

**QUEENSTOWN LAKES DISTRICT COUNCIL  
DECISION: PLAN CHANGE 10**

**TITLE:** Decision on Plan Change 10 (Improving Amenity in the High Density Residential Zones), Issued by the Commissioners for the Queenstown Lakes District Council

**DATED:** 24<sup>th</sup> August 2007

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**EXECUTIVE SUMMARY**

This report sets out the considerations and decisions of the Hearing Commissioners on submissions lodged to Plan Change 10 (Improving Amenity in the High Density Residential Zones) to the Partially Operative District Plan.

Plan Change 10 concerned improvements to the amenity values of the High Density Residential Zone, located within the Queenstown and Wanaka urban areas. Plan Change 10 amended the district plan in relation to objectives and policies, new sub-zones, changes to activity status, introduction of new rules, and changes to bulk, location and appearance standards.

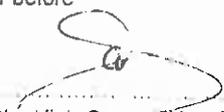
The Hearing Commissioners heard written and verbal evidence from a range of parties between 30 April and 16 May. Based on consideration of the Plan Change and all submissions and evidence received, the Hearing Commissioners recommend the following:

- Amend the objectives, policies and implementation methods in Chapter 4.9 District Wide Issues, Urban Growth and in Chapter 7 pertaining to High Density Residential Zones. The changes strengthen the objectives, policies and implementation methods in relation to amenity in the high density residential areas.
- Accept three Sub Zones within the High Density Residential Zone with minor alterations to some boundaries (refer to maps).
- Change all multi-unit developments of more than three units to restricted discretionary activity status that may be considered without the need to obtain the written approval of affected persons and need not be notified in accordance with Section 93 of the Act. The purpose of restricted discretionary status is to trigger a review of the design and appearance of the proposal and does not limit the number of units on a site.
- Change earthworks zone rules to non-notified – not changing the clause stating that they shall be non-notified, only facilitating non-notification in most circumstances, but not where there is blasting, filling or is immediately adjacent to neighbours.
- Apply site rules for setbacks and continuous building length equally across the three Sub Zones.

This is the exhibit marked with the letter " B " referred to in the Affidavit of  
**SCOTT FIGENSHOW**

AFFIRMED at Queenstown this 15th day of  
January 2011 before

**K. A. Fitzgerald**  
Deputy Registrar  
Queenstown District Court

  
.....  
A Solicitor of the High Court of New Zealand

- Set new site standards and zone standards (for density and building coverage) to the three Sub Zones as follows:

	<u>A</u>	<u>B</u>	<u>C</u>
Maximum building coverage	65%	55%	45%
Minimum landscape coverage	20%	30%	40%
Maximum building footprint	500m <sup>2</sup>	400m <sup>2</sup>	300m <sup>2</sup>
Maximum site density	no maximum	no maximum	Minimum 350m <sup>2</sup> /unit

- Adopt a lowered height rule for Sub Zone A along Frankton Road measured from centreline of the road and adopt a minimum floor level rule for Sub Zone A along the Frankton Track.
- Apply building coverage and footprint rules to aboveground built development only.
- Add a clause to ensure that these new District Plan rules do not apply to developments already consented at the time of subdivision.
- Amend assessment matters to provide clear guidance to Council in consideration of resource consents and to indicate circumstances where “relief” from rules may be considered.

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## 1.0 INTRODUCTION

This report sets out the considerations and decisions of the Hearing Commissioners on submissions lodged to Plan Change 10 (Improving Amenity in the High Density Residential Zones) to the Partially Operative District Plan.

The relevant provisions in the Queenstown Lakes Partially Operative District Plan (referred to as the Plan) affected by the Plan Change and recommendations are:

District Plan Section	Provision
Maps	Changes to maps 20, 21, 31, 31a, 32, 33, 34, 35, 36, 37 and Legend. Also new Sub-Zone maps.
Definitions	New definition of Unit. Amend the definitions of Building Coverage and Setback
Chapter 7 – Residential Areas Issues, Objectives and Policies Rules Assessment Matters  Chapter 4.9 – Urban Growth	Amendments (insertions and deletions) throughout issues, objectives and policies. Alterations (insertions and deletions) to a range of rules. Alterations (insertions and deletions) to a range of assessment matters. Minor changes to wording
Appendix 4 – Interpretative Diagrams	New diagrams for continuous building length, height restriction along Frankton Road, and elevation restriction along Frankton Track.

In this report consideration of submissions has been grouped together based on similarity of issues.

In making its recommendations the Commissioners have:

- (i) been assisted by a report prepared by consultant planners, including urban design and strategic planning advice. This report was circulated to all submitters prior to the hearing taking place; and
- (ii) been assisted by legal advice where necessary; and
- (iii) had regard to matters raised by submitters and further submitters in their submissions and further submissions and at the Council hearing; and
- (iv) had regard to the provisions of the Resource Management Act 1991, in particular Section 32.

Attached as Attachment 1 is the revised version of the relevant provisions of the Plan, updated to have regard to the recommendations within this report. If there is any inconsistency between the provisions contained in Attachment 1 and the text

contained in the body of the report, then the provisions in Attachment 1 shall take precedence.

All recommendations on submissions are detailed under the consideration of issues in Part 4.0 of this report, and full details of recommendations on submission points are contained in Attachment 2. Where amendments are to be made to the Plan as a result of a recommendation on a submission, additional text is shown as underlined and text to be removed is shown as being ~~struck-out~~.

Where a submission is determined to be outside the purpose (also referred to as scope) of the Plan Change, the submission has been rejected. With respect to determining the scope of a submission, reference is made to Clause 6 of the First Schedule to the Resource Management Act 1991 which states:

*6. Making Submissions*

*Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5.*

A submission on a plan change is therefore limited in that it must be “on” the plan change.

In the case of Plan Change 10, matters identified as potentially being outside the scope of the plan change include requests for a change in zoning and substantial changes to earthworks rules.

## 2.0 BACKGROUND

Plan Change 10 concerns the improvement of amenity values within the High Density Residential Zone, located within the Queenstown and Wanaka urban areas.

In summary, Plan Change 10, as notified, amended the district plan as follows:

- Added new objectives and policies,
- Divided the High Density Residential Zone into three new Sub Zones – identified as A, B and C on the Planning Maps,
- Removed the controlled activity status for garages in the road setback,
- Required Restricted Discretionary assessment of Multi-Unit Developments where the number of units exceeded a specified threshold,
- Required Restricted Discretionary assessment of buildings over a certain size,
- Restricted outdoor storage from road setbacks,
- Removed the provision for common walls on internal boundaries,
- Required mutual setback requirements between buildings on the same site,
- Introduced new provisions for continuous building length and roofline requiring 2m deep and 4m long breaks for building lengths over 16m,
- Restricted building length along any elevation to 30m,
- Introduced new building coverage percentages,
- Introduced minimum landscaped areas,
- Limited fence heights within the road setback,
- Limited the height of buildings on the south side of Frankton Road to ensure buildings do not rise above the roadway and sets minimum floor elevations for buildings facing Frankton Track,
- Introduced a range of site density controls based on a minimum site area per unit, and
- Where appropriate, these notified rules reflected a varying level of density of development across the new Sub Zones. This gradation in intensity was intended to achieve a higher level of density and built development in Sub Zone A graduating through to a lower density in Sub Zone C.

The Plan Change was notified on 12 October 2005 with submissions closing on 9 December 2005 and further submissions closing on 26 June 2006. A total of 144 submissions and 64 further submissions were received on Plan Change 10. The list of submitters and further submitters is provided on a disc accompanying this report.

Plan Change 10 was closely linked to Plan Changes 6 (Accessways) and 8 (Car Parking) and so the hearings for the three Plan Changes were heard jointly and consideration of all three Plan Changes was undertaken comprehensively.

### **3.0 THE HEARING**

The hearing to consider submissions and further submissions to Plan Changes 6, 8 and 10 (Improving Amenity in the High Density Residential Zones) commenced at 9am on Monday 30 April 2007 at the Crowne Plaza in Queenstown. The hearing continued on 1, 2, and 3 May in Queenstown, 14 and 15 May in Wanaka, and 15 and 16 May in Queenstown.

The Hearing Commissioners were Commissioner David Collins (Chairperson) and Commissioner Lou Alfeld. In attendance at the hearing at various times were Ms Nicola Rykers and Ms Stephanie Styles (Consultant Planners), Mr Tim Church (Urban Designer), Mr Nigel Williams (Traffic Engineer), Mr David Mead (Strategic Planner), Mr Scott Figenshow (Senior Policy Analyst), and Ms Jessica Dow and Ms Cathy Walker (Administrative Support).

The Commissioners had previously requested that, where possible, all expert evidence be provided in advance of the hearing. Many submitters did so, giving the Commissioners the opportunity to prepare in advance of verbal submissions. The following provides a summary of the verbal and written evidence presented to the Commissioners during the proceedings of the hearing:

#### **Bryce Whiting**

Mr Whiting presented verbal evidence on behalf of a range of residents in Thompson and Lomond Streets. Mr Whiting explained that the reason the residents had made submissions on Plan Change 10 was due to amenity issues caused by recent developments in the area that they perceived to be particularly unattractive, with high site coverage and low carparking provision. The residents requested that their neighbourhood be placed in the Sub Zone C category due to its similarity in character to Park Street which was Sub-Zone C.

The residents also sought to encourage residential activities over visitor accommodation activities. They considered that the large scale development now occurring in their neighbourhood to have a negative impact on residential amenity and desired that their community retain its residential feeling. Mr Whiting believed that even two more visitor accommodation developments would cause the area to lose its residential environment.

#### **Ed Elliot**

Mr Elliot presented verbal evidence on his own behalf.

Mr Elliot noted that while most developers seem to want to maximise visitor accommodation, he would encourage of a mix of people living in the town in residential units, not just visitor accommodation. He opposed a reduction in density in the town and considers mixed use is important.

Mr Elliot was pleased to see the modelling work undertaken and commented that the pictures enabled people to see the result of rules and effects e.g., flat versus sloping sites. He wanted to see more modelling undertaken – in more detail, for a range of site areas, and more specific for different areas e.g., Frankton Road.

He considered that there is too much visitor accommodation activity and there is a need for more high density residential development, including workers accommodation. He was also concerned with market affordability for families, public

transport and view protection issues. Along with this he questioned why Sub Zone A could not wrap around the whole town centre area (excluding Park Street).

Mr Elliot advocated the use of design guidelines, linked in some way to rules, and working with an Urban Design Panel. He also noted that repetition in built form is not in itself bad, and there is a difference between repeating singular units compared with a larger, architectural composition which considers the impact as a whole. Mr Elliot commented that he did not support roof top parking.

### **Preston Stevens – 2 Architecture Studio**

Mr Stevens presented verbal evidence and expressed the opinion that he is not convinced that PC10 will deliver the type of urban environment that is desirable for Queenstown. Mr Stevens doubted that the proposed changes will not lead to appropriate high density development and noted the importance of legibility, image, structure and identity. Mr Stevens considered that the Council should allow the existing rules to prevail and use other methods such as design guidelines and an urban design panel to encourage better outcomes. He observed that a panel represents collective thought and is reasonably objective and helpful. Support and education, workshops etc would be better than rules.

### **Warwick Goldsmith**

Mr Goldsmith presented extensive written and verbal submissions on behalf of a wide range of submitters. Overall he noted that his clients have very real concerns about the impact of PC10 and the dramatic detrimental impact it will have on the ability of the HDRZ to provide for future development.

He noted that many in Wanaka support the plan change, while those in Queenstown oppose it. This is due to the different issues facing these communities.

Mr Goldsmith provided comments on the officers' reports in relation to planning matters, visitor accommodation and urban design. He particularly expressed concerns over areas which are not addressed as they were described as being outside scope of the reports.

### **Fred van Brandenburg**

Mr van Brandenburg presented verbal evidence to support Mr Goldsmith, including representative models of the site at 595 Frankton Road. He described the design process for this site and showed two design models, one a complying development and the other a better design that did not comply with the rules. The process of approval for a non-complying development is lengthy and complicated and he noted that developers would always prefer a complying or non-notified process.

Mr van Brandenburg considered that the Council should look at the merits of design, perhaps using a "points system", as a trade-off for height and include points for planting adjacent to or on top of the buildings. Mr Brandenburg also considered that articulation within a building rather than between buildings was an important consideration.

### **Warwick Goldsmith**

Mr Goldsmith continued to present his submissions and discussed matters of notification, activity status and neighbours approvals. He considered that public notification is a very strong threat to developers and would be strong enough to get

them to change a design. He also commented that it is possible to notify a controlled activity.

He noted that the effect of the earthworks variation is extreme. Every application for development needs consent for earthworks, even if meets all other standards, and this results in a restricted discretionary activity causing uncertainty, delays, and expenses for developers.

He also discussed the importance of careful wording of rules and assessment matters. Particularly where wording is unclear or implies a higher level of control than would be appropriate.

### **Chris Ferguson and John Edmonds**

Mr Ferguson and Mr Edmonds presented written and verbal evidence in conjunction with Mr Goldsmith. They provided an alternative approach to the proposed Sub Zones, focusing on activity areas and based on their experience and research of the area. They put forward a range of changes to the Sub Zone area, amended Sub Zone boundaries and presented text changes to objectives, policies and rules. The Commissioners further investigated these changes to Sub Zone boundary locations and specific rules with considerable questioning followed by a site visit throughout the Queenstown area.

### **Gemma Pemberton**

Ms Pemberton presented evidence in relation to the former Kawarau Falls Camping Ground site, explaining the development proposed (and consented) for the site and the certainty of development for the site. There was discussion with the panel over the implications of the plan changes for a consented proposal under development. Ms Pemberton suggested that, due to the site's unique size and location, it may be appropriate to place it in a separate, unique zone.

### **Warwick Goldsmith**

Mr Goldsmith continued to present his submissions and focussed on two sites in Wanaka. He noted that Wanaka and Queenstown are fundamentally different due to availability of land. He pointed out that if the plan change reduced the potential density in Queenstown, the demand would need to go elsewhere, thereby placing development pressures in less central areas. He also recognised that Wanaka residents have genuine concerns over development.

He considered that even if Wanaka takes a different direction overall, his client's land (Infinity) is ideally suited to dense development and it is unlikely that most people are concerned about this land.

### **Pru Steven**

Ms Steven presented written and verbal legal submissions on behalf AQ Investments Ltd, Emma Jane Ltd, IHG Queenstown Ltd and Carter Queenstown Ltd. Ms Steven noted that they have filed a declaration in relation to scope and in particular it is important that where a plan change takes away existing rights, the submitter should be able to seek an alternative relief e.g. rezoning.

### **Jeff Brown**

Mr Brown presented brief verbal evidence on behalf of Brecon Street Partnership's further submission to PC10. He considers that the plan change rules create

problems with building height and bulk and conflicts with the Growth Management Strategy.

### **Trevor Williams**

Mr Williams presented written and verbal evidence on behalf of the Wanaka Residents' Association Inc. Mr Williams considered that urban design review is important and should be applied to all developments regardless of size or compliance. He believed that development rules should consider both residential issues and visitor accommodation issues. He was also of the opinion that the existing HDRZ areas are sufficient and no extension of that zoning is needed.

### **Nicola Vryenhoek**

Ms Vryenhoek presented written and verbal evidence on behalf of Lake House Consultants and clarified that she wants to see design related rules and guidelines.

### **Officers Reports**

Ms Nicola Rykers, Mr Tim Church, and Mr David Mead were available for questions from the Hearing Commissioners in relation to the officer reports circulated beforehand. In response to questions, they clarified:

- Design review is becoming more important and desirable, but there is a real need to have clear rules and assessment matters. An in-house Council urban designer is important and the Urban Design Panel plays an important role. It is also important that appropriate guidelines be produced.
- It is also essential to have baseline rules to indicate how development should proceed and provide a backstop to the design controls.
- There is crossover from this plan change to the future Visitor Accommodation and Community Housing plan changes.
- Sub Zones may reflect current character but need to anticipate future character as well. The Sub Zones need to clearly show differentiation between areas.
- Density controls need to be carefully considered and made appropriate to the different character of the Sub Zones.

### **Chris Ferguson and John Edmonds**

Mr Ferguson and Mr Edmonds returned, along with Ms Hone (Counsel), to present evidence in relation to activity areas. This presentation included discussion of investment levels, views, flexibility and choice, and topography issues. They also clarified that they were seeking to add a Sub Zone A for the Wanaka area.

By way of questioning, they clarified that if the design rule were not changed to controlled activity status, then having restricted discretionary with a clause that the application need not be notified written into the District Plan would give some certainty of outcomes. They were of the view that with good guidelines and qualified staff the public need not be involved in consideration of design matters.

### **Fred van Brandenburg**

Mr van Brandenburg also returned to present verbal evidence in relation to building angles from Frankton Track and issues of rooftop carparking, which he agreed should not be seen from Frankton Road.

## 4.0 REASONING AND RECOMMENDATIONS

### 4.1 Sub Zones

#### The Issue and Submissions

The primary issues associated with Sub Zones related to their definition and boundaries. None of the verbal submitters challenged the need for Sub Zones as a means to differentiate amenity rules among different geographical and character areas within the High Density Residential Zone. A large proportion of the “pro forma” submissions sought that the Sub Zones be further refined to create a greater number and/or variety of Sub Zones containing provisions which better reflect the locational and topographical aspects of the different areas within the High Density Residential Zone. In addition, a number of individual submitters sought to have their sites rezoned for a specific Sub Zone for either large-scale, high density residential and/or visitor accommodation development. Submissions from Wanaka residents expressed support for Sub Zone C being applied in Wanaka on the basis that this would reduce the scale of built development or encourage fewer, but larger units resulting in more families being resident in the township.

