future operational requirements.

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<sup>14</sup> This work was carried out by Marshall Day Acoustics. The modelled aircraft noise predictions utilised flight growth projections which were forecast by Airbiz Limited.

- 5.13 In approaching the task of how best to provide appropriate aircraft noise management provisions in the District Plan, the decision was taken to respect the structure of the Operative District Plan, as far as could be achieved. Reliance on a designation approach (addressing QAC's obligations), in tandem with the imposition of new or amended objectives, policies and methods within the zones that relate to land around the Airport (addressing the community's obligations) was determined to be the best approach to managing the effects of aircraft noise at Queenstown Airport. This approach has since been endorsed by the Environment Court<sup>15</sup>.
- 5.14 I maintain of the view that this approach remains the most appropriate and should be carefully considered in formulating the Proposed Plan.

#### **Air Noise Boundary (ANB)**

- 5.15 The New Zealand Standard recommends the *implementation of practical land use planning controls and airport management techniques to promote and conserve the health of people living and working near airports, without unduly restricting the operation of airports.*<sup>16</sup>
- 5.16 The New Zealand Standard sets out that a balance needs to be achieved between accommodating the needs of the Airport on an on-going basis and providing for the health and the amenity values enjoyed by those occupying and using land surrounding the Airport.
- 5.17 One of the techniques advocated in the New Zealand Standard for achieving this outcome is the imposition of an ANB. An ANB is a *“mechanism for local authorities to establish compatible land use planning and to set limits for the management of aircraft noise at airports where noise control measures are needed to protect community health and amenity values”*<sup>17</sup>.

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<sup>15</sup> Refer to the three interim decisions attached as Appendix F of my evidence.

<sup>16</sup> New Zealand Standard 6805:1992: Airport Noise Management and Land Use Planning (NZS 6805:1992); Section 1.1.3, page 5.

<sup>17</sup> NZS 6805:1992, Section 1.1.2, page 5.

- 5.18 The ANB comprises a noise boundary inside of which noise exposure is expected to exceed 65dB L<sub>dn</sub>. The New Zealand Standard recommends that new residential activities, schools, hospitals or other noise sensitive uses should be prohibited inside the ANB<sup>18</sup>. The approach adopted within PC35 in respect of the ANB was therefore guided by the New Zealand Standard, with amendments as necessary to reflect the current nature and scale of established activities occurring around the airport.
- 5.19 The ANB at Queenstown Airport, as amended by PC35<sup>19</sup>, includes land which accommodates a number of existing residential dwellings in Frankton, particularly to the west of the main runway. Where such circumstances apply, the New Zealand Standard advocates that steps should be taken to provide existing residential dwellings with appropriate acoustic insulation to ensure a satisfactory internal noise environment. QAC therefore offered, as part of PC35 and the associated NOR package, to fund mitigation measures, including acoustic insulation and mechanical ventilation for existing dwellings within the proposed ANB to the extent necessary to achieve an internal noise environment of 40dB L<sub>dn</sub>. QAC is obliged to provide this mitigation treatment through conditions of Designation 2.
- 5.20 It is important to understand that the ANB (as amended by PC35) reflects the position of the 65dB L<sub>dn</sub> boundary in the year 2037. In reality, the growth in flight numbers at Queenstown Airport, and thus the aircraft generated noise increase, will be gradual over time. QAC is therefore obligated to complete acoustic insulation mitigation of these existing residential properties within the ANB ahead of the full noise exposure limit being reached at that particular property.
- 5.21 As set out by Mr Edghill<sup>20</sup>, QAC has recently commenced with this work, offering acoustic mitigation packages to 13 houses within the 2037 ANB.
- 5.22 The New Zealand Standard recommends that no new<sup>21</sup> ASANs should be provided for in the ANB, however during the promulgation of PC35 QAC recognised that historical development and associated zoning for residential purposes has occurred in close proximity to the Airport runway. QAC therefore

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<sup>18</sup> NZS 6805: 1992, Table 1, page 15.

<sup>19</sup> And attached to the legal submission of R Wolt dated 29 February 2016.

<sup>20</sup> Paragraph 3.29 of the Evidence in Chief of Mr Mark Edghill, dated 26 February 2016.

<sup>21</sup> "New" includes alterations and additions to existing ASAN.

adopted a more moderated approach to that recommended by the Standard whereby new residential dwellings and alterations and additions to existing dwellings are able to be built inside the ANB, provided they occupy an already zoned site and where the dwelling incorporates appropriate sound insulation and mechanical ventilation measures, at the property owner's cost.

5.23 While the 2037 ANB extends over the Residential, Remarkables Park, Rural and Airport Mixed Use zones of the District Plan, existing residential dwellings are only provided for by zoning and exist within the Residential Zone.

5.24 At the time PC35 was promulgated, residential dwellings were a permitted activity in the Residential Zone<sup>22</sup>. These existing development rights were therefore "grandfathered" in the new PC35 provisions. I understand that QAC intends to support the grandfathering approach for properties in the Proposed Plan subject to retention of the Operative Plan standards regarding density and lot size. Despite being a more moderate approach than the New Zealand Standard, I agree that the continuation of this approach is appropriate.

5.25 As indicated earlier, PC35 also introduced proposed new acoustic insulation and mechanical ventilation requirements for any new or alterations or additions to existing buildings containing ASAN located within the new ANB, to be provided at the property owner's cost, at the time of development. This approach was considered appropriate because the provisions of PC35 provide a definitive flag to property owners within the ANB that their property will experience high levels of aircraft noise should they choose to construct new dwellings within this area.

#### **Outer Control Boundary**

5.26 The New Zealand Standard identifies that the Outer Control Boundary (OCB) is based on a noise contour at or beyond which aircraft noise should not exceed 55dB L<sub>dn</sub>.

5.27 The New Zealand Standard recommends that any new residential dwellings, schools, hospitals or other noise sensitive uses (ASANs) should be prohibited within the OCB, unless the District Plan permits such uses. Then they should

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<sup>22</sup> Subject to compliance with Site and Zone Standards. These include Zone Standards 7.5.5.3vi and 7.5.6.3viii require residential properties and other ASANs to meet an internal design sound level of 40dB L<sub>dn</sub>.

be subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment. The New Zealand Standard also recommends that alterations or additions to existing residences or other ASANs inside the OCB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

5.28 Generally in line with the New Zealand Standard, PC35 sought to prohibit any new ASAN inside the OCB in the Rural, Industrial and Frankton Flats zones and to require mechanical ventilation for new dwellings, or for alterations or additions to existing dwellings inside the Rural, Residential, Frankton Flats and Remarkables Park zones. The cost associated with such works is met by the developer, at the time the development work is undertaken. This approach is consistent with the approach advocated within the New Zealand Standard.

5.29 In practical terms, what has been found from sound insulation studies around other New Zealand airports is that the level of mitigation required within the OCB can be readily grouped as follows:

- Modern houses located between 55.0 to 58.0dB Ldn – will generally achieve 40dB Ldn inside with windows slightly ajar.
- Modern houses located between 58.0 to 65.0dB Ldn – will generally achieve 40dB Ldn inside with windows closed and thus mechanical ventilation is required to provide an alternative form of ventilation

5.30 PC35 also promoted strong policy based dissuasion against the promulgation of further plan changes that would result in land within the OCB being rezoned for noise sensitive (ASAN) development. Whilst it is accepted that some land around the Airport has been allowed to develop in a way which incorporates ASANs or where ASANs have been previously consented<sup>23</sup>, in my view it is important to now recognise that any future opportunity to similarly develop currently undeveloped land should be dissuaded.

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<sup>23</sup> Frankton Flats Zone for example.

5.31 A good deal of land has historically been dedicated to urban development (including provision for ASANs) on land at Frankton, sometimes in very close proximity to the Airport runway. Moreover, more recent initiatives (such as PC19 for example) have reflected an on-going desire to continue to consolidate development (including ASANs) at Frankton. A cautious approach to the location of further ASANs on land around the Airport was adopted via PC35 and in my opinion, should be transferred through to the Proposed Plan. Having said that, the PC35 approach pays a good deal of respect to the pattern of urban development that already exists on land around the airport, as evidenced by the grandfathering of existing development rights (refer to paragraph 5.24).

### **Notice of Requirement**

5.32 To complement the land use management regime established under PC35, QAC gave notice of requirement to alter Designation 2 to introduce obligations on QAC for the management and mitigation of noise generating activities at the airport. In summary, this NOR:

- Obliges QAC to offer 100% funding of noise mitigation for Critical Listening Environments of buildings located within the ANB (65dB Noise Contour) that existed at the time the NOR was confirmed. This mitigation is required to achieve an indoor design sound level of 40dB Ldn or less based on the 2037 Noise Contours;
- Obliges QAC to offer to part fund retrofitting, over time, of mechanical ventilation of any Critical Listening Environment within existing buildings containing ASAN between the ANB and the 2037 60dB Noise Contour. Specifically, QAC is required to provide 75% funding;
- Sets out QAC's monitoring requirements for aircraft noise at Queenstown Airport to ensure compliance with noise limits at the defined noise boundaries;
- Requires QAC to prepare and implement a Noise Management Plan; and,
- Establishes and sets out the purpose of the Queenstown Airport Liaison Committee.

The confirmed Environment Court NOR conditions have been included in the notified Aerodrome Designation (Designation 2), and as explained by Mr Edghill, QAC has commenced giving effect to them. These matters will be addressed in detail in the relevant hearing for the Designation.

### **Zone Specific Rules**

5.33 I do not intend to address the zone specific rule structure established during PC35 in any detail today, nor how the proposed zone rules should be integrated into the relevant zone chapters, as these will be addressed at later hearings in due course. For context however, the Proposed Plan should ensure that Queenstown Airport is protected from reverse sensitivity effects arising from ASAN as follows:

- Recognise, within the higher order provisions of the Proposed Plan, the need to manage existing and limit the establishment of further noise sensitive activities in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.
- Within the Low Density Residential zone (or areas of land proposed to be rezoned from Low Density Residential zone in the Operative Plan to an alternative zoning in the Proposed Plan), require any new and alterations or additions to existing buildings containing ASAN to provide mechanical ventilation for Critical Listening Environments on sites located within the PC35 OCB, and mechanical ventilation and sound insulation for sites located within the PC35 ANB, to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours<sup>24</sup>. Failure to achieve this standard should result in a non-complying activity status.
- Within the Rural and Industrial zone, prohibit any new ASAN within the PC35 OCB. For alterations or additions to existing buildings containing ASAN, require mechanical ventilation of Critical Listening Environments for sites located within the OCB, to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours.
- Within the Remarkables Park zone, prohibit all residential, visitor accommodation and community activities within the 2037 60dB Noise Contour. For all new and alterations or additions to existing buildings

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<sup>24</sup> The 2037 noise contours are the predicted airport noise contours for Queenstown Airport for the year 2037 in 1dB increments from 70dB Ldn to 55dB Ldn inclusive.

containing residential, educational facilities or visitor accommodation, within the specified area shown as Figure 2 (refer to the full suite of Environment Court endorsed provisions attached as **Appendix E** for Figure 2) require Critical Listening Environments to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours<sup>25</sup>.

