

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 08
– Business Zones

**REPLY OF VICTORIA SIAN JONES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

12 QUEENSTOWN TOWN CENTRE CHAPTER

13 December 2016

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1. INTRODUCTION

- 1.1 My name is Victoria (Vicki) Sian Jones. I prepared the section 42A report for the Queenstown Town Centre chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 2 November 2016.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing on the 28 November - 6 December 2016 and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day when I was not in attendance.
- 1.3 This reply evidence covers the following issues:
- (a) general drafting improvements to the objectives, policies, and rules and correcting formatting errors;
 - (b) permitted activity rule;
 - (c) comprehensive developments;
 - (d) the Queenstown Town Centre Waterfront Subzone (**QTTCSZ**);
 - (e) Man Street block heights and viewshafts;
 - (f) licensed premises;
 - (g) flood mitigation;
 - (h) urban design and character issues;
 - (i) non notification rules;
 - (j) noise issues;
 - (k) formatting errors in the revised provisions attached as Appendix 1 to the s 42A report; and
 - (l) minor errors in s 42A report.
- 1.4 Where I am recommending changes to the provisions as a consequence of the hearing, I have included these in the recommended chapter in **Appendix 1 (Revised Chapter)**. The changes recommended in my summary of evidence dated 25 November 2016 are also included in **Appendix 1**, and I refer to my summary for an explanation for those changes. I have attached a section 32AA (**S 32AA**) evaluation in **Appendix 2** for any significant changes that are being recommended.

1.5 In this Reply:

- (a) if I refer to a provision number without any qualification, it is to the notified provision number and has not changed through my recommendations;
- (b) if I refer to a 'redraft' provision number, I am referring to the s 42A recommended provision number; and
- (c) if I refer to a 'reply' provision number, I am referring to the recommended provision number in **Appendix 1** to this Reply.

2. GENERAL DRAFTING IMPROVEMENTS TO THE OBJECTIVES, POLICIES, AND RULES AND CORRECTING FORMATTING ERRORS

2.1 The following general amendments are recommended in response to comments made by the Hearing Panel (**Panel**):

- (a) remove semi colons between some of the policies and rules, where they are unnecessary;
- (b) amend the wording of controlled activity Rules 12.4.2 and 12.4.3 by replacing the introduction of the matters of control from 'in respect of...' to 'control is reserved to the following';
- (c) deleting the words 'all of' from the phrase 'discretion is restricted to consideration of all of the following' throughout the chapter, as the words are superfluous and do not assist with the legibility of the rules;
- (d) amend Policy 12.2.1.1 to replace the reference to 'greater site coverage' with 'enabling sites to be entirely covered with built form...' as the fact the site coverage is greater than in the Operative District Plan (**ODP**) is irrelevant;
- (e) amend Rule 12.4.6.1 (bullet point 1) to clarify that this matter of discretion relates to consistency with the QTTC 'Special Character Area' Design Guidelines (2015) and that these guidelines only relate to the QTTC Special Character Area;
- (f) amend Rule 12.4.6.1 (assessment matters relating to natural hazards) to read 'reduced' rather than 'remedied' in order to be consistent with other provisions in the PDP;
- (g) amend Rule 12.5.8 relating to pedestrian links and lanes in order to improve the legibility of the rule;

- (h) amend Rule 12.5.9 to remove the explanation that Figure 2 (height precincts) takes precedence over the general geographic descriptions in the rule and remove those general descriptions and rely fully on Figure 2 instead. I consider this is clearer and will avoid any potential conflicts or confusion;
- (i) amend Rule 12.5.9.1 in order to clarify which height precincts it relates to, which is clearer and consistent with the wording of Rules 12.5.9.2 - 12.5.9.5; and
- (j) delete the phrase "and so as to limit the effects on the night sky" in Rule 12.5.14.1 (Glare), as I understand it is *ultra vires* as covered in legal submissions.

2.2 In response to particular questions raised by the Panel in relation to the above and other particular objectives or policies:

- (a) in response to the Panel's question, Policy 12.2.1.2 (which refers to the relatively affordable opportunities provided by the Town Centre Transition Subzone) is achieved through:
 - (i) rezoning land that is zoned residential in the ODP (i.e. upper Brecon St and the Gorge Rd/ Memorial Ave corner) to QTC, thereby increasing the supply of Town Centre land at the periphery, which will be relatively affordable due to its location; and
 - (ii) Rules 12.4.5, 12.5.1, and 12.5.11, which impose additional restrictions/ requirements in relation to licensed premises, building coverage, comprehensive development plans, and noise limits;
- (b) while I do not see any inherent issue with the use of the word 'buildings' in Policy 12.2.4.2(h) if the Panel prefers the policy could refer to 'building envelope' or 'building mass'.

2.3 The following general amendments are recommended in response to comments made in Mr Goldsmith's amended legal submissions dated 1 December 2016 made on behalf of John Thompson and MacFarlane Investments Limited (FS1274):

- (a) amend Rule 12.5.10.4 so that the term "RL" is used consistently throughout; and
- (b) amend Rule 12.5.10.4 to remove all references to the Otago datum level in brackets as is the convention in the ODP.

2.4 The remainder of this evidence considers the more specific issues raised by the Panel and submitters during the course of the hearing.

3. PERMITTED ACTIVITY RULE

3.1 The Panel discussed with counsel for the Queenstown Lakes District Council (**Council**) whether Rule 12.4.1 (and the equivalent rule, which appears in other chapters) is necessary.

3.2 I refer you to the Council's closing legal submissions for an understanding of the relationship between the provisions of the RMA and Rule 12.4.1 (and other similar ones throughout the PDP).

3.3 In my opinion the inclusion of such a rule at the start of the activity table in each chapter, confirming the default status of activities not otherwise listed, is necessary for the reasons outlined by Counsel and is the most legible approach. This is particularly important due to the fact that the default status varies between zones. For example, activities not listed in the rural and residential chapters default to non-complying whereas they default to permitted in the business chapters.

3.4 I acknowledge that the Advice Note in 12.3.2.1 also, in effect, requires compliance with the Standards table, by stating "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". However, the purpose of this 'Advice Note' is focused more on identifying the Non-Compliance status. I therefore consider the inclusion in 12.4.1 of the reference to compliance with all standards, is clearer and will ensure there is no room for debate as to the correct interpretation.

3.5 While it is inconsistent to have listed activities default to non-complying in some instances and permitted in others, in my opinion it is appropriate given the vastly different purposes of the various zones with the likes of rural and

residential having a relatively narrow purpose (with a narrow range of uses being anticipated) and the business zones being of a highly mixed use nature which can be regulated in a far more effects-based manner.

3.6 I have therefore not recommended any change to this rule.

4. COMPREHENSIVE DEVELOPMENTS

4.1 The matter of scope raised by Mr Todd regarding the recommended change in my s42A from 1800 m² to 1400m² is addressed in the legal right of reply. If the Panel is minded to consider the changes are beyond scope, then I consider it would be appropriate to amend the building coverage limit to 80% as sought by the submitter or, alternatively, to apply the 75% coverage as recommended in the S42A report but limit its application only to sites over 1800m². Both options have pros and cons and I do not have a firm view as to which is most appropriate. As such I have not added either into the revised chapter in **Appendix 1**.

4.2 In relation to the concerns raised by Mr Todd regarding the reduction in development potential resulting from the maximum building coverage Rule 12.5.1, it may be useful to highlight the following to the Panel:

- (a) in the ODP, part of the O'Connells site is subject to a 95% coverage rule and the remainder is subject to an 80% coverage rule. As such, the proposed coverage rule in my s42A does not represent a change from a permitted 100% coverage but, rather from a base allowance of around 85-90% coverage;
- (b) the ODP coverage rules are similarly split for the Stratton house site. I also note that the pedestrian link was offered and accepted as part of the Stratton House development through RM990598 (apparently (from the decision) in lieu of the height breaches), with the application stating:

"The pedestrian link between Beach Street and Cow Lane will be available at times when the businesses inside the building are trading."
- (c) the reasons of the decision noted "it was important to note this positive addition...".

4.3 In response to questioning from the Panel with regard to Rules 12.5.1.1 and 12.5.1.2, I recommend (and these recommendations are based on my s42A recommended rule, and would need to be updated to reflect either of the drafting options suggested above in paragraph 4.1):

- (a) amending Rule 12.5.1.1 to add the words '(as defined in provision 12.3.2.3)' after the reference to comprehensive development and removing the explanation commencing with 'primarily for the purpose of...' from the rule. Instead, the detailed explanatory part of the rule is recommended to be included as a matter of discretion (where they are not already) and in a more detailed reply Policy 12.2.2.9. I consider this is more appropriate as the notified version of 12.5.1.1 contains considerable duplication;
- (b) amending Rule 12.5.1.2 to remove the words "for an area of at least 1400m²" as they are duplication and to provide greater clarity as to the purpose of a Comprehensive Development Plan and level of detail that it should include. In my opinion, the removal of the reference to size heightens the need to clarify the purpose of the Comprehensive Development Plan and to ensure that the Comprehensive Development Plan shall cover the entire development area. I note that the reference to 1400m² has also been removed from Rule 12.6.2.2 regarding non-notification as that was also duplication;
- (c) retaining the reference to 1400m² within the definition of 'Comprehensive development' as that is, in fact, the whole purpose of the definition;
- (d) retaining the definition in Chapter 12 but relocating it into Reply 12.3.2.3 and beginning with the words 'for the purpose of this chapter'. This is more appropriate than moving it into Chapter 2 because the definition includes a site size that is appropriate for the Town Centre zones based on an analysis of that particular zone and would not necessarily be the appropriate trigger size in other zones. As such, I recommend moving this definition to Section 12.3.2 (clarification) under a heading "General Rules". I note that I have conferred with Ms Amy Bowbyes and with Ms Leith (in relation to the residential zones) on this matter and they concur with not including it in Chapter 2; and

- (e) that it is not necessary to include assessment matters within Rule 12.5.1 but, rather, that the matters of discretion, while detailed, are appropriate and do not "cross the line" into assessment matters.

5. THE QUEENSTOWN TOWN CENTRE WATERFRONT SUBZONE (QTTWCWSZ)

- 5.1** I recommend amending Rule 12.4.7 by replacing the assessment matter commencing 'the extent to which any proposed structures or buildings...' to 'the extent to which any proposed wharfs and jetties...' This makes it consistent with the fact that the rule only relates to wharfs and jetties and that any other buildings in the QTTWCWS are not subject to this rule but are, in fact, non-complying (Rule 12.4.8.2) or restricted discretionary (Rule 12.4.6). While not substantive, this minor amendment will improve efficiency by removing the existing conflict within the rule and thereby avoiding potential confusion.
- 5.2** I recommend amending the headings of Rules 12.4.7 and 12.4.8 from simply 'Surface of Water and Interface Activities' so that they more clearly reflect the content of each rule. While not substantive, this minor amendment will improve efficiency through increased legibility.
- 5.3** I do not recommend separating the surface of water and interface activities into a separate table as this would be less legible in my view in that:
 - (a) there are only two rules that specifically relate to the QTTWCWSZ and in all other respects the zone-wide rules apply;
 - (b) it would be confusing as to why the QTTWCWSZ rules are separated out whereas the Town Centre Transition Subzone rules are not; and
 - (c) unlike in the Rural zone this is a subzone of the QTTWC and includes land based activities, as well as surface of water activities.
- 5.4** Ms Jennifer Carter proposes¹ that the commercial surface of water activities rule (12.4.7) includes a separate rule that provides for public passenger ferry services as a restricted discretionary activity, rather than full discretionary. While it is my opinion that providing for and encouraging the establishment of water-based public transport is likely to be appropriate, I remain of the view that this is best considered as part of stage 2 of the District Plan review. Regardless, in response to the Panel's query, I can advise that all 'Motorised

1 In her primary evidence dated 18 November 2016 and summary statement dated 30 November 2016.

Commercial Boating Activities' are recommended to be a full discretionary activity in the Rural zone, pursuant to Rule 21.5.43 of the Rural Reply version of the Rural Chapter 21. As such, any such attempt to provide more enabling provisions for passenger transport in the QTTCWSZ in the manner proposed by Ms Carter is likely to be relatively ineffective in isolation at this stage.

5.5 In response to the evidence of Ms Fiona Black and Ms Carter, I have recommended:

- (a) adding further detail to Policies 12.2.5.3 and 12.2.5.6;
- (b) amending planning maps 35 and 36 to more clearly show the two separate areas of the QTTCWSZ; and
- (c) changing the activity status of moorings in part of the QTTCWSZ from permitted to discretionary.

5.6 These changes and the reasons for them are outlined in more detail in my summary of evidence dated 25 November 2016. A section 32AA evaluation is attached in **Appendix 2** in relation to the change in activity status of moorings within the Queenstown Beach and Queenstown gardens area of the QTTCWSZ. I reiterate also that I consider that specific policy or provisions on transport and facilitating public transport are for the transport chapter in Stage 2. This is consistent with the Council's position presented in other hearings such as Rural.

6. MAN STREET BLOCK HEIGHTS AND VIEWSHAFTS (HEIGHT PRECINCT 7)

6.1 First, in my opinion, height in this block cannot be considered only (or even primarily) in relation to the effects on private views from the various submitters' sites but must also be considered in relation to the effect on the surrounding streets, the likely built form that will eventuate, and on public views of this highly prominent block of land from elsewhere in and around the Queenstown Town Centre.