The Planning Report noted that Proposed Plan Change 10 includes an Implementation Method *“By the use of Sub-Zones to identify land having similar character, amenity and environmental values, within which appropriate development opportunities can be approved.”* However the Planning Report noted that although the concept of Sub Zones has merit, the Proposed Plan Change was deficient in that it did not include objectives, policies, or any description of the location, purpose, values and outcomes associated with each sub zone. In addition, further modelling work commissioned by the Council revealed that the built form and mass achievable within each of the Sub Zones proposed in Plan Change 10 was essentially the same with little differentiation (although the modelling included the effects of PC6 and PC8 as well which made it difficult to determine the impact of PC10 rules by themselves). The purpose and function of the proposed Sub Zones were therefore fundamental issues. The Wanaka submissions also specifically supported Sub Zone B, as distinct from Sub Zone A, to reduce the scale of any visitor accommodation development. A submission to the contrary was made by Infinity Investments who sought a change from Sub Zone B to A for their site in Wanaka.

A number of submissions were also made by residents in the Thompson/Glasgow/Lomond Streets locality who sought that their Sub Zone be changed from B to C for reasons of residential amenity. Three submitters who are seeking to either develop or plan to develop multi-units on sites in this area specifically sought to retain the original High Density Zoning.

Based on the great majority of the submissions, the primary issue was whether or not to alter the Sub Zones boundaries and not whether the Sub Zone concept should be rejected.

#### Consideration

- Sub Zones are new to the District Plan. They offer an opportunity to identify important differences within an otherwise homogenous zone without upsetting the underlying rationale for the zone. In the case of the High Density Residential Zone, it has been clear for some time that the “one rule fits all” blanket approach to such a large and varied zone required some refinement, if only to differentiate Wanaka from Queenstown.
- Very little objection was raised concerning the introduction of Sub Zones and what objection did appear seemed to come primarily from owners of specific parcels of land who wished to be included in a different Sub Zone. For the most part submitters seemed to agree that the imposition of Sub Zones represented a desirable approach for guiding the further development of the two towns. Most submitters also seemed to accept that although PC10 was not the perfect solution, it did represent an important and necessary step in laying a foundation for future plan changes that could further refine the Sub Zone concept. The Hearing Commissioners engaged in extensive discussions with submitters regarding the purpose, objectives and implementation methods that support the Sub Zone concept to assure themselves that, although not ideal, the separation of the single zone into Sub Zones offered the best compromise available within the scope and objective of the plan change. Sub Zones permit the imposition of different rules to enhance residential amenity values in different areas of the towns. A single set of amenity rules for the entire zone may have placed unfair burdens in some areas while failing to protect amenity in other areas.
- The Commissioners agreed that the High Density Residential Zone is not homogenous; it varies in character and development potential and it also differs between Queenstown and Wanaka. Sub Zones therefore represent an appropriate method to account for differences in rules that may control external appearance and amenity of residential neighbourhoods.
- Given that Sub Zones fulfil a community objective, the next step required ascertaining whether or not the notified Sub Zone boundaries were appropriately drawn. Criteria for Sub Zone boundaries were discussed with submitters and with the technical support staff. The Commissioners agreed that extending or altering the boundaries of the existing High Density Residential Zone lay outside the scope of Plan Change 10. Although reasonable arguments were raised to create more than three Sub Zones, the Commissioners found that the available information was insufficient at the time of the hearing to redraw Sub Zone boundaries; to do so would have required such incontrovertible technical evidence such as maps of geology, sunlight patterns, public transportation routes, topology and landscape views. The Commissioners did respond to submitters and staff logic that supported four internal boundary changes based on practicality and current use. The resultant Sub Zone boundaries best reflect desirable and foreseeable development patterns.

The Commissioners heard evidence about the suitability of the Infinity Investments site on the lakefront at Wanaka for higher density development. It is recommended that this site is zoned sub-zone A because the scarp allows higher density to be achieved here without seriously undermining the

amenities of nearby properties. The same may apply to other properties below the scarp, but in the absence of specific evidence the Commissioners have been unable to determine this. The sub-zone boundary could be re-visited in the anticipated future plan change dealing specifically with the suitability of areas for visitor accommodation.

### **Recommendation**

That those submissions seeking greater definition of the Sub Zones be accepted in part and those in support of the Sub Zones be accepted by retaining the Sub Zones as publicly notified but with Sub Zone boundaries changed as follows:

- Change the Thompson / Lomond area from Sub Zone B to C;
- Change the area east of the town centre from Sub Zone B to A, except for the strip east of Hallenstein Street, between Gorge Road and Dublin Street which will remain B;
- Change the strip of land below Frankton Road from Sub Zone B to A; and
- Change the Infinity site in Wanaka from Sub Zone B to A

## **4.2 Multi Unit Rule**

### **The Issue and Submissions**

Plan Change 10 introduces a new rule which applies to new developments and to any extensions or alterations to existing buildings. If the building contains more than three units it will need a resource consent for a Restricted Discretionary Activity. The matters over which discretion is retained include:

- Location on the site, external appearance and design,
- Location, nature and scale of landscaping, and
- Relationship to street, other public areas and the neighbourhood.

Support and opposition for the multi-unit design rule was evenly divided with a majority of those opposing the rule seeking its withdrawal. A number of submissions also sought to alter the status of the activity to Controlled. The majority of those supporting the Plan Change were from Wanaka and sought that the rule be retained. Submitters in Queenstown suggested using the same trigger point (three units) for all Sub Zones since appearance issues were identical in all Sub Zones. Some of those opposing the rule showed confusion in believing that the rule placed an upper limit on the number of units allowed in each Sub Zone and that restricting the number of units did not guarantee good design or amenity. The Commissioners explained that the rule only establishes a trigger point or threshold above which Council considered it appropriate to give greater consideration to the design and appearance of buildings; the rule does not restrict the number of units.

### **Consideration**

The purpose of the rule is to trigger an urban design review. Past experience with poor urban design outcomes led to the establishment of urban design panels to assist developers in improving their designs. The relative success of the urban design panels has been noted and, although submitting to a review has been voluntary, not all developments chose to undergo an urban design review. Making the review a restricted discretionary activity, triggered by the size of the development, appears a reasonable way to test whether or not a mandatory urban design review will produce significantly better outcomes than will a strictly voluntary regime. The Commissioners considered that, should the rule prove less than satisfactory, a future plan change could easily downgrade the status of the review from discretionary to controlled and/or raise the trigger point for a review. To complement this new rule the Commissioners urge QLDC to quickly institute an efficient review regime so as not to unduly burden applicants, including a “tick-off” procedure for minor projects.

### **Recommendation**

Reject those submissions seeking to delete the rule and accept in part those submissions in support of the rule or seeking a change by amending the rule to make all multi-unit developments of more than three units a restricted discretionary activity. New assessment matters relating to urban design considerations are proposed to accompany the new rule.

## **4.3 Earthworks**

### **The Issue and Submissions**

A large number of submitters sought changes to the earthworks rules. These covered a spectrum of relief from altering the status of earthworks from Discretionary to Controlled, through to suggestions that the rules are not tough enough and additional restrictions are required. Some of the submissions suggested new wording, amending and deleting in part the existing site standards, and introducing a new rule where earthworks are undertaken in areas identified as Ngai Tahu Statutory Acknowledgement Areas. Transit New Zealand sought that applicants for earthworks consents be required to address “*global stability and potential cumulative effects of their proposals.*”

Council had received a legal opinion prior to the hearing that advised that although the effect of the new or amended standards within Plan Change 10 may encourage excavation, that in itself does not provide scope to alter the standards, triggers for resource consent or status of earthworks activities.

### **Consideration**

The Commissioners considered that the review of earthworks plans rests primarily with technical engineering experts and need not involve neighbours unless special circumstances, such as blasting, presence of substantial groundwater or encroachment close to neighbouring properties, may require

such notification. Therefore there did not appear to be any justification for a notification requirement for non-technical excavation activities.

Plan Change 11 altered the definition of ground level in a way that raises the possibility that filling can lead to buildings that are taller in relation to surrounding land. This would be a factor against eliminating the need for resource consent altogether, even if there had been scope under this Plan Change to do that.

### **Recommendation**

Those submissions seeking greater earthworks controls be rejected, and those submissions seeking the retention of existing earthworks rules or alteration to the rule be accepted in part to the extent that:

- earthworks remain a restricted discretionary activity; and
- a clause is added to the District Plan that notification of earthworks resource consent applications may no longer be required unless conditions and circumstances suggest that it would be prudent to do so.

## **4.4 Setbacks**

### **The Issue and Submissions**

#### **Street Setbacks**

Prior to notification of Plan Change 10 all buildings, excluding garages, had to be located at least 4.5m back from the road boundary. Garages and outdoor storage buildings were exempt from this rule and, as a Controlled Activity, could theoretically be located up to the boundary, provided the building was screened from public view. Plan Change 10 removes the exception for garages and outdoor storage buildings in the High Density Residential Zone.

Significant numbers of submitters opposed the change to the setback rules and, of these, the majority were concerned with the effect of requiring garages to be located behind the setback line. These submitters considered that garages and storage buildings should be permitted within the front setback otherwise the setback space would become “dead” and affect the development potential of land. The new rule would also limit amenity structures or features such as gazebos and pools in the front setback and often this was the only flat area on the site. Submitters also suggested that the rule failed to consider the steep nature of much of the urban area and the benefits of allowing garages close to roads to avoid steep driveways.

Two submitters sought that the status of the rule be adjusted from discretionary to controlled, while one submitter sought a greater setback for buildings from the proposed by-pass corridor.

#### **Internal Setbacks**

Prior to notification of Plan Change 10 buildings sharing a common wall on an internal boundary did not require a setback but, if separated, the minimum setback was 2m on each side of the boundary. No setbacks were required between multiple buildings on the same site. Plan Change 10 introduced a new rule requiring two or more buildings located on the same lot to have mutual setbacks as if they were separated by an internal boundary i.e., 2m on each side for a 4m minimum distance. The purpose of the change was to support visual amenity, provide areas for landscaping and allow more light and air.

A significant number of submitters opposed this new rule, expressing that it would result in loss of development potential and lead to inefficient land use. In addition, it did not guarantee amenity, good design or access to sunlight but would lead to narrow side yard strips with no pleasant amenity, privacy, value of use or plant growth. A large number of Wanaka submitters supported the rule and one submitter sought the setback be increased to 2.5m. Technical evidence presented advised that an internal setback rule would work, in conjunction with other rules such as the building size, to discourage the construction of large single buildings while the outdoor landscaping rules would provide space for sunlight, gardens and amenity areas.

### **Consideration**

The Commissioners considered that eliminating buildings from the street setback would not necessarily lead to poor outcomes while preserving the setback space for landscaping would enhance amenity by providing more open space and preventing utilitarian buildings from dominating the streetscape. The internal boundary setback rule would result in spaces between buildings occupying a common site; it would be up to the architect to make the spaces work in terms of providing important amenities in the form of light and air, view shafts and areas for landscaping.

Assessment matters will take into account unique situations such as those involving steep sites. In addition, assessment matters may provide relief by allowing unobtrusive links to join related buildings provided that the outcome presents a positive net benefit to public amenity values. In terms of residential uses, the additional open space may prove to be of substantial economic and social value; it is possible that, in the future, different rules may eventually apply to buildings intended solely for short-term occupancy by visitors.

### **Recommendation**

Accept all submissions supporting the rule and reject those in opposition by retaining the proposed setback rules.

## **4.5 Continuous Building Length**

### **The Issue and Submissions**

Prior to the notification of proposed Plan Change 10 the existing site standard required buildings and walls which exceed 16m to be stepped back into the site. Under Plan Change 10 a new standard requires minimum breaks in building length of 2m in depth and 4m in width for the full height of the wall and to include a discontinuous eave and roof line. The maximum aggregate building length permitted along any elevation is 30m. The purpose of the rule change is to prevent long, monotonous walls that detract from residential amenity. Support and opposition for the rule was evenly divided with those in opposition concerned that the rule does not guarantee amenity and would result in inefficient use of sites.

### **Consideration**

The Commissioners considered that a rule requiring substantial breaks a minimum of every 16m in a building façade would prevent long, unrelieved building walls but acknowledged that it would not necessarily engender good design. The current step-back rule, for example, has not produced exemplar results. However, without some form of rule, large developments may dominate their neighbours to the detriment of public amenity in residential neighbourhoods.

The Panel considered that the resource consent process, guided by a new set of assessment matters would enable Council to consider the overall design of a building and would provide for relief in cases that demonstrated the potential to create a substantial architectural benefit in line with urban design guidelines.

### **Recommendation**

Accept all submissions supporting the rule and reject those in opposition by retaining the Continuous Building Length rule.

## **4.6 Building Coverage**

### **The Issue and Submissions**

Pre Plan Change 10 building coverage was controlled by a 55% site standard and a 70% zone standard in the High Density Residential Zone. Proposed Plan Change 10 removes the Site Standard and creates three new Zone Standards for each of the three proposed Sub Zones. The change was intended to create a graduated density of development across the High Density Residential Zone. Submitters in support were generally from Wanaka and some of those submitters sought a further reduction in coverage to 35%. Those in opposition raised concerns that the standard is too low and should be no less than 55 % in any Sub Zone. Some submitters sought to trade reduced coverage for additional height e.g., a taller building covering less of the site to allow for more views and open space. Additional modelling commissioned by Council showed that the coverage was consistent across the three Sub Zones and the graduated density of development was not achieved. (Although, as noted above, the Commissioners considered that because the modelling included the impacts of Plan Changes 6 and 8 as well, the density conclusions were possibly flawed. The modelling did, however, include the influence of other rules that had the effect of limiting the built form on the sites such as the landscape coverage and setbacks.)

### **Consideration**

In Sub Zone A, the reduction of maximum building coverage is small and only drops from 70% to 65% in order to provide more space for landscaping and public view shafts. In Sub Zones B and C the reduction is greater, intending to provide more open space around buildings to enhance residential character and uses, such as provision of common spaces for children's play areas, BBQ areas and gardens.

The resource consent process allows individual site characteristics to be taken into account. Council consideration is to be guided by amended/new assessment matters which enable consideration of increased coverage in circumstances where an architectural solution provides enhanced public amenity values. It may also prove, in the future, that a distinction between residential and visitor accommodation uses may allow some greater flexibility in the application of this rule.

The proposals for trading reduced coverage for increased height appear to have merit but are beyond the scope of this plan change.

### **Recommendation**

Accept all those submissions in support of the proposed building coverage rule and reject those submissions in opposition by retaining the building coverage standards as notified. The building coverage rule is to remain as a zone standard as notified.

As a consequential amendment, amend the definition of Building Coverage to exclude driveways and paved surfaces from the building coverage calculation.

## 4.7 Landscape Coverage

### The Issue and Submissions

Prior to notification of proposed Plan Change 10, the District Plan did not include a rule requiring landscape treatment on High Density Residential sites, except in relation to visitor accommodation activities only. The proposed rule specifies a minimum percentage of site area that must be landscaped, graduating from a lower to higher standard from Sub Zone A to Sub Zone C. Half the open space area must be planted or grassed and be visible from public spaces, serving to enhance the streetscape and cannot be used for car parking and vehicle manoeuvring. The rule supports the “greening” of the urban area by softening the hard edges of buildings. Support and opposition for the proposed rule was evenly divided with concerns expressed by those in opposition that the standard would result in inefficient use of land and there may be compliance issues due to the difficulties of getting plants to grow on south facing slopes in a harsh climate. Submitters from Wanaka supported the rule, seeking increased landscaping standards of 5% (from 30 to 35% in Sub Zone B and from 40% to 45% in Sub Zone C).

A further issue identified in the Planning Report related to administration of clauses (iii) and (iv) of the rule. These clauses were considered to be subjective and may potentially be difficult to measure compliance:

- iii The planted area shall include plantings of a nature and scale appropriate to the building.*
- iv The planted area shall be predominantly visible from public space and serve to enhance the streetscape.*

### Consideration

The Commissioners considered it appropriate for the coverage rules for landscaping to mirror the building coverage rules and noted that adding together the building coverage percentage and the landscape coverage percentage for each Sub Zone resulted in a constant 85% for all Sub Zones, leaving 15% for accessways and other ancillary uses. As building bulk decreases, landscaped areas increase, providing more outdoor amenity opportunities and a clear distinction between the residential amenities of different Sub Zones.

### Recommendation

Accept in part all those submissions in support of the proposed landscape coverage rule and reject in part those submissions in opposition by retaining the landscape coverage standards as notified but removing clauses (iii) and (iv) of the rule and instead making these into assessment matters.

## 4.8 Building Footprint

### The Issue and Submissions

This is a new rule that applies to new buildings and to any extensions or alterations to existing buildings; it sets a threshold over which a resource consent for a Restricted Discretionary Activity is required. The matters to which discretion is restricted are:

- Location on the site, external appearance and design of the building;
- Location, nature and scale of landscaping on site; and
- Relationship of the building to the street, other public areas and the neighbourhood.

The purpose of the rule is to limit the perceived bulk of large buildings in the High Density Residential Zone and to avoid domination of streetscapes and neighbouring properties by large building masses. Support for the rule came primarily from Wanaka submitters while submitters in opposition sought to reject the rule, to make building size a controlled activity or increase the minimum footprint area, arguing that the rule would result in inefficient use of land

### **Consideration**

Breaking buildings into smaller sizes will reduce the perceived bulk of new developments, leaving spaces between them that will preserve important view shafts to the lake and mountains. Smaller building bulk and open viewshafts will contribute to enhanced residential amenity values. Yet, due to topography or location, not all sites will benefit by complying with this rule. Relief is therefore possible for exceptional designs that contribute substantially to public amenity values. The Commissioners believed that, rather than discourage development, the rule may well encourage greater thought in the careful design of buildings.

Maximum footprint areas are highest in Sub Zone A where greater density is desired and lowest in Sub Zone C where more traditional neighbourhoods are composed of smaller buildings.