- Within the Frankton Flats A Zone, specify a maximum threshold for visitor accommodation units, health care facilities and educational facilities and Critical Listening Environments these activities to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours. All other ASAN within the zone are prohibited.
- Ensure that the number of ASAN occurring within the PC35 ANB and OCB is maintained as far as can be achieved at the levels currently anticipated by the Operative District Plan, avoiding an increase in the number of sensitive receivers being exposed to aircraft noise within the ANB and OCB.
- Ensure that appropriate noise boundaries are in place to enable operations at Queenstown Airport to continue and expand to meet foreseeable future demand until 2037.

## **6. HIGHER ORDER PC35 PROVISIONS**

6.1 PC35 introduced two new objectives into the operative District Plan. The proposed new objectives were deliberately specific to Queenstown Airport on the basis that the Airport is the pre-eminent commercial airport in the district and it has increasingly become so since the operative District Plan was first notified in 1995. The objectives were included in the District Wide Issues section of the District Plan to reflect this significance.

6.2 District Wide Objective 7 seeks to:

*Maintain and promote the efficient operation of Queenstown Airport and set appropriate noise limits in order to protect airport operations and to manage the adverse effects of aircraft noise on any Activity Sensitive to Aircraft Noise.*

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<sup>25</sup> The 2037 noise contours are the predicted airport noise contours for Queenstown Airport for the year 2037 in 1dB increments from 70dB Ldn to 55dB Ldn inclusive.

6.3 This objective is primarily directed at achieving the balance sought by the New Zealand Standard. It clearly acknowledges the need to set noise limits for the management of aircraft noise at the Airport. It recognises that land use planning methods can be an effective way to manage exposure to aircraft noise around airports. It is a recognised fact that despite best endeavours in adapting aircraft technology and flight management, it is not possible to avoid aircraft noise on land around airports. Whilst changes in aircraft design have progressively yielded reductions in the noise signature of most aircraft, modelling can only be based on the quietest technology currently available and not some unknown future technology.

6.4 Uncontrolled use of airport infrastructure can unnecessarily expose people to high levels of noise, and in turn reverse sensitivity concerns in response to this noise can constrain the operation of airports. The objective is intended to address the need to place suitable limitations on aircraft noise, consistent with the approach advocated within the New Zealand Standard.

6.5 As indicated earlier, Queenstown Airport is a key strategic asset to the District and it is important to plan now for its future. PC35 Objective 7 reflects this importance and should be incorporated in Chapter 4 of the Proposed Plan without further amendment.

6.6 District Wide Objective 8 seeks to:

*Manage urban growth issues on land in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.*

6.7 This objective is directed at managing urban growth on land around the Airport. It also endeavours to ensure that land use planning decisions encourage compatible uses rather than those that will conflict directly with Airport operations. In my opinion this objective is still relevant in the context of the Proposed Plan and will assist to sustain the potential of the Airport to meet the reasonably foreseeable needs of future generations, through ensuring only appropriate development takes place in the immediate vicinity of the Airport, and reducing the potential for reverse sensitivity effects that could compromise Airport operations.

- 6.8 This objective recognises that Frankton is one of the Council's preferred locations for accommodating urban growth. As expressed earlier, it is essential that this growth is managed in a way that ensures that the potential for incompatibility is mitigated as far as can be possible.
- 6.9 I consider that adequate balance has been achieved within the PC35 objectives between the interests of the Airport, and those of the surrounding community, noting again the PC35 provisions have been endorsed by the Environment Court. The existing investment in Airport infrastructure at Frankton is significant. This infrastructure is well developed and can be enhanced to accommodate projected growth in flight numbers. If the operation of the Airport is unduly curtailed and projected growth is not accommodated, then this will compromise the attractiveness of Queenstown as a destination for airlines, which could result in the curtailment of regular passenger services over time. This would likely have a significant effect on the essential underpinnings of the Queenstown economy.
- 6.10 Limiting the ability for new ASANs to establish on land not yet developed around the Airport is in my opinion appropriately precautionary, and is a method supported by the New Zealand Standard. Any relaxation of that approach has the potential to lead to reverse sensitivity effects on the Airport and poor land use planning outcomes in the future. In my opinion, any decision that brings additional people to the impact of aircraft noise would not appropriately provide for the needs of future generations.
- 6.11 I understand that the section 42A report has recommended rejecting QAC's submission with respect to carrying forward PC35 Objectives 7 and 8 and their associated policies into Chapter 4 of the Proposed Plan. Whilst the Council Officer notes that it is important to translate the substantive objectives, policies and rules from PC35 into the Proposed Plan, he considers that QAC's amendments would create a lengthy Chapter 4 with an unbalanced focus on the Airport's interests ahead of more general urban development considerations. The Council Officer considers that QAC's key objectives are provided for in lower order chapters<sup>26</sup>.

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<sup>26</sup> Paragraph 12.72, page 28 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

6.12 I disagree with the recommended approach of the Council Officer, for the reasons set out above. The two objectives discussed in this section and their attendant policies have been extracted directly from the Urban Development chapter of the Operative District Plan, as amended by PC35. These policies provide the fundamental objective and policy framework that underpins the lower order chapters referred to by the Council Officer. Without them there may be insufficient foundation for the related provisions in the lower chapters. In my opinion, the approach proposed by the Council Officer is therefore not the most appropriate in terms of section 32.

6.13 I note that Objectives 7 and 8 and associated policies proposed by QAC have been endorsed by the Environment Court. During this process, the provisions were closely scrutinised

## **7. CONCLUSIONS**

7.1 All too often the experience in New Zealand (and off shore) is that insufficient foresight has been applied to the protection of significant assets such as airports, meaning unwise land use decisions are taken to allow sensitive uses to encroach on the footprint of impact created by such facilities. Already ports, airports and other industries in New Zealand have had their operations curtailed due to reverse sensitivity concerns. Whilst I accept that compromise is often necessary, early recognition that facilities such as airports inevitably grow and development is important in informing land use planning decisions. The best form of protection available to avoid reverse sensitivity concerns is to avoid development “coming to the effect” in the first place.

7.2 The provisions developed via PC35 enable Queenstown Airport to continue to host growth in commercial airlines and other aviation use of its facilities in line with growth projections to 2037, whilst recognising and safeguarding the Airport as an existing strategic asset, the growth enabled by PC35 will yield a substantial benefit to the regional and national economies. The provisions of PC35 therefore assist in safeguarding Queenstown Airport as an existing strategic asset.

7.3 Given this, the currency of the PC35 provisions, and the recent and extensive Court proceedings involving QAC, QLDC and other affected parties to achieve them, it is imperative in my opinion that the Proposed Plan adopts and incorporates the land use management regime established under PC35, without substantive amendment.

**John Kyle**

**29 February 2016**

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER OF**      the Resource Management Act 1991

**AND**

**IN THE MATTER OF**      the Queenstown Lakes Proposed District  
Plan

Chapter 3 (Strategic Direction), Chapter 4  
(Urban Development) and Chapter 6  
(Landscape)

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**STATEMENT OF EVIDENCE MARK EDGHILL**

**(29 FEBRUARY 2016)**

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## 1. INTRODUCTION

### Qualifications and Experience

- 1.1 My full name is Mark Dugdale Edghill. I am the Acting Chief Executive Officer of Queenstown Airport Corporation Limited (**QAC**) and am authorised to give evidence on its behalf.
- 1.2 I was appointed Acting Chief Executive in August 2015, having served as Chief Financial Officer for QAC since February 2014.
- 1.3 I hold an Honours degree from Durham University, am a Fellow of The Institute of Chartered Accountants in England & Wales, a Fellow of CPA Australia and a member of Chartered Accountants Australia and New Zealand.

### QUEENSTOWN AIRPORT CORPORATION LIMITED – AN OVERVIEW

- 1.4 QAC was formed in 1988 to manage the Airport. Prior to this the Airport was operated by the Crown, Queenstown Lakes District Council (**QLDC**) and Arrowtown Borough Council as the Queenstown Airport Authority.
- 1.5 QAC was formed pursuant to section 3(A) of the Airport Authorities Act 1966. A copy of the Order is **attached** to my evidence and marked "**A**". QAC is also a requiring authority in terms of the Resource Management Act 1991 and copies of the Order in Council and Gazette Notice are and marked "**B**".
- 1.6 Queenstown Airport is a 'lifeline utility' under the Civil Defence Emergency Management Act 2002. Under this Act, lifeline utilities have a key role in planning and preparing for emergencies and for response and recovery in the event of an emergency. As a lifeline utility QAC must, amongst other things, ensure that the Airport is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.
- 1.7 QAC is currently 75.01% owned by QLDC and 24.99% owned by Auckland International Airport. QAC also manages Wanaka Airport on behalf of QLDC, and has a caretaker role for Glenorchy Aerodrome, including ground maintenance.

## **2 QAC STATUTORY FRAMEWORK, OBJECTIVES AND STATEMENT OF INTENT**

2.1 As an Airport Authority established under the Airport Authorities Act, Queenstown Airport must be operated or managed as a commercial undertaking (section 4(3)).

2.2 QAC is a Council Controlled Trading Organisation (**CCTO**) for the purposes of the Local Government Act 2002. Section 59 sets out the principal objectives of a CCTO which are to:

- a) achieve the objectives of its Shareholders, both commercial and non-commercial, as specified in the statement of intent; and
- b) be a good employer; and
- c) exhibit a sense of social and environmental responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these when able to do so; and
- d) conduct its affairs in accordance with sound business practice.

2.3 QAC's business is also subject to regulatory control under the Airport Authorities Act 1966 and complies with the disclosure requirements of a specified airport company pursuant to the Airport Authorities (Airport Companies Information Disclosure) Regulations.

2.4 The company's governance is also covered by the Companies Act 1993.

2.5 QAC's aeronautical operations are governed by the Civil Aviation Act 1990 and Civil Aviation Rules Part 139.

2.6 QAC's decisions relating to the operation of the Airport must be made in accordance with its statement of intent and its constitution and relevant legislation discussed above, including of course the Resource Management Act.

2.7 QAC's vision, as set out in the statement of intent 2016-2018 is to:

*"Seize the challenge to make Queenstown easy to get to, with an airport experience that leaves a wonderful first and lasting impression."*

2.8 To achieve this vision and to be successful over the next five years, QAC has the following strategic objectives:

1. Deliver excellent service consistently throughout a period of significant growth and infrastructure development.
2. Grow passenger volumes.
3. Expand airport capacity to meet the anticipated growth in aircraft movements and passenger volumes.
4. Grow non-aero revenue.
5. Pursue operational excellence including being an outstanding corporate citizen within the local community.

### **QUEENSTOWN AIRPORT HISTORY**

2.9 The Airport was first licensed by the Civil Aviation Authority in 1935. Commercial airfield ventures commenced at the site after the Second World War, when a number of buildings were established. The first commercial flight was recorded in 1947. This signalled the start of the growth and development of Queenstown Airport as a regional airport.

