

This table identifies new provisions sought to be added:

Appellant Court Number	Provision/s Sought to be Added into Chapter 16
FII Holdings Limited ENV-2018-CHC-084	<p>Provide for the Frankton North Structure Plan and associated provisions, as necessary, including:</p> <p><u>16..x.xx Structure Plan</u></p> <ul style="list-style-type: none"> • <u>Internal road access shall be provided in accordance with the Structure Plan in Rule 16.7 as follows:</u> • <u>Road access into the zone from State Highway 6 shall be via the fourth (northern) leg of the Hawthorn Drive/State Highway 6 roundabout (Designation #370), unless otherwise approved by the NZ Transport Agency;</u> • <u>Subject to compliance with a. above, Required Primary Road Access shall be provided as shown on the Structure Plan except that the exact location of such roading may vary by up to 50 metres.</u>
FII Holdings Limited ENV-2018-CHC-084	<p>Amend Chapter 16 to provide a site specific suite of objectives, policies, and rules relevant to the Frankton North land, including but not limited to matters currently contained in Chapter 16.</p>
Universal Developments Limited ENV-2018-CHC-101	<p>Amend Chapter 16 to provide site specific suite of objectives, policies, and rules relevant to the Frankton North land, including but not limited to matters currently contained in Chapter 16. Provide for the Frankton North Structure Plan (included in the submission) and associated provisions as necessary, including:</p> <p><u>16..x.xx Structure Plan</u></p> <ul style="list-style-type: none"> • <u>Internal road access shall be provided in accordance with the Structure Plan in Rule 16.7 as follows:</u> • <u>Road access into the zone from State Highway 6 shall be via the fourth (northern) leg of the Hawthorn Drive/State Highway 6 roundabout (Designation #370), unless otherwise approved by the NZ Transport Agency;</u> <p><u>Subject to compliance with a. above, Required Primary Road Access shall be provided as shown on the Structure Plan except that the exact location of such roading may vary by up to 50 metres.</u></p>

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

16.1

Purpose

The intention of this zone is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the business mixed use Zone in Queenstown, provided that high quality urban design outcomes are achieved.

16.2

Objectives and Policies

16.2.1 Objective – An area comprising a high intensity mix of compatible residential and non-residential activities is enabled.

Policies	<p>16.2.1.1 Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.</p> <p>16.2.1.2 Enable a range and mix of compatible business, residential and other complementary activities to achieve an urban environment that is desirable to work and live in.</p> <p>16.2.1.3 Avoid activities that have noxious, offensive, or undesirable qualities from locating within the business mixed use Zone to ensure that a high quality urban environment is maintained.</p> <p>16.2.1.4 For sites adjoining Gorge Road in Queenstown, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.</p> <p>16.2.1.5 Provide appropriate noise limits to minimise adverse noise effects received within the business mixed use Zone and by nearby properties.</p> <p>16.2.1.6 Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the building Code to limit the potential for reverse sensitivity effects.</p> <p>16.2.1.7 Ensure that the location and direction of lights 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 and provide a safe and well-lit environment for pedestrians.</p> <p>16.2.1.8 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects on public places and adjoining residential zones.</p> <p>16.2.1.9 minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways/pedestrian links/lanes, and landscaping.</p>
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16.2.2 **Objective** – New development achieves high quality building and urban design outcomes that minimises adverse effects on adjoining residential areas and public spaces.

Policies	16.2.2.1	Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.
	16.2.2.2	Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbours.
	16.2.2.3	Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout, landscaping and design measures.
	16.2.2.4	utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.
	16.2.2.5	Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.
	16.2.2.6	Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.
	16.2.2.7	Allow buildings between 12m and 20m heights in the Queenstown business mixed use Zone in situations when: <ul style="list-style-type: none">a. the outcome is of high quality design;b. the additional height would not result in shading that would adversely impact on adjoining Residential zoned land and/or public space; andc. the increase in height would facilitate the provision of residential activity.
	16.2.2.8	Apply consideration of the operational and functional requirements of non-residential activities as part of achieving high quality building and urban design outcomes.
	16.2.2.9	Encourage the layout and design of new buildings and landscaping to integrate with Horne Creek where feasible.