### **Recommendation**

Accept all those submissions in support of the proposed building footprint rule and reject those submissions in opposition by retaining the building footprint standards as notified.

## **4.9 Site Density**

### **The Issue and Submissions**

Proposed Plan Change 10 introduced a new zone standard which specifies the minimum site area per residential unit. Non-compliance with the standard requires a resource consent for a non-complying activity. The intended purpose of the rule was to avoid the over-crowding of sites. Support and opposition for the new rule was evenly divided, with submitters from Wanaka seeking an increase in the density standard from 150m<sup>2</sup> to 200m<sup>2</sup> in Sub Zone B and from 200m<sup>2</sup> to 250m<sup>2</sup> in Sub Zone C. Those in opposition sought

that the rule be deleted on the basis that it adversely affected the ability to use the land for high density development and is contrary to the urban growth strategy. The Planning Report suggested that the rule should be a site standard to enable matters of non-compliance to be considered as a discretionary activity to provide greater flexibility. No submissions were received which sought the alteration of status from a Zone to Site Standard and it is therefore a matter of whether such a change could be interpreted as relief in part to those submissions which sought to delete the rule.

### **Consideration**

Many issues surrounding the future development of the High Density Residential Zone were raised by submitters but were considered to lie beyond the scope of proposed Plan Change 10. Although the decision must rest within the scope of the proposed plan change, the Commissioners considered it would be remiss to not consider the impact of the decision on issues that were raised and discussed by submitters who pointed out the wider planning context within which Plan Change 10 falls. The Commissioners evidenced support for the other Council plan changes now underway, suggesting that they might restore some of the “lost” density potential caused by Plan Change 10 while, at the same time, progressing to implement Plan Change 10 to improve the amenity of residential neighbourhoods. The Commissioners believed that another plan change would be necessary to increase the potential for high density, apartment-style living, close to the town centre.

In combination with PC6 and PC8, Plan Change 10 lowers the maximum residential density achievable throughout the High Density Residential Zone, but the extent of this reduction was not considered to be significant within the wider context of the large amount of current and planned development around the Wakatipu. The Panel decided to remove the site density rules from Sub Zones A and B but to retain them for Sub Zone C in order to encourage a lower density of development appropriate for those few remaining residential neighbourhoods that enjoy close proximity to the town centre and that offer an important housing choice that might otherwise be lost. The Panel considered that site density limitations in Sub Zones A and B may unnecessarily restrict the development potential within those two Sub Zones and may also force the development of fewer, larger units for which there was no evidence to show that this outcome would be preferable..

The Commissioners consider that the site density restriction applicable to Sub Zone C should be increased from 200m<sup>2</sup> to 350m<sup>2</sup>, based on submissions and site visits to determine the size of existing residential sites, the existing character of the neighbourhoods and the potential for large developments to destroy residential amenity values.

### **Recommendation**

Accept in part those submissions opposing the Site Density rule by deleting the site density for Sub Zones A and B and accept those submissions which sought a higher standard be applied in Sub Zone C by increasing this from 1 residential unit per 200m<sup>2</sup> to 1 residential unit per 350m<sup>2</sup>.

The Site Density standard applying to Sub Zone C is to be a Zone Standard.

#### **4.10 Frankton Road and Track Height Limits**

##### **The Issue and Submissions**

Plan Change 10 introduces a new site standard for height which is intended to ensure that no building or substantial building element is able to rise above the centreline of Frankton Road and no building floor plate is to be constructed less than two metres above the centreline of the Frankton Track. The purpose of the rule is to maintain high amenity and scenic values along the drive into Queenstown by preventing loss of views caused by buildings extending above the road. Similarly, the rule seeks to avoid the domination of buildings too close or too low in relation to the track.

Approximately 10 submitters expressed support for this particular rule and 22 submitters opposed the rule, raising concerns in relation to how compliance with the rule would be measured and that noting that the proposed suite of rules in Plan Change 10 would result in gaps between buildings in any event. Alternative methods of measurement were presented.

##### **Consideration**

The Commissioners considered that keeping buildings below Frankton Road would preserve views to the lake and mountains while raising floor levels facing Frankton Track would mitigate potential urban intrusions along the track. It is acknowledged that the Council will need to survey the road and track centre lines to establish baseline elevations.

The Commissioners considered that assessment matters concerned with architectural intrusions into the restricted height plane along Frankton Road could provide guidance to Council in assessing resource consent applications and should provide sufficient flexibility to allow for necessary entry signage, entry and drop-off areas and small variations in rooftops.

##### **Recommendation**

That those submissions in opposition be rejected and those submissions in support be accepted by retention of the proposed rule for measuring the height of buildings in relation to Frankton Road and the Frankton Track.

#### **4.11 Above/Below Ground Influence of Rules**

##### **The Issue and Submissions**

A number of submissions sought relief that the proposed rules for setbacks and coverage only apply to buildings at ground level and above ground level. At present the District Plan is unclear as to whether resource consents are required for underground car parking or other structures such as basements which may intrude into street setbacks or internal setbacks.

##### **Consideration**

Rules for building coverage and footprint should not apply to the underground portions of a building as below ground construction does not affect public amenity values.

#### **Recommendation**

Accept those submissions seeking the addition of an exemption clause by amending the definitions of Building Coverage and Setback to exclude buildings that are below ground level and completely covered such that they do not detract from public amenity values.

### **4.12 Exceptions for Consented Developments**

#### **The Issue and Submissions**

A number of submissions sought an exemption to the rules for building coverage, setback from roads, setback from internal boundaries, continuous building length, landscape coverage, fence heights and site density where the proposal had already been consented and where the rules might affect a subsequent subdivision consent application. The language proposed by submitters was as follows:

- a land use consent for a development containing a number of separate buildings has been granted for a site; and*
- b subdivision consent is subsequently applied for to create separate titles containing a separate building or buildings being part of that consented development; and*
- c the development did not require consent in respect of the issue addressed by this rule when the land use consent was considered and granted, and*
- d the granting of subdivision consent would trigger non compliance with this rule.”*

#### **Consideration**

The Commissioners agreed that new rules should not apply retroactively to consented developments when subdivision consents are considered at a later date. The environmental effects of these proposals have already been considered and a subsequent “non complying” subdivision consent duplicates the consideration of earlier processes, or introduces additional considerations which did not apply at the time the proposal was originally approved.

#### **Recommendation**

Accept those submissions seeking the inclusion of an exemption for consented development, now subject to a subdivision application (as set out above).

### **4.13 Objectives and Policies**

#### **The Issue and Submissions**

The plan change as notified introduced a number of changes to the objectives and policies contained in Chapter 7 Residential Areas. The most significant change was the addition of a new section on the High Density Residential Zone, District Wide.

Submissions concerned with the objectives and policies sought that Part 4, District Wide Issues be amended in addition to Part 7, which is the only section of Objectives and Policies amended by Plan Change 10. The submissions included Appendices A and B which detailed, in track changes, the relief sought.

Discussion occurred at the hearing on objectives and policies, and in particular their application to Sub Zones.

### **Consideration**

Sections 7.1 through 7.3 of the District Plan contain the justification for the rules that follow. If changing conditions require the rules to be changed to better achieve a sustainable future, then the justification for those rules requires re-examination. Issues, policies and objectives that served one generation may no longer serve another. Thus the Commissioners undertook to review Sections 7.1 through 7.3 (and their relationship to Section 4.9 Urban Growth) to ensure a smooth flow of logic to support proposed rule changes. No attempt was made to rewrite the sections; rather, appropriate insertions were made to clarify meaning and extend lines of reasoning. One key addition has been wording that distinguishes residential activities from visitor accommodation activities. While the limited scope of Plan Change 10 did not allow the Commissioners to develop different rules for each type of activity, it became clear during the hearings that the two activities had substantially different economic, social and aesthetic impacts on their surroundings even though their external appearances may be quite similar. It is for future plan changes, should they be desired, to develop rules that distinguish between the two activities perhaps providing for a physical separation that, in some areas, could work for the mutual benefit of both. The Commissioners have incorporated new wording that they hope will make that task easier. Discussion of specific subsections follows.

Section 7.1.2(i) A second bullet point identifies a desire to retain a sustainable core of residents living and working within Queenstown.

Section 7.1.2(iii) The wording more accurately reflects the intent of “character and scale” and the two inserted paragraphs better explain the desired outcomes for residential neighbourhoods and for visitor accommodation facilities.

Section 7.1.3 Distinguishing residential from visitor accommodation helps to clarify the issues. Objective 2 adds the use of sub zoning as an implementation method. Objective 3 includes a reference to urban design review. An added “Explanation” paragraph identifies the need to retain a resident population.

Section 7.1.4 is new. It identifies district-wide high density residential issues, objectives and policies relating to amenity values, multi-unit developments and town centre vitality and allows for sub zones and urban design reviews as implementation methods.

Section 7.2 Distinguishing residential from visitor accommodation helps to clarify the issues and highlights the need for sustainable developments in Queenstown.

Section 7.3 Distinguishing residential from visitor accommodation helps to clarify the issues and highlights the need for sustainable developments in Wanaka.

Section

### **Recommendation**

Accept those submissions supporting the changes to Sections 7.1 through 7.3 and Section 4.9 and reject those submissions seeking to withdraw the Plan Change.

## **4.14 Overall Acceptance of the Plan Change**

### **The Issue and Submissions**

Many of the submissions received expressed concern over the adequacy of the Section 32 report prepared prior to the notification of the Plan Change and the extent of identification of a problem, research undertaken, and analysis provided. A number of submissions sought that PC10 be withdrawn.

### **Consideration**

Although many individuals and companies joined in a combined submission that sought to withdraw Plan Change 10 in its entirety, it became clear during the hearings that the joint submitters' representatives were willing to work with the Commissioners to fashion an outcome that would be acceptable to all parties. The opposition to Plan Change 10 revolved around new rules that had the effect of restricting development of visitor accommodation units and thus potentially impacting profitability. If those rules could be softened, it was argued, then perhaps both sides could find an acceptable middle ground. Lengthy discussions and submission of an alternative map showing different Sub Zone boundaries convinced the Commissioners that there was sufficient merit in the Plan Change to recommend its adoption by Council. But not without some significant changes, all of which have been noted and discussed above. The best rationale, however, for accepting Plan Change 10 is the fact that it lays an important foundation for the plan changes that are scheduled to follow: visitor accommodation and community housing. Both of these plan changes present the opportunity to define areas best suited for residential housing and areas best suited for visitor accommodation and to separate the two activities insofar as is reasonable, given the existing pattern of development. The Commissioners acknowledge that Plan Change 10 does not, in itself, assure the amenity of the High Density Residential Zone but they

believe that the rules, perhaps seen by many as too stringent, offer the possibility of becoming more flexible as they are applied to specific types of development.

### **Recommendation**

Reject all those submissions in opposition to the Plan Change and accept all those submissions in support.

## **4.15 Visitor Accommodation**

### **The Issue and Submissions**

During preparation of proposed Plan Change 10 there was considerable debate within and beyond Council as to whether the effects of Visitor Accommodation were distinctly different from and more adverse than the effects of residential activities in the High Density Residential Zone. A decision was made by Council that PC10 not alter the rules of the Plan relating to the use of buildings or activities, but focus on matters relating to building bulk and location and the quality of design.

PC10 was therefore based on an underlying premise that standardisation of the rules for High Density Residential buildings, whether used for residences or for visitor accommodation, is appropriate regardless of end use of the building.

Both submissions in support and submissions in opposition, indicate a general community interpretation of PC10 as controlling more than design and is by in-direct means influencing the location of visitor accommodation activity. A number of submitters expressed concern that the Plan Change affects the ability to provide for visitor accommodation in a viable manner, overlooks the need for future visitor growth and provides no direction or guidance on how or where visitor accommodation may economically develop.

Since notification of PC10 the Council has undertaken a study to consider changing the rules for Visitor Accommodation.

### **Consideration**

Explicit recognition of the differences between residential uses and visitor accommodation activities is beyond the scope of Plan Change 10 and must rely on subsequent plan changes for interpretation and resolution. Plan Change 10 could only address the issue of public amenity, that is to say what is apparent to the public (in the way of design and appearance of buildings) and not what functions they contain. However that is not to say that the Commissioners ignored the issue of the impact of visitor accommodation on residential activities.

The RMA promotes “sustainability” as a central tenet of government policy. It is questionable whether the current imbalance between residential and visitor accommodation units in Queenstown is sustainable. The trend in loss of residential housing threatens to poison three vital elements of Queenstown’s future – its neighbourhoods, its economic vitality and its sense of community.

#### **1 Neighbourhood Sustainability**

*VA is more profitable.* Neighbourhoods that allow VA units to compete with residential housing are not sustainable. Due to the current investment climate, supported by favourable tax laws, investors will pay more for a VA unit than for a similar residential unit. A VA unit can rent nightly for about the same amount as the weekly rent for a residential unit. Even at less than 50% occupancy rates, VA promises a much higher return on an investment.

*Limited land availability.* Queenstown has a very limited supply of developable land and recent explosive growth has caused land prices to soar. The upward pressure on land prices tempts developers to convert residential properties into VA units, usually increasing unit density while providing smaller units.

*VA alters neighbourhoods.* The continual transformation of residences into VA units slowly eats out the residential heart of neighbourhoods. As residential properties are transformed into VA, the resulting redevelopment alters the fabric of a neighbourhood. Instead of neighbours on the footpaths, strangers seem to predominate. Instead of inter-neighbour courtesies, impersonal VA managers care only for their guests. Increased neighbourhood density means more traffic and fewer parking spaces, increased litter and less landscaping, rising noise and falling amenities. Residents no longer know who lives next door or who is prowling the late-night streets.

*Loss of residents.* When VA units reach a certain proportion of the neighbourhood housing stock, a “tipping point” is reached whereby residents no longer feel comfortable and look to move. Landlords look to profit by selling to developers, thereby displacing tenants. Older residents who own their own homes see unwelcome changes in their neighbourhoods and plan to move elsewhere. High prices and high rents for the remaining residences deter young families from moving in. All too quickly a neighbourhood can become populated solely by visitors and overcrowded with transients sharing flatting costs. No children play nearby.

*Residential sustainability.* As VA squeezes out housing for residents, neighbourhoods change and die. In their place stand islands of mostly empty VA units, silent and dark. Where have all of the residents gone? Is this a sustainable future?

## 2 Economic Sustainability

*Labour costs rise.* As Queenstown housing costs rise, the local labour force is forced to either pay more for housing or suffer longer and longer commutes from outlying communities.

*High labour turnover.* Whether paying more for housing or spending more time commuting, the economic and social hardships imposed on the labour force contribute to the high turnover. People come and work for a while, discover that they will never be able to afford to live here, and so move on. The business community pays for training replacements. Some businesses have purchased housing for below-market leases to entice their key employees to stay.

*Lower service levels.* High turnover also means less experienced people doing the work. Service levels in many businesses are lower than they would be with a more permanent staff.

*Visitor dissatisfaction.* Visitors experience the low service levels first hand. It is often the “tourist” restaurants and stores that find it hardest to retain staff. Visitors who experience staff shortages, poor service, and untrained staff are less likely to return or to recommend others to visit.

*Tourism sustainability.* Tourism is the lifeblood of the Queenstown economy. If the visitors stop coming, the town will die. Converting most of the urban area into VA at the expense of residents means that residents will no longer patronise local shops and businesses; trade will move out to Frankton and beyond, closer to where the residents will live. As businesses catering to locals leave the urban centre, their places will be filled by businesses catering to visitors. The competition for sales will quickly cheapen the goods offered for sale, creating another tourist “trinket town”, so common throughout the world. What makes Queenstown unique will disappear. Is this a sustainable future?

### 3 Community Sustainability

*A small town community.* Queenstown is a delightful place to live; it combines small town social interactions with big city crowds and activities. Many people want to live and work here, but not everyone can afford to do so. As younger people move elsewhere to start families and pursue other careers, fewer families can afford to replace them. The resident population is already starting to become split into two groups: economically well-off older people who generally own their own homes and economically disadvantaged younger people who make up a largely transient workforce. While this split is not yet visible to many, it is a trend that will ultimately destroy the small town community interactions that bind us all together.

*Commuting from suburbia.* The mid-level jobs are often held by residents who do not live in town. Instead, they have moved to “suburbia”, some commuting from as far away as Cromwell, Wanaka and even Alexandra. The social costs of parents who spend their time on the road instead of with their families can be considerable. Children left on their own for long periods are less likely to succeed in school or in life. Commuters also share little of the social and political life of local residents; because they live elsewhere, their concerns rarely match those of locals.

*Loss of community.* The lack of sufficient affordable housing denies a place for everyone who is a part of the community. Where will the next generation of families and experienced mid-level labour live if the community is to survive? Is this a sustainable future?

### 4 Market Separation?

If residences for locals are insulated from VA pressures, then it may be possible to protect the remaining neighbourhoods, strengthen the local labour force and enhance a collective sense of small town community. This will require the legal ability to distinguish residential housing from VA and to enact rules and policies that affect each market differently.

Plan Change 10 attempts to differentiate between residential and visitor accommodation without actually being able to establish any rules that achieve a separation. Many may believe that separation is neither feasible nor

desirable. Others disagree. Only time will judge whether Queenstown, and to a lesser extent Wanaka, evolve to a sustainable future.

### **Recommendation**

Reject all those submissions requesting special recognition for visitor accommodation activities.

## **4.16 Reverse Sensitivity**

### **The Issue and Submissions**

Transit New Zealand lodged a submission generally supportive of PC10 and sought the addition of policies and rules relating to reverse sensitivity effects from new residential development on the State Highway. That submission was opposed by Emma Jane Limited.

The planning officer's report expressed the opinion that the Transit submission is beyond scope because PC10 is concerned with visual effects arising from built form, not noise effects from road activities. Transit did not appear at the hearing in support of their submission.