2.10 By the early 1950s regular commercial activities, including the first scheduled passenger service between Queenstown and Dunedin, had commenced. By the early 1960s Mount Cook Airline was providing scheduled flights from the Airport.

2.11 In 1968 the runway (then 1341 metres in length) was sealed and by the early 1970s a small terminal building was established for passenger use.

2.12 In 1988 QAC was formed to operate the Airport.

2.13 In 1990 extensions (in width) to the runway and terminal (check-in area) were undertaken to provide for the first jets, operated by Ansett. This was followed by the first Boeing Jet (Boeing 737-300) operated by Air New Zealand in 1992.

- 2.14 Further extensions to the runway in the mid to late 1990s enabled fully laden jet aircraft, including Boeing 737, to fly direct from Queenstown to any New Zealand destination. Return Trans-Tasman services were also introduced at this time. Also during this time Airways Corporation upgraded its facility from a Flight Service to full Air Traffic Control and built a new Control Tower at the Airport.
- 2.15 In 1995 the Council notified its review of the District Plan which addressed the Airport and provided for its growth until 2015, through the introduction of noise boundaries, amongst other measures. I understand these noise boundaries are contained within the printed version of the Operative District Plan, although they are now very outdated, and are superseded by the Plan Change 35 noise boundaries. I will discuss Plan Change 35 in more detail shortly.
- 2.16 The development of the Airport progressed more significantly in 2001, with the completion of a 1891m (sealed length) runway, and construction of additional aprons. The terminal building was also refurbished at this time, although this soon reached capacity, and a further expansion was pursued.
- 2.17 Around 2007 the roading infrastructure associated with the Airport was upgraded, which included QAC providing land and capital to build access to the Remarkables Park shopping centre, along with the roundabout at the Airport entrance on SH6.
- 2.18 Further terminal expansions were undertaken in 2009, 2010, 2011, 2012 and most recently in 2015. These expansions variously accommodated additional retail and food and beverage space, increases in the baggage handling and reclaim areas, and arrival and departure areas for international and domestic passengers.
- 2.19 Runway End Safety Areas (**RESA**) were constructed over 2009 - 2011 at both ends of the main runway, to extend the safety areas to accord with a CAA requirement and retain international flights. These involved significant civil engineering works, arguably the largest of their type since the construction of the Clyde Dam.
- 2.20 Runway lights were installed in July 2011, with the aim of minimising the number of disruptions to flight schedules and enhancing safety in poor weather conditions. Further lighting is required to accommodate flights after dark, as I describe shortly.

- 2.21 A number of further significant projects have been undertaken more recently, some of which will be explained in further detail shortly.
- 2.22 The history of development of Queenstown Airport over the last 75 years shows that the Airport is constantly changing and expanding to meet the needs of operators and passengers.

### **3 QUEENSTOWN AIRPORT PRESENTLY**

- 3.1 Queenstown Airport operates a mixture of scheduled flights, private jets, general aviation and helicopters. It is the fastest growing airport in New Zealand and the fourth busiest by passenger numbers.
- 3.2 The Airport provides an essential link for domestic and international visitors to New Zealand's premier destinations, including Queenstown and Milford Sound. It serves as the direct international and domestic gateway to the lower South Island.
- 3.3 The Airport receives direct scheduled services from New Zealand's main metropolitan ports of Auckland, Wellington and Christchurch, which provide strong regional links throughout the country, as well as from the Australian cities of Sydney, Melbourne, Brisbane and Coolangatta. Auckland and Sydney airports are the major international gateway airports for long haul visitors. Private jets are also a growing market, both short and long haul, with aircraft flying direct from north Asia and West Coast USA.
- 3.4 The Airport is also one of New Zealand's busiest helicopter bases and is heavily used for tourist 'flightseeing', especially to Milford Sound and Mount Cook, on fixed-wing and rotary-wing aircraft.
- 3.5 Today the main runway has a sealed length of 1,911m plus a 90m RESA at each end. There is a secondary crosswind runway for light aircraft and this plays an integral part in 'organising the sky' for the approximately 24,000 aircraft landings per year (both scheduled and non-scheduled) at the Airport. On a busy day the Airport air traffic controllers can handle over 180 aircraft movements per day.

## **QAC'S LANDHOLDINGS**

- 3.6 QAC owns approximately 137 ha of land on Frankton Flats, comprising:
- a. 83ha incorporating the airfield, runways and aprons, rescue fire facilities and air traffic control tower;
  - b. 8ha of terminal, car parking, road network and commercial land leased to airport-related businesses;
  - c. 17ha of land currently used by General Aviation;
  - d. 17ha of undeveloped land recently rezoned for industrial purposes through Plan Change 19, located to the north of the main runway;
  - e. 12ha of undeveloped rural and golf course land. The golf course land is leased to QLDC for a nominal annual rate.
- 3.7 A plan showing QAC's landholdings and its designation boundaries is attached to Mr Kyle's evidence.

## **GROWTH AND DEVELOPMENT OF THE AIRPORT**

- 3.8 A sustained period of outstanding passenger growth in the past six months to December 2015 has set new records, with the total number of passengers through the Airport hitting 1.5 million for the first time over a 12 month period. This number was comprised of 1,067,947 domestic and 441,461 international passengers. The greatest percentage growth was observed in the international market, with international passengers increasing by 25.9% (or 90,818 passengers) and domestic passengers by 10.1% (or 97,859 passengers) on the previous year.
- 3.9 For the first 6 months of the 2016 financial year, QAC achieved a Net Profit After Tax of \$6.2 million. This result compares with a profit of \$4.7 million for the previous corresponding period, an increase of 31%. In line with its dividend policy, QAC has paid an interim dividend of \$1.0 million to its shareholders, with 75.01% payable to Queenstown Lakes District Council and 24.99 % to Auckland Airport.
- 3.10 Growth shows no sign of slowing in the coming years. The Airport's current forecast is that passenger numbers will grow to approximately 2.5 million by 2025.

3.11 To accommodate the ongoing passenger and aircraft movement growth, QAC has invested heavily in developing infrastructure and working alongside airline and airport partners to introduce innovations and technology to improve operational efficiency and overall visitor experience. Significant capital investment in infrastructure has been required over the past few years, most recently the \$17 million 4,100m<sup>2</sup> extension to the Airport international terminal building and the \$18 million project designed to improve the Airport's airfield infrastructure and enable it to accommodate after dark flights for the first time from winter 2016. These are discussed in more detail below.

#### *Terminal Expansion*

3.12 The recent 4100m<sup>2</sup> terminal expansion includes a new international arrivals area, new customs and Ministry for Primary Industry areas, duty free shopping, a new baggage carousel dedicated solely to international arrivals, and toilets and service areas. In addition, the existing international departure lounge has been more than doubled in size to provide for extra toilets, seating and retail.

#### *After Dark/Evening Flights*

3.13 On the back of delivering the significant terminal expansion, QAC's next focus is to introduce evening (after-dark) flights for winter 2016, which will allow the Airport to expand capacity in the short term without building additional terminal infrastructure. Evening flights will allow the Airport to use its full consented operational hours between 6am and 10pm, moving from an 8-hour operating window during the winter peak to a 16-hour window. I note these flights will need to comply with the noise limits introduced by Plan Change 35.

3.14 To further explain, Queenstown Airport has long been consented, in terms of the District Plan and Airport Designation, for flights to occur up until 10pm. However, in practice evening flights have only been able to occur in summer, as flights are currently limited to daylight hours under the CAA's Aeronautical Information Publication for Queenstown Airport.

3.15 In May 2014 QAC obtained CAA and Australia's Civil Aviation Safety Authority (**CASA**) approval-in-principle for after dark air transport operations to and from Queenstown Airport. This approval was issued against a comprehensive Foundation Safety Case, which set out the infrastructure and lighting upgrades required at Queenstown Airport, and the operational and procedural controls that will be adopted

by airlines in their independent Operator Safety Cases for after dark flights. The CAA and CASA approval will enable aircraft to operate at Queenstown:

- a. From 6am to sunrise, where sunrise is after 6am (for example, in winter).
- b. From sunset (or more correctly Evening Civil Twilight) to 10pm. During winter in particular this provides a much longer window for flights to arrive and depart Queenstown than was previously the case.

3.16 Evening flights will provide a significant benefit for travellers and business, with an extended operating window giving more flexibility, better connectivity across airline networks, and improved airport experience with peak times spread out and less pressure on facilities and services. As an example, for leisure travellers it would make weekend holidays from Auckland and Australia possible year-round. It would also give business people more flexibility with their travel plans and potentially allow people to base themselves in Queenstown and commute to other main centres more easily. The biggest immediate benefit will be increasing the flying window during the short winter months, which are also our busiest passenger months.

3.17 QAC commenced the physical works required to accommodate evening flights in November last year, with an \$18m runway and lighting infrastructure upgrade. This work includes resurfacing and widening the runway (from 30m to 45m), and improved navigational infrastructure through the installation of a comprehensive aeronautical lighting package (runway, taxiway, approach and apron lights).

3.18 This project is due to be completed in April 2016. Airlines are in the process of developing their own operational safety cases for regulatory (CAA) approval to operate at Queenstown Airport after dark. Air New Zealand has already announced it will commence evening flights into and out of Queenstown this winter from 1 July, subject to regulatory approval.

3.19 The introduction of evening flights will mark a step-change for the Airport as a major local employment hub as it moves to a 'split-shift' operating model to cater for the extended operating window. This will create a number of job opportunities, adding to the 350-strong team already working in and around the Airport.

3.20 Ensuring it is ready for evening flights will be a key focus for QAC over the next 6 months.

*Acquisition of Lot 6*

3.21 QAC also seeks to designate and acquire part of Lot 6 DP304345 for Aerodrome Purposes. Lot 6 is owned by Remarkables Park Limited (**RPL**) who opposes both the designation and acquisition. Discussions have been ongoing with RPL since at least 2008, however unfortunately agreement has not been reached and the matter is before the Court.

3.22 The designation and acquisition of part of Lot 6 will importantly, but without limitation:

- a. Provide for appropriate (safe) clearances for the formation of a Code C taxiway parallel to the main runway so as to increase that runway's capacity;
- b. Provide additional grass and paved apron areas and space for hangars for general aviation and helicopter activities, along with additional hangar space for Code C aircraft (i.e. jets).
- c. Enable general aviation and helicopter bases and activities (**GA**) to move from the south western area of the Airport (near Lucas Place) so as to enable essential growth around the Airport including:
  - i. further expansion of the terminal;
  - ii. additional apron areas around the terminal for scheduled aircraft;
  - iii. additional carparking for public and rental vehicles etc.

3.23 These works are essential for the ongoing development of the Airport, and the project has been recognised as one of “national significance” by the Minister for the Environment.

3.24 While the GA operators remain in their current locations along Lucas Place, the Airport's landslide activities cannot be expanded to the detriment of neighbours who experience a higher level of aircraft noise under the existing configuration.