16.2.3	<p>Objective – The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.</p>	
Policies	16.2.3.1	Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.
	16.2.3.2	Avoid the impacts of stormwater discharges on the State Highway network.
	16.2.3.3	Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.
	16.2.3.4	<p>Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.</p> <p>Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.</p> <p>Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.</p>
	16.2.3.5	Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.
	16.2.3.6	<p>Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.</p> <p>Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.</p>
	16.2.3.7	Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.
	16.2.3.8	<p>Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:</p> <ol style="list-style-type: none"> a. A 'fourth leg' off the Hawthorne Drive/SH6 roundabout; b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and c. New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.
	16.2.3.9	Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

16.3.1 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	

16.3.2 Interpreting and Applying the Rules

16.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables.

16.3.2.2 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 unless otherwise specified.

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

16.3.2.4 The following abbreviations are used within this Chapter.

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

16.4

Rules - Activities

	Activities located in the business mixed use Zone	Activity Status
16.4.1	Activities which are not listed in this table and comply with all standards	P
16.4.2		
16.4.3	Visitor Accommodation Control is reserved to: <ul style="list-style-type: none"> a. the location, provision, and screening of access and parking and traffic generation; 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; d. the location and screening of bus and car parking from public places; and e. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation, in respect of ancillary activities. 	C

	Activities located in the business mixed use Zone	Activity Status
16.4.4	<p>buildings</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. building materials; b. glazing treatment; c. symmetry; d. vertical and horizontal emphasis; e. location of storage; f. signage platforms; g. landscaping; h. where residential units are proposed as part of a development, provision made for open space on site whether private or communal; i. where applicable, integration of the development with Horne Creek, including site layout and landscaping; and j. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. <p>Assessment matters relating to buildings:</p> <ol style="list-style-type: none"> a. the impact of the building on the streetscape including whether it contributes positively to the visual quality, vitality, safety and interest of streets and public places by providing active and articulated street frontages and avoids large expanses of blank walls fronting public spaces; b. whether the design of the building blends well with and contributes to an integrated built form and is sympathetic to the surrounding natural environment. 	RD
16.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>This rule shall not apply to the sale and supply of alcohol:</p> <ol 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>Discretion is restricted to consideration of the following:</p> <ol style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation. 	RD

	Activities located in the business mixed use Zone	Activity Status
16.4.6	Daycare Facilities Discretion is restricted to: a. the compatibility of the development with respect to existing land uses on the subject site and nearby properties; b. potential reverse sensitivity issues; c. traffic, parking and access limitations; and d. noise.	RD
16.4.7	Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers except as provided for by Rule 16.4.18 Discretion is restricted to: a. the impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings; b. the provision, location and screening of access, parking and traffic generation; and c. landscaping.	RD
16.4.8	Industrial Activities not otherwise provided for in this Table	NC
16.4.9	Service Stations	NC
16.4.10	Panelbeating, spray painting, motor vehicle repair or dismantling.	NC
16.4.11	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking.	PR
16.4.12	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	
16.4.13	Factory Farming	PR
16.4.14	mining Activities	PR
16.4.15	Forestry Activities	PR
16.4.16	Airport	PR
16.4.17	Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control boundary	PR
16.4.18	Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North	PR

16.5

Rules - Standards

	Standards for activities located in the business mixed use Zone	Non- compliance Status
16.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone</p> <p>16.5.1.1 buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site from points 3m above the Residential zone boundary.</p> <ol style="list-style-type: none"> a. 45° applied on the northern boundary; and b. 35° applied on all other boundaries <p>16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the visual effects of the height, scale, location and appearance of the building, in terms of visual dominance and loss of residential privacy on adjoining properties and any resultant shading effects.
16.5.2	<p>Storage</p> <p>Outdoor storage and storage of waste and recycling shall be screened from public places and adjoining Residential zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the effects on visual amenity; b. the location relative to the public realm and adjoining residential properties; c. consistency with the character of the locality; and d. whether pedestrian and vehicle access is compromised.
16.5.3	<p>Residential and visitor accommodation activities</p> <p>All residential activities and visitor accommodation activities on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the effects of residential and visitor accommodation activities at ground floor level on surrounding buildings and activities; b. the location of residential and visitor accommodation activities at ground floor level relative to the public realm; c. the maintenance of active and articulated street frontages.
16.5.4	<p>building Coverage</p> <p>maximum building coverage of 75%.</p>	<p>D</p>