### **Consideration**

The Commissioners considered that there may be a number of property owners who would be affected by the introduction of new policies or rules who would not be aware that noise issues were being considered as part of Plan Change 10. These people would be adversely impacted if not able to participate in any consultation or development of rules.

### **Recommendation**

Reject the submission by Transit New Zealand.

## **4.17 General Submissions**

### **The Issue and Submissions**

A number of submitters have made general requests for changes to rules including issues relating to rubbish collection, views and sun, rooftop parking, harmony and controlled activities. The general tone of these requests added weight to validate the overall purpose and intent of PC10 to improve amenity values but were such general statements that they did not provide sufficient certainty or clarity in terms of wording to add be supported in the planning report.

### **Consideration**

The Hearing Commissioners agreed with the planning officer that detailed new district plan provisions based on these statements would potentially affect significant numbers of property owners who would not have had the opportunity to understand and submit on the detail of those rules.

The submissions seeking the introduction of a rule for common rubbish collection are not appropriately dealt with through the District Plan and would

be best addressed through a by-law or other mechanism under the Local Government Act, considering ways in which rubbish disposal can be facilitated for short-term visitors.

#### **Recommendation**

Reject all such general submissions.

### **4.18 Compensation**

#### **The Issue and Submissions**

Woodlot Properties Ltd submitted in opposition to PC10 on the basis that the individual rules of PC10 render the land incapable of reasonable use and as a consequence compensation should be paid to landowners. Other submissions express concern that the effect of PC10 is to make development of land less economic than was possible pre- notification of PC10.

#### **Consideration**

No additional technical evidence was presented at the hearing in relation to economic impacts.

#### **Recommendation**

Reject submissions seeking compensation.

### **4.19 Fence Heights**

#### **The Issue and Submissions**

There was no rule relating to fences within the road setback in the District Plan pre notification of PC10. PC10 introduced a Site Standard which limits fences within the road setback and limits the use of visually opaque materials to 1.2m in height. The purpose of the rule is intended to avoid the building of high blank walls and fences that create barriers between residences and the street.

Sixty three submitters opposed the rule with the majority seeking that it be withdrawn while sixty two submitters support the rule.

The planners report addressed issues of interpretation, status of non-compliance with the rule, definition of visually opaque and application to frontages.

#### **Consideration**

This issue was largely unaddressed at the hearing with only brief mention made. The Hearing Commissioners agreed that the rule is clear and that a planning assessment at time of consent can offer sufficient flexibility to the rule in a site by site situation. Control on fence height for amenity reasons is seen as important.

#### **Recommendation**

That submissions in support of the proposed rule be supported and those in opposition be rejected and that a definition of a “visually opaque fence” be added to the District Plan as follows: ~~Do you want to include a new definition as suggested in the planning report?~~

*Visually Opaque Fence: means a fence located within the front setback of a property that is composed primarily of solid materials through which little or no view or light can be gained when seen from an elevation drawn parallel to the fence line. Brick, solid panel or overlapping boards are examples of opaque materials while live landscape planting is not considered opaque. .*

## **4.20 Building Height**

### **The Issue and Submissions**

PC10 did not alter the provisions relating to building height. Height is an integral consideration in building bulk and mass and this matter has been raised by a number of submitters. In particular submitters sought relief seeking a trade-off between height and site coverage.

The planning report recommended that the Council initiate a review of the purpose, location and environmental results anticipated for each of the Sub Zones to include an examination of plot ratio and height options to achieve differentiation, choice, character and context for each of the Sub Zones.

Some discussion on building height occurred at the hearing and in particular on whether it was within the scope of the plan change.

### **Consideration**

The Commissioners considered that the topic of height lay outside the scope of plan change as it represents a whole new topic of work that merits future investigation. **Recommendation**

Reject all submissions seeking a change to the building height rule.

## **4.21 Assessment Matters**

### **The Issue and Submissions**

A number of submitters sought amendments to the Assessment Matters. The inclusion of an urban design bibliography was especially criticized by Mr. Goldsmith in his presentation; he pointed out that not all of the publications are readily available and, of those that are, none appear to contain a clear set of assessment matters, leaving a wide area for subjective interpretation. Other submitters, especially among the professional architects, desired an approach that referred to good design principles as opposed to specific design criteria. Yet other submitters sought relief to specific rules, deletion and/or withdrawal of the assessment matters.

### **Consideration**

Generally the Commissioners agree with that approach taken by the planning officer and accept, in part, the recommendations in the officer's report. However, the Plan Change, as notified, contained an urban design bibliography intended to add weight to the assessment matters. We find this approach highly unsatisfactory for two reasons. First, the bibliography

references publications that are not contained within the Plan itself and thus their application will be subject to challenge. Second, the Commissioners agree with Mr. Goldsmith that any assessment matters contained within the Plan must be as clear and objective as possible and with other submitters who desired an approach based on well-accepted principles rather than inflexible rules. The Commissioners, therefore, reject the inclusion of the bibliography, as well as many of the notified assessment matters which varied among the rules, and, in their place, accept the suggestions contained in Mr. Tim Church's technical report. That report, in Part 1, page 3, identifies the seven urban design principles contained in the New Zealand Urban Design Protocol, a document referenced in the notified bibliography.

The New Zealand Urban Design Protocol describes a national approach promulgated by the Minister for the Environment for adoption by New Zealand cities and towns (and by other organisations as well). Mr. Church's report identified, described and interpreted the seven urban design principles as they may relate to the Queenstown Lakes District and specifically to the high density residential amenity values addressed by Plan Change 10. This portion of Mr. Church's report was not criticised by any of the submitters; to the contrary, although not specifically referenced, all of the submitters who were design professionals offered testimony to support urban design guidelines that were not very dissimilar to the Protocol.

We have studied the Protocol and found it to offer a more reasonable set of urban design principles to be used as assessment matters. It offers three considerable strengths:

- it is the nationally accepted urban design reference standard, readily available to everyone (it can be found at [www.mfe.govt.nz](http://www.mfe.govt.nz));
- it has been officially adopted by the Queenstown Lakes District, which is a signatory to the Protocol; and
- it has been notified under this Plan Change and been examined in submitted evidence made available for public submission.

The Protocol, therefore, appears to provide the clearest set of generally agreed-upon assessment matters for judging urban design issues available to the Commissioners at the time of the hearing.

In the process of developing specific language for insertion into the Plan, the Commissioners were obligated to provide some interpretation of the national Protocol principles as they specifically apply to the High Density Residential Zones in both Queenstown and Wanaka. This interpretation is intended by the Protocol which requires that assessments of urban design character be tailored to the needs of individual communities. To support this interpretation, we quote in full from the page 19 of the Protocol regarding urban character:

*“Quality urban design reflects and enhances the distinctive character and culture of our urban environment, and recognises that character is dynamic and evolving, not static. It ensures new buildings and spaces are unique, are appropriate to their location and compliment their historic identity, adding value to our towns and cities by increasing tourism, investment and community pride.*

*Quality urban design:*

- *reflects the unique identity of each town, city and neighbourhood and strengthens the positive characteristics that make each place distinctive*
- *protects and manages our heritage, including buildings, places and landscapes*
- *protects and enhances distinctive landforms, water bodies and indigenous plants and animals*
- *creates locally appropriate and inspiring architecture, spaces and places*
- *reflects and celebrates our unique New Zealand culture and identity and celebrates our multi-cultural society.”*

These statements, as well as other similar expressions throughout the Protocol, highlight the requirement for each community to adapt the seven Protocol principles to suit its own unique character and requirements. This we have done by adapting the language from Mr. Church’s report to create a concise set of urban design assessment matters that we believe can be applied in a reasonably objective manner by both Council planners and by the Urban Design Panels. Only time and experience will tell if these assessment matters require further modification.

To provide maximum clarity and to avoid possible conflicting readings, the Commissioners have applied the same the seven Protocol principles and their interpretations for all rules requiring an urban design assessment. Some rules, due to their unique applications, may contain one or two additional assessment matters that fall outside urban design issues.

In relation to the general assessment matter suggested by T Haslett, it is noted that most of the issues she raised are now addressed in the urban design assessment matters described above and included under 7.7.2(iv), and so her points are accepted in part.

**Recommendation**

Accept in part and reject in part, according to the officer’s recommendations except for the submission by T Haslett which is accepted in part.

**4.22 Other Submissions**

**The Issue and Submissions**

A range of other submissions were received in relation to a variety of issues. These were summarised and discussed in the officer’s report and some were addressed in evidence at the hearing.

**Consideration**

The great variety of minor points raised in submissions plus the large number of issues that were outside the scope of the Plan Change were reviewed and summarised by the planning officer along with recommendations for their acceptance or rejection. The Hearing Commissioners have reviewed this report and agree with the recommendations, except to refine the editing, as deemed appropriate.

#### **Recommendation**

Accepted in part insofar as the submissions relate to minor editing and clarification issues and rejected in part insofar as the submissions relate to issues beyond the scope of Plan Change 10.

#### **4.23 Correction**

In the course of considering the Residential Areas Rules (Part 7 of the District Plan) we noticed that there is an existing mistake in two headings. Rule 7.5.5.2 is headed "*Site Standards - Residential Activities and Visitor Accommodation in the High Density Residential Zone*" when in fact the rules relate to both the High Density and Low Density Zones. Similarly Rule 7.5.5.3, which sets out Zone Standards.

#### **Recommendation**

We suggest that this opportunity should be taken to correct these headings by deleting the references to the High Density Zone. There is power to simply correct such errors under clause 20A of the 1st Schedule to the Act. Those corrections have been made in the attached version of Part 7 showing recommended amendments.

## **ATTACHMENT 1: RECOMMENDED AMENDMENTS TO DISTRICT PLAN**

The following pages are pages of the District Plan that would be amended as a consequence of the recommendations above. The wording prior to Plan Change 10 is shown, with recommended additions and deletions.

Att 1a : Part 4 of the Plan, District Wide Issues, Section 4.9 Urban Growth

Att 1b : Part 7, Residential Areas, is reproduced in full as most pages have recommended amendments.

Att 1c : Definitions section of the District Plan with regard to the definitions of "Backpacker Hostel", "Unit", and "Visually Opaque Fence"

Att 1d : Subzone Maps

Att 1e. Diagrams inserted into Appendix 4 of the DP

**ATTACHMENT 2: RECOMMENDATIONS ON SUBMISSION POINTS**

See accompanying CD for details.

## 7. Residential Areas

### 7.1 Issues, Objectives and Policies

#### 7.1.1 Issues

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

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

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

- the efficient use and development of natural and physical resources;
- the maintenance and enhancement of amenity values. and natural features;

- the maintenance and enhancement of the quality of the environment.

#### i Growth and Availability of Land

- **The provision for and location of new residential activity**

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

- **Retaining a large core of residents**

A perceived competition exists between residential and visitor accommodation land uses, especially in the urban High Density Residential Zones. Unlike Wanaka, Queenstown commands a very limited supply of land suitable for high density development. Residents fear that if trends continue, visitor accommodation units will continue to supplant residential uses, thereby reducing housing opportunities for residents. Economics now tilt development toward visitor accommodation and undercut the capacity of Queenstown to house its workers, its retirees and others whose incomes or family obligations preclude moving to more affordable housing elsewhere, thereby forcing long commutes back into town.

- **Natural Hazards**

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

#### Refer also Part 4.8

- **Productive Land**

The future welfare of the District is not fully reliant on primary production of these soils but subdivision and development will result in the loss of their productive capacity. Any expansion over versatile soils needs to be

balanced against the sustainable management of other natural and physical resources such as energy, infrastructure, services and the effects on important amenities.

**Refer also Part 5**

- **Servicing**

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

ii **Landscape**

- **The relationship of urban areas to the natural landscape**

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

**Refer also Part 4.2**

iii **Character and Scale**

- The character and scale of development within residential and visitor accommodation areas should achieve desired outcomes anticipated by the District Plan. Enhancement of the essential elements that give towns, suburbs and settlements their character, image and attractiveness.

The existing identity of any particular town or settlement is reflected in its character and scale. These are matters which influence where people choose to live. Components of character and scale include open space,

density of development, building height, dominant styles in built form and topographic influences. There is undoubtedly a difference in character and scale between suburban residential and low density rural living environments. There can also be contrast in the character and scale within or between settlements. Change in the character and scale of residential areas can result from closer subdivision and construction of additional houses at higher densities, redevelopment and replacement of existing houses, and loss of existing open space, garden and tree plantings, loss of views and diminution in the sense of community cohesion and well being.

~~Some changes may be necessary to provide for the needs of people wanting smaller properties, new and smaller houses, or houses closer to town centres. Such change needs to be managed to avoid adversely affecting the character and scale of areas most valued by residents. The main residential areas have developed a low density character with general protection for views, sunlight admission and privacy. This character is even more profound in smaller settlement areas where development densities have remained low. Pressure for growth will inevitably bring pressure for infill development within these areas.~~

Some changes are necessary to provide for the needs of people wanting smaller properties, newer and smaller houses, residential accommodation closer to urban centres, and visitor accommodation. Such changes need to be managed to provide appropriate higher density areas for high density residential development and visitor accommodation and to avoid or mitigate adverse effects on the character and scale of low density residential areas.

The main low density residential areas have developed a low density character with general protection for views, sunlight admission and privacy. Low density residential character is even more profound in smaller settlement areas where development densities have remained low. Pressure for growth will inevitably bring pressure for infill development within these areas. Other areas have and will develop a higher density character where the need to enable higher density residential development and visitor accommodation is a priority.

iv **Residential and Visitor Accommodation Amenity**

- Protection and enhancement of people's social well being resulting the amenity value of their living environments.

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

Residential amenities, however, depend upon far more than merely providing the factors identified above. Residential amenity also demands a 'neighbourhood'. Neighbourhoods define places where residents can know one another, can share common interests and can offer fellowship and support when adversity strikes. Without neighbourhoods, communities cannot thrive. Yet the continuous expansion of visitor accommodation developments displaces residents and undermines neighbourhoods. Visitors are strangers on the street, coming and going at unanticipated hours, unfamiliar with local parking courtesies and powerless to contribute to neighbourhood well-being. The future of Queenstown, and to a lesser extent Wanaka, rests on our ability to protect existing neighbourhoods and create or expand new ones.

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

Home occupations are an important aspect of non-residential activity which provides residents with a source of employment with many social and economic advantages, but which can cause problems in residential

areas. The range of activities and their character and scale vary considerably and it is often the traffic-generating and noise aspects of these activities which is of concern. Limitations on the extent of retailing, the scale of activities in terms of area or floorspace and the involvement of persons not living on the site are commonly adopted to mitigate these adverse effects.

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

**Refer also Part 4.9**

### 7.1.2 District Wide Residential Objectives and Policies

#### Objective 1 - Availability of Land

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

#### Policies:

- 1.1 To zone sufficient land to satisfy both anticipated residential and visitor accommodation demand.
- 1.2 To enable new residential and visitor accommodation areas in the District.
- 1.3 To promote compact residential and visitor accommodation development.

1.4 To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.

1.5 To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.

1.6 To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.

#### Implementation Methods

Objective 1 and associated policies will be implemented through:

##### (i) District Plan

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

#### Explanation and Principal Reasons for Adoption

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

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

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

#### Refer also Part 6

#### Objective 2 - Residential Form

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

#### Policies:

2.1 To contain the outward spread of residential areas and to limit peripheral residential or urban expansion.

2.2 To limit the geographical spread and extent of rural living and township areas. Where expansion occurs, it should be managed having regard to the important District-wide objectives.

2.3 To provide for rural living activity in identified localities.

2.4 In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.

#### Implementation Methods

Objective 2 and associated policies will be implemented through:

##### (i) District Plan:

(a) The identification of a pattern of land uses in support of a strategy of urban consolidation.

(b) Zoning and subzoning provisions for a range of residential and visitor accommodation ~~ivv~~ environments.

(c) Zoning areas for rural living activities.

(d) Associated rules for subdivision (lot size) and transport.

### Explanation and Principal Reasons for Adoption

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

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

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

### Refer also Parts 4, 10 and 11

### Objective 3 - Residential Amenity.

**Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.** <sup>\*8</sup>

### Policies:

- 3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.
- 3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.
- 3.3 To provide for and encourage high density residential development within the high density residential zones.

3.4 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.

3.45 To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.

3.6 To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.

3.7 To ensure residential developments are not unduly shaded by structures on surrounding properties.

3.78 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.

3.98 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.

3.109 To provide for and encourage new and imaginative residential development forms within the major new residential areas.

3.119 To require acoustic insulation of buildings located within the airport Outer Control Boundary, that contain critical listening environments.

3.124 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.

3.13 To require an urban design review to ensure that new developments satisfy the principals of good design.

### Implementation Methods

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

methods including:

(i) **District Plan:**

- (a) Provision of different zones for high density residential living and low density residential living.
- (b) Rules relating to building height, sunlight and outlook for neighbours, street scene, separation from neighbours and outdoor living space.
- (c) Rules for heritage and amenities, relocated buildings, protected historic buildings, places and objects and protected trees.
- (d) Rules for health and safety, eg for noise and glare.
- (e) Rules for subdivision, natural and other hazards, supply of services (water, energy, telecommunications and disposal of wastes), provision of land for open space and recreation and rules for building location.
- (f) Rules for transport, parking, access and manoeuvring.

(ii) **Other Methods:**

- (a) Implementation of the powers prescribed in Part XII of the Resource Management Act relating to enforcement orders, abatement notices and excessive noise.
- (b) Provision of works and services, roading, road linkages and traffic management programmes, and maintenance and development of public open space.

**Explanation and Principal Reasons for Adoption**

The purpose of policies is to achieve the consolidation of residential activity and protection of residential amenity values. Although non-residential activities are an integral part of the residential environment they have the potential to create adverse effects relating to noise, visual detractor, traffic

and loss of residential neighbours. A high standard of amenity is sought for residential areas which are sensitive to adverse effects. Although it may not be possible or desirable to prohibit all non-residential activities from residential neighbourhoods, it is necessary to ensure the establishment of such activities does not adversely affect people's social well being. The effect on community cohesion, and hence well being, arises from the removal of permanent residents as much as from the visual disruption and loss of amenity caused by establishment of these activities.

