

12 Queenstown Town Centre

Please note: Variations to parts of this chapter have been decided by Council on 7 March 2019 as part of Stage 2 of the PDP. You can view the Stage 2 Decisions, appeals and section 274 notices on our website. The appeal and section 274 periods for the Stage 1 and 2 Decisions have closed.

This table identifies provisions subject to and consequentially affected by appeals:

Provision Subject To Appeal (identified in red text in the relevant chapter/s)	Appellant Court Number	Consequentially Affected Provisions
Section 12.1	Remarkables Park Limited ENV-2018-CHC-126	Strategic Objectives 3.3.2, 3.3.3 and 3.3.4, Policies 4.2.2.2 and 4.2.2.4
Policy 12.2.2.2	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128	
Policy 12.2.2.4	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128 (consent order issued)	
Policy 12.2.2.5	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128 (consent order issued)	Rule 12.5.9
Policy 12.2.3.5	Real Journeys Limited ENV-2018-CHC-131	Policy 13.2.5.3
Policy 12.2.4.1	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	
Policy 12.2.4.5	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	
Policy 12.2.5.2	Queenstown Wharves GP Limited ENV-2018-CHC-142	
Policy 12.2.5.3	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	Policy 6.3.32, Objective 21.2.12, Policy 12.2.5.4 Policy 6.3.32, Objective 21.2.12, Policy 12.2.5.4
Policy 12.2.5.6	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	Policy 12.2.5.3 Policy 12.2.5.3

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Rule 12.4.3(a)	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	
Rule 12.4.7	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	
Rule 12.4.7.1	Remarkables Park Limited ENV-2018-CHC-126	Policies 6.3.30, 6.3.31, 6.3.32, 6.3.33
Rule 12.4.7.2	Queenstown Wharves GP Limited ENV-2018-CHC-142 Remarkables Park Limited ENV-2018-CHC-126	Policy 12.2.5.3, Policy 12.2.5.6 Policies 6.3.30, 6.3.31, 6.3.32, 6.3.34
Rule 12.4.7.2.d	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	
Rule 12.4.8.2	Queenstown Wharves GP Limited ENV-2018-CHC-142 Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	Policy 12.2.5.3
Rule 12.5.1.1	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Policy 12.2.1.1, Policy 12.2.2.9, Rule 12.6.2 Policy 12.2.1.1, Policy 12.2.2.9, Rule 12.6.2
Rule 12.5.7.1	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Rule 12.5.7, Rule 12.5.7.3 Rule 12.5.7, Rule 12.5.7.3
Rule 12.5.7.2	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Rule 12.5.7, Rule 12.5.7.3 Rule 12.5.7, Rule 12.5.7.3
Rule 12.5.8.2	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128 (consent order issues)	Policy 12.2.2.3, Policy 12.2.2.5
Rule 12.5.9	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128 (Consent Order Issued)	
Figure 1 - Identified Pedestrian Links	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited ENV-2018-CHC-085 (consent order issued)	

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	<p>Skyline Enterprises Limited ENV-2018-CHC-123</p> <p>Trojan Holdings Limited ENV-2018-CHC-122</p>	<p>Policies 12.2.1.1, 12.2.2.9, 12.2.3.6, 12.2.4.1, 12.2.4.2, 12.2.4.3, 12.2.5.5, 12.2.5.6, Rule 12.5.7, Rule 12.6.2</p> <p>Policies 12.2.1.1, 12.2.2.9, 12.2.3.6, 12.2.4.1, 12.2.4.2, 12.2.4.3, 12.2.5.5, 12.2.5.6, Rule 12.5.7, Rule 12.6.2</p>
Figure 2 – Queenstown Town Centre Height Centre Map	<p>Queenstown Views Limited ENV-2018-CHC-112</p> <p>Skyline Enterprises Limited ENV-2018-CHC-123</p> <p>Trojan Holdings Limited ENV-2018-CHC-122</p> <p>MacFarlane Investments Limited ENV-2018-CHC-089 (consent order issued)</p>	<p>Rule 12.5.9</p>

This table identifies new provisions sought to be added:

Appellant Court Number	Provision/s Sought to be Added into Chapter 12
Queenstown Wharves GP Limited ENV-2018-CHC-142	Insert a new policy as follows: <u>Enable use and development of existing wharves for water-based activities including ferry services, commercial recreation, retail and food and beverage based activities.</u>
Real Journeys Limited ENV-2018-CHC-131 (further particulars received)	Insert new policy to protect established key tourism activities: <u>Protect key tourism and transport activities by ensuring the following principles are applied when considering proposals that will occupy water space:</u>
Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138 (further particulars received)	<u>i. activities that promote the districts heritage and contribute public benefit should be encouraged;</u> <u>ii. activities that result in adverse effects on established activities should be discouraged;</u> <u>iii. long term occupation of water space should be avoided unless it has been strategically planned and is integrated with adjoining land and water use;</u> <u>iv. occupation of water space shall not interfere with key navigational routes and manoeuvring areas;</u> <u>v. adverse effects on the continued operation, safety and navigation of the “TSS Earnslaw”; and.</u> <u>vi. activities that adversely affect the operation, safety, navigation, and ability to maintain or upgrade the “TSS Earnslaw” and her supporting slipway facilities, are to be avoided.</u>
Real Journeys Limited ENV-2018-CHC-131	Insert provisions in Rule 12.4.7 for:
Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	<ul style="list-style-type: none"> <u>- the maintenance of existing wharves and jetties as a permitted activity provided the scale, intensity, and character of the building or structures is maintained</u> <u>- minor upgrades and extensions to existing wharves and jetties, where this does not increase the scale of the structure by more than minor degree from that as at 1 January 2018.</u>
Real Journeys Limited ENV-2018-CHC-131	Insert a new controlled activity rule as follows:
Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	<p><u>12.4.7.x Excluding maintenance and alterations permitted by Rule 12.4.7.0 above, the construction and use of a single story building for the purpose of a ticketing office is a restricted discretionary activity. Council’s discretion is limited to:</u></p> <ul style="list-style-type: none"> <u>• Building location, design and use in terms of compatibility with the nature and scale of existing buildings and open spaces, including the ability to maintain a continuous waterfront walkway;</u> <u>• Accessibility in terms of servicing requirements;</u> <u>• Outdoor storage requirements;</u> <u>• Storage and disposal of waste;</u> <u>• Signage platforms; and</u> <u>• Health and safety.</u>

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Real Journeys Limited ENV-2018-CHC-131	Insert clarification that the activity status of the temporary storage of equipment associated with transporting people and goods is permitted.
Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	
Well Smart Investments Group ENV-2019-CHC-062	A suite of district plan provisions including new or stronger objectives and policies that recognise the benefits of commercial visitor accommodation activities and development, and provide for “visitor accommodation” in all zones, especially in the High Density, Medium Density, and Town Centre Zones.
Well Smart Investments Group ENV-2019-CHC-062	To enable visitor accommodation activities within the High Density Residential, Medium Density Residential, and Town Centre Zones as a controlled activity or a restricted discretionary activity if site and zone standards are breached. In the event that the High Density Residential Zoning differs from that which was notified through Planning Map 37, the submitter seeks to identify a visitor accommodation subzone over the area that was notified as High Density.

Note: the annotations in this chapter reflect the Council’s interpretation of the provisions affected by appeals.