6.2 Second, in my opinion, the difficulties with applying the rolling height plane have been over-stated by Mr Edmonds (paragraph 11 of his evidence dated 18 November 2016) and Mr Williams (paragraph 16 of his evidence dated 18 November 2016), noting that the sites surrounding the carpark site are not unique, and that to set specific height planes for every sloping site in the

district would prove logistically problematic. I was heavily involved in the mediation which resulted in the ODP rules for the Man Street and Sofitel blocks and wish to highlight that the Hamilton (Forsyth Barr) building is not the result of the ODP rules but, rather, was consented prior to the ODP rules coming into effect. The ODP rules then prevented such an outcome from reoccurring through the addition of a horizontal height plane at Rule 10.6.5.1(xi) which is, in fact, similar to that which is now being proposed in reply Rule 12.5.10.1(d).

6.3 The specific issues I address below relate to:

- (a) the appropriate height of buildings maximum level allowed in front of the carpark site, including the horizontal plane level, the use of the district-wide rolling plane height and whether there should be a discretionary height allowance between 12 and 14m as per Height Precinct P1;
- (b) the viewshafts within the block; and
- (c) the appropriate heights for 10 Man St, and 10 and 14 Brecon Street (the **language school site**).

Building height of sites in recommended areas E and F

The horizontal plane height in recommended area E

6.4 In response to concerns raised by Mr Graeme Todd (legal) and Mr Timothy Williams (planning) regarding the fact that Rule 12.5.10.4(e) enables buildings in Area E, in front of the carpark site, to extend some 3 m above the carpark podium, I wish to confirm that this was deliberate. The reasons for this recommendation are provided in brief in paragraph 10.87 of my S42A report and pages 14 and 15 of my S32AA evaluation, which is **Appendix 4** to my s42A report. In making my recommendation I have also relied on paragraphs 12.11(a), 12.11(d), and 12.12 of Mr Timothy Church's evidence dated 2 November 2016.

6.5 In my S42A report I recommended increasing the maximum height in recommended Area B of the carpark site (even though not sought by the landowner). One important reason was that this would enable the sites in front to also extend higher, thereby avoiding a stark midblock transition with a

relatively high façade on the carpark site, while also enabling the entire carpark site to be developed with 3 full storeys with unimpeded views. This enables the block, as a whole, to be developed more efficiently and for built form to be layered and better integrated. I disagree with Mr Williams' evidence that it is appropriate to increase height on the carpark site by 3m as recommended in my S42A report but to then say that the recommended 330.1 masl height on the land in front is inappropriate. In saying this I note that the recommended horizontal height planes for recommended Areas E and F are significantly more restrictive than the notified PDP and that MSP's submission (398) sought that those sites be allowed to extend 1 m above the podium, yet are now seeking that they are restricted to the podium level.

- 6.6** To ensure the Panel is basing its decision on accurate information, I also wish to point out that the building height that would occur in recommended Area E would not be the highest in the QTTC. At the boundary shared between those sites and the Man St carpark site, the buildings on top of the podium will be at least 19 m above ground level² under the reply version of PDP and well in excess of 20 m above ground level along the other cross sections (albeit that is not the way the rule is described, that is the actual effect of the rule at the boundary). As outlined in my S42A report, I am supportive of this in the context of all the other provisions relating to the wider block, which collectively make it appropriate. I only raise this matter to ensure that Areas E and F are being considered with an accurate understanding of the context of the surrounding heights I am recommending.

The use of the 12 m rolling plane rule in recommended Areas E and F

- 6.7** I agree with Mr Williams' evidence summary and his Appendix A that there is little difference in the buildable area and built outcome between a rule that enables a maximum horizontal height of 327 masl with a recession plane off Shotover Street (as supported by Mr Williams) and a rule imposing a maximum 12 m above ground level with the same recession plane.
- 6.8** However, the built outcome is markedly different under the rolling plane versus the horizontal plane option, when one applies the maximum height of 330.1 masl, as recommended. Based on the information provided in cross section C-C of Mr Williams' Appendix A to his summary of evidence, if one assumes

2 Refer to cross section C-C provided in Appendix A to Mr William's summary of evidence (Draft Man-10-1 SK-005.03)

the 330.1 masl dotted line is accepted as I have recommended, then one can easily see that the rolling height plane results in a stepped built form whereas the horizontal plane does not. I consider that on these large and relatively steeply sloping sites the stepped building form is more appropriate. It is likely to result in a more articulated built form when viewed from public places such as Queenstown Bay and the gardens and, in turn, a more articulated roof, noting that the 5th dimension is of significant importance given the elevated vantage points from which it will be viewed such as the gondola.

6.9 For this reason I continue to support the use of the rolling plane and refer the Panel to paragraph 10.87 of my s42A report and pages 14 and 15 of the S32AA report attached to that for discussion on the costs and benefits of the approach and the fact it is consistent with most other sites in the District.

6.10 In response to the evidence dated 18 November 2016 and questioning of Mr Farrell, I now recommend that Areas E and F (as shown in recommended Figure 2) be removed from Precinct 7 and replaced with Precinct 1, and consequential changes be made to Rules 12.5.10.4 and 12.5.10.1. These consequential changes include adding a rule to 12.5.10.1 that no building exceed a horizontal plane at 271.1/ 330.1 masl. The recommended rules in **Appendix 1** will have the effect of providing the restricted discretionary activity status to buildings between 12 and 14m above ground level as in the rest of precinct P1, while ensuring that anything above either 14m above ground level or 227/ 330 masl respectively will be non-complying. This is considered more efficient and effective than redraft Rules 12.5.10.4(e) and 12.5.10.4(f) that apply to this area in the version attached to the S42A report.

6.11 The following cross sections are an illustration showing the various height planes that would apply respectively in the two parts of this block:

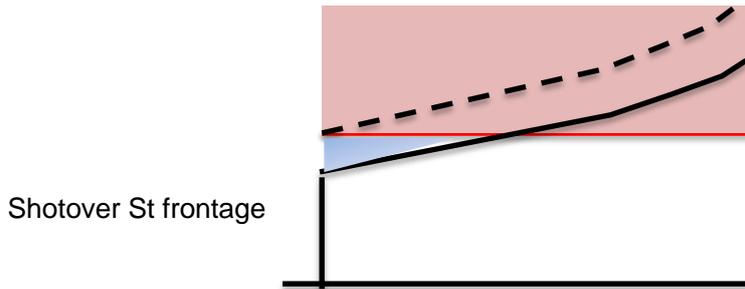


Figure 1 - Area x, with the 327.1masl maximum horizontal height plane

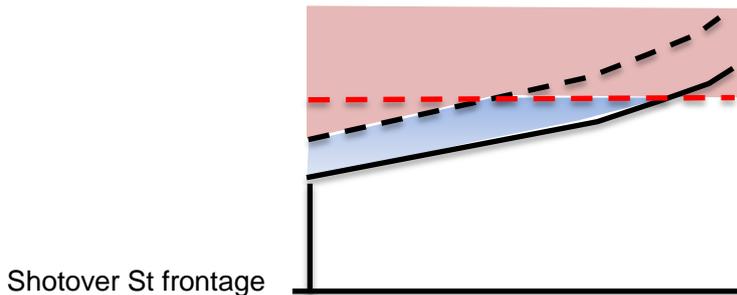


Figure 2 - Area x, with the 330.1masl maximum horizontal height plane

Key:

	12 m above ground (permitted)
	14 m above ground (restricted discretionary and above this non complying)
	271.1 masl (permitted if also below 12 m above ground level or restricted discretionary if also below)
	330.1 masl
White area	Permitted height
Blue area	Restricted discretionary height
Pink area	Non complying height

6.12 In recommending this I note that:

- (a) this rule, including the 330masl building height that MSP (398) is opposed to, is very similar to that which exists in the ODP, which was determined through a mediated agreement of all affected parties during the resolution of appeals on submissions to the now ODP. I remain of the view that enabling the MSP unimpeded views from all levels of development on their site (as sought by them) at the

expense of less efficient and potentially poorer quality development of the sites in front of the midblock point, is not the most appropriate option;

- (b) as you have heard from Mr Farrell and as outlined in paragraph 10.87 of my S42A report and pages 14 and 15 of my S32AA evaluation attached to that report, it is not unreasonably difficult to determine ground level and, from that, the permitted height; and
- (c) this makes the rule relatively consistent with the approach taken for the Ballarat Street carpark site (Rule 12.5.10.1(b)) and also for Height Precinct 6 (the Sofitel site).

The Viewshafts

6.13 MSP's submission (398) supported the notified height rules; sought that the position of the viewshafts in Figure 2 be confirmed to ensure the western view shaft (one further up Man Street) is located to align with Section 26 Block IX Town of Queenstown; sought that if this view shaft is not aligned with Section 26 Block IX Town of Queenstown, it should be moved to align with this property; and opposed the need to prepare a Structure Plan (now termed Comprehensive Development Plan). However, to the contrary, the legal submissions and evidence presented at the hearing promoted a different approach, seeking to remove the viewshafts and in support of the Comprehensive Development Plan rule. The scope of relief provided by the MSP submission is covered in legal submissions as part of the Council's Right of Reply.

6.14 For the reasons outlined in paragraph 10.86 and 10.87(f) of my S42A report, page 14 of my S32AA evaluation, and paragraph 12.12 of Mr Church's evidence and paragraph 8 of his evidence summary, my view remains unchanged that, in this instance, it is appropriate to show the viewshafts on the height precinct map, as well as apply the zone-wide coverage and comprehensive development rule to the site.

6.15 In addition to the reasons I have already expressed, I share the concerns raised by the Chair of the Panel that there are various ways an applicant could circumvent the provision of the key western viewshaft through mounting a case that the site is already entirely covered by built form and/ or that a viewshaft is already provided. I also note that a landowner could also

subdivide the site into parcels smaller than the trigger (be it 1400m² or 1800m²) and develop these quite independently such that a Comprehensive Development Plan is not required. In my opinion, these scenarios are not fanciful and serve to highlight that the identification of the viewshafts are necessary to complement Rule 12.5.1 (coverage and comprehensive developments) and provide greater certainty. The point here is that on this relatively large site, the viewshafts serve numerous purposes and are a very important determinant of the eventual built form; breaking up this site into discrete component parts.

6.16 In relation to the need to show the viewshafts, Mr Todd submitted that the Ballarat Street carpark site is similar in character to the Man Street block. I consider that it shares some, but not all, of the same characteristics as the Man Street block and note that, unlike the Man Street block, it does not have the added complication of an artificial flat ground level having been created over part of the site. I note that, apart from the viewshafts, the rules that apply to each of these blocks (i.e. 12.5.10.1 and 12.5.10.4) are based on a similar principle of a rolling plane coupled with a horizontal height plane to protect views behind.

6.17 While I do not have any issue with the principle of adding viewshafts into the Ballarat St site, no evidence or analysis has been undertaken as to where these should be located or how wide they should be and it is not clear where the scope for adding them would come from. To the contrary, the Man Street carpark owners identified the viewshafts that they considered to be appropriate for their site during pre-notification consultation of the PDP and, as I understand it, the Council included these in the PDP in conjunction with increasing the height from the ODP height of 8m. I understand that these viewshafts, along with the increased height, were a direct result of an attempt to accommodate the landowners' plans for development of the site. These plans are attached as **Appendix 3** to assist the Panel in understanding what drove the rules that were notified in the PDP.

6.18 In response to questioning from the Panel as to whether the viewshafts should be movable or their shape able to be altered, I do not consider this necessary as the eastern viewshaft is set and there are limited alternative locations for the western viewshaft. The fact that the western viewshaft demarcates the respective 11m/ 14 m building height limits means that there will be no

incentive for a developer to wish to move it further to the west. As the viewshafts are relatively narrow (the western one is 12.5 m wide) they should be seen as a minimum requirement and any re-orientation of them should be over and above that. I therefore prefer fixing their position in the height precinct map in the manner as per the reply version of Figure 2.

- 6.19** I have reconsidered the recommended location of the western viewshaft (recommended Area D), which I had relocated to the location specifically sought in paragraph 4.14 of MSP's submission (398). In response to the evidence of Mr Williams I now recommend that it be repositioned approximately 13m to the west to avoid the lean-to roof form that he refers to in paragraph 11 of his evidence summary. As a consequence of this, recommended Area B is reduced in size and, due to the rising level of Man Street, the height enabled in the viewshaft can be raised 0.5m (i.e. to 330.6m) without impeding on views from the street. This has the added benefit of enabling more design flexibility for the first floor beneath.

The Language School building heights

- 6.20** Specifically in response to the proposed height provisions agreed by Mr Williams and Mr Edmonds, and in addition to the more detailed discussion below, I refer the Panel to paragraph 10.88 of the S 42A and page 14 of the S32AA, and paragraphs 12.11 and 12.12 of Mr Timothy Church's evidence and paragraph 7 of his evidence summary. For clarification, while the submitters have referred to it as the 'Language School site', they propose the alternative 7 m height plane rule to apply to the three upper-most sites on Brecon Street (i.e. 10 Man Street and 10 and 14 Brecon Street), which extend down Brecon Street to the mid-block point in line with the edge of the carpark podium.
- 6.21** I note that the rules that the two planners have proposed appear to have two primary purposes; to satisfy the concerns of submitter John Thompson (FS1274) in terms of any loss of views; and to avoid measuring height from ground level.
- 6.22** From Council rates data, the three sites which comprise the Language School site appear to be in 2 separate ownerships; neither of whom has submitted on the height rules in the PDP. The only other submission that refers specifically

to any of the Language School site is Maximum Mojo Holdings Limited (548), which owns 19 Man St and has sought that height on 10 Man Street be amended to be the same as on the carpark site.