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

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

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

The residential areas are sensitive noise environments and this is a major factor which must be taken into account when considering the impact of other activities. Noise in a residential area is likely to result from non-residential activities and as such the plan includes provisions setting noise standards for non-residential activities in the residential zones. Noise from normal residential living, including animals and social events will be controlled through the excessive noise provisions of the Act.

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

this Plan. <sup>\*8</sup> This will enhance the character and coherence of the residential built environment as it relates to the visual amenity of the natural landscape.

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

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

Subdivision of residential flats is not desirable because it can facilitate delineation between the unit and flat through separate curtilage. Consideration must also be given to the potential implications of allowing the first subdivision to take place and the fact that additional residential flats could then be developed on the site as a permitted activity, provided the other site and zones standards of the District Plan have been complied with. The result of this process would be the incremental subdivision of the low Density Residential Zone, which could result in a development pattern similar to that anticipated in High Density Residential Zone. Therefore, this policy considers the effects subdivision can have on the single dwelling character of the Low Density Residential Zone. <sup>\*6</sup>

#### Objective 4 - Non-Residential Activities

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

#### Policies:

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

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

#### Implementation Methods

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

##### (i) District Plan

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

##### (ii) Other Methods

- (a) Provision and operation of community facilities.

#### Explanation and Principal Reasons for Adoption

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

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

A number of non-residential activities have developed in residential areas and

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

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

**7.1.3 High Density Residential Zones – District Wide**

**7.1.3.1 Issue**

**Development Pressure**

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

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

**7.1.3.2 Objectives and Policies**

**Objective 1 – Amenity Values**

Sustainable residential communities and neighbourhoods that have high quality amenity values.

**Policies**

- 1. To ensure development enhances the character and amenity values in the zone, by:

- Improving the aesthetic appeal of the built environment.
- Ensuring buildings integrate well with the neighbouring locality and provide visual connections with the surrounding built and natural environment.
- Providing attractive pedestrian access ways and linkages and protecting those that currently exist.
- Ensuring the maintenance of road setbacks that are free of structures.
- Ensuring development is of a high architectural quality that ensures the use of articulation within the building form and avoids repetitive and continuous building forms or facades.
- Ensuring that open space is maintained between buildings on sites, and between neighbouring sites.
- Encouraging the provision of underground car parking.

- 2. To avoid visually dominant buildings that overshadow public places, block views and degrade the built environment.

- 3. To enhance the attractiveness of the zone, including the streetscape, by:

- Ensuring landscaped areas are dominated by greenery and mature trees in scale and proportion to the size of the building.
- To require the retention of existing vegetation, especially established trees and native vegetation.
- Ensuring the effects of developments are internalised to the site and do not detract from the amenities of neighbouring sites and roads.

- 4. To encourage a mix of housing types and sizes with variety in the number of bedrooms, that will support a flexible and sustainable reuse in the future, while recognising that the zoning anticipates multi-unit developments capable of containing a wide mix of types and sizes.

- 4-5.- To discourage the encroachment of large visitor accommodation developments into residential neighbourhoods.

**Objective 2 – Multi-Unit Developments**

*Shaded provisions not operative – Environment Court decision C134/2003 appended at front of volume*

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

### Policies

1. To ensure multi-unit developments are located within easy walking distance and promote safe pedestrian access, to all of the following:
  - Existing or proposed shops offering a range of convenience goods and services.
  - An existing or programmed public transport service.
  - A substantial public reserve (or reserves) that provide a range of recreational opportunities.

2. To ensure that multi-unit developments are located in areas served by all of the following:
  - Roads capable of handling increased traffic.
  - Road frontage or nearby kerb-side areas having adequate visitor parking spaces.
  - Community facilities.
  - Essential public services such as water supply, wastewater and stormwater management, and refuse collection.

3. To ensure multi-unit developments are designed to achieve all of the following:
  - Effectively incorporate existing significant vegetation and landforms.
  - Effectively cater for traffic, parking and servicing.
  - Mitigate any reverse sensitivity effects arising from the proximity of non-residential activities in the vicinity.
  - Incorporate suitable crime prevention through environmental design techniques in their layout and methods of access.

4. To ensure multi-unit developments are located on sites that:
  -

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

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

### Objective 3 : Vitality of Town Centres

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

### Policies

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

### Explanation and reasons for adoption

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

### Implementation Methods

#### (i) District Plan

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

(ii) Other methods

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

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

### 7.2.1 Resources, Activities and Values

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

#### High Density Residential Areas.

Until recently these areas were characterised by a high density of single unit dwellings, interspersed with two or three level multi-unit developments predominantly serving the visitor accommodation market. Lot sizes were

historically based on the early tent settlements and underlying subdivision patterns reflect this with small lot sizes.

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

### 7.2.2 Issues

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

- Protection of the predominantly low density residential environment.
- Provision for visitor accommodation.
- Enhancement of views where practicable.
- The loss of amenity values as experienced from public spaces and neighbouring properties as a result of large scale developments.
- The potential loss of public access to the lakeshore resulting from development adjacent to the lake. Relationship of development and enhancement of access to the lakeshore.
- The potential adverse effects that non-residential activities may have on residential activities through increased traffic and noise and

~~decreased visual amenity. Minimising the adverse impact and extent of non-residential activities in residential areas.~~

- ~~Opportunities for increasing the sizes and mix of units within residential and visitor accommodation to provide for a variety of living environments and for flexible future re-use. Opportunities for increasing residential activity.~~
- Opportunities for improved sunlight admission.
- Minimise the impact of the State Highway and the airport on adjoining and surrounding residential areas.
- Access to Frankton Road for new development.
- The need to acknowledge that settlement is a part of the landscape.
- Protection of airport operations from noise sensitive activities within the Outer Control Boundary.

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

#### Objectives –

~~Residential and visitor accommodation development and associated activities at of a scale, density and character consistent with the existing density, which, within sub zones, which are separately identifiable by such characteristics such as location, topography, geology, access, sunlight or views, enhances the essential elements of the surrounding landscape, lakeshore and the visual outlook from residential buildings.~~

~~4.2. Residential development organised around neighbourhoods separate from areas predominately visitor accommodation development. Provision for new consolidated residential areas at identified locations.~~

~~3.1. Higher density residential development around the periphery of the town centre of Queenstown and in new areas of residential development outside the main existing residential areas.~~

#### Policies:

- To protect enhance the character and amenity of the residential environments by limiting the peripheral expansion of the residential areas and promoting consolidation of the residential community with the retention of easy access to the rural area and lakeshore.
- To resist any peripheral extension of zoned residential areas which would undermine clear distinctions between the residential and rural areas and result in dispersed and uncoordinated residential growth patterns.
- To enhance maintain the general character of established residential environments in terms of density, height, access to sunlight, privacy and views.
- To provide for higher density residential activity around the town centres and in new areas of residential development.
- To encourage additional consolidated residential activity in the District.
- To provide for a residential environment which allows a range of housing types, including care for the elderly and dependent relatives.
- To provide for non-residential activities in residential areas providing they meet residential amenity standards and do not disrupt residential cohesion.
- To ensure the scale and extent of any new Visitor Accommodation in ~~the~~ residential areas does not compromise residential amenity values by adversely affecting or altering neighbourhood characters.

#### Implementation Methods

The objectives and associated policies will be implemented through:

~~Shaded provisions not operative – Environment Court decision C-134/2003 appended at front of volume~~

**(i) District Plan**

- (a) ~~Zone to enable a range of residential and visitor accommodation areas clearly delineated by zone and subzone boundaries. To enable a broad range of residential areas.~~

**Explanation and Principal Reasons for Adoption**

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

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

**Refer 7.5.4****7.2.4 Environmental Results Anticipated**

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

- (i) Maintenance of the general character and scale of existing residential areas with sites being dominated by open space rather than buildings, providing the opportunity for tree and garden planting around buildings.
- (ii) Existing residential activity characterised by low building coverage and building height, but with opportunity for variety in building design and style.

(iii) Maintenance of a residential environment which is pleasant with a high level of on-site amenity in terms of good access to sunlight, daylight and privacy.

(iv) Maintenance of the opportunities for views consistent with the erection of low density, low height buildings.

(v) The exclusion or mitigation of activities which cause adverse environmental effects, such as excessive noise, glare, odour, visual distraction, traffic and on-street parking congestion, traffic safety and other hazards.

(vi) Residential coherence except in circumstances of established non-residential uses or where a local need prevails for non-residential activities ancillary to the surrounding residential environment.

(vii) Maintenance of water quality and availability for residential and other activities.

(viii) New residential areas providing for higher density living environments with good integration of open space, aspect, circulation and regard for energy efficiency and convenience to facilities.

(ix) Protection of the major visitor accommodation activities consistent with their significant value to the social and economic well being of the community.

**7.3 Wanaka Residential Areas****7.3.1 Resources, Activities and Values**

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

residents and holiday home owners. The purpose of the policies in the Plan is to enhance that position.

### High Density Residential Areas

Until recently these areas were characterised by a historical density of single unit dwellings. Lot sizes were historically based on subdivision for residential purposes and underlying subdivision patterns reflected this with small lot sizes

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

### 7.3.2 Issues

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

- ~~p~~Protection of the surrounding rural landscape from inappropriate development.
- ~~t~~The need for rural living opportunities in close proximity of or abutting the town.
- ~~r~~Retention of low density residential development.
- ~~n~~Noise control.
- ~~P~~rotection of the lakeshore from inappropriate development
- ~~o~~Opportunities for peripheral expansion.
- ~~T~~he potential adverse effects that inappropriate development can have on the lakeshore.
- ~~t~~ree planting can lead to the shading of neighbouring sites. Minimising the impact of shading of adjoining sites and loss of vistas from inappropriate tree planting.

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

#### Objectives:

- ~~4-1.~~ Residential and visitor accommodation development of a scale, density and character within sub zones that are separately identifiable by such characteristics as location, topography, geology, access, sunlight or views. Residential development which retains the current level of low density activity and is sympathetic to the surrounding visual amenities of the rural areas and lakeshores.
- ~~4-2.~~ Low density rural living development in identified locations in close proximity to Wanaka.
- ~~3-3.~~ Retention of the general character of the residential environments in terms of density, building height, access to sunlight, privacy and views.

#### Policies:

- 1 To provide for some peripheral expansion of the existing residential areas of the towns in a manner ~~which that~~ retains the consolidated form of the towns.
- 2 To provide for rural living opportunities as part of the Wanaka environs.
- 3 To provide limited opportunity for higher density residential development close to the Wanaka town centre.
- 4 ~~Residential development organised around neighbourhoods separate from areas predominately visitor accommodation development. To ensure non-residential activities in residential areas meet residential amenity standards and do not disrupt residential cohesion and social well-being.~~
- 5 Avoid the planting and locating of inappropriate tree species so as to reduce the impact of excessive shading and loss of vistas

## Implementation Methods

The objectives and associated policies will be implemented through:

### (i) District Plan

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

### (ii) Other Methods

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

## Explanation and Principal Reasons for Adoption

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

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

### 7.3.4 Environmental Results Anticipated

Refer Clause 7.2.4.

## 7.4 Arrowtown Residential Areas

### 7.4.1 Resources, Activities and Values

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

The residential area of Arrowtown falls into two distinct areas:

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

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

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

Buildings in the historic area are of such importance to its character that specific controls are necessary to protect the present development and to encourage future development to reflect the historic, aesthetic and amenity characteristics and values of the existing development. In most parts of this

area, these buildings combine with the avenues of street trees and proximity to the historic town centre to provide a significant physical and natural resource of considerable interest and value to residents and visitors.

## 7.4.2 Issue

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

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

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

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

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

### Objectives:

***Development undertaken in the historic residential area to retain or enhance the present character and avoid any adverse effects on the amenity values of the area.***

***Residential development characterised by low density and low height.***

***Consolidation of the residential area of the town.***

### Policies:

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

### Refer also Part 13

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

### Refer also Part 13

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

### Implementation Methods

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

## (i) District Plan

### (a) District Plan rules to ensure:

- lot sizes sufficient to provide for low site coverage;
- using existing buildings to determine street setbacks;
- limiting multi-unit development;
- reduced site coverage;
- strict control on building heights;
- identification and protection of groups of buildings;
- protection of the historic roading pattern and street trees;
- new buildings constructed in a manner sympathetic in scale, materials and finishes to their surroundings and all existing buildings managed or altered in a manner similar in material and finishes to its original style.

## (ii) Other Methods

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

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

Arrowtown provides a unique built heritage resource with outstanding visual amenities. The policies are directed at protecting, enhancing and sustaining that resource and those amenity values. The special amenity of Arrowtown creates a distinctive precinct which contributes to the sense of identity and historical continuity of the locality and the District. It contributes a significant

number of heritage features which provide a coherence, diversity and historic value that is worthy of protection and enhancement.

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

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

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

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

The preparation of an information guide suitable to explain the importance of features covered by the protection list for the maintenance and conservation of these unique and special features. This is an important aspect of any conservation plan which is in part dependent upon the goodwill of the owners.

Some of the rules which apply to development in this area are intended to make the conservation and continued use of these buildings and sites easier for the owner. It is important that correct advice and assistance be given to the owners in exchange for the restriction the community has suggested.

An essential element of the character of the area is provided by the streets. It is important for visitors that these present a clear and easily read pattern. Much of this can be provided by clear signage and design. The major streets should also be distinguished from local roads and appropriate works programmes implemented to achieve this objective.

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

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

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

## 7.4.4 Environmental Results Anticipated

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

- (i) The conservation of an historical resource which is of special amenity value for the District and the country.

- (ii) A reasonable standard of privacy and amenity for residents of the zone.
- (iii) New development and redevelopment which enhances the character of the zone.
- (iv) Retention and enhancement of the characteristics of openness, small scale and low density.
- (v) Retention of the visual amenity of the area within the zone, particularly the relationship in terms of scale and location between buildings and vegetation.
- (vi) Retention of the historic roading pattern and in particular characteristics which contribute to the streetscape.
- (vii) The exclusion of activities which do not contribute to or promote the historic residential character of the zone.

## 7.5 Low Density and High Density Residential Zone Rules

### 7.5.1 Zone Purposes

#### 7.5.1.1 Low Density Residential Zone

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

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

#### 7.5.1.2 High Density Residential Zone

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

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

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

### 7.5.2 District Rules

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

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

### 7.5.3 Activities

#### 7.5.3.1 Permitted Activities

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

#### 7.5.3.2 Controlled Activities

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

- i **Garages in the low density residential zone**

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

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

In respect of:

- The location, external appearance and design of buildings;
- The location, nature and scale of activities on site;
- The location of parking and buses and access;
- Noise, and
- Hours of operation.

iii **Buildings for**

- (a) non-residential activities; and

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

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

### 7.5.3.3 **Restricted Discretionary Activities\*~~8~~**

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

i **Multi-Unit Developments**

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

- ~~The location of the development;~~
- ~~The location on the site, external appearance and design of the~~

- ~~building(s);~~
- ~~The location, nature and scale of landscaping on site;~~
- ~~Parking and site access; and~~
- ~~The relationship of the building(s) to the street, other public areas and the neighbourhood;~~

ii **Building Footprint**

The construction of, alteration to, or addition to any building in the High Density Residential Sub-Zones that exceeds the maximum building footprint sizes specified in Table 7.1 shall be a **Restricted Discretionary Activity** in respect of all of the following: ~~Assessment Matter 7.7.2 (v).~~

- ~~The location on the site, external appearance and design of buildings;~~
- ~~The location, nature and scale of landscaping on site; and~~
- ~~The relationship of the building to the street, other public areas and the neighbourhood;~~

**Table 7.1**

<b>Sub-zone</b>	<b>Maximum Building Footprint</b>
High Density Residential Sub-Zone A	500m <sup>2</sup>
High Density Residential Sub-Zone B	400m <sup>2</sup>
High Density Residential Sub-Zone C	300m <sup>2</sup>

iii **Outline Development Master Plan – Peninsula Bay**

Within the Low Density Residential Zone at Peninsula Bay, the Outline Development Plan of the Low Density Residential Zone and the adjacent open space zone lodged with the Council pursuant to Rule 7.5.5.2(xiv), in respect of:

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

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

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

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

### 7.5.3.4 Discretionary Activities

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

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

Note: For the purposes of this Rule, the definitions of visitor accommodation and hotel do not include the sale of liquor.

- iii **Retail Sales, except for Retail Sales ancillary to any Commercial Recreation –Activity, Community Activity or Health Care Facility, within a Commercial Precinct.**
- iv **Commercial Recreation Activities except within a Commercial Precinct.**
- v **Comprehensive Residential Developments located in the Low Density Residential Zone.**
- vi Any Activity which is not listed as a **Non-Complying Activity** or **Prohibited Activity** and which complies with all the **Zone Standards** but does not comply with one or more of the **Site Standards** shall be a **Discretionary Activity** with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.

### 7.5.3.5 Non-Complying Activities

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

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

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

### 7.5.3.6 Prohibited Activities

The following shall be **Prohibited Activities**:

- (i) **Except** as part of a Controlled or Permitted Activity: Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.
- (ii) It is a prohibited activity in the Wanaka Residential Zone to plant the following trees:
- Pinus radiata
  - Pinus muricata
  - Pinus contorta
  - Pinus ponderosa
  - Pinus sylvstris
  - Pinus nigra
  - Douglas Fir
  - All Eucalyptus varieties

## 7.5.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- (i) All applications for **Controlled** Activities.
- (ii) All applications for the exercise of the Council's discretion in respect of the following Restricted Discretionary Activities:
  - (a) Outline Development Master Plan for Peninsula Bay
- (iii) Applications for the exercise of the Council's discretion in respect of the following **Site** Standards:
  - Access;
  - Outdoor Living Space;
  - Flood Risk.