- 3.25 In the most recent decision on Lot 6 (22 December 2015), the Court found in favour of QAC on the following points:
- a. Reconfirmed its finding that the new GA precinct should be established to the south of the main runway and proposed taxiway, and on Lot 6 land;
  - b. That the area of Lot 6 land required is about 16ha and not the 8ha originally decided.
- 3.26 The Court is expected to confirm the 16ha designation once an aeronautical study has been completed and CAA approval is obtained for the works enabled by the designation. The aeronautical study for this is underway.

*Plan Change 35*

- 3.27 QAC's counsel and its planning witness, Mr Kyle, have explained the background to and detail of Plan Change 35. My evidence provides an update on the roll out of the noise mitigation package, as required by the amendments to Designation 2 (Aerodrome Purpose) associated with the Plan Change.
- 3.28 Following work in 2013/14, which involved forming the Queenstown Airport Community Liaison Committee and adopting the Noise Management Plan, and discussing options with our affected neighbours, QAC has been working through its aircraft noise mitigation obligations as required by the Designation.
- 3.29 QAC's primary focus over the past year has been to progress works on the 13 homes most affected by aircraft noise located within PC35 Air Noise Boundary (**ANB**). This has involved each home being assessed by noise management experts and individual acoustic treatment package reports being developed.
- 3.30 These acoustic packages were then worked through and put into action in two trial houses. Project manager RCP worked with contractors to test a number of different scenarios to ensure that when work is undertaken on each home, proven best practices which achieve optimal acoustic results with the least impact to the people living in the house are adopted.

- 3.31 In addition to field testing mitigation options, QAC has completed the following:
- a. Preliminary design work for the 13 homes that qualify for the full noise mitigation package (i.e. sound insulation and mechanical ventilation).
  - b. Drafted legal agreements for presentation to homeowners which have been subsequently approved by the Queenstown Airport Liaison Committee.
  - c. Held one-on-one meetings with each homeowner to present and discuss the bespoke noise mitigation design solution for their home and the legal documentation.
- 3.32 Once noise mitigation works are underway for the first 13 homes, attention will turn to the properties with the 60 dB L<sub>dn</sub> 2037 Noise Contour and QAC will contact owners regarding mechanical ventilation proposals for their homes. This phase involves a further 123 homes and is timed to begin mid 2016.
- 3.33 Noise mitigation works will continue in annual or two-yearly tranches for the next 20 years.
- 3.34 QAC's approach is guided by its obligations in the Aerodrome Purposes Designation and the Noise Management Plan, which was formulated through the notice of requirement and Plan Change 35 process.

#### *Masterplanning*

- 3.35 Developing a 30 year Masterplan over the next 12 months is also a key focus for QAC. The project outline has been completed and consultants will be appointed in May, with plans started to be developed over winter. Once confirmed, the Masterplan will guide the long-term development of the Airport.

#### **QAC's CONTRIBUTION TO THE DISTRICT**

- 3.36 A 2014 economic assessment undertaken by Market Economics<sup>1</sup> has assessed that Queenstown Airport facilitates tourism spending of between \$592m and \$638m, sustaining between 14,855 and 15,948 jobs, and that by 2037 total tourism spending facilitated by the Airport will be between \$1.1bn and \$1.4bn.

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<sup>1</sup> Market Economics Report titled "Queenstown Airport: Mixed Use Zone, Economic Assessment November 2014".

- 3.37 An economic analysis undertaken for PC35 indicated that in 2037, gross output of the Airport will increase to \$522 million and will sustain the equivalent of 8,100 full time workers each year. This is likely understated, given current growth projections.
- 3.38 Currently, more than 350 people work in and around Queenstown Airport. In addition to QAC, the Airport's management company, the wider airport community comprises approximately 60 businesses, from retailers, rental car providers and general aviation operators to airlines, ground handling services and border security agencies. There are also a number of auxiliary service providers and contractors who work with these businesses to support the airport's operations.
- 3.39 The introduction of evening flights later this year and the move to a 'split-shift' operating model to cater for the extended operating window will create a number of further job opportunities, and inevitably lead to increased tourist spending in the District.
- 3.40 Consequently, Queenstown Airport can be considered a significant strategic resource and provides substantial direct and indirect benefits to the local and regional economy.

### **SUMMARY FOR QUEENSTOWN AIRPORT**

- 3.41 QAC's business success and growth is intrinsically linked to the fortunes of the region's tourism and visitor industry. In turn, this industry depends on QAC providing effective air connectivity for New Zealand and overseas visitors, along with a world-class passenger service and experience for all visitors.
- 3.42 Land constraints, constrained airspace, heightened international airport aviation security requirements, and phenomenal growth means Queenstown Airport will continue to evolve solely as a commercial airport. For QAC that means an airport that is able to meet the future needs of scheduled 'Regular Passenger Transport' (RPT) services and associated passengers, the special demands of the private jet market, and the region's commercial general aviation industry as a hub for visitor flightseeing.

- 3.43 QAC will continue to work closely with aviation and tourism partners to identify growth opportunities for the future, particularly in off peak months, to ensure its infrastructure is developed to meet demand. We see the need for the community to continue to invest in the region's infrastructure and tourism to both maintain a quality visitor experience and to handle the anticipated growth from new and emerging long haul markets.
- 3.44 Growth projections remain very strong and QAC is mindful it needs to manage this growth in line with community expectations and any District Plan requirements. Given this growth, and the significant contribution the Airport makes to the community, it is imperative, in my view, that new noise sensitive activities around the Airport are carefully managed.

#### **4. WANAKA AIRPORT**

- 4.1 Wanaka Airport accommodates aircraft movements associated with scheduled general aviation and helicopter operations, and is a major facilitator of commercial helicopter operations within the District.
- 4.2 Wanaka Airport provides a complementary and supplementary facility to Queenstown Airport.
- 4.3 QAC provides aeronautical and property expertise to QLDC in relation to the management of Wanaka Airport, and receives a fee from QLDC for the management of the airport calculated on a cost recovery basis only. This includes the cost of onsite airport staff, aeronautical advisory support, property management services, accounting and administration services, management input to the airport's development, and fulfilling compliance obligations.

**M Edghill**

**29 February 2016**

**APPENDIX D**

Environment Court Confirmed Plan Change 35 Low Density Residential Zone  
Provisions

## 7. Residential Areas

### 7.1 Issues, Objectives and Policies

#### 7.1.1 Issues

The District's housing stock represents one of its most important physical resources. People's well being is among other things a reflection of their quality of housing and the environment in which that is set.

Enabling people to provide for their residential needs within the District is one of the Council's functions authorised under the Act. The purpose of the Act is the sustainable management of natural and physical resources, which includes enabling people and communities to provide for their social, economic and cultural well being and for their health and safety. This can only be achieved within a framework which adequately addresses the needs of present and future generations, the life-supporting capacity of air, water, soil and ecosystems, and the adverse environmental effects of activities including the effects on the visual amenity of outstanding landscapes of the District.

Meeting the residential needs of the District's urban population cannot be accommodated within the existing towns, settlements or "rural lifestyle" areas without significantly affecting current residential amenity values ie density levels, protection of views, privacy, or detracting from the significant landscape values and natural features of the District. High Density Residential Zones can be expanded to satisfy a portion of this need. The Council recognises there is a demand for low-density residential living within rural areas by people wishing to enjoy the quietness and natural environment. However, in deciding how best to meet the residential needs of the District, the Council must have regard to several other matters of relevance under Section 7 of the Act, most importantly:

- (a) the efficient use and development of natural and physical resources;

- (b) the maintenance and enhancement of amenity values, and natural features;
- (c) the maintenance and enhancement of the quality of the environment.

#### i Growth and Availability of Land

##### (a) **The provision for and location of new residential activity**

In considering the provision for and location of land for residential use, the Council must balance the need for and location of residential activity against the need to promote the sustainable management of the District's resources and amenities. These include services, energy efficiency, the life supporting capacity of soils, natural hazards, landscape, rural amenity, and social well being.

[Reverse sensitivity effects on Queenstown Airport may arise where Activity Sensitive to Aircraft Noise are established within the Airport's Air Noise Boundary or Outer Control Boundary.](#)

##### (b) **Natural Hazards**

Parts of the towns and settlements are subject to flooding and other hazards. In other areas, residential expansion in areas at risk from flooding will, in the long-term, increase the amount and value of property vulnerable to flooding damage. The location of new development should minimise that risk.

#### **Refer also Part 4.8**

##### (c) **Productive Land**

The future welfare of the District is not fully reliant on primary production of these soils but subdivision and development will result in the loss of their productive capacity. Any expansion over versatile soils needs to be balanced against the sustainable management of other natural and physical resources such as energy, infrastructure, services and the effects on important amenities.

#### **Refer also Part 5**

**(d) Servicing**

Servicing infrastructure is a major physical resource and its efficient utilisation is of concern to the District. The costs of providing infrastructure to the community and future land areas is an important factor where the success of resource management can be measured in terms of efficiency. Efficient use of existing infrastructure must also be measured against other fundamental District objectives such as residential forms and protection of the visual amenities.

**ii Landscape****(a) The relationship of urban areas to the natural landscape**

The District is dominated by a landscape of outstanding quality which provides a sense of place and belonging for all communities as well as the source of economic activity and recreation. The attraction and quality of the residential environments and any extensions to those environments must be closely related to the need to protect and enhance the visual amenity of the District.

*Refer also Part 4.2*

**iii Character and Scale****(a) The character and scale of development within residential zones should achieve desired outcomes anticipated by the District Plan.**

The existing identity of any particular town or settlement is reflected in its character and scale. These are matters which influence where people choose to live. Components of character and scale include open space, density of development, building height, dominant styles in built form and topographic influences. There is undoubtedly a difference in character and scale between suburban residential and low density rural living environments. There can also be contrast in the character and scale within or between settlements. Change in the character and scale of residential areas can result from closer subdivision and construction of additional houses at higher densities,

redevelopment and replacement of existing houses, and loss of existing open space, garden and tree plantings, loss of views and diminution in the sense of community cohesion and well being.

Some changes are necessary to provide for the needs of people wanting smaller properties, newer and smaller houses, residential accommodation closer to urban centres, and visitor accommodation. Such changes need to be managed to provide appropriate higher density areas for high density residential development and visitor accommodation and to avoid or mitigate adverse effects on the character and scale of low density residential areas. The main low density residential areas have developed a low density character with general protection for views, sunlight admission and privacy. Low density residential character is even more profound in smaller settlement areas where development densities have remained low. Pressure for growth will inevitably bring pressure for infill development within these areas. Other areas have and will develop a higher density character where the need to enable higher density residential development and visitor accommodation is a priority.

**iv Residential and Visitor Accommodation Amenity****(a) Protection and enhancement of people's social wellbeing resulting in the amenity value of their living environments.**

People's perception of well being is enhanced by a coherent and pleasant living environment. The main components of this amenity are the location and scale of open space, density of residential development generally and within sites, heights of buildings and dominant building styles. Most of these components lead to a general appreciation of an area, while others relate to the development of individual sites. The way individual sites are developed and their relationship to adjoining sites are important factors in ensuring residential properties have adequate sunlight, daylight and privacy and a feeling of not being closed in or overlooked. In controlling these matters the desirability of allowing reasonable individual flexibility in siting, layout and building design must be acknowledged, including the need to maximise the benefits from good access to solar energy.