	Standards for activities located in the business mixed use Zone	Non- compliance Status
16.5.5	<p>Acoustic insulation</p> <p>For all residential development and visitor accommodation the following shall apply:</p> <p>16.5.5.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36; and</p> <p>16.5.5.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 db R_w+C_r, determined in accordance with ISO 10140 and ISO 717-1.</p>	D
16.5.6	<p>Fencing</p> <p>A solid fence of 1.8m shall be erected on the boundary of any Residential Zone.</p>	D
16.5.7	<p>Discretionary building Height (Queenstown Only)</p> <p>In Queenstown the discretionary maximum building height shall be 12m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the design and quality of the building, including the use of articulated facades, active street frontages and the treatment of corner sites; b. modulated roof forms, including screening of plant and services; c. material use and quality; d. the avoidance of large monolithic buildings; e. the impact on the street scene; f. privacy and outlook for residential uses; g. sunlight access to adjoining Residential zoned land and/or public space; h. Crime Prevention Through Environmental Design (CPTED) considerations; i. where appropriate, the integration of Horne Creek into the development and landscaping; and j. facilitation of the provision of residential activities.
16.5.8	<p>maximum building height</p> <p>16.5.8.1 The absolute maximum building height shall be:</p> <ol style="list-style-type: none"> a. Queenstown - 20m b. Wanaka - 12m <p>16.5.8.2 Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p>	NC

	Standards for activities located in the business mixed use Zone	Non- compliance Status									
16.5.9	<p>Noise</p> <p>16.5.9.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <table border="0" data-bbox="504 284 1220 391"> <tr> <td style="padding-left: 20px;">a. Daytime</td> <td style="padding-left: 20px;">(0800 to 2200hrs)</td> <td style="padding-left: 20px;">60 db $L_{Aeq(15\ min)}$</td> </tr> <tr> <td style="padding-left: 20px;">b. Night-time</td> <td style="padding-left: 20px;">(2200 to 0800hrs)</td> <td style="padding-left: 20px;">50 db $L_{Aeq(15\ min)}$</td> </tr> <tr> <td style="padding-left: 20px;">c. Night-time</td> <td style="padding-left: 20px;">(2200 to 0800hrs)</td> <td style="padding-left: 20px;">75 db L_{AFmax}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. the noise limits in rule 16.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 standards for that zone.</p>	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}	NC
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}									
16.5.10	<p>Glare</p> <p>16.5.10.1 All exterior lighting installed on sites or buildings shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting and directed downward so as to limit the effects on views of the night sky.</p> <p>16.5.10.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the business mixed use Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.10.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential Zone measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>16.5.10.4 External building materials shall either:</p> <table border="0" data-bbox="436 1129 1220 1257"> <tr> <td style="padding-left: 20px;">a.</td> <td style="padding-left: 20px;">be coated in colours which have a reflectance value of between 0 and 36%; or</td> </tr> <tr> <td style="padding-left: 20px;">b.</td> <td style="padding-left: 20px;">consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</td> </tr> </table> <p>Except that:</p> <p>a. architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%.</p>	a.	be coated in colours which have a reflectance value of between 0 and 36%; or	b.	consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.	NC					
a.	be coated in colours which have a reflectance value of between 0 and 36%; or										
b.	consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.										

	Standards for activities located in the business mixed use Zone	Non- compliance Status
16.5.11	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>16.5.11.1 Transport, parking and access design that:</p> <p>Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive.</p> <p>There is no new vehicular access to the State Highway Network.</p> <p>16.5.11.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows:</p> <p>a. a density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species:</p> <ul style="list-style-type: none"> i. Ribbonwood (Plagianthus regius) ii. Corokia cotoneaster iii. Pittosporum tenuifolium iv. Grisilinea v. Coprosma propinqua vi. Olearia dertonii <p>b. once planted these plants are to be maintained in perpetuity.</p>	NC

16.6 Rules - Non -Notification of Applications

16.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

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

16.6.2.1 buildings.

16.6.2.2 building Heights between 12m and 20m in the business mixed use Zone in Queenstown.

16.6.3 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:

16.6.3.1 Setbacks and sunlight access – sites adjoining, or separated by a road from a Residential zone.