

12.18 Frankton Flats Special Zone Rules

12.18.1 Zone Purpose

The purpose of the zone is to enable development of a new shopping centre incorporating opportunity for retailing, office, educational, visitor and residential accommodation and leisure activities, in a high amenity urban environment while maintaining and enhancing the natural values of the environment particularly as viewed from State Highway 6 as it enters the Frankton and Queenstown urban environment.

The development of the zone will be promoted in such a way as to encourage the design of the built form to have due regard to the surrounding outstanding natural landscape and views of it.

The zone seeks to achieve maximum flexibility within the limitations of those constraints necessary in setting the appropriate environmental standards.

Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary will be limited. Where such limited activities occur inside the Outer Control Boundary they shall be developed subject to the imposition of suitable noise mitigation standards for buildings to manage reverse sensitivity issues.

12.18.2 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.

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| i Heritage Protection | - Refer Part 13 |
| ii Transport | - Refer Part 14 |
| iii Subdivision | - 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 |

12.18.3 Activities

12.18.3.1 Permitted Activities

There are no Permitted Activities within this Zone.

12.18.3.2 Controlled Activities

The following Activities 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 Landscaping within 50m of State Highway 6 in respect of:

- Species proposed and the maturity at the time of planting;
- The maintenance of view shafts towards the Remarkables, Walter and Cecil Peaks and Peninsula Hill;
- Long term management and maintenance;
- Integration with adjoining landuses;
- Provision of public access including walkways and cycleways;
- The protection of the State Highway from shading or glare;
- The protection of vehicle sight lines and any roading authority signs in relation to the State Highway;
- The height of trees in relation to the protection of view shafts;
- Any effects such landscaping may have on the approach and take-off paths for the Queenstown Airport crosswind runway.

12.18.3.3 Discretionary Activities

Any activity which is not listed as a Controlled, Prohibited Activity or Non Complying Activity and does not comply with one or more of the site standards.

Limited Discretionary Activities

i Building, Activities, Site Developments, Street Layout and Open Space Network in respect of:

- Site layout, including street layout, building location and orientation;
- The layout of the open space network;
- The external design, colour and materials of buildings;
- Relationship and connectivity to adjoining site developments;
- Effect on landscape and visual amenity values and view corridors;
- Associated earthworks and landscaping including the species proposed and long term management;
- Hours of operation;
- Location and design of vehicle access;
- Provision for pedestrian access and cycle linkages through the site;
- The access to and location, layout and landscaping of off-street car parking and loading areas;
- The location and access to surface parking;
- The location, design and access to undergrounding carparking;
- The need for the protection of any educational, residential and visitor accommodation from the effects of airnoise.

ii Within the Outer Control Boundary as indicated on the District Plan Maps

- Up to 70 Units associated with Visitor Accommodation;
- One Health Care facility (including but not limited to doctors and/or dentist surgery, but excluding hospitals), not exceeding a gross floor area of 900m²;
- One Educational Facility with an internal gross floor area not exceeding 450m² and associated outdoor space not exceeding 450m².

In respect of:

The matter of reverse sensitivity effects on airport activities located at Queenstown Airport,

and

The need for the protection of any educational, residential and visitor accommodation from the effects of aircraft noise.

12.18.3.4 Non-Complying Activities

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

- i. Residential and education activities within the Airnoise Boundary.
- ii. Factory Farming.
- iii. Forestry activities, except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.
- iv. Mining Activities.
- v. Airports other than the use of land for emergency landings, rescues and fire fighting.
- vi. Any building or development not in accordance with the Structure Plan as attached to this Special Zone as Figure 1.
- vii. Residential Activities apart from those required for managerial accommodation.
- viii. Any other activity not listed as Controlled, Restricted Discretionary, Discretionary or Prohibited, or does not comply with one of more of the Zone Standards.