- (iv) Earthworks – except for earthworks involving special circumstances such as blasting, presence of substantial groundwater or earthworks located within any required building setback from an internal or road boundary.

## 7.5.5 Standards - Residential and Visitor Accommodation Activities

### 7.5.5.1 Application of Rules to Consented Development at Time of Subdivision

The Site and Zone Standards for Building Coverage, Setback from Roads, Setback from Internal Boundaries, Continuous Building Length and Landscape Coverage shall not apply to developments where the following criteria are fulfilled:

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

### 7.5.5.2 Site Standards - Residential Activities and Visitor Accommodation in the High Density Residential Zone

#### Building Coverage Size

- The construction of, alteration to, or addition to any building in the High Density Residential Sub-Zones, that exceeds the maximum building footprint sizes specified in Table 7.5 shall be a Restricted Discretionary Activity in respect of all of the following:
- The location, external appearance and design of building;

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~~The location, nature and scale of landscaping on site; and  
The relationship of the building to the street, other public areas and the neighbourhood;~~

**Table 7-5**

<del>Sub-zone</del>	<del>Maximum Building Footprint</del>
<del>High Density Residential Sub-Zone A</del>	<del>500m<sup>2</sup></del>
<del>High Density Residential Sub-Zone B</del>	<del>400m<sup>2</sup></del>
<del>High Density Residential Sub-Zone C</del>	<del>300m<sup>2</sup></del>

~~the maximum building coverage for all activities on any site shall be 55%.~~

**ii Scale and Nature of Activities**

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

- (a) The maximum gross floor area of all buildings on the site used for any activity, other than discretionary retail, restaurant and cafe activities, and those activities listed above shall be 100m<sup>2</sup>;
- (b) No goods, materials or equipment shall be stored outside a building; and
- (c) All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.

**iii Setback from Roads**

~~(c) In the Low Density Residential Zone, the minimum setback from road boundaries of any building, other than garages, shall be 4.5m.~~

~~In the High Density Residential Zone the minimum setback from road boundaries of any building and/or outdoor storage, shall be 4.5m as measured to buildings at ground level and/or above ground level but not to underground structures provided no below-ground level building or structure within the setback is~~

~~visible from the ground level; any parking and outdoor storage located in the setback shall be screened from view from public roads.~~

~~(f) In the High Density Residential Zone, any parking and outdoor storage located in the setback shall be screened from view from public roads.~~

**iv Setback from Internal Boundaries**

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

**Front Site**

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

**Rear Sites**

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

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

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

- (i) eaves up to 0.6m into the setback; and
- (ii) balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and

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- (iii) porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
- (iv) chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
- (v) no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.

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

(e) Where two or more buildings are located on a single lot within the High Density Residential Zone, the mutual setback requirements will apply as if an internal boundary exists to separate the buildings. The setback distance between buildings shall be measured at ground level and/or above ground level but shall not include underground structures provided no below-ground level building or structure within the setback is visible from the ground level. <sup>49</sup>

## **iv Access**

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

## **vi Continuous Building Length in the Low Density Residential Zone**

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

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

or

(b) That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5-m for every 6-m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary). **Refer Appendix 4**

## **vii Continuous Building Length in the High Density Residential Zone Outdoor Living Space**

(a) No unbroken building length shall exceed 16m. Breaks in building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break.

(b) The aggregate length along any true elevation of a building, including breaks, shall not exceed 30m. **Refer Appendix 4**

## **viii Outdoor Living Space**

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

36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m at the ground floor level and 8m<sup>2</sup> contained in one area with a minimum dimension of 2m at any above ground floor level.

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

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

- (c) The outdoor living space shall be readily accessible from a living area.
- (d) No outdoor living space shall be occupied by any building, other than an outdoor swimming pool, or accessory building of less than 8m<sup>2</sup> gross floor area, driveway or parking space.

**viii** External Appearance~~Non-Reflective~~of Buildings

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

**ix** **Arrowtown Scenic Protection Area**

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

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

- (iii) the plans, specifications and engineers certificate must be approved by the Council before any excavation is commenced; and

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

**x** **Flood Risk**

No building, greater than 20m<sup>2</sup> gross floor area, shall be constructed or relocated, with a ground floor level less than:

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

**xi** **Building Height (Lot 141 Block XX Shotover Survey District)**

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

**Refer Appendix and Definition of Height and Ground Level**

**xii** **Boundary Planting (Wanaka)**

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

**xiii** **Building Height - Lift Towers**

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

**xiv** **Low Density Residential Zone - Frankton Corner / Hansen Road**

# RESIDENTIAL AREAS - RULES

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

- (a) No landscaping (including the removal of any of the existing trees as well as new planting) shall be carried out within 4 metres of the historic stone wall on the boundary of the Frankton Cemetery.
- (b) All vehicle access shall be via Hansen Road to the State Highway. There shall be no vehicle access directly onto the State Highway.

The landscaping shall:

- consist of trees and underplanting to a depth of at least 5 metres; and
- contain trees planted at a maximum of 5 metre intervals, be specimens of at least 1.5 metres in height at the time of planting and shall be a species capable of reaching at least 3 metres in height at maturity; and
- be irrigated, maintained and any plants or trees that die or become diseased or damaged replaced.

## xv Earthworks

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

### 1. Earthworks

- (a) The total volume of earthworks does not exceed **100m<sup>3</sup>** per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not

exceed **200m<sup>2</sup>** in area within that site (within a 12 month period).

- (c) Where any earthworks are undertaken within 7m of a **water** body the total volume shall not exceed **20m<sup>3</sup>** (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
  - (i) expose any groundwater aquifer;
  - (ii) cause artificial drainage of any groundwater aquifer;
  - (iii) cause temporary ponding of any surface water.

### 2. Height of cut and fill and slope

- (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.
- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height of any fill shall not exceed 2 metres.

### 3. Environmental Protection Measures

- (a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
- (b) Any person carrying out earthworks shall:
  - (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

- (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- (c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
4. Protection of ~~Archaeological~~ archaeological sites and sites of cultural heritage
- (a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
- (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.

#### xvii Landscape Coverage

The minimum coverage for landscaped area on any site in the High Density Residential Sub-Zones shall be in accordance with Table 7.23:

Table 7.23

<u>Sub-Zone</u>	<u>Landscape Coverage</u>
High Density Residential Sub-Zone A	20%
High Density Residential Sub-Zone B	30%
High Density Residential Sub-Zone C	40%

- (i) The landscaped area shall not be utilised for car parking or vehicle manoeuvring.

- (ii) At least half of this landscaped area must consist of permeable surfaces and is to be planted.

#### xviii Fence Heights

- No visually opaque fence constructed within the Road Setback shall exceed 1.2m in height above ground level.

#### xvixii Height and Elevation Restrictions along Frankton Road and Frankton Track

- (a) No building or building element on the south side of Frankton Road (SH6A) shall rise above the nearest point of the roadway centreline.

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

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

#### Refer to Appendix 4

### 7.5.5.23 Zone Standards - Residential Activities and Visitor Accommodation in the High Density Residential Zone

#### i Building Line Restriction

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

#### ii Building Coverage

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In the High Density Residential Sub-Zones, the maximum building footprint coverage for buildings at ground level or above ground level on any site shall be in accordance with Table 7.3.2:

Table 7.32

Sub-Zone	Building Coverage
High Density Residential Sub-Zone A	65%
High Density Residential Sub-Zone B	55%
High Density Residential Sub-Zone C	45%

In the Low Density Residential Zone the maximum building footprint coverage for buildings at ground level or above ground level on any site shall be 40%.

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

- ~~• 40% in the Low Density Residential Zone;~~
- ~~• 70% in the High Density Residential Zone.~~

### iii Site Density

In the Low Density Residential Zone, the minimum net area for any site shall be 450m<sup>2</sup> for each residential unit contained within the site, **except** that where:

- (a) (i) a site is shown as being located in the Medium Density Residential Sub-Zone; and
  - (ii) the site was contained in a separate Certificate of Title as at 10 October 1995; and
  - (iii) no residential unit has been built on the site; and
  - (iv) the site has an area between 625m<sup>2</sup> and 900m<sup>2</sup>
- then two residential units may be erected on the site.

- (b) the minimum net area for any site for each residential unit established as part of a comprehensive residential development shall be 200m<sup>2</sup> except within the Wanaka Low Density Residential zones shown on Planning Maps 18, 20, 21, 22 and 23 where the minimum net area shall be 350m<sup>2</sup>.

### iv Site Density in the High Density Residential Zone

In the High Density Residential Sub-Zones, the maximum density of residential units to the site area in Sub Zone C shall not exceed one unit per 350m<sup>2</sup> of site area.

### v Building Height

- (a) **Flat sites where the slope is less than 6 degrees i.e. less than 1 in 9.5**

The maximum height for building shall not exceed 8.0m above ground level, measured at any point and the highest part of the building immediately above that point, and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point on the site boundary.

#### **except:**

- (i) Gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m<sup>2</sup> with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.
- (ii) This rule shall not apply to Lot 141 Block XX Shotover Survey District (refer Rule 7.5.5.1xi).
- (iii) The maximum height for buildings in the Residential Low and High Density Zones at Wanaka shall be 7m.
- (iv) The maximum height for building in that part of the Residential Low Density Zone at Arrowtown shall be 6m, except that within the Arrowtown

# RESIDENTIAL AREAS - RULES

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Scenic ~~protection~~-Protection Area of the zone the maximum height shall be 5m.

- (v) The maximum height for buildings in the High Density Residential Zone located immediately west of the Kawarau Falls Bridge shall be 10 ~~m~~metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7 metres above any given point along the required boundary setbacks at the southern zone boundary.
- (vi) This rule shall not apply to any lift tower within a visitor accommodation development in the High Density Residential Zone, which exceeds the maximum height permitted for buildings in the relevant zone by no more than 3 metres.
- (vii) For the purposes of calculating the height of buildings on part Section 1 Block V and part Section I Block IV, Town of Frankton, notwithstanding the definition of "Ground Level" in this plan, "ground level" at any point within that land shall be the level of a straight line drawn parallel to Douglas Street between the following two lines:
  - (aa) A straight line running along the Robertson Street southern boundary between datum level 343.50RL at the southeast corner and datum level 341.50RL at the southwest corner.
  - (bb) A straight line running along the Humphrey Street northern boundary between datum level 344.40RL at the northeast corner and datum level 340.30RL at the northwest corner.

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

Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6° (approximately 1: 9.5) no part of any building shall protrude through a surface drawn parallel to and 7.0m vertically above the ground.

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then rule 7.5.5.2 ~~(iv)~~ (a), which relates to flat sites, shall apply.

**except:**

- (i) No part of any accessory building located within the setback distances from internal boundaries shall protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary.
- (ii) This rule shall not apply to Lot 141 Block XX Shotover Survey District (refer Rule 7.5.5.1xi)
- (iii) ~~the~~The maximum height for building in that part of the Residential Low Density Zone at Arrowtown shall be 6m, except that within the Arrowtown Scenic Protection Area of the zone the maximum height shall be 5m.
- ~~(iv)~~(iv) The maximum height for buildings in the High Density Residential Zone located immediately west of Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7 metres above any given point along the required boundary setbacks at the southern zone boundary.

**Refer Appendix 4 and Definition of Height & Ground Level**

- (v) This rule shall not apply to any lift tower within a visitor accommodation development in the High Density Residential Zone, which exceeds the maximum height permitted for buildings in the relevant zone by no more than 3 metres.

**vi Airport Noise - Queenstown Airport**

- (a) On any site located within the Outer Control Boundary as indicated on the District Plan Maps, any building or part of a building used for residential activities or visitor accommodation shall be insulated from aircraft noise so as to meet an indoor design level of 40 dBA Ldn,

except for non-critical listening environments where no special sound insulation is required.

- (b) This control shall be met in either of the following two ways:

EITHER:

- (i) By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level.  
OR:
- (ii) The building shall be constructed and finished in accordance with the provisions of Table 4-7.4 in part 7.5.5.2.

**Table 4-7.4 – Acoustic Insulation of Buildings Containing Noise Sensitive Activities (except non-critical listening areas)**

BUILDING ELEMENT	REQUIRED CONSTRUCTION
External Walls	Exterior: 20mm timber or 6mm fibre cement Frame: 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar) or two layers of 12.5mm gypsum plasterboard* (Or an equivalent combination of exterior and interior wall mass)
Windows	Up to 40% of wall area: Minimum thickness 6mm glazing** Up to 60% of wall area: Minimum thickness 8mm glazing** Up to 80% of wall area: Minimum thickness 8mm laminated glass or minimum 10mm double glazing** Aluminium framing with compression seals (or equivalent)
Pitched Roof	Cladding: 0.5mm profiled steel or tiles or 6mm corrugated fibre cement Frame: Timber truss with 100mm acoustic blanket (R2.2 Batts or similar) Ceiling: 12.5 gypsum plaster board*

Skillion Roof	Cladding: 0.5mm profiled steel or 6mm fibre cement Sarking: 20mm particle board or plywood Frame: 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar) Ceiling: 2 layers of 9.55mm gypsum plasterboard*
External Door	Solid core door (min 24kg/m <sup>2</sup> ) with weather seals

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

\*\* Typical acoustic glazing usually involves thick single panes or laminated glass. Where two or more layers of glass are employed with an air gap between, total thickness of window glass may be calculated as the total of all glass layers (excluding air gap) provided that at least one glass layer shall be of a different thickness to the other layer(s)

## vii Glare

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

## viii Building Platforms

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

## ix Heavy Vehicle Storage

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

**ix Keeping of Animals**

There shall be no keeping of pigs.

**xi Roof Colours**

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

**xii Noise**

Visitor Accommodation activities shall be so conducted that the following noise limits are not exceeded at any point within the boundary of any other site within this zone:

Daytime 0800- 2000 hours	50dBA L <sub>10</sub>
Night-time 2000- 0800 hours	40dBA L <sub>10-<del>and</del></sub> and 70dBAL <sub>max</sub>

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS6082:1991.

- (a) Visitor accommodation activities conducted within the Residential Zone shall not exceed adjoining zone noise limits at any point within the boundary of any site within that adjoining zone.
- (b) Activities conducted in adjoining zones shall not exceed Residential Zone noise limits at any point within the boundary of any site within the Residential Zone.

**xiii Low density residential zone – Frankton Corner / Hansen Road**

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

- (a) Prior to the erection of any buildings, a 1.5 metre wide compacted gravel footpath shall be constructed on the State Highway along the frontage between Hansen Road and the Frankton Cemetery. The final design and location of that footpath shall be as approved by Transit New Zealand.

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

**xiv Outline Development Master Plan – Peninsula Bay**

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

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

**7.5.6.1 Restricted Discretionary Activities**

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

**i Building Footprint Size**

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

**Table 7.5**

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

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

**i Nature and Scale of Activities except for community facilities within the Community Facility Subzone.**

- (a) No more than one full-time equivalent person who permanently resides elsewhere – than on the site may be employed in a non-residential activity on the site.
- (b) No more than 40m<sup>2</sup> of the gross floor area of all the buildings on a site shall be used for activities, other than residential activities. Nothing in this Site Standard applies within a Commercial Precinct to any Commercial Recreation Activity, Community Activity, Health Care Facility, or Retail Sales ancillary to any Commercial Recreation Activity, Community Activity or Health Care Facility.
- (c) Paragraphs (a) and (b) of this rule shall not apply to any visitor accommodation activity.

**ii Setback from Roads**

- (a) The minimum setback from road boundaries of any building shall be 4.5m except community facilities within the Community Facility Sub-Zone where the minimum setback from road boundaries shall be 5.0 metres; and
- (b) Parking areas shall be screened from adjoining road(s) to at least 1.8m in height, except where adjoining vehicle crossings. Where

such screening is by way of planting it shall be for a minimum depth of 1.5m along the road frontage(s).

- (c) In the High Density Residential Zone the minimum setback from road boundaries of any building, and/or outdoor storage, shall be 4.5 m as measured to buildings at ground level and/or above ground level but not to underground structures provided no below-ground level building or structure within the setback is visible from the ground level.

**iii Setback from Internal Boundaries**

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

**Front Sites**

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

**Rear Sites**

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

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

- (i) eaves up to 0.6m into setback; and
- (ii) balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and
- (iii) porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above

ground level. Only one such porch or set of steps is permitted on each setback of each building; and

(iv) chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and

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

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

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

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

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

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

(h) Where two or more buildings are located on a single lot within the High Density Residential Zone, the mutual setback requirements will apply as if an internal boundary exists to separate the buildings. The setback distance between buildings shall be measured at ground level and/or above ground level but shall not include underground structures provided no below-ground level building or structure within the setback is visible from the ground level.

iv Continuous Building Length in the Low Density Residential Zone

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

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

or

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

**Refer Appendix 4**

v Continuous Building Length in the High Density Residential Zone

(a) No unbroken building length shall exceed 16m. Breaks in building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break

(b) The aggregate length along any true elevation of a building, including breaks, shall not exceed 30m. Refer Appendix 4

vi Arrowtown Scenic Protection Area

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

vii **Flood Risk**

No building, greater than 20m<sup>2</sup> gross floor area, shall be constructed or relocated, with a ground floor level less than:

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

**viii Landscaping and Screening - Community Facility Sub-Zone**

- (a) All community facilities shall landscape an area with a minimum width of 5 metres along all road and internal boundaries.
- (b) All outdoor storage shall be situated behind buildings and/or screened from roads, reserves and adjoining sites by either a solid fence of at least 2 metres minimum height, or dense planting of the same height.