12.1 Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, they provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Queenstown will increasingly become a dynamic and vibrant centre with high levels of tourism activity that provides essential visitor-related employment. It serves as the principal administrative centre for the District and offers the greatest variety of activities for residents and visitors. It has a range of entertainment options and serves as a base for commercial outdoor recreation activities occurring throughout the wakatipu Basin. Visitor accommodation is provided within and near to the town centre. Over time, Queenstown town centre will evolve into a higher intensity and high quality urban centre.

Development within the Special Character Area of the Town Centre Zone (shown on Planning Maps) is required to be consistent with the Queenstown Town Centre Design Guidelines 2015, reflecting the specific character and design attributes of development in this part of the Town Centre. The Entertainment Precinct (also shown on Planning Maps) has permitted noise thresholds that are higher than other parts of the Town Centre in order to encourage those noisier operations to locate in the most central part of town, where it will have least effect on residential zones.

The Queenstown waterfront Sub-Zone makes an important contribution to the amenity, vibrancy, and sense of place of the Queenstown Town Centre as a whole.

Section 12.1 and relief sought	Appellant Court Number	Consequently Affected Provisions
Amend the second paragraph of Section 12.1: Queenstown will increasingly become a dynamic and vibrant centre with high levels of tourism activity that provides essential visitor-related employment. It serves as the principal administrative centre for the District and offers the greatest variety of activities for residents and visitors. It has a range of entertainment options and serves as a base for commercial outdoor recreation activities occurring throughout the wakatipu Basin. Visitor accommodation is provided within and near to the town centre. Over time, Queenstown town centre will evolve into a higher intensity and high quality urban centre.	Remarkables Park Limited ENV-2018-CHC-126	Strategic Objectives 3.3.2, 3.3.3 and 3.3.4, Policies 4.2.2.2 and 4.2.2.4

12.2 Objectives and Policies

12.2.1 Objective - A Town Centre that remains relevant to residents and visitors alike and continues to be the District's principal mixed use centre of retail, commercial, administrative, entertainment, cultural, and tourism activity.

Policies

12.2.1.1 Enable intensification within the Town Centre through:

- a. enabling sites to be entirely covered with built form other than in the Town Centre Transition Sub-Zone and in relation to comprehensive developments provided identified pedestrian links are retained; and
- b. enabling additional building height in some areas provided such intensification is undertaken in accordance with best practice urban design principles and the effects on key public amenity and character attributes are avoided or satisfactorily mitigated.

12.2.1.2 Provide for new commercial development opportunities within the Town Centre Transition Sub-Zone that are affordable relative to those in the core of the Town Centre in order to retain and enhance the diversity of commercial activities within the Town Centre.

12.2.1.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur subject to appropriate noise controls.

12.2.1.4 Enable residential activities and visitor accommodation activities while acknowledging that there will be a lower level of residential amenity due to increased noise and activity resulting from the mix of activities and late night nature of the town centre.

12.2.2 Objective - Development that achieves high quality urban design outcomes and contributes to the town's character, heritage values and sense of place.

Policies

12.2.2.1 Require development in the Special Character Area to be consistent with the design outcomes sought by the Queenstown Town Centre Design Guidelines 2015.

12.2.2.2 Require development to:

- a. maintain the human scale of the Town Centre as experienced from street level through building articulation and detailing of the façade, which incorporates elements which break down building mass into smaller units which are recognisably connected to the viewer; and
- b. contribute to the quality of streets and other public spaces and people's enjoyment of those places; and
- c. positively respond to the Town Centre's character and contribute to the town's 'sense of place'.

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Policy 12.2.2.2 and relief sought	Appellant Court Number	Consequentially Affected Provisions
Amend Policy 12.2.2.2: Require <u>Encourage</u> development to: ...	Well smart Investment Holding (NZQN) Ltd (consent order issued)	

12.2.2.3 Control the height and mass of buildings in order to:

- provide a reasonable degree of certainty in terms of the potential building height and mass; or
- retain and provide opportunities to frame important view shafts to the surrounding landscape; or
- maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36); or
- minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.

12.2.2.4 Allow buildings to exceed the discretionary height standards where:

- the outcome is of a high-quality design,; and
- the cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a minor extent provided this is offset or compensated for by the provision of additional or enhanced public space or a pedestrian link within the development site; and
- the increase in height will facilitate the provision of new residential or visitor accommodation activity.

Policy 12.2.2.4 and relief sought	Appellant Court Number	Consequentially Affected Provisions
Amend Policy 12.2.2.4: Allow <u>Manage</u> buildings to <u>which</u> exceed the discretionary height standards in situations where to ensure: a. the outcome is of a high-quality design, which is superior to that which would be achievable under the permitted height; and b. the cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of or enhancement of additional public space or a pedestrian link within the site; and c. the increase in height will facilitate the provision of <u>new</u> residential or visitor accommodation activity.	Well smart Investment Holding (NZQN) Ltd (consent order issued)	

12.2.2.5 In respect of buildings that exceed the non-complying height standards:

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- i. Allow buildings to exceed the maximum height standards in the following instances:
 - a. where the proposed design is an example of design excellence; and
 - b. where there is an adverse effect on the public environment from the increase in height, the proposed development provides an urban design outcome that has a net benefit to the public environment; and
 - b. where relevant, where building height and bulk have been reduced elsewhere on the site in order to reduce the impact of the proposed building on a listed heritage item

For the purpose of this policy, urban design outcomes that are beneficial to the public environment include, as appropriate:

- a. provision of sunlight to any public space of prominence or space where people regularly congregate;
 - b. provision of a new or retention of an existing uncovered pedestrian link or lane;
 - c. where applicable, the restoration and opening up of Horne Creek as part of the public open space network;
 - d. provision of high quality, safe public open space;
 - e. retention of a view shaft to an identified landscape feature;
 - f. minimising wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.
 - g. the creation of landmark buildings on key block corners and key view terminations.
- ii. Recognise that the efficient utilisation of land that would otherwise be undeveloped or developed to a lesser design quality may enable excellent design outcomes.

Policy 12.2.2.5 and relief sought	Appellant Court Number	Consequentially Affected Provisions
Delete Policy 12.2.2.5	Well-smart Investment Holding (NZQN) Ltd (consent order issued)	Rule 12.5.9

- 12.2.2.6 Ensure that development within the Special Character Area reflects the general historic subdivision layout and protects and enhances the historic heritage values that contribute to the scale, proportion, character and image of the Town Centre.
- 12.2.2.7 Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.
- 12.2.2.8 Acknowledge that parts of the Queenstown Town Centre are susceptible to flood risk and mitigate the effects of this through:
 - a. requiring minimum floor heights to be met; and

- b. encouraging higher floor levels (of at least RL 312.8 masl) where amenity, mobility, streetscape, and character values are not adversely affected; and
- c. encouraging building design and construction techniques which limit the impact of flooding or ponding in areas of known risk.

12.2.2.9 Require high quality comprehensive developments within the Town Centre Transition Sub-Zone and on large sites elsewhere in the Town Centre, which provides primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

12.2.3 Objective – An increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone.

Policies

12.2.3.1 Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre and controlling the height and design of buildings at the zone boundary.

