

16 BUSINESS MIXED USE



16.1

Purpose

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

16.2

Objectives and Policies

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

Policies	<p>16.2.1.1 Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.</p> <p>16.2.1.2 To enable a range and mix of compatible business, residential and other complementary activities to achieve an urban environment that is desirable to work and live in.</p> <p>16.2.1.3 Avoid activities that have noxious, offensive, or undesirable qualities from locating within the Business Mixed Use Zone to ensure that appropriate levels of amenity are maintained.</p> <p>16.2.1.4 Residential and visitor accommodation activities are enabled, while acknowledging that there will be a lower level of amenity than residential zones due to the mix of activities provided for.</p> <p>16.2.1.5 For sites fronting Gorge Road in Queenstown, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.</p> <p>16.2.1.6 Provide appropriate noise limits to minimise adverse noise effects received within the Business Mixed Use Zone and by nearby properties.</p> <p>16.2.1.7 Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to avoid reverse sensitivity.</p> <p>16.2.1.8 Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on the night sky.</p> <p>16.2.1.9 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the appropriate levels of amenity.</p>
----------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

16.2.2 Objective – New development achieves high quality design outcomes that minimises adverse effects on adjoining residential areas.

- Policies
- 16.2.2.1** Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.
 - 16.2.2.2** Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbours.
 - 16.2.2.3** Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout and design measures.
 - 16.2.2.4** Utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.
 - 16.2.2.5** Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.
 - 16.2.2.6** Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.
 - 16.2.2.7** Provide for significantly taller development above the permitted height limit in the Business Mixed Use Zone in Queenstown, subject to high design quality.

16.3

Other Provisions and Rules

16.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes
24	Signs (18 ODP)	25	Earthworks (22 ODP)	26	Historic Heritage
27	Subdivision	28	Natural Hazards	29	Transport (14 ODP)
30	Energy and Utilities	31	Hazardous Substances (16 ODP)	32	Protected Trees
33	Indigenous Vegetation and Biodiversity	34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings
36	Noise	37	Designations		Planning Maps

16.3.2 Clarification

16.3.2.1 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply unless otherwise specified. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

16.3.2.2 The following abbreviations are used within this Chapter.

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

16.4

Rules - Activities

Activities located in the Business Mixed Use Zone		Activity Status
16.4.1	Activities which are not listed in this table and comply with all standards	P
16.4.2	<p>Buildings</p> <p>*Discretion is restricted to consideration of all of the following: external appearance, materials, signage platform, lighting, impact on the street, and natural hazards to ensure that:</p> <ul style="list-style-type: none"> • The design of the building blends well with and contributes to an integrated built form; • The external appearance of the building is sympathetic to the surrounding natural and built environment; • The detail of the facade is sympathetic to other buildings in the vicinity, having regard to; building materials, glazing treatment, symmetry, external appearance, vertical and horizontal emphasis and storage; • Where residential units are proposed as part of a development, the extent to which open space is provided on site either through private open space or communal open space, or a combination thereof; and • Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated¹. 	RD*

Activities located in the Business Mixed Use Zone		Activity Status
16.4.3	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>This rule shall not apply to the sale and supply of alcohol:</p> <p>16.4.3.1 to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>16.4.3.2 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The scale of the activity; • Car parking and traffic generation; • Effects on amenity (including that of adjoining residential zones and public reserves); • The configuration of activities within the building and site (e.g. outdoor seating, entrances); • Noise issues; • Hours of operation; and • Any relevant Council alcohol policy or bylaw. 	RD*
16.4.4	<p>Visitor Accommodation</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The location, provision, and screening of access and parking and traffic generation; • Landscaping; • The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; • The location and screening of bus and car parking from public places; and • Where the site adjoins a residential zone: • Noise generation and methods of mitigation; and • Hours of operation, in respect of ancillary activities. 	RD*
16.4.5	<p>Daycare Facilities</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The compatibility of the development with respect to existing land uses on the subject site and nearby properties; • Potential reverse sensitivity issues; • Traffic, parking and access limitations; and • Noise associated with the activity on the subject site. 	RD*

	Activities located in the Business Mixed Use Zone	Activity Status
16.4.6	<p>Warehousing , Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> The impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings; The provision, location and screening of access, parking and traffic generation; and Landscaping. 	RD*
16.4.7	Industrial Activities not otherwise provided for in this Table	NC
16.4.8	Service Stations	NC
16.4.9	Panelbeating, spray painting, motor vehicle repair or dismantling.	NC
16.4.10	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
16.4.11	Factory Farming	PR
16.4.12	Mining Activities	PR
16.4.13	Forestry Activities	PR
16.4.14	Airport	PR

Note: 1. Policies that guide the assessment of proposals on land affected by natural hazards are located in Chapter 28.