6.23 Due to the significantly different configuration of the allowable building mass over the three sites, which would result from Mr Williams' and Mr Edmonds' rules and given that 10 Man St is in different ownership to the other two sites, it is useful to consider how that particular site would be affected by those rules.

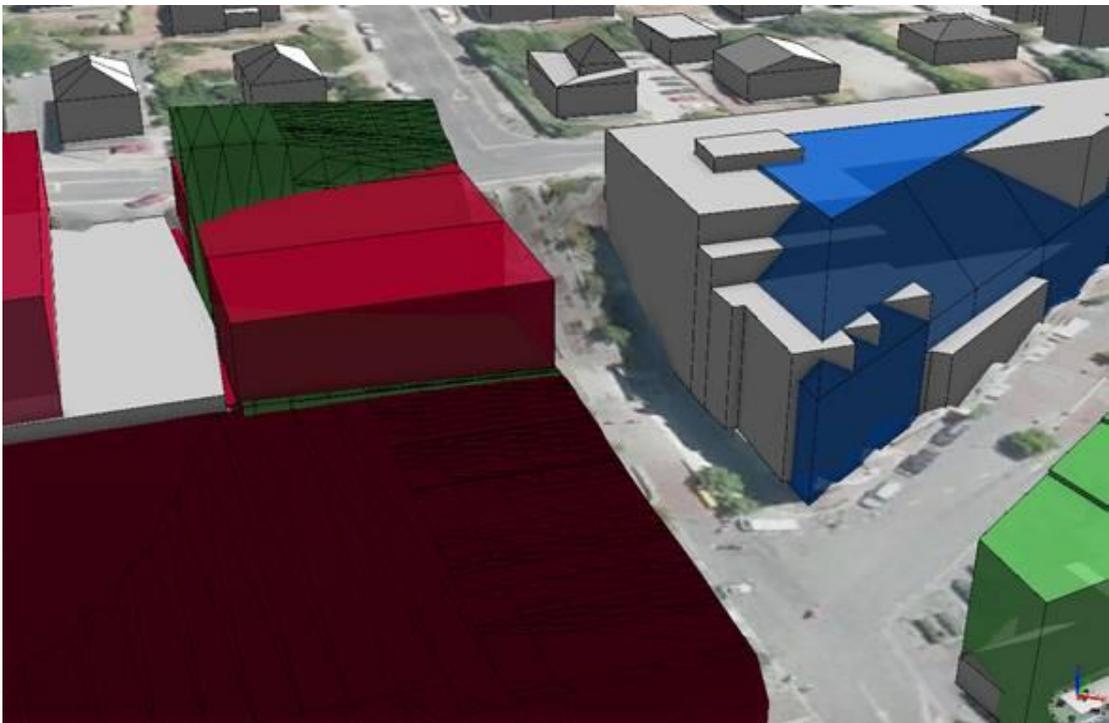
6.24 In summary, in my view it is likely that less development will be enabled on this site under the 7m rule sought than under the PDP; the site may obtain significantly lesser views to the lake (due to the level plane allowed over the 3 lots (10 Man, 10 Brecon, and 14 Brecon Streets); and the site is likely to need to be excavated below the level of Man Street to achieve well designed 2 storey development along Man Street, which in itself is not a good outcome.

6.25 With regard to which rules will best achieve an appropriate high quality streetscape on Man Street and the Brecon Street steps, I make the following observations:

- (a) I disagree with the assumption that the PDP provisions will result in a 14 m high building on the street frontage of the language school site. Rule 12.5.9 (discretionary building height) includes discretion over urban form and specifically in relation to whether the building responds sensitively to different heights, etc. on adjacent sites and the effect on amenity of the street;
- (b) in terms of the Man Street streetscape, given this site is standalone with viewshafts either side I do not consider consistency in height with the adjacent buildings as viewed from Man Street to be the most critical issue but, rather, that the rules should enable quality building design and a quality relationship between the language school site and Man Street;
- (c) in my view, the 7 m height limit is too low on Man Street in the context of the development enabled on the Man Street carpark block and on the opposite side of the road that have been enabled via Plan Change 50. While it would likely feel similar to the Sofitel Hotel, I am of the view that the western end of that hotel is something of an anomaly and should not lead future built form along this increasingly

important street edge. This opinion is consistent with one of the key reasons I have given for recommending increasing the allowable height at the western end of the Man Street carpark site;

- (d) the Sofitel hotel façade adjacent to the Brecon Street steps down three times from Man Street toward the narrow corner with Duke Street, with these steps occurring at 332.35masl (for a length of 25.9m), 329.33masl (for a length of 3.4m), and 326.45masl (for a length of 14.3m). This is an example of the sort of built form that can be achieved through a rule that applies a rolling height plane coupled with a horizontal height plane. In my opinion it is important that the two sides of the Brecon Street steps bear some relationship to one another and stepping the built form down the 'Brecon Street steps' results in an appropriate outcome; and
- (e) although the angle of the below snapshot from the Council's City Engine model does not make it particularly clear, the Sofitel, in fact, steps down twice over that part of the street which the submitters propose be subject to a level building height of 7 m (334.1 masl) height on the opposite side of the Brecon Street steps.,



Key: Green 12m rolling height plane; Pink 7 m above 327.1; White Sofitel existing built form; Blue 10 m recession plane. New modelling showing the submitters' proposed 7m horizontal plane.

6.26 My greatest concern with the rules proposed by the submitters is that the height above Brecon Street at the mid-block is 21.55m above the street level, which I consider is too high and will potentially create adverse visual dominance effects over Brecon Street. Furthermore, it does not correspond with the step in the Sofitel built form, which occurs directly opposite the boundary of the middle site within the 'language school (i.e. 14 Brecon St), at which point the 7 m height rule would equate to a building that is 19.18m above Brecon Street.

6.27 The below snapshot shows the 7 m horizontal height plane in pink and the allowable 12 m height in green. Unlike for the rest of the Man Street block where spot levels were provided enabling an interpolated ground level to be created for the rest of the model, no such levels have been surveyed for these properties and, as such, the (green) notified PDP height is likely to be higher than shown below for 10 and 14 Brecon Street but, nevertheless, there will certainly be a steep drop off in level, as shown.



6.28 In conclusion, in my opinion a consistent height plane across all three properties fronting Brecon Street, as requested by John Edmonds and Mr Williams will, on the one hand, result in a building that is too low on Man Street to contribute positively to the streetscape and will be an inefficient use of 10 Man Street and, on the other hand, will potentially be visually dominating on Brecon Street. As such, I do not support such an approach.

6.29 However, having conferred with Mr Church on this matter, while I continue to prefer the application of P1 and a sloping height plane rule for the site, in the interests of resolving the issue I would support a lower height plane over the two upper-most sites (i.e. 10 Man St and 14 Brecon Streets) to 335.1masl (8m). This provides a consistent 3m step between each building height limit along Man St (i.e. 332, 335, 338, 341 masl for the Sofitel, the language school, and the Man Street carpark site respectively). Practically, 8m would restrict the building height to a low two storeys, which in my view is not the most appropriate outcome. However, this would be far preferable compared to a highly constrained 7 m height limit. This approach is particularly useful if the Panel is seeking:

- (a) a more consistent stepping with the Sofitel Hotel;
- (b) to manage the spatial definition of the Brecon Street stairs;
- (c) avoiding overly disadvantaging the owner of 10 Man Street; and
- (d) enabling the street to have a quality frontage to Man Street.

6.30 I have not amended **Appendix 1** to reflect this compromise position at this stage.

6.31 I also note for completeness that neither I nor Mr Church can see any particular merit in introducing the 8 m height cap over the wedge of recommended Area A, as shown in Mr Williams' Appendix A to his evidence summary.

7. LICENSED PREMISES

7.1 As a consequential amendment to recommending changing the activity status of licenced premises (Rule 12.4.4.2) to controlled (as recommended in my S42A report), I recommend that the rule be amended to read "control is reserved...", rather than "discretion is restricted...".

8. FLOOD MITIGATION

8.1 The Panel queried whether Rule 12.5.7, which requires minimum floor levels in order to mitigate flood risk, should be extended to also require resource consent for the basement levels of buildings.

8.2 In response:

- (a) I note that while the Joint QLDC/ ORC Flood Risk Management Strategy (2006)³ is silent on the issue of basement levels, it provides a useful summary of other statutory and non-statutory tools that Council has at its disposal to manage the effects of flooding, including section 106 of the RMA, section 71 of the Building Act, and Council's guideline entitled 'A Guide to flood proofing your building and contents'⁴. I was involved in the drafting of that Strategy and the guideline;
- (b) I was involved in the consenting of the Mountaineer Building on the corner of Shotover and Rees streets (RM051210). In that instance the application was for a discretionary activity and the applicant volunteered construction techniques and the preparation of a flood management plan to mitigate the effects of flooding and this was accepted as being appropriate; and
- (c) all buildings are a restricted discretionary activity in the QTTC and natural hazards are a matter of discretion.

8.3 In summary, I am of the opinion that, together, the notified PDP Rule 12.5.7 (which imposes minimum ground floor levels but exempts basements from this rule as to do so would be non-sensical in most instances), redraft Rule 12.4.6.1 (buildings), the Council's series of non-statutory guidelines, section 71 of the Building Act, and section 106 of the RMA together provide an appropriate suite of tools to achieve the objectives of Chapters 3, 12, 26, and 28 of the PDP. As such, I do not recommend any amendment.

9. URBAN DESIGN AND CHARACTER ISSUES

9.1 This section considers queries raised in relation to landmark buildings and parapet height issues on Beach Street, and confirms the recommended change in the activity status of recession plane rules outlined in my Summary of Evidence dated 25 November 2016.

³ http://www.qldc.govt.nz/assets/OldImages/Files/Strategies/Flood_Management_Strategy/Joint_Flood_Mitigation_Strategy.pdf

⁴ http://www.qldc.govt.nz/assets/OldImages/Files/A_Guide_To_Brochure_Series/Guide_to_flood_proofing_your_building_and_contents.pdf

- 9.2** The Panel queried whether "landmark" buildings should be defined in the PDP. Having conferred with Mr Timothy Church on this matter, I am of the opinion that this would be useful although is not essential as the wording of Policy 12.2.2.5 and Rule 12.5.9.5(d) already provide some clarification of what is meant by the term. I propose adding a section under clarification (12.3.2) which defines various terms used in this chapter under the subheading "General Rules". This is consistent with the approach recommended in the reply version of Chapter 26 (Heritage).
- 9.3** A definition of landmark buildings is therefore recommended and this is included in new provision 12.3.2.3 (clarification). In my opinion, the submission by NZIA (238) provides scope for this new definition.
- 9.4** The Panel queried whether there was any merit in retaining that part of notified Rule 12.5.10.1(d) (reply Rule 12.5.9.3), which requires that any street front parapet of buildings on the north side of Beach Street in Precinct 2 be between 6.5m and 7m in height, noting that no exemption is enabled for such parapets to protrude through the recession plane.
- 9.5** Having conferred with Ms Jackie Gillies and Mr Church on this matter, I am of the opinion that the inclusion of the part of the rule specifying the height of the parapet is now redundant and retaining it would not be effective at helping to achieve the objectives for the following reasons:
- (a) unlike ODP Rule 10.6.5.2(i)(d), parapets are not allowed to encroach through the recession plane in reply Rule 12.5.9.3 due to the shading effects that would result from this and, as such, the rule does not incentivise the provision of parapets through allowing bonus height;
 - (b) the cost (i.e. of increased shading) that would result from allowing parapets to extend to 7 m above the street boundary is considered to outweigh the benefit (i.e. increased variety in built form) that would accrue from enabling parapets beyond the recession plane;
 - (c) the alternative of allowing the building itself to extend only to 6.0 m and enabling a parapet 0.5 m beyond this (as per the ODP) has the same shading effects as the PDP. While it would encourage the creation of parapets, it would result in generous single storey or 2 storey development with very low inter-floor/ ceiling levels and

relatively poor internal spaces. The PDP rule, as recommended to be amended in **Appendix 1**, has the benefit of enabling more generous inter-floor heights and/ or roof articulation and leaves it to the developer to determine how to best utilise the allowable building envelope provided it is generally consistent with the design guidelines;

- (d) consistent parapets at 6.5 - 7.0 m in height are not an important character element of the north side of upper Beach Street and therefore there is no issue with enabling them higher (or lower) than this provided they are within the recession plane or, alternatively, not providing them at all if the design is otherwise generally consistent with the design guidelines; and
- (e) the appropriateness of including a parapet in the building design can be considered as a discretionary matter in terms of consistency with the design guidelines.