12.2.3.2 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:

- a. enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre; and
- b. providing for noisier night time activity within the entertainment precinct in order to minimise effects on residential zones adjacent to the Town Centre; and
- c. ensuring that the nature and scale of licensed premises located in the Town Centre Transition Sub-Zone result in effects that are compatible with adjoining residential zones.; and
- d. enabling activities within the Town Centre Zone that comply with the noise limits; and
- e. requiring sensitive uses within the Town Centre to mitigate the adverse effects of noise through insulation.

12.2.3.3 Enable residential and visitor accommodation activities within the Town Centre while:

- a. acknowledging that it will be noisier and more active than in residential zones due to the density, mixed use, and late night nature of the Town Centre and requiring that such sensitive uses are insulated for noise; and
- b. discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre; and
- c. avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives to private car travel, discouraging the provision of onsite car parking, and through the careful location and design of any onsite parking and loading areas; and

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- d. only enabling new residential and visitor accommodation uses within the Town Centre Entertainment Precinct where adequate insulation and mechanical ventilation is installed.

12.2.3.4 Avoid the establishment of activities that cause noxious effects that are not appropriate for the Town Centre.

12.2.3.5 Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.

Policy 12.2.3.5 and relief sought	Appellant Court Number	Consequentially Affected Provisions
Amend Policy 12.2.3.5: Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, <u>waterways</u> , roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.	Real Journeys Limited ENV-2018-CHC-131	Policy 13.2.5.3

12.2.3.6 Recognise the important contribution that sunny open spaces, footpaths, and pedestrian spaces makes to the vibrancy and economic prosperity of the Town Centre

12.2.4 Objective - A compact Town Centre that is safe and easily accessible for both visitors and residents.

Policies

12.2.4.1 Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public transport and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.

Policy 12.2.4.1 and relief sought	Appellant Court Number	Consequentially Affected Provisions
Amend Policy 12.2.4.1: Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public <u>and commercial</u> transport <u>operators</u> and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	

12.2.4.2 Ensure that the Town Centre remains compact, accessible and easily walkable by avoiding outward expansion of the Town Centre Zone. Encourage walking to and within the Town Centre by improving the quality of the pedestrian experience by:

- a. maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality;
- b. requiring new pedestrian linkages in appropriate locations when redevelopment occurs;
- c. strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it;

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- d. encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings, and may need to be specifically designed so as to not interfere with kerbside movements of high-sided vehicles;
- e. promoting and encouraging the maintenance and creation of uncovered pedestrian links and lanes wherever possible, in recognition that these are a key feature of Queenstown character;
- f. promoting the opening up of Horne Creek wherever possible, in recognition that it is a key visual and pedestrian feature of Queenstown, which contributes significantly to its character; and
- g. ensuring the cumulative effect of buildings does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site.

12.2.4.3 Minimise opportunities for anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of streetscapes, carparking areas, public and semi-public spaces, accessways/ pedestrian links/ lanes, and landscaping.

12.2.4.4 Off-street parking is predominantly located at the periphery of the Town Centre in order to limit the impact of vehicles, particularly during periods of peak visitor numbers.

12.2.4.5 Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or considering jetty applications.

Policy 12.2.4.5 and relief sought	Appellant Court Number	Consequentially Affected Provisions
Amend Policy 12.2.4.5: Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or <u>the provision of on-water transport options considering jetty applications.</u>	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	

12.2.4.6 Encourage visitor accommodation to be located and designed in a manner that minimises traffic issues that may otherwise affect the safety efficiency, and functionality of the roading network, and the safety and amenity of pedestrians and cyclists, particularly in peak periods.

12.2.5 Objective - Integrated management of the Queenstown Bay land-water interface, the activities at this interface and the establishment of a dynamic and attractive environment that benefits both residents and visitors.

Policies

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12.2.5.1 Encourage the development of an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in its location and setting as part of the Town Centre.

12.2.5.2 Promote a comprehensive approach to the provision of facilities for water-based activities.

Policy 12.2.5.2 and relief sought	Appellant Court Number	Consequently Affected Provisions
Delete Policy 12.2.5.2	Queenstown Wharves GP Limited ENV-2018-CHC-142	

12.2.5.3 Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the 'Queenstown beach and gardens foreshore area' (as identified on the Planning Map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.

Policy 12.2.5.3 and relief sought	Appellant Court Number	Consequently Affected Provisions
Delete Policy 12.2.5.3	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	Policy 6.3.32, Objective 21.2.12, Policy 12.2.5.4

12.2.5.4 Retain and enhance all the public open space areas adjacent to the waterfront.

12.2.5.5 Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.

12.2.5.6 Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk location and appearance criteria, provided the existing predominantly open character and a continuous pedestrian waterfront connection will be maintained or enhanced.

Policy 12.2.5.6 and relief sought	Appellant Court Number	Consequently Affected Provisions
Amend Policy 12.2.5.6: Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk location and appearance criteria, which are safe and adequate for purpose, and which maintain or enhance provided the existing predominantly open character and a continuous pedestrian waterfront connections with water transport and commercial recreation activities will be maintained or enhanced.	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138	Policy 12.2.5.3 Policy 12.2.5.3

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- 12.2.5.7 Provide for public water ferry services within the Queenstown Town Centre waterfront Subzone.

12.3 Other Provisions and Rules

12.3.1 District Wide

Attention is drawn to the following District wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

12.3.2 Interpreting and Applying the Rule

12.3.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables.

12.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.

12.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

12.3.2.4 The status of any Plantation Forestry will be determined by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

12.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

12.4 Rules - Activities

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.1	Activities which are not listed in this table and comply with all standards	P
12.4.2	Visitor Accommodation	C

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	Activities located in the Queenstown Town Centre Zone	Activity status						
	<p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the location, provision, and screening of access and parking, traffic generation, and travel demand management, with a view to maintaining the safety and efficiency of the roading network, and minimising private vehicle movements to/ from the accommodation; ensuring that where onsite parking is provided it is located or screened such that it does not adversely affect the streetscape or pedestrian amenity; and promoting the provision of safe and efficient loading zones for buses; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; and d. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; ii. hours of operation, in respect of ancillary activities. 							
12.4.3	<p>Commercial Activities within the Queenstown Town Centre Waterfront Sub-Zone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. any adverse effects of additional traffic generation from the activity; <table border="1"> <thead> <tr> <th>Rule 12.4.3.a. and relief sought</th><th>Appellant Court Number</th><th>Consequently Affected Provisions</th></tr> </thead> <tbody> <tr> <td>Delete Rule 12.4.3.a: any adverse effects of additional traffic generation from the activity;</td><td>Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138</td><td></td></tr> </tbody> </table> <ul style="list-style-type: none"> b. the location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles; and c. the erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of: <ul style="list-style-type: none"> i. any adverse effect on visual amenity and on pedestrian or vehicle movement; and ii. the extent to which a comprehensive approach has been taken to 	Rule 12.4.3.a. and relief sought	Appellant Court Number	Consequently Affected Provisions	Delete Rule 12.4.3.a: any adverse effects of additional traffic generation from the activity;	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138		C
Rule 12.4.3.a. and relief sought	Appellant Court Number	Consequently Affected Provisions						
Delete Rule 12.4.3.a: any adverse effects of additional traffic generation from the activity;	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138							