16.5 Rules - Standards

	Standards for activities located in the Business Mixed Use Zone	Non-compliance Status
16.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone</p> <p>16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above the Residential zone boundary.</p> <p>16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> the visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects. 	RD*

	Standards for activities located in the Business Mixed Use Zone	Non-compliance Status
16.5.2	<p>Storage</p> <p>Outdoor storage and storage of waste and recycling shall be screened from public places and adjoining Residential zones.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • the effects on visual amenity; • the location relative to the public realm and adjoining residential properties; • consistency with the character of the locality; and • whether pedestrian and vehicle access is compromised. 	RD*
16.5.3	<p>Residential activities and visitor accommodation located on sites fronting Gorge Road in Queenstown</p> <p>All residential activities and visitor accommodation shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • the effects on surrounding buildings and activities; • location relative to the public realm; and • the maintenance of active and articulated street frontages. 	RD*
16.5.4	<p>Building Coverage</p> <p>Maximum building coverage of 75%</p>	D
16.5.5	<p>Acoustic insulation</p> <p>For all residential development and visitor accommodation the following shall apply:</p> <p>16.5.5.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 6 in Chapter 36; and</p> <p>16.5.5.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p>	D
16.5.6	<p>Fencing</p> <p>A solid fence of 1.8m shall be erected on the boundary of any residential zone.</p>	D

Standards for activities located in the Business Mixed Use Zone		Non-compliance Status									
16.5.7	<p>Maximum building height</p> <p>The maximum building height shall be:</p> <p>16.5.7.1 Queenstown</p> <ol style="list-style-type: none"> a. Up to 12m – Permitted b. 12m to 20m – Restricted Discretionary* <p>16.5.7.2 Wanaka</p> <ol style="list-style-type: none"> a. Up to 12m – Permitted <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • the design and quality of the building, including the use of articulated facades and active street frontages; • the avoidance of large monolithic buildings; and • the impact on the street scene 	NC									
16.5.8	<p>Noise</p> <p>16.5.8.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <table style="margin-left: 40px;"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB $L_{Aeq(15\ min)}$</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB $L_{Aeq(15\ min)}$</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p style="text-align: center;"><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</i></p> <p>Exemptions:</p> <ul style="list-style-type: none"> • The noise limits in rule 16.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. • Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone. 	a. Daytime	(0800 to 2200hrs)	60 dB $L_{Aeq(15\ min)}$	b. Night-time	(2200 to 0800hrs)	50 dB $L_{Aeq(15\ min)}$	c. Night-time	(2200 to 0800hrs)	75 dB L_{AFmax}	NC
a. Daytime	(0800 to 2200hrs)	60 dB $L_{Aeq(15\ min)}$									
b. Night-time	(2200 to 0800hrs)	50 dB $L_{Aeq(15\ min)}$									
c. Night-time	(2200 to 0800hrs)	75 dB L_{AFmax}									

Standards for activities located in the Business Mixed Use Zone		Non-compliance Status
16.5.9	<p>Glare</p> <p>16.5.9.1 All exterior lighting installed on sites or buildings within the business zone shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting, and so as to limit the effects on the night sky.</p> <p>16.5.9.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Business Mixed Use Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential zone measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>16.5.9.4 External building materials shall either:</p> <ol style="list-style-type: none"> Be coated in colours which have a reflectance value of between 0 and 36%; or Consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper; <p>Except that:</p> <ul style="list-style-type: none"> Architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%. 	NC

16.6

Non-Notification of Applications

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

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

16.6.2.1 Buildings.

16.6.2.2 Building Heights between 12m and 20m in the Business Mixed Use Zone in Queenstown.

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

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