9.6 I have therefore recommended removing this part of reply Rule 12.5.9.3. This amendment is, in fact, relatively insignificant in terms of the actual effect of the rule. Nevertheless, a section 32AA evaluation is attached to this evidence in relation to this matter.

9.7 As identified in my summary of evidence, in response to Mr William's and Mr Farrell's evidence, I recommend replacing notified Rules 12.5.10.1(d) (reply version 12.5.10.1(e)), 12.5.10.2(a), and 12.5.10.2(b) with new Rules 12.5.9.3 and 12.5.9.4, thereby making it restricted discretionary rather than non-complying, to breach recession plane rules in Height Precincts 2, 4, and 5. A section 32AA evaluation is attached to this evidence in relation to this matter.

10. NON NOTIFICATION CLAUSE

10.1 I have recommended that the reference to the "road controlling authority" (i.e, NZTA) in Rule 12.6.1.1, which had been added in response to a submission by NZTA, be deleted on the basis that it is considered ultra vires. Instead, I recommend adding the words "*except where visitor accommodation includes a proposal for vehicle access directly onto a state highway*". This will enable the roading authority to potentially be deemed affected on a case by case basis without raising vires issues. This approach is consistent with the

recommendation made in the reply version of chapter 23, except that it includes the word "vehicle" as I consider that to be clearer.

- 10.2** I understand this matter has been covered in legal submissions as part of Council's Right of Reply.

11. NOISE ISSUES

11.1 The submissions and evidence by Imperium Group (151) raise concerns about the potential for increased adverse noise effects on the existing Eichardt's and The Spire hotels as a result of more permissive noise limits for the QTCZ in the PDP. The evidence of Mr Cavanagh sets out various issues that have previously caused noise disturbance at both hotels. For some of these noise sources, such as taking kegs out and moving outside furniture, the noise limits in the PDP are the same as the ODP so there is no change. For other sources mentioned, the PDP does set more permissive noise limits but, as set out in paragraph 4.2 of the evidence of Dr Chiles, these would still not permit people shouting or loud music with open doors and windows. I also note that the sound from patrons on public streets having left venues is not directly controlled by either the ODP or PDP.

11.2 The submissions for Imperium Group (151) assert that Dr Chiles does not adequately address effects of more permissive noise limits on existing visitor accommodation. In response, I note that in paragraph 10.2 of his evidence in chief Dr Chiles explicitly addressed effects on Eichardt's and in response to questions from the Panel he elaborated that the practical effect of increasing the noise limits would not be markedly different to the existing situation due to existing noise from people on public streets.

11.3 I have not recommended any change to the noise provisions as a result of these legal submissions or evidence.

12. FORMATTING ERRORS IN THE REVISED CHAPTER ATTACHED AS APPENDIX 1 TO THE S 42A REPORT

12.1 The following provisions were amended in the revised version of the provisions attached to my S 42A report but the underlining (which denoting any new

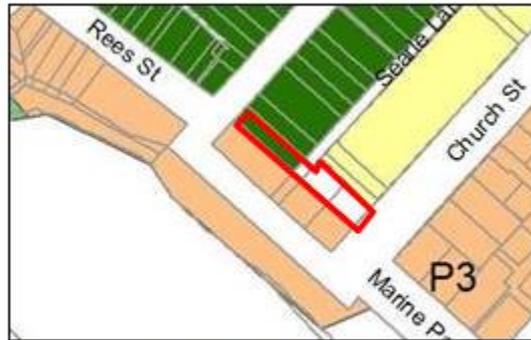
additional text) was missing and so has since been added in the attached revised chapter:

- (a) Policies 12.2.2.3(a) and 12.2.2.3(d) are now both underlined;
- (b) Policy 12.2.2.8(b) "and character values" is now underlined; and
- (c) Rule 12.4.5 (matters of discretion) is now all underlined.

13. MINOR ERRORS IN S42A

13.1 For completeness, I note the following minor errors in my S 42A report:

- (a) Figure 2 on Page 39 should be replaced by the following Figure, which correctly shows the sites being discussed in paragraphs 10.59 to 10.65; and



Source: Figure 2 - Notified PDP

- (b) The summary of changes in paragraph 14.1(a) on page 80 should state that it is recommended to remove Rule 12.4.6.2 rather than amend it.

14. CONCLUSION

14.1 Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA for the reasons variously set out above; the S 42A report; my evidence summary, and in the attached section 32AA evaluation.



Vicki Jones
Consultant Planner
13 December 2016

APPENDIX 1

12 QUEENSTOWN TOWN CENTRE REVISED CHAPTER

QUEENSTOWN TOWN CENTRE 12

Key:

Recommended changes shown in red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Right of Reply, dated 13 December 2016.

- To clarify, where red text is underlined AND struck out, it is recommended that it be removed and the underlining simply denotes that it was recommended to be introduced either in the S 42A version or the 29 November version but is subsequently being recommended to be removed in the reply version.

Recommended changes shown in yellow highlighted, red underline and ~~yellow highlighted, red strike through text~~, version handed up by Vicki Jones at hearing on 29 November 2016.

Recommend changes to notified chapter shown in underlined text for additions and ~~strike through text~~ for deletions, Appendix 1 to s42A report, dated 2 November 2016.

- To clarify, where the s42A report version (in error) did not identify a recommended change, this has been rectified and a balloon comment added to identify these recommended changes.

12 Queenstown Town Centre

12.1 Zone Purpose

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

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

Comment [MSOffice1]: 238 (NZIA), 807 (Remarkables Park Limited)

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

The Queenstown waterfront subzone makes an important contribution to the amenity, vibrancy, and sense of place of the QTTC as a whole.

Comment [MSOffice2]: 766 (Queenstown Wharves GP)

12.2 Objectives and Policies

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

Comment [MSOffice3]: 238 (NZIA)

Policies

12.2.1.1 Enable intensification within the Town Centre through: ~~providing for greater site coverage~~ and

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a. enabling sites to be entirely covered with built form other than in the Town Centre Transition Subzone and in relation to comprehensive developments provided identified pedestrian links are retained; and

Comment [MSOffice4]: 238 (NZIA) and in response to comments

b. enabling additional building height in some areas provided such intensification is undertaken in accordance with best practice urban design principles and the effects on key public amenity and character attributes are avoided or satisfactorily mitigated;

Comment [MSOffice5]: 238(NZIA)

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

12.2.1.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur without unduly restrictive subject to appropriate noise controls;

Comment [MSOffice6]: 151 (Imperium Group)

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

Comment [MSOffice7]: 238 (NZIA)

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

~~Advice note: For the purpose of this objective and the below policies, sense of place refers to the unique collection of visual, cultural, social, and environmental qualities and characteristics that provide meaning to a location and make it distinctly different from another. Defining, maintaining, and enhancing the distinct characteristics and quirks that make a town centre unique fosters community pride and gives the town a competitive advantage over others as it provides a reason to visit and a positive and engaging experience. Elements of the Queenstown Town Centre that contribute to its sense of place are the core of low rise character buildings and narrow streets and laneways at its centre, the pedestrian links, the small block size of the street grid, and its location adjacent to the lake and surrounded by the ever present mountainous landscape.~~

Comment [MSOffice8]: 238 (NZIA).

Policies

12.2.2.1 Require development in the Special Character Area to be consistent with the design outcomes sought by the Queenstown Town Centre Design Guidelines 2015 and for development within or adjacent to the Special Character Area, a heritage precinct, or a listed heritage item to respect its historic context.

Comment [MSOffice9]: 59 (Lynda Baker), 217 (Jay Berriman), and 82 (Toni Okkerse)

12.2.2.2 Require development to:

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

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

- a. Provide a reasonable degree of certainty in terms of the potential building height and mass;

Comment [MSOffice10]: 663(IHG) and 672 (Watertight). Should have been underlined in s42A version

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- b. Retain and provide opportunities to frame important view shafts to the surrounding landscape; and
- c. Maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36);-
- d. Minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.
- 12.2.2.4 Allow buildings to exceed the discretionary height standards in situations where:
- a. The outcome is of a high quality design, which is superior to that which would be achievable under the permitted height; and
- b. The cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provide this is offset or compensated for by the provision of additional public space or a pedestrian link within the site; and
- c. The increase in height will facilitate the provision of residential activity.
- 12.2.2.5 ~~Allow~~ ~~Prevent buildings to exceeding~~ the non-complying height standards, except that only it may be appropriate to allow additional height in situations where the proposed design is an example of design excellence; and building height and bulk have been reduced elsewhere on the site in order to:
- (a) Building height and bulk have been reduced elsewhere on the site in order to:
- (i) Reduce the impact of the proposed building on a listed heritage item; or
- (ii) Provide an urban design outcome that is has a net benefiteial to the public environment. For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:
- Provision of sunlight to any public space of prominence or space where people regularly congregate;
 - Provision of a new or retention of an existing uncovered pedestrian link or lane;
 - Where applicable, the restoration and opening up of Home Creek as part of the public open space network;
 - Provision of high quality, safe public open space;
 - Retention of a view shaft to an identified landscape feature;
 - Minimising wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.
 - The creation of landmark buildings on key block corners and key view terminations.
- 12.2.2.6 Ensure that development within the Special Character Area reflects the general historic subdivision layout and protects and enhances the historic heritage values that contribute to the scale, proportion, character and image of the Town Centre.
- 12.2.2.7 Acknowledge and celebrate ~~our~~ cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.

Comment [MSOffice11]: Clarification only (the sub-parts need not all be met to be consistent with Policy 12.2.2.3)

Comment [MSOffice12]: 621 (Real Journeys). **Should have been underlined in s42A version**

Comment [MSOffice13]: 59 (Lynda Baker), 217 (Jay Berriman), and 82 (Toni Okkerse) insofar as the addition of 'and' strengthens the policy.

Comment [MSOffice14]: Clarification only

Comment [MSOffice15]: 663 (IHG), 672 (Watertight)

Comment [MSOffice16]: Clarification that both the first part of the policy and either part a) (i) or a(ii) must be met to be consistent with the policy

Comment [MSOffice17]: Clarification only

Comment [MSOffice18]: 238 (NZIA)

Comment [MSOffice19]: 238 (NZIA)

Comment [MSOffice20]: 621 (Real Journeys)

Comment [MSOffice21]: 238 (NZIA)

Comment [MSOffice22]: Non substantive drafting improvement

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12.2.2.8 Acknowledge that parts of the Queenstown Town Centre are susceptible to flood risk and mitigate the effects of this through:

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

Comment [MSOffice23]: Clarification only

Comment [MSOffice24]: Non substantive change for added consistency only

Comment [MSOffice25]: 663 (IHG) and 672 (Watertight). Should have been underlined in s42A version

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

Comment [MSOffice26]: 238 (NZIA)

Comment [MSOffice27]: This detail is not a rule and has been shifted from Rule 12.5.1.1 to Policy 12.2.2.9 to provide greater policy direction. This detail is also already in the matters of discretion (with the exception of the provision of open space, which is recommended to be added).

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

Policies

12.2.3.1 ~~Require activities within the Town Centre Zone to comply with noise limits, and sensitive uses within the Town Centre to insulate for noise in order to mitigate the adverse effects of noise within and adjacent to the Town Centre Zone.~~

Comment [SG28]: The following policies have *not* been renumbered as a consequence of this deletion.

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

Comment [MSOffice29]: 672 (Watertight Investments Ltd) and 663 (IHG)

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

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

Comment [MSOffice30]: Clarification only

Comment [MSOffice31]: Clarification only

Comment [MSOffice32]: 672 (Watertight Investments Ltd) and 663 (IHG)

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

- (a) Acknowledging that the level of amenity will be lower it will be noisier and more active than in residential zones due to the density, mixed use, and late night nature of the Town Centre and requiring that such sensitive uses are insulated for noise; and
- (b) Discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre; and
- (c) Avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives

Comment [MSOffice33]: 238 (NZIA)

Comment [MSOffice34]: Clarification only

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to private car travel, discouraging the provision of onsite car parking, and through the careful location and design of any onsite parking and loading areas; and

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

Comment [MSOffice35]: 151 (Imperium Group)

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

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

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

Comment [MSOffice36]: 59 (Lynda Baker), 82 (Toni Okkerse), 599 (Peter Fleming), 206 (Lindsay Jackson), 417 (Boyle) (consequential amendment)

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

Policies

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

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

Comment [MSOffice37]: 798 (ORC)

- (a) Maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality;

- (b) Requiring new pedestrian linkages in appropriate locations when redevelopment occurs;

- (c) Strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it; and

Comment [MSOffice38]: Clarification only

- (e) Encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings; and may need to be specifically designed so as to not interfere with kerbside movements of high-sided vehicles;

Comment [MSOffice39]: 798 (ORC)

- (f) Promoting and encouraging the maintenance and creation of uncovered pedestrian links and lanes wherever possible, in recognition that these are a key feature of Queenstown character;

Comment [MSOffice40]: 238 (NZIA)

- (g) Promoting the opening up of Horne creek wherever possible, in recognition that it is a key visual and pedestrian feature of Queenstown, which contributes significantly to its character;

Comment [MSOffice41]: 238 (NZIA)

- (h) Ensuring the cumulative effect of buildings does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site.