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	Activities located in the Queenstown Town Centre Zone	Activity status
	providing for such areas within the Sub-Zone.	
12.4.4	<p>Licensed Premises</p> <p>12.4.4.1 Other than in the Town Centre Transition Sub-Zone premises licensed for the consumption of liquor on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>12.4.4.2 Premises within the Town Centre Transition Sub-Zone licensed for the consumption of liquor on the premises between the hours of 6pm and 11pm provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>In relation to both 12.4.4.1 and 12.4.4.2 above, control is reserved to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. effects on amenity (including that of adjoining residential zones and public reserves); c. the provision of screening and/ or buffer areas between the site and adjoining residential zones; d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and e. noise issues, and hours of operation. 	C

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	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.5	<p>Licensed Premises within the Town Centre Transition Sub-Zone</p> <p>Premises within the Town Centre Transition Sub-Zone licensed for the consumption of liquor on the premises between the hours of 11 pm and 8 am.</p> <p>This rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12 am. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. effects on amenity (including that of adjoining residential zones and public reserves); c. the provision of screening and/ or buffer areas between the site and adjoining residential zones; d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and e. noise issues, and hours of operation. 	RD
12.4.6	<p>Buildings except temporary 'pop up' buildings that are in place for no longer than 6 months and permanent and temporary outdoor art installations</p> <p>Buildings, including verandas, and any pedestrian link provided as part of the building/ development.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. consistency with the Queenstown Town Centre Special Character Area Design Guidelines (2015), (noting that the guidelines apply only to the Special Character Area); b. external appearance, including materials and colours; c. signage platforms; d. lighting; e. the impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas; f. the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; g. the contribution the building makes to pedestrian flows and linkages and to enabling the unobstructed kerbside movement of high-sided 	RD

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	Activities located in the Queenstown Town Centre Zone	Activity status															
	<p>vehicles where applicable;</p> <p>h. the provision of active street frontages and, where relevant, outdoor dining/patronage opportunities; and</p> <p>i. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:</p> <p>i. the nature and degree of risk the hazard(s) pose to people and property;</p> <p>ii. whether the proposal will alter the risk to any site; and</p> <p>iii. the extent to which such risk can be avoided or sufficiently mitigated.</p>																
12.4.7	<p>Wharfs and jetties, commercial surface of water activities, and moorings within the Queenstown Town Centre Waterfront Sub-Zone</p> <p>12.4.7.1 Wharfs and Jetties within the 'active frontage area' of the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <table border="1"> <thead> <tr> <th>Rule 12.4.7.1 and relief sought</th><th>Appellant Court Number</th><th>Consequently Affected Provisions</th></tr> </thead> <tbody> <tr> <td>Amend the Activity Status of Rule 12.4.7.1 to Controlled.</td><td>Remarkables Park Limited ENV-2018-CHC-126</td><td>Policies 6.3.30, 6.3.31, 6.3.32, 6.3.33</td></tr> </tbody> </table> <p>12.4.7.2 Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <table border="1"> <thead> <tr> <th>Rule 12.4.7.2 and relief sought</th><th>Appellant Court Number</th><th>Consequently Affected Provisions</th></tr> </thead> <tbody> <tr> <td>Amend the Activity Status of Rule 12.4.7.2 to Controlled.</td><td>Queenstown Wharves GP Limited ENV-2018-CHC-142</td><td>Policy 12.2.5.3, Policy 12.2.5.6</td></tr> <tr> <td></td><td>Remarkables Park Limited ENV-2018-CHC-126</td><td>Policies 6.3.30, 6.3.31, 6.3.32, 6.3.34</td></tr> </tbody> </table> <p>In respect of 12.4.7.1 and 12.4.7.2 the Council's discretion is unlimited but it shall consider:</p> <p>The extent to which the proposal will:</p> <p>a. create an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore;</p>	Rule 12.4.7.1 and relief sought	Appellant Court Number	Consequently Affected Provisions	Amend the Activity Status of Rule 12.4.7.1 to Controlled.	Remarkables Park Limited ENV-2018-CHC-126	Policies 6.3.30, 6.3.31, 6.3.32, 6.3.33	Rule 12.4.7.2 and relief sought	Appellant Court Number	Consequently Affected Provisions	Amend the Activity Status of Rule 12.4.7.2 to Controlled.	Queenstown Wharves GP Limited ENV-2018-CHC-142	Policy 12.2.5.3, Policy 12.2.5.6		Remarkables Park Limited ENV-2018-CHC-126	Policies 6.3.30, 6.3.31, 6.3.32, 6.3.34	<p>D</p> <p>D</p>
Rule 12.4.7.1 and relief sought	Appellant Court Number	Consequently Affected Provisions															
Amend the Activity Status of Rule 12.4.7.1 to Controlled.	Remarkables Park Limited ENV-2018-CHC-126	Policies 6.3.30, 6.3.31, 6.3.32, 6.3.33															
Rule 12.4.7.2 and relief sought	Appellant Court Number	Consequently Affected Provisions															
Amend the Activity Status of Rule 12.4.7.2 to Controlled.	Queenstown Wharves GP Limited ENV-2018-CHC-142	Policy 12.2.5.3, Policy 12.2.5.6															
	Remarkables Park Limited ENV-2018-CHC-126	Policies 6.3.30, 6.3.31, 6.3.32, 6.3.34															

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	Activities located in the Queenstown Town Centre Zone	Activity status						
	<p>b. maintain a continuous waterfront walkway from Horne Creek right through to St Omer Park;</p> <p>c. maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities;</p> <p>d. provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping.</p> <table border="1"> <thead> <tr> <th>Rule 12.4.7.2.d. and relief sought</th><th>Appellant Court Number</th><th>Consequentially Affected Provisions</th></tr> </thead> <tbody> <tr> <td>Delete Rule 12.4.7.2.d: provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping.</td><td>Queenstown Wharves GP Limited ENV-2018-CHC-142 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138</td><td></td></tr> </tbody> </table> <p>e. maintain or enhance public access to the lake and amenity values including character;</p> <p>f. affect water quality, navigation and people's safety, and adjoining infrastructure; and</p> <p>g. the extent to which any proposed wharfs and jetties structures or buildings will:</p> <p>i. enclose views across Queenstown Bay; and</p> <p>ii. result in a loss of the generally open character of the Queenstown Bay and its interface with the land;</p> <p>iii. affect the values of wāhi Tūpuna.</p> <p>12.4.7.3 Moorings within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Sub-Zone (as shown on the Planning Maps).</p> <p>In respect of 12.4.7.3 discretion is restricted to:</p> <p>a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;</p> <p>b. whether the structure causes an impediment to craft manoeuvring and using shore waters;</p>	Rule 12.4.7.2.d. and relief sought	Appellant Court Number	Consequentially Affected Provisions	Delete Rule 12.4.7.2.d: provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping.	Queenstown Wharves GP Limited ENV-2018-CHC-142 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138		<p>RD</p> <p>RD</p>
Rule 12.4.7.2.d. and relief sought	Appellant Court Number	Consequentially Affected Provisions						
Delete Rule 12.4.7.2.d: provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping.	Queenstown Wharves GP Limited ENV-2018-CHC-142 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138							

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	Activities located in the Queenstown Town Centre Zone	Activity status
	<ul style="list-style-type: none"> c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline; d. the effects associated with congestion and clutter around the shoreline, including whether the structure contributes to an adverse cumulative effect; e. whether the structure will be used by a number and range of people and craft, including the general public; and f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. <p>12.4.7.4 Public water ferry services (surface of water activity only) within the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <p>In respect of 12.4.7.4, discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on the transport network. b. Effects on navigational safety. c. Location, scale and, intensity of the activity. d. Effects on landscape and amenity values. e. Congestion and safety, including effects on other commercial operators and recreational users. f. Waste disposal. g. Cumulative effects. 	