12.18.3.5 Prohibited Activities

The following activities shall be **Prohibited Activities**:

- i. Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motorbody

- building or fish or meat processing or any activity requiring an Offensive Trade Licence under the Health Act 1956.
- ii Any application for development within the zone prior to an approval by the Council of any overall landscape plan for the area within 50 m of State Highway 6 pursuant to 12.18.3.2 ii.
- iii Buildings within 50m of State Highway 6.
- iv **Any Activity Sensitive to Aircraft Noise within the Outer Control Boundary – Queenstown Airport**
 Within the Outer Control Boundary, as indicated on the District Plan Maps, any Activity Sensitive to Aircraft Noise shall be a Prohibited Activity, with the exception of:
- Up to 70 Units associated with Visitor Accommodation;
 - One Health Care facility (including but not limited to doctors and/or dentists surgery but excluding hospitals) not exceeding a gross floor area of 900m²;
 - One Educational Facility not exceeding an internal gross floor area of 450m² and associated outdoor space of 450m²;
- which shall otherwise require consent under rule 12.18.3.3(ii).
- iii For the purpose of Section 94D(2) and (3) of the Resource Management Act 1991 an application arising from
- (a) Rule 12.18.3.3.(ii), or
- (b) for an Activity Sensitive to Aircraft Noise within the Outer Control Boundary not otherwise prohibited by Rule 12.18.3.5
- does not need to be publicly notified and need only be notified to Queenstown Airport Corporation Limited as the sole affected party, unless it has given its written approval to the activity.

12.18.4 Non-Notification of Applications

An application for resource consent for the following matters 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 Resource Management Act 1991 unless the Council considers special circumstances exist in relation to such application.

- i All applications for **Controlled** Activities
- ii Application for the exercise of the Council's discretion in respect of the following rules:
- (a) Buildings and Site Developments
- (b) Landscaping

12.18.5 Standards**12.18.5.1 Site Standards****i Building Coverage**

Building coverage of sites within the zone shall be managed so that the maximum building coverage does not exceed 30% of the zone area.

ii Building Setback

- (a) Setback from internal boundary of the zone shall be 10m.
- (b) Setback from State Highway 6 shall be 50m.
- (c) Setback from Grant Road shall be 4m.

iii Landscaping

- (a) Setback areas from **all** roads shall be landscaped in accordance with a landscape and planting plan to be approved by the Council prior to development occurring.
- (b) At least 10% of the remainder of the zone shall be landscaped in accordance with the plan approved by the Council.
- (c) Setback areas from State Highway 6 shall be landscaped in accordance with an overall landscape and planting plan for the frontage of this zone approved by the Council with approval given prior to development occurring, and the works carried out in conjunction with the development of the zone pursuant to rule 12.18.3.3 i.

iv 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 or any earthworks that form part of Plantation Forestry.

1. Earthworks

- (a) The total volume of earthworks does not exceed **100m³** 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 200m² 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 20m³ (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 than 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 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.
- (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgement Areas.

12.18.5.2 Zone Standards

i Structure Plan

All activities and developments must be carried out in conformity with the Structure Plan Figure 1 attached as Figure 1 to this rule.

ii Noise

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

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

- (b) Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.
- (d) The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.
- (e) The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.
- (f) The noise limits in (a) shall not apply to sound from Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

iii Airport Noise – Queenstown Airport

- (a) On any site located within the Outer Control Boundary, any building or part of a building, or any alteration or addition to a building or part of a building, to be used for Units associated with Visitor Accommodation a Health Care Facility or an Educational Facility shall be acoustically insulated from aircraft noise so as to achieve an Indoor Design Sound level of 40dB L_{dn} based on the 2037 Noise Contours, except for non-critical listening environments where no special sound insulation is required.

- (b) Where the building is located between 58 and 60 dB 2037 Noise Contours, this control shall be met in either of the following two ways:

EITHER:

- (i) By installation of mechanical ventilation to achieve the requirements of Table 3 at Appendix 13.

OR:

- (ii) By submitting a certificate to Council from a suitably qualified acoustics expert stating that the above Indoor Design Sound Level will be achieved by the proposed building design including certification from a suitably qualified ventilation expert that adequate ventilation will be achieved with the extent of open windows specified by the acoustics expert.

iv Glare and artificial illumination

- All exterior lighting installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting.
- No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property adjoining the zone, measured at any point inside the boundary of any adjoining property.
- No activity shall result in a greater than 3.0 lux spill (horizontal or vertical) of light onto any adjoining property where the primary use is a residential activity measured at any point more than 2m inside the boundary of the adjoining property.

- All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.

v Height

The maximum building height shall be 9m provided that up to 5% of the area of the site permitted to be covered by buildings may be constructed to a maximum height of 12m where these elements are located more than 100m from the state Highway.

Refer to the definitions of Height and Ground Level.