Comment [MSOffice42]: 663 (IHG), 672 (Watertight)

12.2.4.3 Minimise opportunities for criminal activity anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in

Comment [MSOffice43]: 59 (Lynda Baker), 82 (Toni Okkerse), 599 (Peter Fleming), 206 (Lindsay Jackson), 417 (Boyle) (consequential amendment)

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the design of lot configuration and the streetscapes network, carparking areas, public and semi-public spaces, accessways/ pedestrian links/ lanes, and landscaping.

Comment [MSOffice44]: 663 (IHG)

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

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

Comment [SG45]: 238 (NZIA), 621 (Real Journeys)

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

Comment [MSOffice46]: 719 (NZTA)

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

Comment [MSOffice47]: 766 (Queenstown Wharves GP)

Policies

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

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

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

Comment [MSOffice48]: 766 (Queenstown Wharves GP)

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

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

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

Comment [MSOffice49]: 766 (Queenstown Wharves GP)

12.3 Other Provisions and Rules

12.3.1 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).

Comment [MSOffice50]: Drafting only for consistency with the rest of the PDP

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 Operative ODP)	25 Earthworks (22 Operative ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 Operative ODP)

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30 Utilities and Renewable Energy	31—Hazardous Substances (16 Operative DP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

12.3.2 Clarification

Advice notes

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

Comment [MSOffice51]: Clarification only for consistency with the rest of the PDP

12.3.2.2 The following abbreviations are used within this Chapter.

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

General Rules

12.3.2.3 For the purpose of this rulechapter, a 'comprehensive development' means the construction of a building or buildings on a site or across a number of sites with a which total an land area greater than 1400m².

Comment [MSOffice52]: 238 (NZIA). Definition moved from within Rule 12.5.1. Track changes are to the s42A version of 12.5.1.

12.3.2.4 For the purpose of this chapter, a landmark building is a building that is easily recognisable due to notable physical features, including additional height. Landmark buildings provide an external point of reference that helps orientation and navigation through the urban environment and are typically located on corners or at the termination of a visual axis.

Comment [MSOffice53]: 238 (NZIA).

12.3.2.5 For the purpose of this chapter, sense of place refers to the unique collection of visual, cultural, social, and environmental qualities and characteristics that provide meaning to a location and make it distinctly different from another. Defining, maintaining, and enhancing the distinct characteristics and quirks that make a town centre unique fosters community pride and gives the town a competitive advantage over others as it provides a reason to visit and a positive and engaging experience. Elements of the Queenstown Town Centre that contribute to its sense of place are the core of low rise character buildings and narrow streets and laneways at its centre, the pedestrian links, the small block size of the street grid, and its location adjacent to the lake and surrounded by the ever-present mountainous landscape.

Comment [MSOffice54]: Moved from beneath Objective 12.2.2.

Comment [MSOffice55]: 238 (NZIA).

12.4 Rules - Activities

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.1	Activities which are not listed in this table and comply with all standards	P
12.4.2	<p>Visitor Accommodation, in respect of:</p> <p><u>Control is reserved to all of the following:</u></p> <p>a. The location, provision, and screening of access and parking, traffic</p>	C

Comment [MSOffice56]: Non substantive; for consistency with the rest of the PDP

Comment [MSOffice57]: Removed throughout the chapter for improved legibility

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	Activities located in the Queenstown Town Centre Zone	Activity status
	<p>generation, and travel demand management, with a view to <u>maintaining the safety and efficiency of the roading network, and</u> minimising private vehicle movements to/ from the accommodation; ensuring that where onsite parking is provided it is located or screened such that it does not adversely affect the streetscape or pedestrian amenity; and promoting the provision of safe and efficient loading zones for buses;</p> <p>b. Landscaping;</p> <p>c. The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; and</p> <p>d. Where the site adjoins a residential zone:</p> <ol style="list-style-type: none"> i. Noise generation and methods of mitigation; ii. Hours of operation, in respect of ancillary activities. 	
12.4.3	<p>Commercial Activities within the Queenstown Town Centre Waterfront Subzone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2, in respect of:</p> <p><u>Control is reserved to all of the following:</u></p> <ol style="list-style-type: none"> (a) Any adverse effects of additional traffic generation from the activity; (b) The location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles; and (c) The erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of: <ol style="list-style-type: none"> i. any adverse effect on visual amenity and on pedestrian or vehicle movement; and ii. the extent to which a comprehensive approach has been taken to providing for such areas within the subzone. 	C
12.4.4	<p>Licensed Premises</p> <p>12.4.4.1 Other than in the Town Centre Transition subzone, premises licensed for the consumption of liquor on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ol style="list-style-type: none"> a. To any person who is residing (permanently or temporarily) on the premises; and/or b. To any person who is present on the premises for the purpose of dining up until 12am. <p>12.4.4.2 Premises within the Town Centre Transition sub-zone licensed for the consumption of liquor on the premises between the hours of 6pm and 11pm with respect to the scale of this activity, car parking, retention of amenity, noise and hours of operation, provided that this rule shall not apply to the sale of liquor:</p> <ol style="list-style-type: none"> a. To any person who is residing (permanently or temporarily) on the premises; and/or b. To any person who is present on the premises for the 	RD* C

Comment [MSOffice58]: 719 (NZTA)

Comment [MSOffice59]: Non substantive; for consistency with the rest of the PDP

Comment [MSOffice63]: 544 (Good Group).

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	Activities located in the Queenstown Town Centre Zone	Activity status	
	<p style="text-align: center;">purpose of dining up until 12am.</p> <p>*In relation to both 12.4.4.1 and 12.4.4.2 above, discretion control is reserved 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 provision of screening and/ or buffer areas between the site and adjoining residential zones; • The configuration of activities within the building and site (e.g. outdoor seating, entrances); • Noise issues, and hours of operation; and • Consideration of any alcohol policy or bylaw. 		<p>Comment [MSOffice60]: 544 (Good Group). Consequential amendment added in 29 November version.</p> <p>Comment [MSOffice61]: Non substantive change, resulting from questioning from the Panel.</p> <p>Comment [MSOffice62]: 714 (Kopuwai Investments)</p>
12.4.5	<p>Licensed Premises within the Town Centre Transition subzone</p> <p>Premises within the Town Centre Transition sub-zone licensed for the consumption of liquor on the premises between the hours of 11 pm and 8 am.</p> <p>This rule shall not apply to the sale of liquor:</p> <p>a. To any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>b. To any person who is present on the premises for the purpose of dining up until 12 am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • <u>The scale of the activity;</u> • <u>Effects on amenity (including that of adjoining residential zones and public reserves);</u> • <u>The provision of screening and/ or buffer areas between the site and adjoining residential zones;</u> • <u>The configuration of activities within the building and site (e.g. outdoor seating, entrances);</u> • <u>Noise issues, and hours of operation.</u> 	D-RD*	<p>Comment [MSOffice66]: 714 (Kopuwai Investments)</p> <p>Comment [SG64]: Removed throughout the chapter for improved legibility</p> <p>Comment [MSOffice65]: 544 (Good Group). <u>Should have been underlined in s42A version</u></p>
12.4.6	<p>Buildings <u>except temporary ‘pop up’ buildings that are in place for no longer than 6 months and permanent and temporary outdoor art installations</u></p> <p>12.4.6.1 Buildings, including verandas, and any pedestrian link provided as part of the building/ development:</p> <p>* Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • Consistency with the Queenstown Town Centre <u>Special Character Area Design Guidelines (2015), (noting that the guidelines apply only to the Special Character Area); where applicable;</u> • External appearance, including materials and colours; • Signage platforms; • Lighting; 	RD*	<p>Comment [MSOffice67]: 630 (DTQT)</p> <p>Comment [SG68]: Removed throughout the chapter for improved legibility</p> <p>Comment [MSOffice69]: Clarification only</p>

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	Activities located in the Queenstown Town Centre Zone	Activity status
	<ul style="list-style-type: none"> • The impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas; • The contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; • The contribution the building makes to pedestrian flows and linkages <u>and to enabling the unobstructed kerbside movement of high-sided vehicles where applicable;</u> • The provision of active street frontages and, where relevant, outdoor dining/patronage opportunities; and • Where a site is subject to any Natural hazards where the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses <p><u>Assessment matters relating to natural hazard:</u></p> <ul style="list-style-type: none"> - 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 - whether such risk can be avoided or sufficiently mitigated remedied <u>reduced</u>.¹ <p><u>And, in addition:</u></p> <p>12.4.6.2 In the Town Centre Transition subzone and on sites larger than 1800m², any application under this Rule 12.2.6.1 shall include application for approval of a structure plan in respect of the entire site and adherence with that approved plan in consequent applications under this rule.</p> <p>*In addition to those matters listed in rule 12.4.6.1 above, the Council's discretion is extended to also include consideration of the provision of and adherence with the structure plan including:</p> <ul style="list-style-type: none"> • the location of buildings, services, loading, and storage areas; • the provision of open and/or public spaces; and • <u>pedestrian, cycle, and vehicle linkages</u> 	<p>Comment [MSOffice70]: 798 (ORC)</p> <p>Comment [MSOffice71]: 621 (Real Journeys), 798 (ORC) (all changes to bullet point).</p> <p>Comment [MSOffice72]: The word 'remedied' is recommended to be removed and replaced with 'reduced' for consistency with other PDP chapters</p> <p>Comment [MSOffice73]: 398 (MSP)</p>

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

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	Activities located in the Queenstown Town Centre Zone	Activity status	
12.4.7	<p>Wharfs and jetties, commercial surface of water activities, and moorings within the Queenstown Town Centre Waterfront Subzone – Surface of Water and Interface Activities</p>	D	
12.4.7.1	Wharfs and Jetties within the 'active frontage area' of the Queenstown Town Centre Waterfront subzone between the Town Pier and the subzone boundary in the vicinity of St Omer Park (designation 217) as shown on the planning maps.		<p>Comment [MSOffice74]: Non substantive change to improve legibility. Resulted from questions from the Panel.</p> <p>Comment [MSOffice75]: Drafting error only</p>
12.4.7.2	Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Subzone, as shown on the planning maps.		<p>Comment [MSOffice76]: 766 (Queenstown Wharves GP)</p> <p>Comment [MSOffice77]: 621 (Real Journeys)</p>
12.4.7.3	<p>Moorings within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Subzone (as shown on the planning maps).</p> <p>RD</p> <p>In respect of 12.4.7.3, discretion is restricted to consideration of the following:</p> <ul style="list-style-type: none"> • Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands. • Whether the structure causes an impediment to craft manoeuvring and using shore waters. • The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline. • The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect. • Whether the structure will be used by a number and range of people and craft, including the general public. • The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. <p>In respect of 12.4.7.1 and 12.4.7.2, the Council's discretion is unlimited but it shall consider the extent to which the proposal will:</p> <ul style="list-style-type: none"> • Create an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore; • Provide Maintain a continuous waterfront walkway from Home Creek right through to St Omer Park; • Maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities; and • Provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping. • Maintain or enhance public access to the lake and amenity values including character; and • Affect water quality, navigation and people's safety, and adjoining infrastructure; <p>The extent to which any proposed wharfs and jetties structures or buildings will:</p> <ul style="list-style-type: none"> • Enclose views across Queenstown Bay; and • Result in a loss of the generally open character of the Queenstown Bay and its interface with the land;- • Affect the values of wahi tupuna; 		<p>Comment [MSOffice78]: Drafting error only</p> <p>Comment [MSOffice79]: 621 (Real Journeys)</p> <p>Comment [MSOffice80]: 621 (Real Journeys)</p> <p>Comment [MSOffice81]: Cl. 20 correction</p> <p>Comment [MSOffice82]: 621 (Real Journeys)</p> <p>Comment [MSOffice83]: 621 (Real Journeys)</p> <p>Comment [MSOffice84]: 621 (Real Journeys)</p> <p>Comment [MSOffice85]: 621 (Real Journeys)</p> <p>Comment [MSOffice86]: Non substantive as the rule only relates to wharfs and jetties and so the assessment matters cannot extend to consideration of other structures and buildings.</p> <p>Comment [MSOffice87]: 810 (Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua)</p>

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	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.8	Wharfs and jetties, buildings on wharfs and jetties, and the use of buildings or boating craft for accommodation within the Queenstown Town Centre Waterfront Subzone Surface of Water and Interface Activities:	NC
12.4.8.1	Wharfs and Jetties within the Queenstown beach and gardens foreshore area of the Queenstown Town Centre Waterfront Subzone between the Town Pier (as shown on the planning maps) and Queenstown Gardens.	
12.4.8.2	Any buildings located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Subzone, as shown on the planning maps.	
12.4.8.3	Buildings or boating craft within the Queenstown Town Centre Waterfront Subzone if used for visitor, residential or overnight accommodation, as shown on the planning maps.	
12.4.9	Industrial Activities at ground floor level NB-Note: Specific industrial activities are listed separately below as prohibited activities.	NC
12.4.10	Factory Farming	PR
12.4.11	Forestry Activities	PR
12.4.12	Mining Activities	PR
12.4.13	Airports other than the use of land and water for emergency landings, rescues and firefighting.	PR
12.4.14	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
12.4.15	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
12.4.16	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

- Comment [MSOffice88]:** Non substantive change to improve legibility. Resulted from questions from the Panel.
- Comment [MSOffice89]:** Non substantive as the rule only relates to wharfs and jetties and so the assessment matters cannot extend to consideration of other structures and buildings.
- Comment [MSOffice90]:** Cl. 20 correction
- Comment [MSOffice91]:** 766 (Queenstown Wharves GP)
- Comment [MSOffice92]:** Cl. 20 correction
- Comment [MSOffice93]:** 621 621 (Real Journeys)
- Comment [MSOffice94]:** 621 (Real Journeys)
- Comment [MSOffice95]:** Cl. 20 correction
- Comment [MSOffice96]:** 621(Real Journeys)
- Comment [MSOffice97]:** 621 (Real Journeys)

12.5 Rules - Standards

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.1	Maximum building coverage in the Town Centre Transition subzone and in relation to comprehensive developments of sites	RD*
12.5.1.1	In the Town Centre Transition subzone or for any when undertaking a comprehensive development (as defined in provision 12.3.2.3) of sites greater than 1800m², the maximum building coverage shall be 75%. primarily for the purpose of providing pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.	