Control of these matters must also be balanced against the need to provide for higher density residential living environments and visitor accommodation.

Residential areas have always contained a range of complementary non-residential activities relating to the educational, spiritual, social, recreational, and day-to-day economic needs of the residents. Many of these require a residential location because of the service they provide to residents. Some of these activities can have a significant impact in terms of traffic and on-street parking, noise or glare. It is important to ensure a compatibility between residential and non-residential activities and areas.

Home occupations are an important aspect of non-residential activity which provides residents with a source of employment with many social and economic advantages, but which can cause problems in residential areas. The range of activities and their character and scale vary considerably and it is often the traffic-generating and noise aspects of these activities which is of concern. Limitations on the extent of retailing, the scale of activities in terms of area or floorspace and the involvement of persons not living on the site are commonly adopted to mitigate these adverse effects.

Visitor accommodation facilities deserve no less attention to amenity values. Visitors constitute the economic lifeblood of the District. While considerations of neighbourhood (along with its social and cultural implications) may not directly influence the location and design of visitor accommodations, the location, appearance and design of accommodation units should not suffer from becoming a stepchild to residential development. It is important that similar rules (insofar as applicable) control both types of activities equally within the District's High Density Residential Zones so that overall urban character retain and enhance its pleasant streetscapes, its pedestrian friendliness and its overall residential character.

**Refer also Part 4.9**

## 7.1.2 District Wide Residential Objectives and Policies

### Objective 1 - Availability of Land

***Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.***

#### **Policies:**

- 1.1 *To zone sufficient land to satisfy both anticipated residential and visitor accommodation demand.*
- 1.2 *To enable new residential and visitor accommodation areas in the District.*
- 1.3 *To promote compact residential and visitor accommodation development.*
- 1.4 *To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.*
- 1.5 *To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.*
- 1.6 *To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.*

### Implementation Methods

Objective 1 and associated policies will be implemented through:

#### **i District Plan**

- (a) To enable a broad range of residential and visitor accommodation areas without allowing either activity to unduly harm the other.

## Explanation and Principal Reasons for Adoption

The population of the District is growing and the Council recognises and accepts the need to provide for growth.

While the residential areas of the District comprise only a small percentage of the total land area there are, in the context of the natural and physical resources, constraints on further expansion and severe limitations on the amount of land available and suitable for development. The major concerns for the Council in accommodating future residential growth are the sustainability of resident neighbourhoods and the impact on natural and physical resources and on the landscape amenity.

The Council seeks to achieve urban consolidation. As such the objectives and policies do impact on the form of development to the extent the effects on specific resources and amenities (eg landscape amenities) are anticipated and managed.

### Refer also Part 6

## Objective 2 - Residential Form

***A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.***

### Policies:

- 2.1 *To contain the outward spread of residential areas and to limit peripheral residential or urban expansion.*
- 2.2 *To limit the geographical spread and extent of rural living and township areas. Where expansion occurs, it should be managed having regard to the important District-wide objectives.*
- 2.3 *To provide for rural living activity in identified localities.*
- 2.4 *In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.*

- 2.5 *To encourage and provide for high density development in appropriately located areas close to the urban centres and adjacent to transport routes.*

## Implementation Methods

Objective 2 and associated policies will be implemented through:

### i District Plan:

- (a) The identification of a pattern of land uses in support of a strategy of urban consolidation.
- (b) Zoning and subzoning provisions for a range of residential and visitor accommodation environments.
- (c) Zoning areas for rural living activities.
- (d) Associated rules for subdivision (lot size) and transport.

## Explanation and Principal Reasons for Adoption

The spatial pattern of a settlement and the way in which it uses its resources determines the character and scale of the urban environment. This is a key factor influencing the magnitude of energy consumption and the efficient use of existing resources, including land and infrastructure. The policies are aimed at a compact urban form, with higher density activity related to central commercial areas and readily accessible by all modes of transport.

The Council believes this policy will be most effective in protecting the significant landscape amenities of the District, reducing the use of private motor vehicles and have a beneficial effect in terms of the efficient use of existing resources and infrastructure, while catering for the residential needs of the District's population.

In the new residential areas, Council wishes to promote new and imaginative residential developments which have regard to the surrounding landscape amenity as well as for energy efficiency, convenience and social well being.

### Refer also Parts 4, 10 and 11

**Objective 3 - Residential Amenity.**

*Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.*

**Policies:**

- 3.1 *To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*
- 3.2 *To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.*
- 3.3 *To provide for and encourage high density residential development within the high density residential zones.*
- 3.4 *To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.*
- 3.5 *To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.*
- 3.6 *To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.*
- 3.7 *To ensure residential developments are not unduly shaded by structures on surrounding properties.*
- 3.8 *To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.*
- 3.9 *To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*
- 3.10 *To provide for and encourage new and imaginative residential development forms within the major new residential areas.*
- 3.11 *To require as necessary mechanical ventilation for any Critical Listening Environments within new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*
- 3.12 *To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.*
- 3.13 *To require an urban design review to ensure that new developments satisfy the principles of good design.*
- 3.14 *To distinguish areas with low density character where that character should be retained from areas of change located close to urban centres or adjacent to transport routes where higher density development should be encouraged.*

**Implementation Methods**

Objective 3 and associated policies will be implemented through a number of methods including:

**i District Plan:**

- (a) Provision of different zones for high density residential living and low density residential living.
- (b) Rules relating to building height, sunlight and outlook for neighbours, street scene, separation from neighbours and outdoor living space.

- (c) Rules for heritage and amenities, relocated buildings, protected historic buildings, places and objects and protected trees.
- (d) Rules for health and safety, eg for noise and glare.
- (e) Rules for subdivision, natural and other hazards, supply of services (water, energy, telecommunications and disposal of wastes), provision of land for open space and recreation and rules for building location.
- (f) Rules for transport, parking, access and manoeuvring.
- (g) Rules to require mechanical ventilation of any Critical Listening Environment within new and alterations and additions to existing buildings that contain any Activity Sensitive to Aircraft Noise on sites within the Outer Control Boundary to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours.
- (h) Rules to require sound insulation and mechanical ventilation of any Critical Listening Environment within new and alterations and additions to existing buildings that contain any Activity Sensitive to Aircraft Noise on sites within the Air Noise Boundary to achieve an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours.
- (i) Queenstown Airport Corporation Limited shall offer to fund retrofitting over time of sound insulation and mechanical ventilation of any Critical Listening Environments within existing buildings containing an Activity Sensitive to Aircraft Noise in the Air Noise Boundary to achieve an Indoor Design Sound Level of 40 dB Ldn. Retrofitting shall be based on the 2037 Noise Contours and shall be offered at the time the Projected 65 dB AANC reaches the property.
- (j) Queenstown Airport Corporation Limited shall offer to part fund retrofitting over time of mechanical ventilation of any Critical Listening Environments within existing buildings containing an

Activity Sensitive to Aircraft Noise located between the Air Noise Boundary and the 2037 60 dB Noise Contour. This ventilation is to enable windows and doors to remain closed to achieve the Indoor Design Sound Level if required. Retrofitting shall be based on the 2037 Noise Contours and retrofitting shall be offered at the time the Projected 60 dB AANC reaches the property.

All retrofitting shall be conducted in accordance with the conditions attached to Designation 2.

## ii Other Methods:

- (a) Implementation of the powers prescribed in Part XII of the Resource Management Act relating to enforcement orders, abatement notices and excessive noise.
- (b) Provision of works and services, roading, road linkages and traffic management programmes, and maintenance and development of public open space.
- (c) Notification through Land Information Memoranda of the requirement to provide sound insulation and mechanical ventilation for new or alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Outer Control Boundary for Queenstown Airport.

## Explanation and Principal Reasons for Adoption

The purpose of policies is to achieve the consolidation of residential activity and protection of residential amenity values. Although non-residential activities are an integral part of the residential environment they have the potential to create adverse effects relating to noise, visual detracting, traffic and loss of residential neighbours. A high standard of amenity is sought for residential areas which are sensitive to adverse effects. Although it may not be possible or desirable to prohibit all non-residential activities from residential neighbourhoods, it is necessary to ensure the establishment of such activities does not adversely affect people's social well being. The effect on community cohesion, and hence well being, arises from the removal of permanent

residents as much as from the visual disruption and loss of amenity caused by establishment of these activities.

The rising cost of land close to the town centres has the potential to encourage development of larger and fewer residential dwellings which, combined with a growing trend towards sale of property to people who do not reside within the District, leads to a danger of resident depopulation of areas adjacent to the town centres and consequential loss of vitality in the town centres. Provision of higher density residential areas close to the urban centres and accessible to transport routes will enable residential environments which may be more conducive to residents than non resident landowners.

The relationship between open spaces and built form is one of the main determinants of the character of an area. The policies reflect the importance of open space in providing opportunity for outdoor living and amenity.

Access to sunlight is an important factor in residential amenity and the policies are directed at ensuring that, with the exception of major topographical features, buildings are not unduly shaded by neighbouring buildings in a manner which diminishes the amenity of a site or a neighbourhood.

The residential areas are sensitive noise environments and this is a major factor which must be taken into account when considering the impact of other activities. Noise in a residential area is likely to result from non-residential activities and as such the plan includes provisions setting noise standards for non-residential activities in the residential zones. Noise from normal residential living, including animals and social events will be controlled through the excessive noise provisions of the Act. Noise from Queenstown Airport will be managed in line with the Aerodrome Designation (Designation 2) to contain noise levels to the noise boundaries set out in the District Plan Maps. Sound insulation and mechanical ventilation requirements will assist to maintain the indoor amenity for any buildings used for an Activity Sensitive to Aircraft Noise in the Residential Zone.

The District contains landscapes of national significance and urban development can have a significant effect on the enhancement and protection of that amenity. The Council proposes to influence building design in the residential areas by the implementation of the policies and rules contained in

this Plan. This will enhance the character and coherence of the residential built environment as it relates to the visual amenity of the natural landscape.

Traffic is an integral part of all residential environments, but also has the potential to affect the amenity of residential streets. The Plan seeks to ensure adequate provision for off-street parking in a manner which protects the amenity of local streets.

Within the major new areas of residential zoning the Council strongly encourages a more imaginative approach to subdivision and development. The Council believes the quality of the District's residential environments would be significantly enhanced by design solutions that moved away from traditional subdivision solutions. In this respect the Council will be looking to encourage a range of residential densities, variations in roading patterns, imaginative use of reserves, open space and pedestrian and roading linkages, attention to visual outlook and solar aspect, and extensive use of planting.

Subdivision of residential flats is not desirable because it can facilitate delineation between the unit and flat through separate curtilage. Consideration must also be given to the potential implications of allowing the first subdivision to take place and the fact that additional residential flats could then be developed on the site as a permitted activity, provided the other site and zones standards of the District Plan have been complied with. The result of this process would be the incremental subdivision of the low Density Residential Zone, which could result in a development pattern similar to that anticipated in High Density Residential Zone. Therefore, this policy considers the effects subdivision can have on the single dwelling character of the Low Density Residential Zone.