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	Activities located in the Queenstown Town Centre Zone	Activity status									
12.4.8	<p>Wharfs and jetties, buildings on wharfs and jetties, and the use of buildings or boating craft for accommodation within the Queenstown Town Centre Waterfront Sub-Zone</p> <p>12.4.8.1 Wharfs and Jetties within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <p>12.4.8.2 Any buildings located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Sub-Zone.</p> <table border="1"> <thead> <tr> <th>Rule 12.4.8.2 and relief sought</th><th>Appellant Court Number</th><th>Consequentially Affected Provisions</th></tr> </thead> <tbody> <tr> <td>Amend the Activity Status of Rule 12.4.8.2 to Restricted Discretionary, with discretion limited to matters of design and public access along the jetty.</td><td>Queenstown Wharves GP Limited ENV-2018-CHC-142</td><td>Policy 12.2.5.3</td></tr> <tr> <td>Delete Rule 12.4.8.2</td><td>Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138</td><td></td></tr> </tbody> </table> <p>12.4.8.3 Buildings or boating craft within the Queenstown Town Centre Waterfront Sub-Zone if used for visitor, residential or overnight accommodation.</p>	Rule 12.4.8.2 and relief sought	Appellant Court Number	Consequentially Affected Provisions	Amend the Activity Status of Rule 12.4.8.2 to Restricted Discretionary, with discretion limited to matters of design and public access along the jetty.	Queenstown Wharves GP Limited ENV-2018-CHC-142	Policy 12.2.5.3	Delete Rule 12.4.8.2	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138		NC
Rule 12.4.8.2 and relief sought	Appellant Court Number	Consequentially Affected Provisions									
Amend the Activity Status of Rule 12.4.8.2 to Restricted Discretionary, with discretion limited to matters of design and public access along the jetty.	Queenstown Wharves GP Limited ENV-2018-CHC-142	Policy 12.2.5.3									
Delete Rule 12.4.8.2	Real Journeys Limited ENV-2018-CHC-131 Real Journeys (trading as Go Orange Limited) ENV-2018-CHC-138										
12.4.9	<p>Industrial Activities at ground floor level</p> <p>Note: Specific industrial activities are listed separately below as prohibited activities.</p>	NC									
12.4.10	Factory Farming	PR									
12.4.11	Forestry Activities, except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.	PR									
12.4.12	Mining Activities	PR									
12.4.13	Airports other than the use of land and water for emergency landings, rescues and firefighting.	PR									
12.4.14	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR									

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	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.15	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
12.4.16	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

12.5 Rules - Standards

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status						
12.5.1	<p>Maximum building coverage in the Town Centre Transition Sub-Zone and in relation to comprehensive developments</p> <p>12.5.1.1 In the Town Centre Transition Sub-Zone or when undertaking a comprehensive development (as defined), the maximum building coverage shall be 75%.</p> <table border="1"> <thead> <tr> <th>Rule 12.5.1.1 and relief sought</th><th>Appellant Court Number</th><th>Consequently Affected Provisions</th></tr> </thead> <tbody> <tr> <td>Amend Rule 12.5.1.1 to remove the requirement for comprehensive developments (being buildings on a site or across a number of sites with a total land area greater than 1400m²) to have a maximum site coverage of 75%.</td><td>Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122</td><td>Policy 12.2.1.1, Policy 12.2.2.9, Rule 12.6.2</td></tr> </tbody> </table> <p>Advice Note: While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as outdoor storage areas, and pedestrian linkages might be required.</p> <p>12.5.1.2 Any application for building within the Town Centre Transition Sub-Zone or for a comprehensive development (as defined) shall include a Comprehensive Development Plan that covers the entire development area.</p>	Rule 12.5.1.1 and relief sought	Appellant Court Number	Consequently Affected Provisions	Amend Rule 12.5.1.1 to remove the requirement for comprehensive developments (being buildings on a site or across a number of sites with a total land area greater than 1400m ²) to have a maximum site coverage of 75%.	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Policy 12.2.1.1, Policy 12.2.2.9, Rule 12.6.2	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the adequate provision of cycle, vehicle, and pedestrian links and lanes, open spaces, outdoor dining opportunities; the adequate provision of storage and loading/ servicing areas; the provision of open space within the site, for outdoor dining or other purposes; the site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, listed heritage items, and heritage precincts, and the amenity and safety of adjoining public spaces and designated sites, including shading and wind effects.
Rule 12.5.1.1 and relief sought	Appellant Court Number	Consequently Affected Provisions						
Amend Rule 12.5.1.1 to remove the requirement for comprehensive developments (being buildings on a site or across a number of sites with a total land area greater than 1400m ²) to have a maximum site coverage of 75%.	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Policy 12.2.1.1, Policy 12.2.2.9, Rule 12.6.2						

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.2	Waste and Recycling Storage Space <p>12.5.2.1 Offices shall provide a minimum of 2.6m³ of waste and recycling storage (bin capacity) and minimum 8m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.2 Retail activities shall provide a minimum of 5m³ of waste and recycling storage (bin capacity) and minimum 15m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.3 Food and beverage outlets shall provide a minimum of 1.5m³ (bin capacity) and 5m² floor area of waste and recycling storage per 20 dining spaces, or part thereof.</p> <p>12.5.2.4 Residential and Visitor Accommodation activities shall provide a minimum of 80 litres of waste and recycling storage per bedroom, or part thereof.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the adequacy of the area, dimensions, design, and location of the space allocated, such that it is of an adequate size, can be easily cleaned, and is accessible to the waste collection contractor, such that it need not be put out on the kerb for collection. The storage area needs to be designed around the type(s) of bin to be used to provide a practicable arrangement. The area needs to be easily cleaned and sanitised, potentially including a foul floor gully trap for wash down and spills of waste.</p>
12.5.3	Screening of Storage Areas <p>Storage areas shall be situated within a building or screened from view from all public places, adjoining sites and adjoining zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. effects on visual amenity;</p> <p>b. consistency with the character of the locality;</p> <p>c. effects on human safety in terms of CPTED principles; and</p> <p>d. whether pedestrian and vehicle access is compromised.</p>

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.4	<p>Verandas</p> <p>12.5.4.1 Every new, reconstructed or altered building (excluding repainting) with frontage to the roads listed below shall include a veranda or other means of weather protection.</p> <ul style="list-style-type: none"> a. Shotover Street (Stanley Street to Hay Street); b. Beach Street; c. Rees Street; d. Camp Street (Church Street to Man Street); e. Brecon Street (Man Street to Shotover Street); f. Church Street (north west side); g. Queenstown Mall (Ballarat Street); h. Athol Street; i. Stanley Street (Coronation Drive to Memorial Street). <p>12.5.4.2 Verandas shall be no higher than 3m above pavement level and no verandas on the north side of a public place or road shall extend over that space by more than 2m and those verandas on the south side of roads shall not extend over the space by more than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. consistency of the proposal and the Queenstown Town Centre Design Guidelines (2015) where applicable; and b. effects on pedestrian amenity, the human scale of the built form, and on historic heritage values.
12.5.5	<p>Residential Activities</p> <p>12.5.5.1 Residential activities shall not be situated at ground level in any building with frontage to the following roads:</p> <ul style="list-style-type: none"> a. Stanley Street (Coronation Drive to Memorial Street); b. Camp Street (Man Street to Earl Street); c. Queenstown Mall (Ballarat Street) ; d. Church Street; e. Marine Parade (north of Church Street); 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. effects on the ability to achieve active frontages along these streets; b. effects on surrounding buildings and activities; and c. the quality of the living environment within the building.