**ix Landscape Coveraging—Visitor Accommodation Activities**

The minimum coverage for landscaped area on any site in the High Density Residential Sub-Zones shall be in accordance with Table 7.6:

**Table 7.6**

Sub- Zone	Landscape Site Coverage
High Density Residential Sub-Zone A	20%
High Density Residential Sub-Zone B	30%
High Density Residential Sub-Zone C	20%

- (i) The landscaped area shall not be utilised for car parking or vehicle manoeuvring areas.
  - (ii) At least half of this landscaped area must consist of permeable surfaces and planted.
- ~~Where a site is to be used for visitor accommodation activities, at least 40% of the total area of the site shall be landscaped in order to maintain and enhance the residential amenity of the surrounding area.~~

**x Building Height - Lift Towers**

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

**xi Earthworks**

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

1. Earthworks
  - (a) The total volume of earthworks does not exceed **100m<sup>3</sup>** per site (within a 12 month –period). For clarification of “volume”, see interpretative diagram 5.
  - (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m<sup>2</sup>** in area within that site (within a 12 month period).
  - (c) Where any earthworks are undertaken within 7m of a water body the total volume shall not exceed **20m<sup>3</sup>** (notwithstanding provision 17.2.2).
  - (d) No earthworks shall:
    - (i) expose any groundwater aquifer;
    - (ii) cause artificial drainage of any groundwater aquifer;
    - (iii) cause temporary ponding of any surface water.
2. Height of cut and fill and slope
  - (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

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

**xii Building Coverage**

In the High Density Residential Sub-Zones, the maximum building coverage for all activities on any site shall be in accordance with Table 7.7. This standard shall only apply to buildings at ground level or above ground level provided no below-ground level building or structure within the setback is visible from the ground level.

**Table 7.7**

Sub- Zone	Building Coverage
High Density Residential Sub Zone A	65%
High Density Residential Sub Zone B	55%
High Density Residential Sub Zone C	45%

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

**i Building Line Restriction**

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

**ii Building Coverage**

The maximum building coverage for all non-residential activities on any site shall be 40% in the Low Density Residential Zone and 55% in the High Density Residential Zone, except within a Commercial Precinct where the maximum building coverage shall be 70%.

- (a) The maximum building coverage for community facilities within a Community Facility Sub-Zone in a Low Density Residential Zone shall be 50%.-

- (b) The maximum height of any cut shall not exceed 2.4 metres.  
 (c) The maximum height of any fill shall not exceed 2 metres.

**3. Environmental Protection Measures**

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

**(b) Any person carrying out earthworks shall:**

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

- (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.

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

**4. Protection of Archaeological sites and sites of cultural heritage**

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

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commencing at 7 metres above any given point along the required boundary setbacks at the southern zone boundary.

(v) The maximum height for a community facility building in the Community Facility Sub-Zone shall be 10 metres other than for the facilities at 20 Park Street, Queenstown and 32 McBride Street, Frankton where the maximum height shall be 7 metres.

(vi) This rule shall not apply to any lift tower within a visitor accommodation development in the Visitor Accommodation Sub-Zone, which exceeds the maximum height permitted for buildings in the relevant zone by no more than 3 metres.

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

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

(a) A straight line running along the Robertson Street southern boundary between datum level 343.50RL at the southeast corner and datum level 341.50RL at the southwest corner.

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

**Refer Planning Map 33**

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

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

(b) In the High Density Residential Zone this standard shall only apply to buildings at ground level and above ground level provided no below-ground level building or structure within the setback is visible from the ground level.

### iii Building Height

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

The maximum height for building shall not exceed 8.0m above ground level, measured at any point and the highest part of the building immediately above that point, and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point on the site boundary.

Except:

(i) Gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m<sup>2</sup> with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.

(ii) The maximum height for buildings in that part of the Residential High Density Zone located on the eastern side of Fernhill Road shall be 10m.

(iii) The maximum height for buildings in the Residential Low and High Density Zones at Wanaka shall be 7m.

(iv) The maximum height for building in that part of the Residential Low Density Zone at Arrowtown shall be 6m, except that within the Arrowtown Scenic Protection Area of the zone the maximum height shall be 5m. The maximum height for buildings in the High Density Residential Zone located immediately west of the Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north

any elevation indicates a ground slope of greater than 6° (approximately 1:9.5) no part of any building shall protrude through a surface drawn parallel to and 7.0m vertically above the ground.

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then rule 7.5.6.2 (iii) (a), which relates to flat sites, shall apply.

**Except:**

- (i) No part of any accessory building located within the setback distances from internal boundaries shall protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary.
- (ii) The maximum height for buildings in that part of the Residential High Density Zone located on the eastern side of Fernhill Road shall be 10m.
- (iii) The maximum height for building in that part of the Residential Low Density Zone at Arrowtown shall be 6m, except that within the Arrowtown Scenic Protection Area for the zone the maximum height shall be 5m.
- (iv) The maximum height for buildings in the High Density Residential Zone located immediately west of the Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7metres above any given point along the required boundary setbacks at the southern zone boundary.
- (v) This rule shall not apply to any lift tower within a visitor accommodation development in the Visitor Accommodation Sub-Zone, which exceeds the maximum height permitted for buildings in the relevant zone by no more than 3 metres.
- (vi) The maximum height for buildings located within the Visitor Accommodation Sub-Zone located on Lake Avenue, Frankton shall be 7 metres and in addition no building or part of any

building shall protrude through a horizontal plane drawn at RL 343.50 masl (being 443.50m, Otago Datum)

**Refer Planning Map 33**

**Refer Appendix 4 and Definition of Height & Ground Level**

**iv Hours of Operation**

**Except for**

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

Care Facilities, within a Commercial Precinct.

Hours of operation shall be limited to between the hours:

0730 - 2000

**except** that where:

- (a) the entire activity is located within a building and occupies not more than 40m<sup>2</sup> of floor space; and
  - (b) each person engaged in the activity outside the above hours resides permanently on the site; and
  - (c) there are no visitors, clients or deliveries to or from the site outside the above hours; and
  - (d) all other relevant zone standards are met
- the activity may be carried out outside the above hours.

**v Nature and Scale of Activities**

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**Except for** community facilities within the Community Facility Sub-Zone: No goods shall be displayed, sold or offered for sale from a site other than handicrafts, goods grown, reared or produced on the site.

- (a) At least one person engaged in the activity must reside on the site.
- (b) No more than three full-time equivalent persons who permanently reside elsewhere than on the site shall be employed in undertaking a non-residential activity on the site.
- (c) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight and the storage of outdoor items ancillary to a visitor accommodation activity located on the site, such as outdoor furniture.
- (d) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.  
Subclauses (a) and (b) of this Zone Standard do not apply within a Commercial Precinct to any Commercial Activity, Community Activity, Health Care Facility, or Retail Sales ancillary to any Commercial Recreation Activity, Community Activity or Health Care Facility.
- (e) Paragraphs (a) and (b) of this rule shall not apply to any visitor accommodation activity.

## vi Retail Sales

Retail Sales, except for Retail Sales ancillary to any Commercial Recreation Activity, Community Activity or Health Care Facility within a Commercial Precinct.

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

~~feet~~ handicrafts; or

~~feet~~ goods grown, reared or produced on the site; or  
~~feet~~ retail sales which are ancillary to visitor accommodation located on the site.

## vii Noise

~~feet~~(a) Non-residential activities shall be so conducted that the following noise limits are not exceeded at any point within the boundary of any other site within this zone:

Daytime 0800 - 2000 hours	50dBA L10
Night-time 2000 - 0800 hours	40dBA L10 and Lmax 70dBA

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

- (b) Noise from aircraft operations at Queenstown Airport is exempt from the above standards.
- (c) Construction noise shall comply with and be measured and assessed in accordance with the relevant New Zealand Standard.
- (d) Activities conducted in adjoining zones shall not exceed Residential Zone noise limits at any point within the boundary of any site within the Residential Zone.

## viii Airport Noise - Queenstown Airport

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

EITHER:

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- (i) By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level.
- OR:
- (ii) The building shall be constructed and finished in accordance with the provisions of Table 4-7.8 in part 7.5.6.32.

- \* Where exterior walls are of brick veneer or stucco plaster the internal linings need to be no thicker than 9.5mm gypsum plasterboard
- \*\* Typical acoustic glazing usually involves thick single panes or laminated glass. Where two or more layers of glass are employed with an air gap between, total thickness of window glass may be calculated as the total of all glass layers (excluding air gap) provided that at least one glass layer shall be of a different thickness to the other layer(s)

**Table 4-7.8 – Acoustic Insulation Of Buildings Containing Noise Sensitive Activities (except non-critical listening areas)**

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

**ix Glare**

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

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

**x Boarding and Keeping of Animals**

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

**xi Heavy Vehicle Storage**

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

**xii External Appearance -of Buildings**

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

**xiii Building Platforms**

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

#### **xiv Roof Colours**

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

#### **xv Outline Development Master Plan – Peninsula Bay**

No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council pursuant to Rule 7.5.3.2 ~~(viii)~~.

#### **7.5.7 Resource Consent - Assessment Matters**

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

### **7.6 Residential Arrowtown Historic Management Zone Rules**

#### **7.6.1 Zone Purpose**

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

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

#### **7.6.2 District Rules**

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

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

#### **7.6.3 Activities**

##### **7.6.3.1 Permitted Activities**

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

## 7.6.3.2 Controlled Activities

- i Visitor Accommodation within the Visitor Accommodation Sub Zone

## 7.6.3.3 Discretionary Activities

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

- i **Trees**

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

- ii **Buildings**

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

- iii **Visitor Accommodation**

- iv **Retail Sales**

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

## 7.6.3.4 Non-Complying Activities

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

- i **Factory Farming**

- ii **Forestry Activities**

- iii **Mining Activities**

- iv **Airport**

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

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

## 7.6.3.5 Prohibited Activities

The following shall be **Prohibited Activities**:

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

## 7.6.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 Resource Management Act 1991, unless the Council considers special circumstances exist in relation to any such application:

- (i) All applications for **Controlled Activities**.
- (ii) Applications for the exercise of the Council's discretion in respect of the following **Site** Standards:

- Access
- Outdoor Living Space
- Flood Risk.

## 7.6.5 Standards – Residential Activities

### 7.6.5.1 Site Standards - Residential Activities

## i **Setback from Roads**

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

- (a) Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or
- (b) Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6.0m, whichever is the greater.

## ii **Setback from Internal Boundaries**

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

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

or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and

- (iv) chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
  - (v) no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.
- (c) No part of any building designed and/or used for the housing of animals shall be permitted to locate within 2m of any internal boundary.
  - (d) No setback is required where buildings on adjoining sites have a common wall on an internal boundary provided that only one common wall is permitted per residential unit.

## iii **Access**

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

## iv **Continuous Building Length**

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

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

## Refer Appendix 4

### v Outdoor Living Space

- (a) The minimum provision of outdoor living space for each residential unit, contained within the net area of the site, shall be 36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m.
- (b) The outdoor living space shall be readily accessible from a living area.
- (c) No outdoor living space shall be occupied by any building (other than an outdoor swimming pool, or accessory building of less than 8m<sup>2</sup> gross floor area), driveway or parking space.

### vi Earthworks

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

#### 1. Earthworks

- (a) The total volume of earthworks does not exceed **100m<sup>3</sup>** per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m<sup>2</sup>** in area within that site (within a 12 month period-).
- (c) Where any earthworks are undertaken within 7m of a ~~water~~water body the total volume shall not exceed **20m<sup>3</sup>** (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
  - (i) expose any groundwater aquifer;
  - (ii) cause artificial drainage of any groundwater aquifer;

- (iii) cause temporary ponding of any surface water.

#### 2. Height of cut and fill and slope

- (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.
- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height of any fill shall not exceed 2 metres.

#### 3. Environmental Protection Measures

- (a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
- (b) Any person carrying out earthworks shall:
  - (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. —Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
  - (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- (c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

4. Protection of Archaeological sites and site of cultural heritage
- (a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
  - (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.
- 7.6.5.2 Zone Standards - Residential Activities**
- i **Site Density**

The minimum net area for any site for each residential unit shall be 650m<sup>2</sup>; except that:

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

The maximum height for buildings shall be 5m.
  - iii **Building Coverage**

The total area covered by hard surfacing and buildings on any site shall not exceed 30% of the net site area.
  - iv **Glare**
- (a) All fixed exterior lighting shall be directed away from the adjacent sites and roads; and
  - (b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.
- v **Heavy Vehicle Storage**

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

vi **Keeping of Animals**

There shall be no keeping of pigs.

**7.6.6 Standards - Non-Residential Activities**

**7.6.6.1 Site Standards - Non-Residential Activities**

i **Nature and Scale of Activities**

- (a) No more than one full-time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity on the site.
- (b) No more than 40m<sup>2</sup> of the gross floor area of the buildings on a site shall be used for activities, other than residential activities. Provided that this standard does not apply to visitor accommodation which is a Permitted Activity.

ii **Setback from Roads**

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

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

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

### iii Setback from Internal Boundaries

(a) Minimum setback from internal boundaries of any building for any non-residential activity shall be 3m.

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

(i) eaves up to 0.6m into setback; and

(ii) balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window intrusion is permitted on each setback of each building; and

(iii) porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and

(iv) chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and

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

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

### iv Continuous Building Length

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

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

or

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

### Refer Appendix 4

## 7.6.6.2 Zone Standards - Non-Residential Activities

### i Building Coverage

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

### ii Building Height

The maximum height for buildings shall be 5m.

### iii Hours of Operation

Hours of operation shall be limited to between the hours:

~~(iv)~~ 0730 - 2000

**except** that where:

- (a) the entire activity is located within a building and occupies not more than 40m<sup>2</sup> of floor space; and
- (b) each person engaged in the activity outside the above hours resides permanently on the site; and
- (c) there are no visitors, clients or deliveries to or from the site outside the above hours; and
- (d) all other relevant zone standards are met;
- (e) the activity may be carried out outside the above hours.

#### **iv Nature and Scale of Activities**

- (a) At least one person engaged in the activity must reside on the site.
- (b) No more than three full-time equivalent persons who permanently reside elsewhere than on the site shall be employed in undertaking a non-residential activity on the site.
- (c) No more than 60m<sup>2</sup> of the gross floor area of the buildings on a site shall be used for activities other than residential activities.
- (d) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.
- (e) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

#### **v Retail Sales**

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

#### **vi Noise**

- (a) Non-residential activities shall be so conducted that the following noise limits are not exceeded at any point within the boundary of any other site within this zone:  
Daytime 0800 - 2000 hours 50 dBA L10  
Night time 2000 - 0800 hours 40 dBA L10 and Lmax 70 dBA  
Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991.
- (b) Construction noise shall comply with and be measured and assessed in accordance with the relevant New Zealand Standard.
- (c) Activities conducted in adjoining zones shall not exceed Residential Zone noise limits at any point within the boundary of any site within the Residential Zone.

#### **vii Glare**

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

#### **viii Boarding and Keeping of Animals**

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

#### **ix Heavy Vehicle Storage**

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

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

## 7.6.7 Resource Consent – Assessment Matters

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

considering the imposition of conditions on any consent to the discretionary activity.

## 7.7.2 Assessment Matters

## 7.7 Resource Consents - Assessment Matters Residential and Visitor Accommodation Zones

### 7.7.1 General

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

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

- i **Controlled Activity - Garages within road setback within the low density residential zone provision**
  - § Conditions may be imposed to ensure that:
    - (a) The garage is sited and designed to mitigate against any adverse effects on the visual values of the streetscape and views.
    - (b) The location and design of vehicle access is such to protect the safe and efficient movement of vehicles and pedestrians.
- ii **Controlled Activity - Visitor Accommodation**
  - Conditions may be imposed to ensure that:
    - (a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and
    - (i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods
    - (ii) The nature of the development in the context of the permitted future uses on nearby sites
    - (iii) Loss of privacy

- (iv) The proximity of outdoor facilities to residential neighbours
  - (v) Hours of operation
  - (vi) The ability to landscape/plant to mitigate visual effects
  - (vii) Whether the external appearance of the buildings complements the surrounding landscape and urban character, including when viewed from the lake-
  - (viii) Compatibility with the New Zealand Urban Design Protocol having regard to those assessment matters under 7.7.2 (iv) Multi Unit Development
- (b) Any adverse effects from the activity are avoided, remedied or mitigated in terms of:
    - (i) The adequacy and location of car parking for the site
    - (ii) Noise, vibration and lighting from vehicles entering and leaving the site
    - (iii) Pedestrian safety within the vicinity of the activity
    - (iv) Provision for coaches to be parked off-site
  - (c) Mitigation of noise emissions beyond the property boundary considering:
    - (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.
    - (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.

Conditions may be imposed in respect of:

- (a) The location, height, external appearance and methods of construction to avoid or mitigate adverse effects on:
    - (i) the street scene;
    - (ii) adjoining or surrounding buildings;
    - (iii) public open space, amenity linkages and view corridors;
    - (iv) the visual amenity of open spaces, streets and the surrounding landscape.
  - (b) The relationship of the building to its neighbours in terms of its built form, and to other built elements in the Zone, including public open spaces.
  - (c) The relationship of parking, access and manoeuvring areas in respect of access point options for joint use of car parking and the safety of pedestrians.
  - (d) The extent and quality of any landscaping proposed and the effectiveness of proposed—planting in enhancing the general character of the area, screening car parking areas, —and the impact on residential uses.
  - (e) Compatibility with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 iv Multi-Unit Developments.
- iv Restricted Discretionary Activity – Multi-Unit Developments**
- When considering applications to exceed three units the Council shall have regard to the following:
- 1. New Zealand Urban Design Protocol**
- A Context**
- The nature of the relationship with and integration into the surrounding

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

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streets and neighbourhood such that the development fits well within the existing urban fabric and makes a positive contribution to the residential amenity of public spaces, walkways and views.:

- Presents itself as a “good neighbour” in terms of its relationship to adjacent and nearby properties in terms of access to sunlight and views, readily accessible and safe temporary parking, stopping and loading/unloading areas that respect neighbouring properties, passing traffic and pedestrians.:
- The avoidance of unsightly elements such as prominent carpark entrances, garish signs, cluttered rooftops (to include parking) and intrusive utility connections, stormwater facilities and trashbin placements that diminish public amenity.