12.18.6 Assessment Matters

The Assessment Matters which apply to the consideration of resource consents in the Frankton Shopping Centre Zone are specified in 12.18.7

12.18.7 Resource Consents – Assessment Matters:

Frankton Flats Special Zone (West side of Grant Road)

12.18.7.1 General

- (i) The Assessment Matters are other methods or matters 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 12.18.7.2 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 standards(s)

- (iv) In the case of *Controlled Activities*, the assessment matters shall apply only in respect of *conditions* that may be imposed on a consent.
- (v) Where an activity is a *Discretionary Activity* because it does not comply with one or more relevant Site Standards, but is also specified as a *Controlled Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

12.18.7.2 Resource Consents Assessment Matters

- (i) For all Controlled Activities in the Frankton Flats Special Zone the assessment matters shall apply only in respect of conditions that may be imposed on a consent.
- (ii) Controlled Activity – Landscaping within 50m of SH6

The setback area from SH6 shall be comprehensively landscaped. The applicant shall obtain approval from the Council prior to development occurring within the zone. The approved plan shall be implemented prior to development of the zone. The comprehensive landscape plan will be assessed against the following criteria:

- a. Whether the landscape treatment complements and enhances the natural values of the surrounding environment.
 - b. Whether the landscape treatment contributes to a sense of arrival and departure on State Highway 6.
 - c. Whether views to the Remarkables, Cecil Peak, Walter Peak and Peninsula Hill are retained/promoted from State Highway 6.
 - d. Whether the proposed landscape treatment complements the local landscape character.
 - e. Whether alterations to the landform are necessary or appropriate to achieve adequate screening of activities from State Highway 6.
 - f. Whether the landscape treatment is consistent with any plans developed by the Council for landscape treatment of the entrance to Frankton and Queenstown.
 - g. Whether the proposed planting is of an appropriate scale and density at planting to allow rapid establishment to visually integrate future buildings into the surrounding environment.
- (iii) For all Discretionary Activities in the Frankton Flats Special Zone, in considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited to, the following assessment matters in relation to Rule 12.18.3.3:
- a. Whether the location and design of buildings, their external materials, colours, and methods of construction contribute to the local amenity and character, particularly in terms of:
 - adjoining or surrounding buildings, if applicable;
 - public open spaces (including streets), pedestrian and cycleway linkages and view corridors;
 - the wider surrounding landscape
 - b. The relationship of buildings to their neighbours, if any, in terms of orientation, alignment and built form, and to other built elements in the Zone, including public open spaces, if any, and the overall staging of development in the zone.
 - c. The general location of the buildings on the site with regard to public use and convenience, and the interface created with streets and open spaces.
 - d. The location and safety of parking, access and manoeuvring areas in respect of access point options for joint use of vehicles and pedestrians and streetscape amenity.

- e. The extent and quality of any landscaping proposed and the effectiveness of proposed planting and trees enhancing the general character of the area, screening car-parking and service areas, and the impact on residential uses if any.
 - f. Visual attractiveness and appearance of the development, particularly as it relates to the surrounding natural landscape, pedestrian environment, and as it enhances pedestrian linkages;
 - g. Whether ground floor facades of any building maintains a sense of variety and/or coherence and create a positive interface with adjoining streets or other open spaces.
 - h. Whether any building which has continuous building length along a road boundary of greater than 16m provides architectural diversity and definition to create a varied and interesting frontage.
 - i. The extent to which the roof colours and materials are such that they do not result in an obtrusive impact when viewed from above.
 - j. The extent to which the architectural style is evocative of a mountain region and whether building forms are sympathetic to the mountain setting and local context.
 - k. The extent to which building materials are appropriate to the area and contribute to the local alpine character.
- iv. Building Coverage
- a) The effects of any increase or decrease of building coverage in terms of the amenity of the adjoining area, including surrounding buildings and open spaces;
 - b) The scale of any existing buildings in the area and the cumulative effects of further increases in coverage;
 - c) Potential adverse effects arising from any likely requirements for additional parking.
- vi Loading and Outdoor Storage

- a) The effect of any off street loading or outdoor storage area on the visual amenity of the adjacent area.
- b) The effect of any off street loading or outdoor storage area on the visual coherence and character of the adjacent area.
- c) The form, nature, type and servicing of any loading area and the effects of these on the surrounding locality.

vii. Earthworks

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 effect 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 effect:
 - 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 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.

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.