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status												
	f. Beach Street; g. Rees Street; h. Shotover Street; i. Brecon Street; j. Athol Street; k. Duke Street.													
12.5.6	Flood Risk No building greater than 20m ² with a ground floor level less than RL 312.0 masl shall be relocated to a site, or constructed on a site, within this zone.	RD Discretion is restricted to: <ol style="list-style-type: none"> the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding. 												
12.5.7	Provision of Pedestrian Links and Lanes 12.5.7.1 All new buildings and building redevelopments located on sites which are identified for pedestrian links or lanes in Figure 1 (at the end of this chapter) shall provide a ground level pedestrian link or lane in the general location shown. <table border="1"> <thead> <tr> <th>Rule 12.5.7.1 and relief sought</th><th>Appellant Court Number</th><th>Consequentially Affected Provisions</th></tr> </thead> <tbody> <tr> <td>Delete Rule 12.5.7.1</td><td> Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122 </td><td>Rule 12.5.7, Rule 12.5.7.3</td></tr> </tbody> </table> 12.5.7.2 Where a pedestrian link or lane required by Rule 12.5.7.1 is open to the public during retailing hours the Council will consider off-setting any such area against development levies and car parking requirements. <table border="1"> <thead> <tr> <th>Rule 12.5.7.2 and relief sought</th><th>Appellant Court Number</th><th>Consequentially Affected Provisions</th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td></tr> </tbody> </table>	Rule 12.5.7.1 and relief sought	Appellant Court Number	Consequentially Affected Provisions	Delete Rule 12.5.7.1	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Rule 12.5.7, Rule 12.5.7.3	Rule 12.5.7.2 and relief sought	Appellant Court Number	Consequentially Affected Provisions				RD Where the required link is not proposed as part of development, discretion is restricted to: <ol style="list-style-type: none"> the adverse effects on the pedestrian environment, connectivity, legibility, and Town Centre character from not providing the link.
Rule 12.5.7.1 and relief sought	Appellant Court Number	Consequentially Affected Provisions												
Delete Rule 12.5.7.1	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Rule 12.5.7, Rule 12.5.7.3												
Rule 12.5.7.2 and relief sought	Appellant Court Number	Consequentially Affected Provisions												

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Standards for activities located in the Queenstown Town Centre Zone			Non-compliance status
Delete Rule 12.5.1.2	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Rule 12.5. 7, Rule 12.5.7.3	
12.5.7.3	Where an existing lane or link identified in Figure 1 is: a. uncovered then, as part of any new building or redevelopment of the site, it shall; i. remain uncovered; and ii. be a minimum of 4.0m wide; and iii. include an unobstructed accessible route at least 2.0m wide, with the remainder incorporating open space, outdoor dining or the display of goods; and b. covered then it may remain covered and shall be at least 1.8 m wide, with an average minimum width of 2.5m.		
12.5.7.4	In all cases, lanes and links shall be open to the public during all retailing hours.		
Location of Pedestrian Links within the Queenstown Town Centre			
a.	Shotover St / Beach St, Lot 2 DP 11098;		
b.	Trustbank Arcade (Shotover St/Beach St), Lot 1 DP Tn of Queenstown;		
c.	Plaza Arcade, Shotover St/Beach 1 DP 17661;		
d.	Cow Lane/Beach Street, Sec 30 Blk I Tn of Queenstown;		
e.	Cow Lane / Beach Street, Lot 1 DP 25042;		
f.	Cow Lane / Ballarat Street, Lot 2 DP 19416;		
g.	Ballarat St/Searle Lane, Sec 22 & Pt Sec 23 BLK II Tn Queenstown,		
h.	Ballarat Street/Searle Lane and part of Searle Lane land parcel;		
i.	Church St/Earl St, Sections Lot 1 DP 27486;		

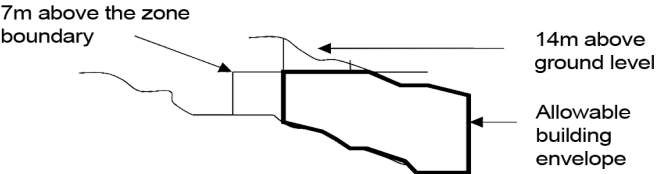
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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status						
	<p>j. Searle Lane/Church St, Lot 100 DP 303504</p> <p>k. Camp/ Stanley St, post office precinct, Lot 2 DP 416867;</p> <p>l. Camp/ Athol St, Lot 1 DP 20875.</p> <p>Advice Notes:</p> <p>a. where an uncovered pedestrian link or lane (i.e. open to the sky) is provided in accordance with this rule, additional building height may be appropriate pursuant to Policies 12.2.2.4 and 12.2.2.5;</p> <p>b. where an alternative link is proposed as part of the application which is not on the development site but achieves the same or a better outcome then this is likely to be considered appropriate.</p>							
12.5.8	<p>Discretionary Building Height in Precinct 1, Precinct 1(A), Precinct 2, Precinct 4 and Precinct 5</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</p> <p>12.5.8.1 Within Precinct 1 and Precinct 1 (A) the maximum height shall be 12m: and</p> <p>12.5.8.2 Within Precinct 1 (A) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p> <table border="1"> <thead> <tr> <th>Rule 12.5.8.2 and relief sought</th><th>Appellant Court Number</th><th>Consequently Affected Provisions</th></tr> </thead> <tbody> <tr> <td>Delete Rule 12.5.8.2 so that buildings within Precinct 1 (A) can protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary (as a permitted activity).</td><td>Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128</td><td>Policy 12.2.2.3, Policy 12.2.2.5</td></tr> </tbody> </table> <p>12.5.8.3 Within Precinct 2, no part of any building shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.5m above any street boundary.</p>	Rule 12.5.8.2 and relief sought	Appellant Court Number	Consequently Affected Provisions	Delete Rule 12.5.8.2 so that buildings within Precinct 1 (A) can protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary (as a permitted activity).	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128	Policy 12.2.2.3, Policy 12.2.2.5	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of any additional height on the urban form of the Town Centre and the character of the height precinct within which it is located. The Council will consider:</p> <p>i. the extent to which the proposed building design responds sensitively to difference in height, scale and mass between the proposal and existing buildings on adjacent sites and with buildings in the wider height precinct, in terms of use of materials, façade articulation and roof forms; and</p> <p>ii. the effect on human scale and character as a result of proposed articulation of the façade, the roofline, and the roofscape; and</p> <p>iii. the amenity of surrounding streets, lanes, footpaths and other public spaces, including the effect on sunlight access to public spaces and footpaths; the</p>
Rule 12.5.8.2 and relief sought	Appellant Court Number	Consequently Affected Provisions						
Delete Rule 12.5.8.2 so that buildings within Precinct 1 (A) can protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary (as a permitted activity).	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128	Policy 12.2.2.3, Policy 12.2.2.5						