## Objective 4 - Non-Residential Activities

***Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.***

### ***Policies:***

4.1 *To enable non-residential activities in residential areas, subject to compatibility with residential amenity.*

4.2 To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic well being while protecting the surrounding residential environment.

## Implementation Methods

Objective 4 and associated policies will be implemented through a number of methods including:

### i District Plan

- (a) The identification of the living environment and associated rules, site density, building height, sunlight, street scene and landscaping.
- (b) The opportunity for a range of non-residential activities to be located in residential zones as permitted activities, subject to rules to protect residential amenity. These rules include matters relating to scale of activities, residential coherence, hours of operation, site size and traffic generation.

### ii Other Methods

- (a) Provision and operation of community facilities.

## Explanation and Principal Reasons for Adoption

Non-Residential Activities are an integral part of the residential environment in that they provide a service to local residents or enable people to work at home. However, non-residential activities do have the potential to detract from residential amenity by way of noise, traffic and scale of operation.

The Plan acknowledges the practical requirement of visitor accommodation and the historical development of that activity within the residential areas, particularly close to the main town centres and fronting main roads. It is also a recognition of the importance of the activity to the economic and social well being of the District. All the major operations are protected by zoning or scheduling.

A number of non-residential activities have developed in residential areas and currently provides either a service to the area or are not incompatible with residential amenity. These activities have been acknowledged to provide security of the activity and protection for residential amenity.

It is recognised non-residential activities have the potential to create adverse effects in respect of matters such as noise and hours of operation. A high standard of amenity will be sought for non-residential activities in residential areas.

## 7.1.3 High Density Residential Zones – District Wide

### 7.1.3.1 Issue

#### Development Pressure

Some visitor accommodation developments in the High Density Residential Zone are having a significant negative impact on the character and amenity of our neighbourhoods. Loss of the character and amenity values threaten the sustainable well being of our neighbourhoods and community.

High density neighbourhoods have a different character and generate different outcomes compared to low density neighbourhoods. Zoning different densities enables provision of rules designed to minimise conflicts between high density and low density living environments.

### 7.1.3.2 Objectives and Policies

#### Objective 1 – Amenity Values

Sustainable residential communities and neighbourhoods that have high amenity values of a quality and character anticipated in a high density living environment.

#### Policies

- 1.1 To ensure development enables high density living and achieves the character and amenity values anticipated in a high density living zone by:

- 1.1.1 Improving the aesthetic appeal of the built environment.
  - 1.1.2 Ensuring buildings integrate well with the neighbouring locality and provide visual connections with the surrounding built and natural environment.
  - 1.1.3 Providing attractive pedestrian access ways and linkages and protecting those that currently exist.
  - 1.1.4 Ensuring the maintenance of road setbacks that are free of structures.
  - 1.1.5 Ensuring development is of a high architectural quality in accordance with good urban design principles.
  - 1.1.6 Ensuring that open space is maintained between buildings on sites, and between neighbouring sites.
  - 1.1.7 Encouraging the provision of underground car parking.
- 1.2 To avoid visually dominant buildings that overshadow public places, block views and degrade the built environment.
- 1.3 To enhance the attractiveness of the zone, including the streetscape, by:
- 1.3.1 Ensuring landscaped areas are provided in scale and proportion to the size of the building.
  - 1.3.2 Encouraging the retention of existing vegetation where appropriate, especially established trees and native vegetation.
  - 1.3.3 Ensuring the effects of developments are internalised to the site and do not detract from the amenities of neighbouring sites and roads.
- 1.4 To encourage a mix of housing types and sizes with variety in the number of bedrooms, that will support a flexible and sustainable reuse in the future, while recognising that the zoning anticipates large scale buildings and multi-unit developments in some areas capable of containing a wide mix of types and sizes.
- 1.5 To discourage the encroachment of large visitor accommodation developments into residential neighbourhoods.

### Objective 2 – Multi-Unit Developments

Multi-unit developments that are designed to a high standard, integrate well with their neighbourhood and streetscape, are located where they are supported by physical and social infrastructure, and any adverse effects on amenity values are avoided or mitigated where possible.

#### **Policies**

- 2.1 To ensure multi-unit developments are located within easy walking distance and promote safe pedestrian access, to all of the following:
- 2.1.1 Existing or proposed shops offering a range of convenience goods and services.
  - 2.1.2 An existing or programmed public transport service.
  - 2.1.3 A substantial public reserve (or reserves) that provide a range of recreational opportunities.
- 2.2 To ensure that multi-unit developments are located in areas served by all of the following:
- 2.2.1 Roads capable of handling increased traffic.
  - 2.2.2 Road frontage or nearby kerb-side areas having adequate visitor parking spaces.
  - 2.2.3 Community facilities.
  - 2.2.4 Essential public services such as water supply, wastewater and stormwater management, and refuse collection.
- 2.3 To ensure multi-unit developments are designed to achieve all of the following:
- 2.3.1 Effectively incorporate existing significant vegetation and landforms.
  - 2.3.2 Effectively cater for traffic, parking and servicing.
  - 2.3.3 Mitigate any reverse sensitivity effects arising from the proximity of non-residential activities in the vicinity.
  - 2.3.4 Incorporate suitable crime prevention through environmental design techniques in their layout and methods of access.
- 2.4 To ensure multi-unit developments are located on sites that:

- 2.4.1 Enable units to face or relate well to public streets.
- 2.4.2 Relate to nearby properties and public areas in ways that facilitate the integration of the development into the neighbourhood.

2.5 To encourage multi-unit developments to be designed and built for occupancy by local residents and to encourage flexibility within multi-unit developments built for visitor accommodation so that they may readily be used for residential housing in the future, if so needed.

### Objective 3 : Vitality of Town Centres

To maintain and enhance the vitality and vibrancy of the town centres as places where visitors and residents intermingle.

#### Policies

- 3.1 To provide for high density residential living and visitor accommodation in the high density zone, near the town centres with good linkages to the town centres.

#### Explanation and reasons for adoption

By providing the opportunity for high density accommodation to locate near the town centres in suitable high density zones, the vibrancy of the town centres will be enhanced. It is desirable to have residents and visitors within walking distance of the town centres to offer convenience to residents and visitors and to promote the strength and vitality of the town centres.

#### Implementation Methods

- i **District Plan**
  - (a) By the use of Sub-Zones and Commercial Precinct overlays to identify land having particular character, location and/or topography, amenity and environmental values, within which appropriate development opportunities can be approved.

- (b) District Plan Rules

#### ii **Other methods**

- (a) Bylaws
- (b) Urban Design Panels
- (c) Urban design guidelines

## 7.2 Queenstown Residential And Visitor Accommodation Areas Sunshine Bay-Fernhill, Queenstown Bay, Frankton Road, Frankton and Kelvin Peninsula

### 7.2.1 Resources, Activities and Values

Queenstown comprises Sunshine Bay-Fernhill, Queenstown Bay, Frankton Road, Frankton and Kelvin Peninsula. These areas contain almost half the District's population and the greater portion of its housing. The residential areas of Queenstown are characterised by lower density development which allows outstanding views of Lake Wakatipu and the mountains. Access to these views is a result of the natural topography and the development standards that have been applied. The greater part of the residential area is suburban in scale and of a generally low density and the policies in the Plan reinforce that position. Part of the residential area is zoned for higher density development in appropriate locations to provide for and encourage visitor accommodation activities and high density residential development.

#### High Density Residential Areas

Until recently these areas were characterised by a high density of single unit dwellings, interspersed with two or three level multi-unit developments predominantly serving the visitor accommodation market. Lot sizes were historically based on the early tent settlements and underlying subdivision patterns reflect this with small lot sizes.

Redevelopments in the High Density Residential Zone are having a significant impact on the character, scale and density of the environment. These changes flow from the desirability of efficiently using the land resource to provide for visitor accommodation and high density residential development. Controls are required to ensure that the changes which are occurring will result in residential neighbourhoods and visitor accommodation clusters that protect and enhance the amenity of both. Increasingly multi-unit developments are starting to dominate with maximum density being achieved by combining lots, major earthworks and the creation of large bulky buildings on more than four levels. Although the Zone is capable of absorbing some development of this size, it is not appropriate for every lot.

The Council recognises that there is a need to provide for high density accommodation to ensure suitable housing for residents and accommodation for visitors close to Queenstown and Frankton and adjacent to transport routes. The high density zone is intended to fulfil this function. The purpose of the zone is to enable this type of high density development to occur sustainably and in a manner which does not adversely affect activities in adjacent zones.

Different areas within the High Density Residential Zone have different characteristics in relation to location, topography, and existing character and density of built form. Much of the High Density Residential Zone is a zone of change where a significant change is anticipated as development takes place. The extent and nature of anticipated change varies in accordance with those differing characteristics. Therefore those differing characteristics are a starting point in determining the anticipated extent of change.

### 7.2.2 Issues

The District wide residential issues impact on, and are relevant to, residential activity and amenity in Queenstown. In addition, a number of local issues exist:

- i Protection of the predominantly low density residential environment in the Low Density Residential zone.
- ii Provision for visitor accommodation.
- iii The loss of amenity values as experienced from public spaces and neighbouring properties as a result of large scale developments.
- iv The potential loss of public access to the lakeshore resulting from development adjacent to the lake.
- v The potential adverse effects that non-residential activities may have on residential activities through increased traffic and noise and decreased visual amenity.
- vi Opportunities for increasing the sizes and mix of units within residential and visitor accommodation to provide for a variety of living environments and for flexible future re-use.
- vii Opportunities for improved sunlight admission.
- viii Minimise the impact of the State Highway and the airport on adjoining and surrounding residential areas.
- ix Access to Frankton Road for new development.
- x The need to acknowledge that settlement is a part of the landscape.
- xi Protection of airport operations ~~from noise sensitive activities~~ from any Activity Sensitive to Aircraft Noise within the Outer Control Boundary and Air Noise Boundary.
- xii Provision for a range of densities of development reflecting the existing character, location, topography and development potential characteristics of the different areas of the High Density Residential Zone.
- xiii Protection and enhancement of amenity values appropriate to the different zones and different areas within the High Density Residential Zone.