- Comment [MSOffice98]:** Non substantive; for clarification purposes only
- Comment [MSOffice99]:** 238 (NZIA)
- Comment [MSOffice100]:** This detail is not a rule and has been shifted to policy 12.2.2.9 to provide greater policy direction. This detail is also already in the matters of discretion listed below (with the exception of the provision of open space, which is recommended to be added).

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Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>Note: <u>Advice note:</u> While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as setbacks, outdoor storage areas, and pedestrian linkages might be required.</p> <p>12.5.1.2 Any application for development building within the Town Centre Transition Subzone or for a comprehensive development (as defined below) on a site 1800m² or greater shall be accompanied by include a Comprehensive Development Structure Plan for an area of at least 18400m² that covers the entire development area and is of sufficient detail to enable the matters of discretion listed below to be fully considered.</p> <p>*In regard to rules 12.5.1.1 and 12.5.1.2, discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The adequate provision of cycle, vehicle, and pedestrian links and lanes, open spaces, outdoor dining opportunities; • The adequate provision of storage and loading/ servicing areas; • The provision of open space within the site, for outdoor dining or other purposes; • The site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, listed heritage items, and heritage precincts, and the amenity and safety of adjoining public spaces and designated sites, including shading and wind effects. <p>For the purpose of this rule, a 'comprehensive development' means the construction of a building or buildings on a site or across a number of sites which total an area greater than 1400m².</p>	<p>Comment [MSOffice101]: Consequential amendment of recommending removing the rules requiring setbacks on Beach St</p> <p>Comment [MSOffice102]: Clarification only</p> <p>Comment [MSOffice103]: 238 (NZIA)</p> <p>Comment [MSOffice104]: Not substantive and in response to the Panel's questions around unnecessary duplication.</p> <p>Comment [MSOffice105]: Non substantive change, resulting from questioning from the Panel.</p> <p>Comment [MSOffice106]: Non substantive change, resulting from questioning from the Panel.</p> <p>Comment [MSOffice107]: Consequential change from removing rule 12.4.6.2</p> <p>Comment [MSOffice108]: 238 (NZIA)</p> <p>Comment [MSOffice109]: Shifted from Rule 12.5.1.2 to avoid duplication but ensure nothing is lost</p> <p>Comment [MSOffice110]: 59 (Lynda Baker), 217 (Jay Berriman), and 82 (Toni Okkerse)</p>
<p>12.5.2 Street Scene – building setbacks</p> <p>12.5.2.1 Buildings on the north side of Beach Street shall be set back a minimum of 0.8m; and</p> <p>12.5.2.2 Buildings on the south side of Beach Street shall be set back a minimum of 1m.</p> <p>*Discretion is restricted to consideration of the effects on the overall streetscape as a result of a building not being set back the stipulated distance. Such effects might include:</p> <ul style="list-style-type: none"> • sunlight access; • the creation of a consistent building setback; and • widening of the street over time. 	<p>RD*</p> <p>Comment [MSOffice111]: 59 (Lynda Baker), 82 (Toni Okkerse), 599 (Peter Fleming), 206 (Lindsay Jackson), 417 (Boyle)</p> <p>Comment [MSOffice112]: 621 (Real Journeys)</p> <p>Comment [SG113]: Definition moved to 12.3.2.3. Note, non-substantive amendments also recommended to definition in 12.3.2.3.</p> <p>Comment [MSOffice114]: 606 (Skyline Investments Limited & O'Connells Pavilion), 383 (QLDC), 616 (Trojan Holdings Limited & Beach Street Holdings), 617 (Tweed Development)</p>
<p>12.5.3 Waste and Recycling Storage Space</p> <p>12.5.3.1 Offices shall provide a minimum of 2.6m³ of waste and recycling storage (bin capacity) and minimum 8m² floor area for every 1,000m² gross floor space, or part thereof.;</p> <p>12.5.3.2 Retail activities shall provide a minimum of 5m³ of waste and recycling storage (bin capacity) and minimum 15m² floor area for every 1,000m² gross floor space, or part thereof.;</p> <p>12.5.3.3 Food and beverage outlets shall provide a minimum of 1.5m³ (bin capacity) and 5m² floor area of waste and recycling storage per 20 dining spaces, or</p>	<p>RD*</p>

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Standards for activities located in the Queenstown Town Centre Zone		Non-compliance status
	<p>part thereof;:-</p> <p>12.5.3.4 Residential and Visitor Accommodation activities shall provide a minimum of 80 litres of waste and recycling storage per bedroom, or part thereof.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> The adequacy of the area, dimensions, design, and location of the space allocated, such that it is of an adequate size, can be easily cleaned, and is accessible to the waste collection contractor, such that it needn't be put out on the kerb for collection. The storage area needs to be designed around the type(s) of bin to be used to provide a practicable arrangement. The area needs to be easily cleaned and sanitised, potentially including a foul floor gully trap for wash down and spills of waste. 	
12.5.4	<p>Screening of Storage Space</p> <p>12.5.4.1 Within the Special Character Area and for all sites with frontage to the following roads all storage areas shall be situated within the building:</p> <ol style="list-style-type: none"> Shotover Street (Stanley to Hay) Camp Street Earl Street Marine Parade Stanley Street (Beetham Street to, and including, Memorial Street) Beach Street Rees Street (beyond the Special Character Area) <p>12.5.4.2 In all other parts of this zone Storage areas shall be situated within the building or screened from view from all public places, adjoining sites and adjoining zones.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> Effects on visual amenity; Consistency with the character of the locality; Effects on human safety in terms of CPTED principles; and Whether pedestrian and vehicle access is compromised. 	RD*
12.5.5	<p>Verandas</p> <p>12.5.5.1 Every new, reconstructed or altered building (excluding repainting) with frontage to the roads listed below shall include a veranda or other means of weather protection.</p> <ol style="list-style-type: none"> Shotover Street (Stanley Street to Hay Street); Hay Street Beach Street; Rees Street; Camp Street (Church Street to Man Street); 	RD*

Comment [MSOffice115]: Removed throughout the chapter for improved legibility.

Comment [MSOffice116]: 663 (IHG)

Comment [MSOffice117]: Removed throughout the chapter for improved legibility

Comment [MSOffice118]: 663 (IHG) Consequential change to deleting 12.5.4.1 and therefore enabling screened outdoor storage in additional parts of the Town Centre

Comment [MSOffice119]: 663 (IHG)

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>f. Brecon Street (Man Street to Shotover Street);</p> <p>g. Church Street (north west side);</p> <p>h. Queenstown Mall (Ballarat Street);</p> <p>i. Athol Street;</p> <p>j. Stanley Street (Coronation Drive to Memorial Street);</p> <p>12.5.5.2 Verandas shall be no higher than 3m above pavement level and no verandas on the north side of a public place or road shall extend over that space by more than 2m and those verandas on the south side of roads shall not extend over the space by more than 3m.</p> <p>*Discretion is restricted to consideration of <u>all of the</u> following:</p> <ul style="list-style-type: none"> Consistency of the proposal and the Queenstown Town Centre Design Guidelines (2015) where applicable; and Effects on pedestrian amenity, the human scale of the built form, and on historic heritage values. 	
12.5.6	<p>Residential Activities</p> <p>12.5.6.1 Residential activities shall not be situated at ground level in any building with frontage to the following roads:</p> <p>a. Stanley Street (Coronation Drive to Memorial Street);</p> <p>b. Camp Street (Man Street to Earl Street);</p> <p>c. Queenstown Mall (Ballarat Street);</p> <p>d. Church Street;</p> <p>e. Marine Parade (north of Church Street);</p> <p>f. Beach Street;</p> <p>g. Rees Street;</p> <p>h. Shotover Street;</p> <p>i. Brecon Street;</p> <p>j. Athol Street;</p> <p>k. Duke Street;</p> <p>*Discretion is restricted to consideration of <u>all of the</u> following:</p> <ul style="list-style-type: none"> effects on the ability to achieve active frontages along these streets; effects on surrounding buildings and activities; and the quality of the living environment within the building. 	RD*
12.5.7	<p>Flood Risk</p> <p>No building greater than 20m² shall be constructed or relocated with a ground floor level less than RL 312.0m above sea level (412.0m Otago Datum) at Queenstown.</p> <p>*Discretion is restricted to consideration of <u>all of the</u> following:</p>	RD*

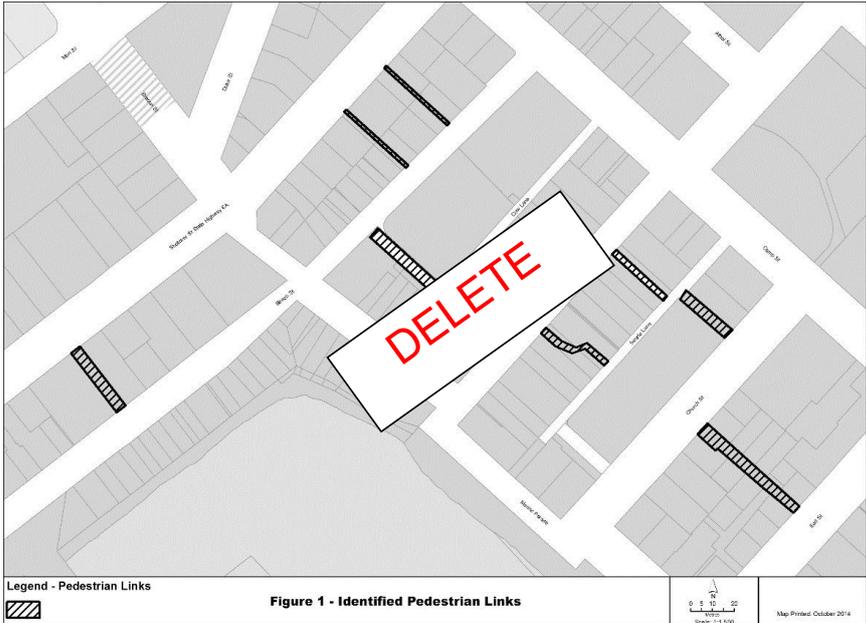
Comment [MSOffice120]: Removed throughout the chapter for improved legibility.

Comment [MSOffice121]: Removed throughout the chapter for improved legibility

Comment [MSOffice122]: Non substantive change for added consistency only

Comment [MSOffice123]: Removed throughout the chapter for improved legibility

QUEENSTOWN TOWN CENTRE 12

Standards for activities located in the Queenstown Town Centre Zone		Non-compliance status
	<ul style="list-style-type: none"> The level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding. 	
12.5.8	<p>Provision of Pedestrian Links and lanes</p> <p>12.5.8.1 All new buildings and building redevelopments located on sites which are identified for pedestrian links or lanes in Figure 1 of this rule (below at the end of this chapter) shall provide a ground level pedestrian link or lane in the general location shown. Any such link must be at least 1 m wide and have an average minimum width of 2.5m and be open to the public during all retailing hours.</p> <p>12.5.8.2 Where a pedestrian link or lane is required to be provided by Rule 12.5.8.1 and is open to the public during retailing hours the Council will consider off-setting any such area against development levies and car parking requirements.</p> <p>12.5.8.3 Where an existing lane or link identified in Figure 1 that is uncovered then, as part of any new building or redevelopment of the site, it shall remain as such uncovered and shall be a minimum of 4m wide as part of any redevelopment and where an existing link is covered then it may remain covered and shall be at least 1.8 m wide, with an average minimum width of 2.5m.</p> <p>12.5.8.4 In all cases, lanes and links shall be open to the public during all retailing hours.</p> <p>Note: Nothing in rules 12.5.8.1 and 12.5.8.2 shall prevent a building or part of a building being constructed at first floor level over a pedestrian link.</p> <p>Figure 1:</p> 	<p>RD*</p> <p>Comment [MSOffice124]: 238 (NZIA)</p> <p>Comment [MSOffice125]: 238 (NZIA), 599 (Peter Fleming)</p> <p>Comment [MSOffice126]: Drafting only - replaced with an expanded 12.5.8.3</p> <p>Comment [SG127]: Minor non substantive corrections to improve legibility.</p> <p>Comment [MSOffice128]: Minor non substantive corrections to improve legibility.</p> <p>Comment [MSOffice129]: 238 (NZIA)</p> <p>Comment [MSOffice130]: Text split into a new rule 12.5.8.4 for better legibility</p> <p>Comment [SG131]: Minor non substantive corrections to improve legibility.</p> <p>Comment [MSOffice132]: 238 (NZIA)</p> <p>Comment [MSOffice133]: 238 (NZIA), 599 (Peter Fleming)</p>