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Standards for activities located in the Queenstown Town Centre Zone			Non-compliance status						
12.5.8.4	Within Precinct 4, no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.		provision of public space and pedestrian links; and						
12.5.8.5	Within Precinct 5, the street front parapet shall be between 7.5 and 8.5m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 7.5m above any street boundary.		iv. the opportunity to establish landmark buildings on key sites, such as block corners and key view terminations; and						
		b.	The protection or enhancement of public views of Lake Wakatipu or of any of the following peaks:						
		i.	Bowen Peak;						
		ii.	Walter Peak;						
		iii.	Cecil Peak;						
		iv.	Bobs Peak;						
		v.	Queenstown Hill;						
		vi.	The Remarkables Range (limited to views of Single and Double Cone); and						
		vii.	effects on any adjacent Residential Zone; and						
		viii.	the historic heritage value of any adjacent heritage item/ precinct and whether it acknowledges and respects the scale and form of this heritage item/ precinct.						
12.5.9	<table><tr><th>Rule 12.5.9 and relief sought</th><th>Appellant Court Number</th><th>Consequentially Affected Provisions</th></tr><tr><td>Delete Rule 12.5.9 (or the site is excluded from the standard) so that buildings on the site are provided for as a permitted activity up to 12m height and a restricted discretionary activity above 12m height.</td><td>Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128</td><td></td></tr></table> <p>Maximum building and façade height</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</p> <p>12.5.9.1 In Height Precinct 1 Precinct 1 (A) and</p>		Rule 12.5.9 and relief sought	Appellant Court Number	Consequentially Affected Provisions	Delete Rule 12.5.9 (or the site is excluded from the standard) so that buildings on the site are provided for as a permitted activity up to 12m height and a restricted discretionary activity above 12m height.	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128		NC
Rule 12.5.9 and relief sought	Appellant Court Number	Consequentially Affected Provisions							
Delete Rule 12.5.9 (or the site is excluded from the standard) so that buildings on the site are provided for as a permitted activity up to 12m height and a restricted discretionary activity above 12m height.	Well Smart Investment Holding (NZQN) Ltd ENV-2018-CHC-128								

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>Precinct 2, subject to sub-clauses a – d below, the maximum absolute height limits shall be as follows:</p> <ul style="list-style-type: none"> i. 15m on Secs 4-5 Blk Xv Queenstown Tn (48-50 Beach St); ii. 15.5m in Precinct 1(A); iii. 14m elsewhere. <p>and</p> <ul style="list-style-type: none"> a. throughout the precinct, the building shall contain no more than 4 storeys excluding basements; b. in addition, buildings within the block bound by Ballarat, Beetham, and Stanley streets as identified on the Height Precinct Map shall not protrude through a horizontal plane drawn at 7m above any point along the north-eastern zone boundary of this block, as illustrated in the below diagram;  <ul style="list-style-type: none"> c. in addition, on Secs 4-5 Blk Xv Queenstown Tn, (48-50 Beach Street) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 12m above any boundary; d. in addition, buildings within that part of the block bound by Man, Brecon, Shotover, and Hay streets shown on the Height Precinct Map as area P1 (i) shall not protrude through a horizontal plane drawn at 330.1 masl; that part of the block shown as P1 (ii), through a horizontal plane drawn at 327.1 masl; and that part of the block shown as P1 (iii) through a horizontal 	

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p style="text-align: center;">plane drawn at 335.1 masl.</p> <p>12.5.9.2 In Height Precinct 3 (lower Beach St to Marine Parade and the Earl/ Church Street block) the maximum height shall be 8m and the street front parapet of buildings shall be between 7.5m and 8.5m and may protrude through the height plane.</p> <p>12.5.9.3 For any buildings located on a wharf or jetty, the maximum height shall be 4 m above RL 312.0 masl.</p> <p>12.5.9.4 In Height Precinct 7 (Man Street):</p> <ul style="list-style-type: none"> a. in Area A shown on the Height Precinct Map, the maximum height shall be 11m above RL 327.1 masl. b. in Area B the maximum height shall be 14m above RL 327.1 masl; c. in Viewshaft C the maximum height shall be RL 327.1 masl (i.e. no building is permitted above the existing structure); d. in Viewshaft D, the maximum height shall be 3 m above RL 327.6masl. <p>12.5.9.5 For all other sites within the Town Centre Zone, the maximum height shall be 12m and, in addition, the following shall apply:</p> <ul style="list-style-type: none"> a. in Height Precinct 6 (land bound by Man, Duke and Brecon streets): <ul style="list-style-type: none"> i. no building shall protrude through a horizontal plane drawn at RL 332.20 masl except that decorative parapets may encroach beyond this by a maximum of up to 0.9 metre. This rule shall not apply to any lift tower within a visitor accommodation development in this area, which exceeds the maximum height permitted for buildings by 1m or less; and ii. no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° commencing 	

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	from a line 10m above the street boundary.	
12.5.10	<p>Noise</p> <p>12.5.10.1 Sound* from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 to 12.5.10.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</p> <ul style="list-style-type: none"> a. Daytime (0800 to 2200hrs) 60 dB L_{Aeq}(15 min) b. Night-time (2200 to 0800hrs) 50 dB L_{Aeq}(15 min) c. Night-time (2200 to 0800hrs) 75 dB L_{AFmax} <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.10.2 Sound from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 and 12.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>12.5.10.3 within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from music shall not exceed the following limits:</p> <ul style="list-style-type: none"> a. 60 dB L_{Aeq}(5 min) at any point within any other site in the Entertainment Precinct; b. at any point within any other site outside the Entertainment Precinct, other than as allowed for in c.: <ul style="list-style-type: none"> i. daytime (0800 to 0100 hrs) 55 dB L_{Aeq}(5 min) ii. late night (0100 to 0800 hrs) 50 dB L_{Aeq}(5 min) ; and c. 55 dB L_{aeg} (5 min) at any point along the eastern boundary of Searle Lane (excluding any frontage south of Lot 1 	NC

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>DP 27486)</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>12.5.10.4 within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from voices shall not exceed the following limits:</p> <ul style="list-style-type: none"> a. 65 dB $L_{Aeq(15 \text{ min})}$ at any point within any other site in the Entertainment Precinct; b. at any point within any other site outside the Entertainment Precinct, other than as allow for in c.: <ul style="list-style-type: none"> i. daytime (0800 to 0100 hrs) 60 dB $L_{Aeq(15 \text{ min})}$ ii. late night (0100 to 0800 hrs) 50 dB $L_{Aeq(15 \text{ min})}$; and c. 60 dB $L_{aeg(15 \text{ min})}$ at any point along the eastern boundary of Searle Lane (excluding any frontage south of Lot 1 DP 27486) <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.10.5 within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from any loudspeaker outside a building shall not exceed 75 dB $L_{Aeq(5 \text{ min})}$ measured at 0.6 metres from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions from Rule 12.5.10:</p> <ul style="list-style-type: none"> a. the noise limits in 12.5.10.1 and 12.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. b. the noise limits in 12.5.10.1 to 12.5.10.5 shall not apply to outdoor public events pursuant to 	

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>Chapter 35 of the District Plan.</p> <p>c. the noise limits in 12.5.10.1 and 12.5.10.2 shall not apply to motor/ water noise from commercial motorised craft within the Queenstown Town Centre waterfront Sub-Zone which is, instead, subject to Rule 36.5.13.</p>	
12.5.11	<p>Acoustic insulation, other than in the Entertainment Precinct</p> <p>where any new building is erected, or a building is modified to accommodate a recent activity:</p> <p>12.5.11.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>12.5.11.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites such that such noise insulation will not be necessary.
12.5.12	<p>Acoustic insulation within the Entertainment Precinct</p> <p>where any new building is erected, or a building is modified to accommodate a new activity:</p> <p>12.5.12.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>12.5.12.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.</p>	NC
12.5.13	<p>Glare</p> <p>12.5.13.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and downward so as to limit the effects on views of the night sky.</p> <p>12.5.13.2 No activity in this zone shall result in a</p>	NC

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.	
12.5.13.3	No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned High Density Residential measured at any point more than 2m inside the boundary of the adjoining property.	