### 7.2.3 Objectives and Policies - Queenstown Residential and Visitor Accommodation Areas

#### Objectives –

1. ***Residential and visitor accommodation development of a scale, density and character, within sub zones which are separately identifiable by such characteristics such as location, topography, geology, access, sunlight or views.***
2. ***Residential development organised around neighbourhoods separate from areas of predominately visitor accommodation development. Provision for new consolidated residential areas at identified locations.***
3. ***Consolidation of high density accommodation development in appropriate areas.***
4. ***To recognise and provide for the non residential character of the Commercial Precinct overlay which is distinct from other parts of the High Density Residential Zone.***
5. ***To protect the Airport from reverse sensitivity effects of Activities Sensitive to Aircraft Noise.***

#### Policies:

- 1 To protect the character and amenity of the residential environments by limiting the peripheral expansion of the residential areas and promoting consolidation of the residential community with the retention of easy access to the rural area and lakeshore.
- 2 To resist any peripheral extension of zoned residential areas which would undermine clear distinctions between the residential and rural areas and result in dispersed and uncoordinated residential growth patterns.
- 3 To enhance the general character of established residential environments in terms of density, height, access to sunlight, privacy and views.
- 4 To provide for higher density residential activity around the town centres and in new areas of residential development.
- 5 To encourage additional consolidated residential activity in the District.
- 6 To provide for a residential environment which allows a range of housing types, including care for the elderly and dependent relatives.
- 7 To provide for non-residential activities in residential areas providing they meet residential amenity standards and do not disrupt residential cohesion.
- 8 To ensure the scale and extent of any new Visitor Accommodation in residential areas does not compromise residential amenity values by adversely affecting or altering existing neighbourhood character.
9. To recognise and promote the particular role of health care and community activities in meeting the social needs of the local community.
10. To reinforce the character development within the Commercial Precinct Overlay through a greater emphasis on the quality and standard of non-residential building form, while recognising that this may be of a character and scale distinct from other areas of the High Density Residential Zone.
11. *To require as necessary mechanical ventilation of any Critical Listening Environments within any new and alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise on sites within the Outer Control Boundary and require sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing Activity Sensitive to Aircraft Noise within the Air Noise Boundary, to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours.*

## Implementation Methods

The objectives and associated policies will be implemented through:

### i District Plan

- (a) Zone to enable a range of residential and visitor accommodation and non residential activity areas clearly delineated by zone and subzone boundaries and the commercial precinct overlay.
- (b) Rules to require mechanical ventilation of any Critical Listening Environments within new and alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise on ~~land sites~~ within the Outer Control Boundary to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours.
- (c) Rules to require sound insulation and mechanical ventilation of any Critical Listening Environments within new and alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise on ~~land sites~~ within the Air Noise Boundary to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours.
- (d) A requirement within the Aerodrome Designation for Queenstown Airport Corporation Limited to prepare and implement a Noise Management Plan in consultation with affected property owners for existing buildings within the 2037 60 dB Noise Contour.

### Explanation and Principal Reasons for Adoption

The policies reinforce the District wide objectives for residential activity of consolidation and enhancement of residential amenity values. In addition, the policies seek to maintain the general character of the majority of the existing residential environment which will provide a degree of certainty and security for residents by limiting changes to the scale, density and type of activity in the residential areas. This policy recognises the importance of the living environment to the social well being of the District's residents. The policies

promote and enable high density development in appropriate locations. The policy relating to sound insulation and mechanical ~~insulation ventilation~~ from the noise effects of aircraft using Queenstown Airport seeks to manage the adverse effects on the health and well-being of the residential community around the Airport as far as practicable.

The Council has made provision for an increase in residential zoning in the Queenstown-Wakatipu Basin. The areas identified have been chosen because they are well situated to ensure growth takes place in a manner and location which enhances the District's natural and physical resources and amenity values.

**Refer 7.5.4**

### 7.2.4 Environmental Results Anticipated

Implementation of the policies and methods for management relating to the established residential areas will result in:

- i Maintenance of the general character and scale of existing residential areas with sites being dominated by open space rather than buildings, providing the opportunity for tree and garden planting around buildings.
- ii Existing residential activity characterised by low building coverage and building height, but with opportunity for variety in building design and style.
- iii Maintenance of a residential environment which is pleasant with a high level of on-site amenity in terms of good access to sunlight, daylight and privacy.
- iv Maintenance of the opportunities for views consistent with the erection of low density, low height buildings.
- v The exclusion or mitigation of activities which cause adverse environmental effects, such as excessive noise, glare, odour, visual distraction, traffic and on-street parking congestion, traffic safety and other hazards.

- vi Residential coherence except in circumstances of established non-residential uses or where a local need prevails for non-residential activities ancillary to the surrounding residential environment.
- vii Maintenance of water quality and availability for residential and other activities.
- viii New residential areas providing for higher density living environments with good integration of open space, aspect, circulation and regard for energy efficiency and convenience to facilities.
- ix Protection of the major visitor accommodation activities consistent with their significant value to the social and economic well being of the district and New Zealand.
- x The provision of high density development adjacent to Queenstown Town Centre.
- xi Achieving an appropriate balance between retention of existing character and providing for new development in areas of change.

## 7.3 Wanaka Residential Areas

### 7.3.1 Resources, Activities and Values

Wanaka is the second largest residential area in the District. The town provides an attractive environment for both permanent and holiday residents generally maintaining a low density residential environment. There is some high density development provided for. There is little intrusion of non-residential activity in the main residential areas and residential development has generally occurred at a low density reflecting the preferred lifestyle of the residents and holiday home owners. The purpose of the policies in the Plan is to enhance that position.

#### High Density Residential Areas

Until recently these areas were characterised by a historical density of single unit dwellings. Lot sizes were historically based on subdivision for residential

purposes and underlying subdivision patterns reflected this with small lot sizes.

Redevelopments in the high density residential zone are having a significant impact on the character, scale and density of the environment. These changes flow from the desirability of efficiently using the land resource to provide for visitor accommodation and high density residential development. Controls are required to ensure that the changes which are occurring will result in residential neighbourhoods and visitor accommodation clusters that protect and enhance the amenity values of both.

### 7.3.2 Issues

The District wide residential issues impact on and are relevant to residential activity and amenity in Wanaka residential areas. In addition, a number of local issues exist:

- i Protection of the surrounding rural landscape from inappropriate development.
- ii The need for rural living opportunities in close proximity of or abutting the town.
- iii Retention of low density residential development.
- iv Noise control.
- v Opportunities for peripheral expansion.
- vi The potential adverse effects that inappropriate development can have on the lakeshore.
- vii Tree planting can lead to the shading of neighbouring sites.

### 7.3.3 Objectives and Policies - Wanaka Residential and Visitor Accommodation Areas

#### Objectives:

1. *Residential and visitor accommodation development of a scale, density and character within sub zones that are separately identifiable by such characteristics as location, topology, geology, access, sunlight or views.*

2. ***Low density rural living development in identified locations in close proximity to Wanaka.***
3. ***Retention of the general character of the residential environments in terms of density, building height, access to sunlight, privacy and views.***
4. ***To provide for the expansion of the Catholic School in Wanaka within the thresholds of the Low Density Residential Zone.***

### **Policies:**

- 1 *To provide for some peripheral expansion of the existing residential areas of the towns in a manner that retains the consolidated form of the towns.*
- 2 *To provide for rural living opportunities as part of the Wanaka environs.*
- 3 *To provide limited opportunity for higher density residential development close to the Wanaka town centre.*
- 4 *Residential development organised around neighbourhoods separate from areas of predominately visitor accommodation development.*
- 5 *Avoid the planting and locating of inappropriate tree species so as to reduce the impact of excessive shading and loss of vistas.*
- 6 *To provide for the expansion of the Catholic School over time as the number of pupils increase, within the framework of the Low Density Residential zone.*
- 7 *To ensure that safe road and pedestrian access is provided to the school from the Kirimoko Block and to surrounding neighbourhoods.*

### **Implementation Methods**

The objectives and associated policies will be implemented through:

### **i District Plan**

- (a) To enable a range of residential and visitor accommodation areas clearly delineated by zone and sub zone boundaries.
- (b) To limit the highest density developments to the narrow strip of land fronting Lakeside Road up to Beacon Point Road.

### **ii Other Methods**

- (a) Review of the Outline Development Plan for Peninsula Bay by the Urban Design Panel.
- (b) A public open day to review the Outline Development Plan for Peninsula Bay.

### **Explanation and Principal Reasons for Adoption**

The Wanaka residential area contains a different character to Queenstown both as a result of different development pressures and community aspirations. The objectives and policies are directed at promoting and protecting the current general form and density of development and to enhance the residential areas by way of greater care for the relationship of the residential areas to the surrounding rural and lakeshore environments. In all respects the policies seek to promote consolidation of the residential areas with some provision for peripheral expansion as well as areas of rural residential development. This will provide for a range of lifestyles while avoiding any adverse effects on the important surrounding visual amenity of the topography, lakes and rivers.

The growth opportunities identified at Wanaka are provided for in a form and location that will consolidate the urban area of town and accommodate anticipated residential growth.

### **7.3.4 Environmental Results Anticipated**

***Refer Clause 7.2.4.***

## 7.4 Arrowtown Residential Areas

### 7.4.1 Resources, Activities and Values

Arrowtown is an important residential area in the District. Over the last decade and principally through the operation of specific planning controls, the historic character of the central part of the residential area has been retained and enhanced.

The residential area of Arrowtown falls into two distinct areas:

- i the historic inner area of the town;
- ii the surrounding residential development.

The balance of surrounding residential area forms part of the District's low density residential resource and does not contain the heritage or character elements that make up the central residential area.

The central area covers that part of the residential area of Arrowtown which has a distinctive character and atmosphere which has evolved from the pattern set at the time of early gold mining in the District. This the character and atmosphere depends upon the relationship developed between generally large sites established at the time of original subdivision, the small individual residential buildings erected during the development of the town and the wide road reserves with narrow sealed carriageways. This relationship has created a situation in which wide grass verges with surface drainage and mature street trees combine with the variety of mature trees and shrubs on the private land to produce the amenity values that have become associated with Arrowtown.

Buildings in the historic area are of such importance to its character that specific controls are necessary to protect the present development and to encourage future development to reflect the historic, aesthetic and amenity characteristics and values of the existing development. In most parts of this area, these buildings combine with the avenues of street trees and proximity to the historic town centre to provide a significant physical and natural resource of considerable interest and value to residents and visitors.

### 7.4.2 Issue

**Loss of the essential character of the Arrowtown historic residential area through inappropriate development.**

The essential character of Arrowtown is important because it provides a unique natural and physical resource for its residents. It is a source of identity for the town and a physical resource which can be sustainably managed as an attraction to visitors who contribute to the general welfare of the community.

The essential character is contributed to by a roading and subdivision pattern set out at the time of the establishment of the town. The essential character is determined by lot size, scale of buildings in relation to lot size and streetscape, a building resource containing structures of historic importance and a streetscape with a remarkably consistent pattern throughout the area originally laid out for the town.

Inappropriate development would generally detract from and undermine this character and the amenity values of Arrowtown.