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>Location of Pedestrian Links within the Queenstown Town Centre.</p> <ol style="list-style-type: none"> 1. Shotover St/ Beach St, Lot 2 DP 16293, 2910645200, Lot 2 DP 11098 (2910648800), Lot 3 DP 11098, Sec 27 Blk VI Town of Queenstown (2910648800). 2. Trustbank Arcade (Shotover St/ Beach St), Lot 1 DP 11098 (2910648700), Part Section 24 Block VI Queenstown (2910648700), Part Section 23 Block VI Town of Queenstown, (2910648700) 3. Plaza Arcade, Shotover St/ Beach St, Section 27 BLK VI, Queenstown (2910648800), Lot 1 DP 17661, (2910645900). 4. Cow Lane/ Beach Street, (Sec 30 Blk I Town of Queenstown,) 5. Cow Lane/ Beach Street, Lot 1 DP 25042. 6. Cow lane/ Ballarat Street, Lot 2 DP 19416. 7. Ballarat St/ Searle Lane, Sec 22 & Pt Sec 23 Blk II Tn of Queenstown; Sections 1, 2, 3, 27, Pt 26b BLK II Queenstown, (2910504300). 8. Ballarat Street/ Searle Lane, part of the Searle Lane land parcel; (2910504000) Section 22 (2910503800) and part Sections 23 (2910503800) and 24 Block II, Queenstown. 9. Church St/ Earl St, Sections 2, 3, 12, 13 BLK III, Queenstown, (2910504900) Lot 1 DP 27486; 10. Searle Lane/ Church St, Sec 30 Blk II Town of Queenstown (2910503000). Lot 100 DP 303504; 11. Camp/ Stanley St, post office precinct, Lot 2 DP 416867; 12. Camp/ Athol St, Lot 1 DP 20875, Village Green Rec Reserve (2910631100). <p>Note: Where an <u>uncovered</u> pedestrian link or a lane (i.e. open to the sky) is provided in accordance with this rule, additional building height may be appropriate pursuant to Policies 12.2.2.4 and 12.2.2.5.</p> <p>* Where the required link is not proposed as part of development, discretion is restricted to consideration of <u>all of the</u> following:</p> <ul style="list-style-type: none"> • The adverse effects on the pedestrian environment, connectivity, legibility, and Town Centre character from not providing the link. <p>It is noted that where an alternative link is proposed as part of the application, which is not on the development site but achieves the same or a better outcome then this is likely to be considered appropriate.</p>	
12.5.9	<p>Discretionary Building Height in Precinct 1, and Precinct 1(A), Precinct 2, Precinct 4, and Precinct 5</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2) at the end of Chapter 12 which takes precedence over the general descriptions below;</p> <p>12.5.9.1 Within Precinct 1 and Precinct 1(A) the maximum height shall be 12m and the building shall contain no more than 4 storeys (excluding basements), except that; and</p>	RD*

- Comment [MSOffice134]: 238 (NZIA), 599 (Peter Fleming)
- Comment [MSOffice135]: 238 (NZIA)
- Comment [MSOffice136]: 238 (NZIA)
- Comment [MSOffice137]: Removed throughout the chapter for improved legibility
- Comment [MSOffice138]: Consequential to the addition of rules 12.5.9.3 - 12.5.9.5 variously 20 (Cowie), 606 (Skyline Investments Limited & O'Connells Pavilion), and 616 (Trojan Holdings Limited & Beach Street Holdings Limited).
- Comment [SG139]: Consequential change from moving recession plane rules from 12.5.10 to 12.5.9 (in response to Rules 12.5.9.3 - 12.5.9.5 - variously on the basis of submitters 20 (Cowie), 606 (Skyline Investments Limited & O'Connells Pavilion), and 616 (Trojan Holdings Limited & Beach Street Holdings Limited) and clarification that this rule also applies to P1A, as a subset of P1
- Comment [MSOffice140]: Non substantive; to improve the legibility of the rule. Also, a consequential amendment of amending rule 12.5.9.2 and adding rules 12.5.9.3 - 12.5.9.5.
- Comment [MSOffice141]: 59 (Lynda Baker), 82 (Toni Okkerse), 599 (Peter Fleming), and 206 (Lindsay Jackson)

QUEENSTOWN TOWN CENTRE 12

Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.9.2 In that part of the precinct on the eastern side of Brecon Street annotated as Within Precinct 1(A) as shown on the Height Precinct Map (figure 2) where the maximum height shall be 15.5m above ground level and shall be limited to no more than 4 storeys in height (excluding basements), provided no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p> <p>12.5.9.3 Within Precinct 2, any street front parapet of buildings on the north side of Beach Street shall be between 6.5m and 7m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.5m above any street boundary.</p> <div style="text-align: center;"> <p style="text-align: center;">Allowable building envelope</p> <p style="text-align: center;">Shotover Street Beach Street</p> </div> <p>12.5.9.4 Within Precinct 4, no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p> <p>12.5.9.5 Within Precinct 5, the street front parapet shall be between 7.5 and 8.5m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 7.5m above any street boundary.</p> <p>*Discretion is restricted to consideration of the effects of any additional building height on:</p> <ul style="list-style-type: none"> • The urban form of the Town Centre and the character of the height precinct within which it is located. The Council will consider: <ul style="list-style-type: none"> a. The extent to which the proposed building design responds sensitively to difference in height, scale and mass between the proposal and existing buildings on adjacent sites and with buildings in the wider height precinct, in terms of use of materials, facade articulation and roof forms; <u>and</u> b. The effect on human scale and character as a result of proposed articulation of the façade, the roofline, and the roofscape; and c. The amenity of surrounding streets, lanes, footpaths and other public spaces, including the effect on sunlight access to public spaces and footpaths; the provision of public space and pedestrian links; and d. <u>The opportunity to establish landmark buildings on key sites, such as block corners and key view terminations; and</u> • The protection or enhancement of public views of Lake Wakatipu or of any of the following peaks: <ul style="list-style-type: none"> a. Bowen Peak; b. Walter Peak; 	<p>Comment [MSOffice142]: 383 (QLDC)</p> <p>Comment [MSOffice143]: Rules 12.5.9.3 - 12.5.9.5 - variously on the basis of submitters 20 (Cowie), 606 (Skyline Investments Limited & O'Connell's Pavilion), and 616 (Trojan Holdings Limited & Beach Street Holdings Limited)</p> <p>Comment [MSOffice144]: Clarificati on only</p> <p>Comment [MSOffice145]: 238 (NZIA) (reference missing in S42A version)</p>

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<ul style="list-style-type: none"> c. Cecil Peak; d. Bobs Peak; e. Queenstown Hill; f. The Remarkables range (limited to views of Single and Double Cone); and <ul style="list-style-type: none"> • Effects on any adjacent Residential Zone; and • The historic heritage value of any adjacent heritage item/ precinct and whether it acknowledges and respects the scale and form of this heritage item/ precinct. 	
12.5.10	<p>Maximum building and façade height</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2) at the end of Chapter 12, which takes precedence over the general <u>geographic</u> descriptions below.</p> <p>12.5.10.1 In <u>Height Precinct 1, Precinct 1(A), and Precinct 2, subject to sub-clauses (a) - (e) below</u> (Stanley and Shotover streets and the north side of Camp Street west of Ballarat, and the eastern side of Brecon Street), unless otherwise allowed by Standard 12.15.10(b) the maximum absolute height limits shall be as follows:</p> <ul style="list-style-type: none"> i. 15m on Secs 4-5 Blk Xv Queenstown Tn (48-50 Beach St); ii 15.5m on Precinct 1(A); iii 14m elsewhere; <p>And:</p> <ul style="list-style-type: none"> a. Throughout the precinct, the building shall contain no more than 4 storeys, (excluding basements); b. In addition, buildings within the block bound by Ballarat, Beetham, and Stanley streets (as shown on the height <u>precinct map (figure 2) overlay</u>) shall not protrude through a horizontal plane drawn at 7m above any point along the north-eastern zone boundary of this block, as illustrated in the below diagram: <div style="text-align: center;"> <p>The diagram illustrates a building footprint within a zone boundary. A horizontal line is drawn 7m above the zone boundary. The building's height is shown to be 14m above ground level. The area within the zone boundary and below the 7m line is labeled 'Allowable building envelope'.</p> </div> <ul style="list-style-type: none"> c. In addition, on Secs 4-5 Blk Xv Queenstown Tn (48-50 Beach St), no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 12m above any boundary; d. <u>In addition, buildings within that part of the block bound by Man, Brecon, Shotover, and Hay streets shown on the height precinct map (figure 2) as area P1(i) shall not protrude through a horizontal plane</u> 	<p>NC</p> <p>Comment [MSOffice146]: Clarificati on only</p> <p>Comment [MSOffice147]: 383 (QLDC)</p> <p>Comment [MSOffice148]: Drafting only</p> <p>Comment [MSOffice149]: Drafting only</p> <p>Comment [MSOffice150]: Clarificati on only</p>

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Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>drawn at 330.1 masl and that part of the block shown as P1(ii) shall not protrude through a horizontal plane drawn at 327.1 masl.</p> <p>e. In addition, in Height Precinct 2 (central Shotover/ upper Beach Street block) any the street front parapet of buildings on the north side of Beach Street shall be between 6.5m and 7m in height and no part of any building, except a street front parapet, shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.5m above any street boundary.</p> <div data-bbox="263 667 957 873" data-label="Diagram"> </div> <p>12.5.10.2 In Height Precinct 3 (lower Beach St to Marine Parade and the Earl/ Church Street block) the maximum height shall be 8m and the street front parapet of buildings shall be between 7.5m and 8.5m and may protrude through the height plane:</p> <p>12.5.10.3 For any buildings located on a wharf or jetty, the maximum height shall be 4 m above RL 312.0 masl (412.0m Otago Datum);</p> <p>12.5.10.4 In Height Precinct 7 (Man Street), the following height rules apply within each of the areas shown on the below plan:</p> <div data-bbox="379 1182 890 1796" data-label="Diagram"> </div> <p>a. In Area A shown on the height precinct map, the maximum height shall be 11m above RL 327.1 masl. except that within the</p> <p>b. In Area B the maximum height shall be 14m above RL 327.1 masl;</p>	<p>Comment [MSOffice151]: MSP (398). Note: As this is still less permissive than the notified PDP there is no scope issue.</p> <p>Comment [MSOffice152]: Conversion to a RD standard - Cowie (20), 606 (Skyline Investments Limited & O'Connells Pavilion), 616 (Trojan Holdings Limited & Beach Street Holdings), 617 (Tweed Development).</p> <p>Comment [MSOffice153]: Clarification only</p> <p>Comment [MSOffice154]: 606 (Skyline Investments Limited & O'Connells Pavilion), 383 (QLDC), 616 (Trojan Holdings Limited & Beach Street Holdings), 617 (Tweed Development), 417 (John Boyle). Consequential change from removing the setback rule</p> <p>Comment [MSOffice155]: 417 (John Boyle)</p> <p>Comment [MSOffice156]: Non substantive change for added consistency only</p> <p>Comment [SG157]: MSP (398). Non substantive consequential amendment from replacing P7(E) and P7(F) with P1, which made it more practical to include the various P7 on the height precinct map (fig 2) instead. Note: As this is still less permissive than the notified PDP there is no scope issue.</p> <p>Comment [MSOffice158]: Non substantive change for added consistency only</p> <p>Comment [MSOffice159]: Non substantive change for added consistency only</p> <p>Comment [MSOffice160]: 20 (Aaron Cowie), 238 (NZIA)</p>