## B Character

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

## C Choice

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

## D Connections

- Ready access to public transportation, footpaths and tracks, cycle ways and other means of transportation that do not require private vehicles.:
- Efficient and considerate of public amenity means of delivering goods and collecting waste.:
- Utility and safety of public parking, drop-off and stopping areas.:
- Supporting and enhancing public views and access to the surrounding

- built and natural environment.:
- Facilitating contact among people both within the site and within the surrounding neighbourhood area.:
- Providing lively and safe public spaces and places.

## E Creativity

- Artistic vision that enhances neighbourhood amenity values while not competing for individual attention.:
- Articulated façades that utilise architectural elements to create an overall composition that enriches the eye in terms of scale, rhythm and detailing of the building while avoiding repetitive façades, “cookie cutter” design solutions and flat, blank or uninteresting walls.:
- Attractive use of landscaping materials to enhance building appearance and use.

## F Custodianship

- Environmentally sustainable and responsive design solutions that include attention to energy efficiency, waste disposal, transportation access, sunlight, and outdoor spaces.:
- Enjoyable, safe public spaces.:
- A quality environment that infuses a sense of ownership and responsibility in all residents and visitors such that they care for and protect the places and spaces.

## G Collaboration

- Where appropriate, use of a multi-disciplinary design approach involving architects, landscape architects and urban planners early in the design process, to include reference to current and planned public projects, if relevant.:
- Where appropriate, involvement of neighbours and public in decision making process that may have a substantial impact on their amenity values.

## V Restricted Discretionary Activity – Building Footprint Size

When considering applications to exceed the maximum footprint size, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments.

## **vi Discretionary Activity - Comprehensive Residential Development**

- (a) Any adverse effects of the activity in terms of:
  - (i) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.
  - (ii) Loss of privacy
  - (iii) Level of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
  - (iv) Pedestrian safety in the vicinity of the activity.
  - (v) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
- (b) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- (c) Any adverse effects of the proximity or bulk of the buildings, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.
- (d) Any adverse effects of the proximity or bulk of the buildings, in terms of loss of access to daylight on adjoining sites.
- (e) The ability to provide adequate opportunities for garden and tree plantings around buildings.
- (f) The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not

result in visual domination as a result of building coverage which is out of character with the local environment.

- (g) The ability to provide adequate vehicle parking and manoeuvring space on site.
- (h) The extent to which the increased building coverage would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and daylight and loss of opportunities for views.
- (i) The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.
- (j) The ability to mitigate any adverse effects of increased coverage

## **vii Discretionary Activity - Visitor Accommodation**

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

- (vii) Whether the external appearance of the buildings complements the surrounding landscape and urban character, including when viewed from the lake.
  - (b) Any adverse effects in terms of:
    - (i) The adequacy and location of car parking for the site
    - (ii) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.
    - (iii) Loss of privacy.
    - (iv) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
    - (v) Pedestrian safety in the vicinity of the activity.
    - (vi) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
    - (vii) Provision for coaches to be parked off-site
    - (viii) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
  - (c) Mitigation of noise emissions beyond the property boundary considering:
    - (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.
    - (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.
  - (d) The ability to supply water, and dispose of sewage, stormwater and other wastes consistent with Regional Council requirements.
  - (e) The ability to provide adequate, potable water supply, adequate firefighting provisions, and to dispose of sewage, stormwater and other wastes so as to avoid potential adverse effects.
- viii** **Discretionary Activity- Sale of liquor from visitor accommodation activities**
- (a) Compatibility with amenity values of the surrounding environment considering:
    - (i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods
    - (ii) The nature of the development in the context of the permitted future uses on nearby sites
    - (iii) The relative impact of adverse effects caused by activities associated with the sale of liquor, including its availability to persons other than those residing on the premises and the maximum number of persons that may be present in any licensed area
    - (iv) Loss of privacy
    - (v) The proximity of outdoor facilities to residential neighbours
    - (vi) Hours of operation
  - (b) Avoidance of noise emissions beyond the property boundary considering:
    - (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.

- (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.

## **~~viii~~ix Building Height - Lift Towers - Site Standard**

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

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

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

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

## **~~viii~~ix Discretionary Activity and Zone Standard - Retail Sales**

- (a) The extent to which the activity will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding residential area.
- (b) Any adverse effect of the likely traffic generation from the proposed activity in terms of:
  - i) Noise and vibration from vehicles entering and leaving the site or adjoining road, which is incompatible with the noise levels acceptable in a low-density residential environment.
  - ii) Glare from headlights of vehicles entering and leaving the site or adjoining road which is intrusive for residents or occupants of adjoining residential sites.
  - iii) Levels of traffic congestion or reduction in levels of traffic safety which are—inconsistent with the classification of the adjoining road.
  - iv) Reduction in the availability of on-street parking which is such as to cause a nuisance for residents, occupants or visitors to adjoining residential sites.
  - v) Fumes from vehicles entering or leaving the site, which are objectionable to residents or occupiers of adjoining residential sites.
  - vi) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
- (c) The extent to which the proposed traffic generation will be compatible with or not result in adverse effects upon activities in the surrounding neighbourhood.

- (d) The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.
- (e) The ability to provide adequate on-site vehicle parking and manoeuvring space.
- (f) The extent to which increased building coverage would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, sunlight and day light and loss of opportunities for views.
- (g) The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.
- (h) The ability to mitigate any adverse effects of increased coverage.
- (i) The extent to which increased building coverage or hardsurface coverage would have any adverse effects on the historic character of Arrowtown.

### **xXiii Building Density in the High Density Residential Zone**

- (a) When considering applications to exceed the maximum allowable density, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments, and
- (b) Any significant (more that minor) public amenity values in terms of overall building appearance, function and neighbourhood impact resulting from the increased building coverage density.

### **xiv Building Coverage in the High Density Residential Zone**

- (a) When considering applications to exceed the maximum building coverage, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard

- (d) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- (e) Any adverse effects of increased levels of pedestrian activity as a result of the retail sales in terms of noise, disturbance and loss of privacy which is inconsistent with the low-density suburban living environment.
- (f) The extent to which retail sales from the site are an integral and necessary part of other activities being undertaken on the site and assist in providing alternative home-based employment and income-generating opportunities for residents or occupiers of the site.
- (g) The proximity of the site of the retail sales to the sites of scheduled commercial or community activities, or to arterial roads.

### **xi Building Height - Zone Standard**

- (a) Whether any earthworks have been carried out on the site prior to the date of notification (10 October 1995) that have lowered the level of the site.
- (b) Whether there are rules requiring the site to be built up.

### **xii Coverage**

- (a) The extent to which there will remain on the site opportunities for landscaping in addition to buildings.
- (b) The ability to provide adequate opportunity for landscaping around buildings.
- (c) The extent to which there is a need for increased building coverage in order to undertake the proposed activities on site.

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to those assessment matters under 7.7.2 (iv) Multi-Unit Developments, and

- (b) Any significant (more than minor) public amenity values in terms of overall building appearance, function and neighbourhood impact resulting from the increased building coverage.

## xv Setback from Roads

- (a) ~~The extent to which the intrusion into the street scene is necessary in order to allow more efficient, practical use of the remainder of the site. When considering applications to reduce the setback from neighbouring properties, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments, and~~

- (b) ~~The provision of adequate space for landscaping in the vicinity of road boundaries, which will mitigate the effects of the building intrusion into the street scene. The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street and adjoining sites.~~

- (c) ~~The ability to provide adequate opportunity for landscaping in the vicinity of road boundaries, which will mitigate the effects of building intrusion into the street scene.~~

- (d) ~~The ability to provide adequate on-site parking and manoeuvring for vehicles.~~

- (ed) ~~The compatibility theof extent to which the proposed building has will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity of from road boundaries.~~

- (ef) ~~The proposed building extent to which the proposed building will have size, form, proportions, roof line, style and and external appearance which are that is similar to or in keeping with those of existing buildings on the site.~~

- (fg) ~~The adverse extent to which the location of the proposed building would adversely affect the building will have on the historic character of Arrowtown.~~

- (g) ~~The preservation of views to and from public spaces;~~

- (h) ~~The provision of an equal or greater amount of open space on the site that contributes to the sense of space and openness as viewed from public places;~~

- (i) ~~Significant (more than minor) public and pedestrian amenity values in terms of building appearance and function resulting from the setback infringement;~~

- (l) ~~Shadowing on any adjacent property or public road is avoided; and~~

- (k) ~~Any likely future increases in the usage of the road.~~

## xxvii Setback from Neighbours

- (a) ~~When considering applications to reduce the setback from neighbouring properties, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments, and~~

~~The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical use of the remainder of the site.~~

- (b) ~~The extent to which a lower building coverage and the provision of landscaping may offset or reduce the need to semply withinfringe upon the setback. Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.~~

- (c) ~~Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to and extent which is inconsistent with the suburban living environment.~~

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

## **xviii** Access

- (a) The extent to which alternative formed access can be assured to the activity in the long-term.
- (b) The extent to which the level and nature of the use will make it unlikely that access by way of a formed road will ever be necessary.
- (c) The level of financial contribution required to be made to the Council towards the formation of the road to a standard suitable for access, taking into account the levels of traffic likely to be generated by the use of the residential unit in relation to the existing use of the road, as referred to in Rule 15.2.5.
- (d) The extent to which access to any State Highway will adversely affect the safe and efficient movement of vehicles.

## **xviii** Continuous Building Length

- (a) ~~Any adverse effects of the continuous building length, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments, in terms of visual dominance by building(s) of the outlook from the street and adjoining sites, which is out of character with the local area.~~

~~(a)(b) The extent to which a lower smaller building coverage and the provision of landscaping may offset or reduce the need to comply with exceed the continuous building length rule, detracts from the pleasantness and openness of the site, as viewed from the street and adjoining site.~~

~~(i) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.~~

## **xix** Landscaping

- (a) When considering applications to reduce the landscape coverage requirement, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments, and
  - (b) The extent to which a lower building coverage and the provision of other public amenities may offset or reduce the need to ~~comply with~~ reduce the landscape requirement. ~~landscaping should be undertaken to protect and enhance a desirable level of residential amenity, including the need to provide open space, mature trees, and the screening of parking and outdoor storage associated with visitor accommodation activities from adjoining sites.~~
- ## **xx** Outdoor Living Space
- (a) The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of the site to provide for the outdoor living needs of likely future residents of the site.

- (b) Any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents.
- (c) The extent to which the reduction in outdoor living space or the lack of access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.
- (d) Whether the residential units are to be used for elderly persons housing and the extent to which a reduced area of outdoor living space will adequately provide for the outdoor living needs of the likely residents of the site.
- xxvii** **Landscaping – Low density residential zone Frankton Corner/Hansen Road**
- (a) With respect to landscaping (removal of existing trees as well as new planting) adjacent to the historic stone wall on the boundary of the Frankton Cemetery, whether:
- (i) removal of existing trees will damage the stone wall;
  - (ii) new landscaping will maintain the integrity and enhance the views of the historic stone wall;
  - (iii) consultation with local community groups and historical society has been undertaken.
- (b) With respect to landscaping within the building line restriction area adjoining State Highway 6, whether:
- (i) the landscaping will enhance the entrance to Queenstown
  - (ii) the landscaping design will complement and harmonise with other landscaping adjacent to State Highway 6 on the Frankton Flats;
  - (iii) the landscaping will mitigate the visual effects of development;
- (iv) the design incorporates alternatives such as mounding to compensate for reduction in tree planting.
- (v) how the issue of ongoing maintenance has been addressed.
- xxviii** **Nature and Scale of Non-Residential Activities**
- (a) The extent to which the scale of the activity and the proposed use of the buildings will be compatible with the scale of other buildings and activities in the surrounding area and will not result in visual dominance as a result of the area of buildings used, which is out of character with the low density suburban environment.
- (b) The extent to which the character of the site will remain dominated by landscaping rather than by buildings and areas of hard surfacing.
- (c) The extent to which the activity will result in the loss of residential activity on the site.
- (d) The extent to which the activities on the site remain dominated by residential activity, rather than by activities which are not associated with or incidental to residential activity on the site.
- (e) Any adverse effects of the activity in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.
- (f) The extent to which the activity provides a local function by meeting the needs of residents principally within the surrounding residential environment.
- (g) The ability to mitigate any adverse effects of the increased scale of activity.
- (h) The extent to which the activity will detract from the coherence and attractiveness of the site as viewed from adjoining roads and sites.
- (i) Any adverse effects of the activity on the outlook of people on adjoining sites, including the loss of residential character.

- (j) The extent to which the activity will be compatible with the appearance, layout and functioning of other sites in the adjoining area.
- (k) The ability to mitigate any adverse effects of the activity on adjoining roads and sites.
- (l) The extent to which additional employment will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding residential area.
- (m) The extent to which additional employment is an integral and necessary part of other activities being undertaken on the site and assists in providing alternative home-based employment and income generating opportunities for residents or occupiers of the site.

## **xxiiiiv Fence Heights**

- (a) When considering applications for relief from the rule limiting fence heights, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.7 (iv) Multi-Unit Developments.
- (b) The creation of a significant (more than minor) pedestrian amenity.
- (c) The degree to which ~~thea~~ higher fence undercuts the visual relationship between the public and private realms, and
- (d) The necessity of the increased fence in terms of public safety.

## **xxiv Frankton Road and Track**

### **1. Frankton Road**

- (a) When considering applications to exceed the permitted height of structures along Frankton Road in the High Density Residential Zone, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments.

- (b) The extent to which a lower building coverage and the provision of landscaping and/or other public amenities may offset or reduce the need to comply with the height restriction.

- (c) The effect on views from any vehicle travelling along Frankton Road to the lake and mountains.

- (d) The extent to which the intrusion is necessary to provide for signage for the purpose of identification of the site or directions for the purposes of access to the site.

- (e) The extent to which the proposed intrusion will provide architectural interest in relation to the design treatment of a rooftop.

## **2. Frankton Track**

- (a) When considering applications to drop below the minimum floor plane elevation of structures along the Frankton Track in the High Density Residential Zone, the Council shall have regard to the compatibility of the proposal with the New Zealand Urban Design Protocol, having regard to those assessment matters under 7.7.2 (iv) Multi-Unit Developments.

- (b) Shadowing onto the Frankton Track.

- (c) Any adverse effects on the amenity of pedestrians along the Track.

- (d) The avoidance of landscaping as a mitigation method of views into private spaces.

- (e) The addition to public and pedestrian amenity from a lowered floor plane; and

- (f) The ~~intrusion~~negative impact of the resultant development ~~has~~ on the privacy and isolation one experiences in using the Track.

## **xxv Trees**

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

#### **xxvi** Arrowtown Scenic Protection Area

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

#### **xxvii** Additional Matters – Arrowtown

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

- (a) **Building Form**  
The extent to which the building forms generally match the common building forms of the old town area.

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

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

#### **(b) Roofs**

The extent to which any roofs proposed reflects the following:

Main roofs should be gabled only, with pitches varying between 25 and 35 degrees. The main roof may comprise a salt-box roof pitch where the street elevation roof pitch is higher than the rear roof pitch. Lean-to and veranda roof pitches should generally be less than the main roof pitch. Subsequent lean-to's should generally be a lesser pitch again. Veranda roofs may be hipped. Dormer windows are not appropriate, but glazed skylights in the plane of the roof which project no more than 100mm are acceptable.

#### **(c) Location**

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

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

#### **(d) Exterior Materials and Finishes**

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

Building materials and their finishes generally shall be:

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

## (e) Details

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

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

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

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

## (f) Proportions

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

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

## (g) Colour

Colours should be similar to the original colour schemes.

## h) Ancillary Buildings

- (i) Garages should be to the rear of the building and follow the general design principles as for the main building.

~~(ii)~~ Fences shall generally match the design and heights of original fences.

## xxiviii Additional Matters – Community Facilities

### (a) Screening

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

### (b) Landscaping

- (i) The extent of the visual impact of buildings, outdoor parking and outdoor storage areas where a reduced area of landscaping is proposed having regard to its visibility from adjoining sites, public places or the road and in particular, from sites of residential activity.

- (ii) The extent to which other factors may compensate for a reduced landscape area such as:
- a higher quality of planting over a smaller area.
  - a higher standard of architectural design which is not visually obtrusive.
  - The type of building materials used.
  - The location of different activities on site and their relationship to the boundaries of the site and their visibility from the general area.
- (iii) The importance of improving the standard of landscape having regard to the visual appearance of the site, the length of boundary open to public view and the impact of buildings and activities within the site on the character and amenity of the area, particularly where a low standard of landscaping currently exists.

## ~~xxxx~~ Earthworks

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

### 1. Environmental Protection Measures

- (a) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.

- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

### 2. Effects on landscape and visual amenity values

- (a) Whether the scale and location of any cut and fill will adversely affect:
  - the visual quality and amenity values of the landscape;
  - the natural landform of any ridgeline or visually prominent areas;
  - the visual amenity values of surrounding sites
- (b) Whether the earthworks will take into account the sensitivity of the landscape.
- (c) The potential for cumulative effects on the natural form of existing landscapes.
- (d) The proposed rehabilitation of the site.

### 3. Effects on adjacent sites:

- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.

### 4. General amenity values

- (a) Whether the removal of soil to or from the site will affect the surrounding roads, and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
  - (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
  - (c) Whether natural ground levels will be altered.
  - ~~(d) Whether the transportation of soil to or from the site will generate any negative effects on the safety or efficiency of the road network.~~
- 5. Impacts on sites of cultural heritage value:**
- (a) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgement Area, and whether tangata whenua have been notified.
  - (b) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.