### 7.4.3 Objectives and Policies - Residential Arrowtown Historic Management Zone

#### Objectives:

1. ***Development undertaken in the historic residential area to retain or enhance the present character and avoid any adverse effects on the amenity values of the area.***
2. ***Residential development characterised by low density and low height.***
3. ***Consolidation of the residential area of the town.***

#### Policies:

- 1 *To establish a Residential Historic Management Zone around the historic town centre of Arrowtown in which particular controls are applied to conserve the residential heritage and building character.*
- 2 *To control the subdivision of land in such a way that the character resulting from the existing large lot sizes in the residential area is retained.*
- 3 *To control the form and location of buildings in such a way that the character resulting from the existing scale of development is retained or enhanced.*
- 4 *To identify and protect buildings or groups of buildings of particular architectural, historic or cultural value.*

**Refer also Part 13**

- 5 *To protect and retain the historic roading patterns in such a way that they will continue to serve the changing needs of the community.*
- 6 *To identify and protect those elements contributing to the character of the streetscape.*

**Refer also Part 13**

- 7 *To control the external appearance of buildings in such a way that the buildings do not detract from the character of the Residential Historic Management Zone.*
- 8 *To limit the expansion of the residential area outside of the identified zone boundaries.*

**Implementation Methods**

The Objectives and associated Policies will be implemented through a number of methods including:

**i District Plan**

- (a) District Plan rules to ensure:
  - (i) lot sizes sufficient to provide for low site coverage;
  - (ii) using existing buildings to determine street setbacks;
  - (iii) limiting multi-unit development;
  - (iv) reduced site coverage;
  - (v) strict control on building heights;
  - (vi) identification and protection of groups of buildings;
  - (vii) protection of the historic roading pattern and street trees;
  - (viii) new buildings constructed in a manner sympathetic in scale, materials and finishes to their surroundings and all existing buildings managed or altered in a manner similar in material and finishes to its original style.

**ii Other Methods**

- (a) Preparation of an information guide to explain the importance of features covered by the protection list.
- (b) Ongoing maintenance and reconditioning of the sumps and channels associated with the open swale stormwater drainage system.

**Explanation and Principal Reasons for Adoption**

Arrowtown provides a unique built heritage resource with outstanding visual amenities. The policies are directed at protecting, enhancing and sustaining that resource and those amenity values. The special amenity of Arrowtown creates a distinctive precinct which contributes to the sense of identity and historical continuity of the locality and the District. It contributes a significant number of heritage features which provide a coherence, diversity and historic value that is worthy of protection and enhancement.

Site coverage is an important factor in establishing the character of the area as a whole. With existing site coverage for the main buildings averaging 17% within a range from 7% to 31%, the site for an average building of 100m<sup>2</sup> should be in the order of 600m<sup>2</sup>, with an overall coverage including accessory buildings and sealed surfaces of 30%.

Multi-unit dwellings are not characteristic of the area and any attempt to provide for multi-unit dwellings, in a way which increases density of development without subdivision, will undermine the character of the area by creating de facto subdivisions by way of unit or cross lease title.

For existing lots with existing buildings, the main structure, not accessory buildings, will provide the dimension of the front yard. This will have the beneficial effect of allowing the existing relationship between the buildings and the street frontage to be the norm and thus retain the character created by that relationship. A standard front yard requirement would result in that yard eventually becoming the pattern, which would completely destroy the character associated with the area. The range within the front yard average of 9m is from 2.5m to 18.25m determined through detailed analysis of the existing sites. An examination of corner sites indicates that the typical setback used in past development applied to one street frontage only. Sufficient variation will result by applying front yard requirements to one frontage only. As a result, development will continue to provide the same type of random setback which is characteristic of the present development.

The height of buildings will be controlled to achieve a scale that conforms to the general character established by the historic development of the town. In the historic area the character is determined by the predominance of single storey buildings with a few buildings, both old and relatively new, of two storeys. Allowing for steeply pitched roofs buildings should be restricted to a maximum of two effective storeys.

The preparation of an information guide suitable to explain the importance of features covered by the protection list for the maintenance and conservation of these unique and special features. This is an important aspect of any conservation plan which is in part dependent upon the goodwill of the owners. Some of the rules which apply to development in this area are intended to make the conservation and continued use of these buildings and sites easier for the owner. It is important that correct advice and assistance be given to the owners in exchange for the restriction the community has suggested.

An essential element of the character of the area is provided by the streets. It is important for visitors that these present a clear and easily read pattern. Much of this can be provided by clear signage and design. The major streets

should also be distinguished from local roads and appropriate works programmes implemented to achieve this objective.

Provision for the conservation and maintenance of street trees by a qualified arborist shall be made, with a commitment to replacement planting and new planting in character with existing street planting within the town.

Both of the above matters will provide an assurance to the community that the special constraints on development in the Arrowtown Historic Management Areas (residential and town centre) will be matched by a commitment of the Council to retain and maintain the street pattern essential to the special character of the area.

The development and redevelopment of buildings must be treated with care. Superficial imitation of genuine historic features can lead to confusion between old and the new, with little advantage to either. It is important that the general character of the area be protected by all buildings being maintained or altered in a way sympathetic to their original construction and materials. This is especially important with listed buildings which should be subject to special protection and assistance in the form of guidance and advice. It is more important that new buildings reflect the scale and character of the Arrowtown Historic Management Area, rather than imitate a particular age and style of building.

## 7.4.4 Environmental Results Anticipated

Implementation of the policies and methods for management relating to the Arrowtown historic residential area will result in:

- i The conservation of an historical resource which is of special amenity value for the District and the country.
- ii A reasonable standard of privacy and amenity for residents of the zone.
- iii New development and redevelopment which enhances the character of the zone.
- iv Retention and enhancement of the characteristics of openness, small scale and low density.

- v Retention of the visual amenity of the area within the zone, particularly the relationship in terms of scale and location between buildings and vegetation.
- vi Retention of the historic roading pattern and in particular characteristics which contribute to the streetscape.
- vii The exclusion of activities which do not contribute to or promote the historic residential character of the zone.

## 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**.

**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

**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 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 <sup>2</sup>
High Density Residential Sub-Zone B	400m <sup>2</sup>
High Density Residential Sub-Zone C	300m <sup>2</sup>

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

- (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).

### 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.**

**vi** 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 **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:

- (a) Pinus radiata
- (b) Pinus muricata
- (c) Pinus contorta
- (d) Pinus ponderosa
- (e) Pinus sylvstris
- (f) Pinus nigra
- (g) Douglas Fir
- (h) 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.
- 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 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

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%

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).

## 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, other than discretionary retail, restaurant and cafe activities, and those activities listed above shall be 100m<sup>2</sup> ;
- (b) No goods, materials or equipment shall be stored outside a building; and
- (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 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 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).
- 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**
- (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.
- (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:  
  
36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m at the ground floor level and 8m<sup>2</sup> 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:  
  
20m<sup>2</sup> contained in one area with a minimum dimension of 3m at the ground floor level and 8m<sup>2</sup> 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 8m<sup>2</sup> 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
- (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 20m<sup>2</sup> 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 **100m<sup>3</sup>** 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 **200m<sup>2</sup>** 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 **20m<sup>3</sup>** (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 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%
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*

**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 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 450m<sup>2</sup> 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 625m<sup>2</sup> and 900m<sup>2</sup>

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 200m<sup>2</sup> 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 350m<sup>2</sup>.

#### 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 250m<sup>2</sup> 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.

#### (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 6m<sup>2</sup> 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 any given point along the required boundary setbacks at the southern zone boundary.

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 40m<sup>2</sup> and shall be located at least 10 metres from a road boundary.

**vi Airport Noise - Queenstown Airport (excluding any non-critical listening environments)**

- ~~(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.

\* 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)

**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 (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/m <sup>2</sup> ) with weather seals

- (a) **Within the Air Noise Boundary (ANB) – New buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either adhering to the sound insulation requirements in Table 1 of Appendix 13 and installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.**
- (b) **Between the Outer Control Boundary (OCB) and the ANB - New buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.**

## 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 LAeq(15 min)
  - (ii) night-time (2000 to 0800 hrs) 40 dB LAeq(15 min)

- (iii) night-time (2000 to 0800 hrs) 70 dB LAFmax

- (b) Sound from 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).

## 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**.

#### 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 <sup>2</sup>
High Density Residential Sub-Zone B	400m <sup>2</sup>
High Density Residential Sub-Zone C	300m <sup>2</sup>

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.

- (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 40m<sup>2</sup> 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 Activity 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
- (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

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 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).

**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**

- (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 20m<sup>2</sup> 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.
- (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 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 **100m<sup>3</sup>** 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 **200m<sup>2</sup>** 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 **20m<sup>3</sup>** (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.

**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**

## 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%.

- (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.

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.

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 6m<sup>2</sup> 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) 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.
    - 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.

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 40m<sup>2</sup> 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

the activity may be carried out outside the above hours.

**v Nature and Scale of Activities**

**Except 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 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.

**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:
  - (i) daytime (0800 to 2000 hrs) 50 dB LAeq(15 min)
  - (ii) night-time (2000 to 0800 hrs) 40 dB LAeq(15 min)
  - (iii) night-time (2000 to 0800 hrs) 70 dB LAFmax
- (b) 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.
- (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.
- (e) The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.

**viii Airport Noise - Queenstown Airport (excluding any non-critical listening environments)**

~~(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 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 7.8 in part 7.5.6.3~~

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

<b>BUILDING ELEMENT</b>	<b>REQUIRED CONSTRUCTION</b>
<i>External Walls</i>	<del>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)</del>
	<del>Up to 40% of wall area: Minimum thickness 6mm glazing**</del>

Windows	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 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/m <sup>2</sup> ) 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)

(a) **Within the Air Noise Boundary (ANB) – New buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either adhering to the sound insulation requirements in Table 1 of Appendix 13 and installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.**

(b) **Between the Outer Control Boundary (OCB) and the ANB - New buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with windows open.**

**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).

## 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.

- 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
- (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

- (a) The minimum provision of outdoor living space for each residential unit, contained within the net area of the site, shall be 36m<sup>2</sup> 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 8m<sup>2</sup> 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 **100m<sup>3</sup>** 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 **200m<sup>2</sup>** 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 **20m<sup>3</sup>** (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

- (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 650m<sup>2</sup>; 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 40m<sup>2</sup> 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 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 100m<sup>3</sup> 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 200m<sup>3</sup> in the area within that site.
- (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 instream 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 40m<sup>2</sup> 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.
- (c) No more than 60m<sup>2</sup> 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:
  - (i) daytime (0800 to 2000 hrs) 50 dB L<sub>Aeq(15 min)</sub>
  - (ii) night-time (2000 to 0800 hrs) 40 dB L<sub>Aeq(15 min)</sub>
  - (iii) night-time (2000 to 0800 hrs) 70 dB L<sub>AFmax</sub>

- (b) 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.
- (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.

#### 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.

## 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
  - (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.
- (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 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.
- v 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

### iii Controlled Activity - Buildings for Non-Residential Activities

Conditions may be imposed in respect of:

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 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

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

## **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.
- (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.

## **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
    - (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.
  - (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.
- 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.
- 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.
- 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 adverse effect the building will have on the historic character of Arrowtown;
  - (g) The preservation of views to and from public spaces;
  - (h) 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;
  - (i) Significant (more than minor) public and pedestrian amenity values in terms of building appearance and function resulting from the setback infringement;

- (j) The extent and effect of shadowing on any adjacent property or public road and
  - (k) Any likely future increases in the usage of the road.
  - (l) 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 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.

- (b) 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.
- (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.
- (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.
- (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**

- (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.

## **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;

- (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. 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

- (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.

**xxxii 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**

- (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.

## Kirimoko Block – Wanaka – Structure Plan