12.6 Rules - Non-Notification of Applications

12.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified except:

12.6.1.1 where visitor accommodation includes a proposal for vehicle access directly onto a State Highway.

12.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified:

12.6.2.1 Buildings.

12.6.2.2 Building coverage in the Town Centre Transition Sub-Zone and comprehensive development .

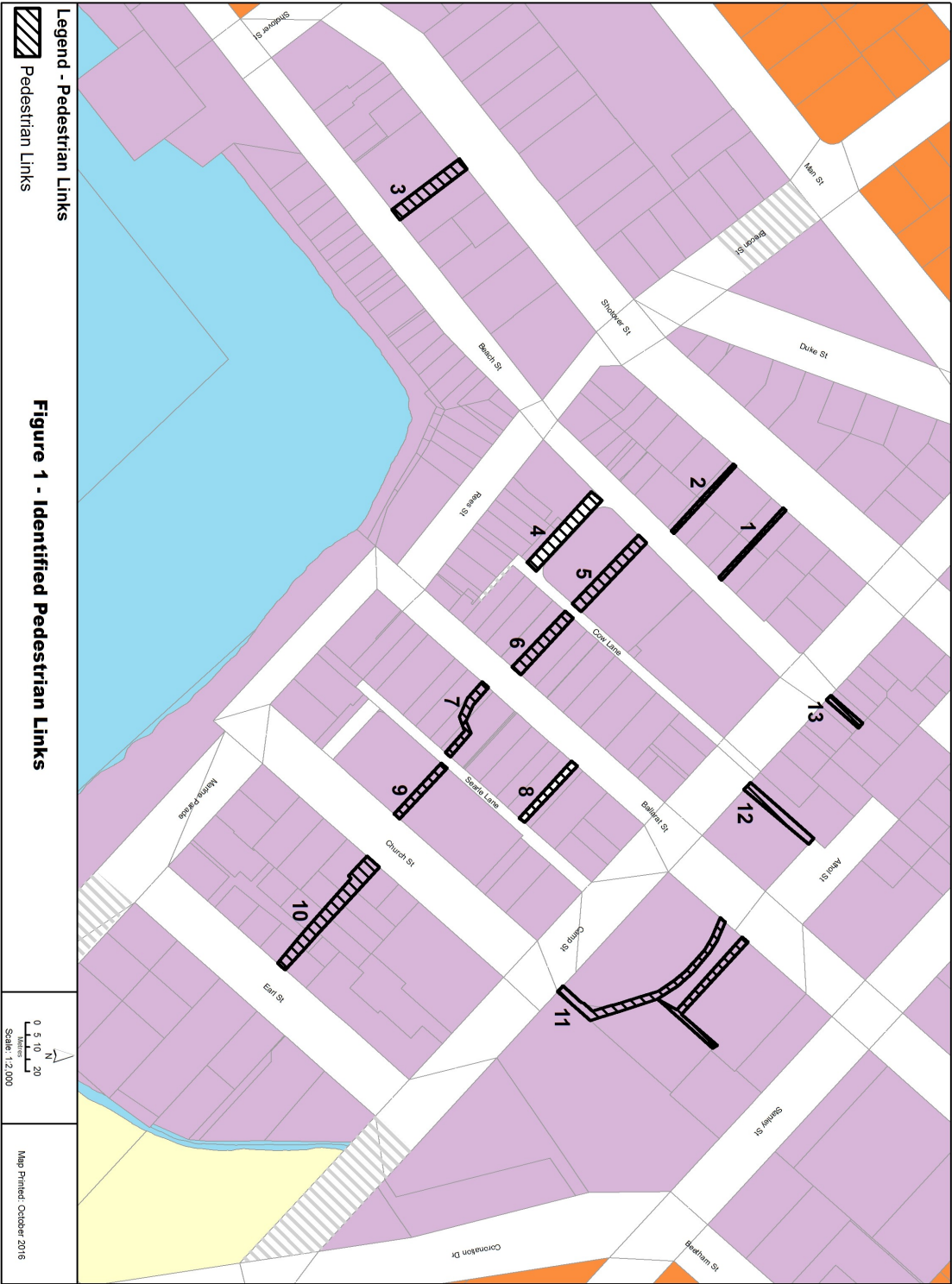
12.6.2.3 waste and recycling storage space

12.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

12.6.3.1 Discretionary building height in Height Precinct 1 and Height Precinct 1(A).

Figure 1: Identified Pedestrian Links

Figure 1 – Identified Pedestrian Links and relief sought	Appellant Court Number	Consequentially Affected Provisions
Amend Figure 1 by deleting the identified pedestrian link over the property at 13 Camp Street (Lot1 DP416867) and 41-43 Ballarat Street (Lot2 DP416867)	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited ENV-2018-CHC-085	
Amend Figure 1 to remove pedestrian links.	Skyline Enterprises Limited ENV-2018-CHC-123 Trojan Holdings Limited ENV-2018-CHC-122	Policies 12.2.1.1, 12.2.2.9, 12.2.3.6, 12.2.4.1, 12.2.4.2, 12.2.4.3, 12.2.5.5, 12.2.5.6, Rule 12.5.7, Rule 12.6.2



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Figure 2: Queenstown Town Centre Height precinct map



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Figure 2 – Queenstown Town Centre and Height Precinct Map and relief sought	Appellant Court Number	Consequentially Affected Provisions
<p>Amend Figure 2 to:</p> <ul style="list-style-type: none"> denote an absolute maximum building height for 10 Man Street of no greater than 11 metres or less, if the view amenities of 10 Man Street (to the south) are able to maintained with less developable height; denote movement of Viewshaft C in a westerly direction so that its full width is located west of 10 Man Street beyond the boundary between 10 and 12 Man Street. 	Queenstown Views Limited ENV-2018-CHC-112	
Amend Figure 2 to remove Lot 1 DP 20117 and Lot 1 DP 20867 from Height Precinct 5, and instead apply Height Precinct 4 to these sites.	Skyline Enterprises Limited ENV-2018-CHC-123	
Amend Figure 2 to remove Lot 1 DP 25042 from Height Precinct 5, and instead apply Height Precinct 4 to this site.	Trojan Holdings Limited ENV-2018-CHC-122	
Replace the height limits relating to the appeal site with the height limit regime proposed by MacFarlane Investments Limited (FS 1274) at the hearing (as per table at paragraph 19(a) of Notice of Appeal). The appeal site is described as: part of the northern half of the block bounded by Man Street, Hay Street, Shotover Street and Brecon Street (Man Street Block).	MacFarlane Investments Limited ENV-2018-CHC-089 (consent order issued)	