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Standards for activities located in the Queenstown Town Centre Zone		Non-compliance status
<p>c. In Viewshaft C the maximum height shall be RL 327.1 masl (i.e. no building is permitted above the existing structure);</p> <p>d. In Viewshaft D identified on the Height Precinct map, the maximum height shall be 4.3 m above 324.7 RL 327.1 masl;</p> <p>e. In Area E the maximum height shall be 12m (above ground level) and, in addition:</p> <ul style="list-style-type: none"> no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary; and in addition no building shall protrude through a horizontal plane drawn at RL 330.1 masl, 17m above the level of Shotover Street, as measured at the site boundary <p>f. In Area F the maximum height shall be 12m (above ground level) and, in addition:</p> <ul style="list-style-type: none"> no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary; and in addition, no building shall protrude through a horizontal plane drawn at RL 327.1 masl, 14m above the level of Shotover Street, as measured at the site boundary; <p style="text-align: center;">[Figure deleted]</p> <p>12.5.10.5 For all other sites within the Town Centre Zone, the maximum height shall be 12m and, in addition, the following shall apply:</p> <p>a. In Height Precinct 4 (lower camp/ Stanley/ Coronation Dr block, Earl/ Gardens block, and lower Beach/ lower Shotover block, south side of Beach St and the north side of Church Street) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary;</p> <p>b. In Height Precinct 5 (The Mall heritage precinct and those sites facing Rees Street) the street front parapet shall be between 7.5 and 8.5m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 7.5m above any street boundary;</p> <p>c. In Height Precinct 6 (land bound by Man, Duke and Brecon streets):</p> <ul style="list-style-type: none"> No building shall protrude through a horizontal plane drawn at RL 332.20 masl (being 432.20 Otago datum), except that decorative parapets may encroach beyond this by a maximum of up to 0.9 metre. This rule shall not apply to any lift tower within a visitor accommodation development in this area, which exceeds the maximum height permitted for buildings by 1m or less; and <p>No part of any building shall protrude through a recession line inclined towards the site at an angle of 45° commencing from a line 10m above the street boundary.</p>	<p>Comment [MSOffice161]: Non substantive change for added consistency only</p> <p>Comment [MSOffice162]: 238 (NZIA)</p> <p>Comment [MSOffice163]: 238 (NZIA)</p> <p>Comment [MSOffice164]: 398 (Man Street Properties Limited) 383 (QLDC)</p> <p>Comment [MSOffice165]: Consequential amendment resulting from moving the viewshaft further up Man St.</p> <p>Comment [MSOffice166]: 398 (MSP), 417 (John Boyle) in relation to all changes to 12.5.10.4(e).</p> <p>Comment [MSOffice167]: Non substantive change for added consistency only</p> <p>Comment [MSOffice168]: 398 (MSP), 417 (John Boyle) in relation to all changes to 12.5.10.4(e).</p> <p>Comment [MSOffice169]: Non substantive change for added consistency only</p> <p>Comment [MSOffice170]: MSP (398)</p> <p>Comment [MSOffice171]: Conversion to a RD standard - Cowie (20), 606 (Skyline Investments Limited & O'Connells Pavilion), 616 (Trojan Holdings Limited & Beach Street Holdings), 617 (Tweed Development).</p> <p>Comment [MSOffice172]: Conversion to a RD standard - Cowie (20), 606 (Skyline Investments Limited & O'Connells Pavilion), 616 (Trojan Holdings Limited & Beach Street Holdings), 617 (Tweed Development).</p> <p>Comment [MSOffice173]: Non substantive change for added consistency only.</p>	
<p>12.5.11 Noise</p> <p>12.5.11.1 Sound* from activities in the Town Centre Zone and Town Centre Transition Subzone (excluding sound from the sources specified in rules</p>	<p>NC</p>	

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Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status																					
<p>12.5.11.3 to 12.5.11.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">a. daytime</td> <td style="width: 30%;">(0800 to 2200 hrs)</td> <td style="width: 40%; text-align: right;">60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>b. night-time</td> <td>(2200 to 0800 hrs)</td> <td style="text-align: right;">50 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>c. night-time</td> <td>(2200 to 0800 hrs)</td> <td style="text-align: right;">75 dB L_{AFmax}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>12.5.11.2 Sound from activities in the Town Centre Zone and Town Centre Transition Sub-zone (excluding sound from the sources specified in rules 12.5.11.3 and 12.5.11.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in:-</p> <p>12.5.11.3 Within the Town Centre Zone <u>only excluding the Town Centre Transition Subzone</u>, sound* from music shall not exceed the following limits:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">a.</td> <td style="width: 30%;">60 dB LAeq(5 min) at any point within any other site in the Entertainment Precinct; and</td> <td style="width: 40%;"></td> </tr> <tr> <td>b.</td> <td>55 dB LAeq(5 min) at any point within any other site outside the Entertainment Precinct.</td> <td></td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>12.5.11.4 Within the Town Centre Zone <u>only excluding the Town Centre Transition Subzone</u>, sound* from voices shall not exceed the following limits:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">a.</td> <td style="width: 30%;">65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and</td> <td style="width: 40%;"></td> </tr> <tr> <td>b.</td> <td>60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct.</td> <td></td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.11.5 Within the Town Centre Zone <u>only excluding the Town Centre Transition subzone</u>, sound* from any loudspeaker outside a building shall not exceed 75 dB L_{Aeq(5 min)} measured at 0.6 metres from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions <u>from Rule 12.5.11:</u></p> <ul style="list-style-type: none"> The noise limits in 12.5.11.1 and 12.5.11.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999:- The noise limits in 12.5.11.1 to 12.5.11.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan:- <u>The noise limits in 12.5.11.1 and 12.5.11.2 shall not apply to motor/ water noise from commercial motorised craft within the Queenstown Town Centre waterfront subzone which is, instead, subject to Rule 36.5.14.</u> 	a. daytime	(0800 to 2200 hrs)	60 dB L_{Aeq(15 min)}	b. night-time	(2200 to 0800 hrs)	50 dB L_{Aeq(15 min)}	c. night-time	(2200 to 0800 hrs)	75 dB L_{AFmax}	a.	60 dB LAeq(5 min) at any point within any other site in the Entertainment Precinct; and		b.	55 dB LAeq(5 min) at any point within any other site outside the Entertainment Precinct.		a.	65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and		b.	60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct.		<p>Comment [MSOffice174]: Submitters 151 (Imperium Group, 503 (DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch), 506 (Friends of the Wakatipu Gardens and Reserves Incorporated), 654 (Warren Cooper & Associates), FS1063 (Peter Fleming and Others), FS1318 (Imperium Group), 302 and FS1043.18 (Grand Lakes Management Limited), 474 (Evan Jenkins), 217 (Jay Berriman)</p> <p>Comment [MSOffice175]: As above</p> <p>Comment [MSOffice176]: As above</p> <p>Comment [MSOffice177]: Clarification only</p> <p>Comment [MSOffice178]: 621 (Real Journeys)</p>
a. daytime	(0800 to 2200 hrs)	60 dB L_{Aeq(15 min)}																				
b. night-time	(2200 to 0800 hrs)	50 dB L_{Aeq(15 min)}																				
c. night-time	(2200 to 0800 hrs)	75 dB L_{AFmax}																				
a.	60 dB LAeq(5 min) at any point within any other site in the Entertainment Precinct; and																					
b.	55 dB LAeq(5 min) at any point within any other site outside the Entertainment Precinct.																					
a.	65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and																					
b.	60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct.																					

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.12	<p>Acoustic insulation, other than in the Entertainment Precinct</p> <p>12.5.12.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 6 in Chapter 36:-</p> <p>12.5.12.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites such that such noise insulation will not be necessary. 	RD*
12.5.13	<p>Acoustic insulation within the Entertainment Precinct</p> <p>12.5.13.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 6 in Chapter 36:-</p> <p>12.5.13.2 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>	NC
12.5.14	<p>Glare</p> <p>12.5.14.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.</p> <p>12.5.14.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property:-</p> <p>12.5.14.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned High Density Residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>12.5.14.4 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

Comment [MSOffice179]: Removed throughout the chapter for improved legibility

Comment [MSOffice180]: Recommended that this be removed as it is ultra vires for uncertainty

Comment [MSOffice181]: 616 (Trojan Holdings Limited & Beach Street Holdings Limited), 614 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), 398 (Man Street Properties Limited), 606 (Skyline Investments Limited & O'Connells Pavilion Limited), 609 (Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited), 617 (Tweed Development Limited), and FS1200 (Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited)

12.6 Rules - Non-Notification of Applications

QUEENSTOWN TOWN CENTRE 12

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

~~12.6.1.1 Where visitor accommodation includes a proposal for vehicle access directly onto a state highway, the road controlling authority may be deemed an affected party.~~

Comment [MSOffice182]: Added to address submission 719 but considered to be *ultra vires*.

Comment [MSOffice183]: 719 (NZTA)

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

12.6.2.1 Buildings.

12.6.2.2 Building coverage in the Town Centre Transition subzone and comprehensive developments of sites 1800m² or properties larger than 1400m².

Comment [MSOffice184]: 238 (consequential change)

12.6.2.3 Waste and recycling storage space.

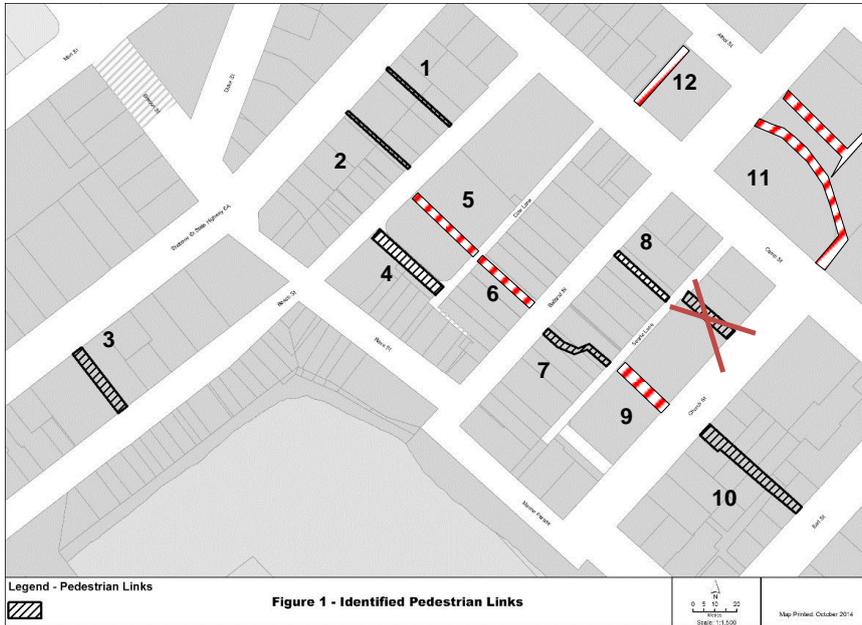
12.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

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

Comment [MSOffice185]: Clarification only

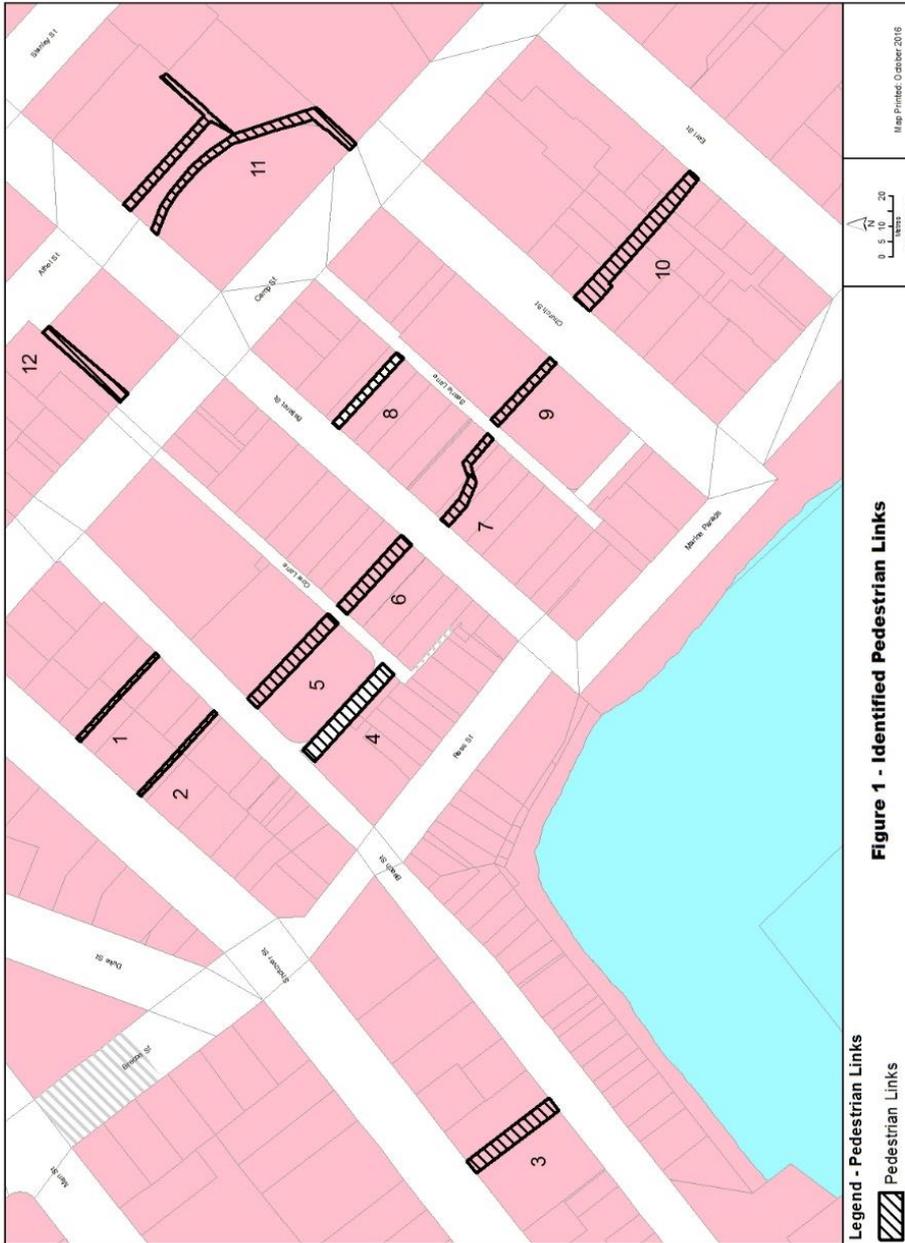
QUEENSTOWN TOWN CENTRE 12

Figure 1



Comment [MSOffice186]: 2 plans are included in this version; the first showing the changes proposed to the notified version in red and the second showing the larger format final amended recommended plan and therefore should not be included in the recommended chapter.

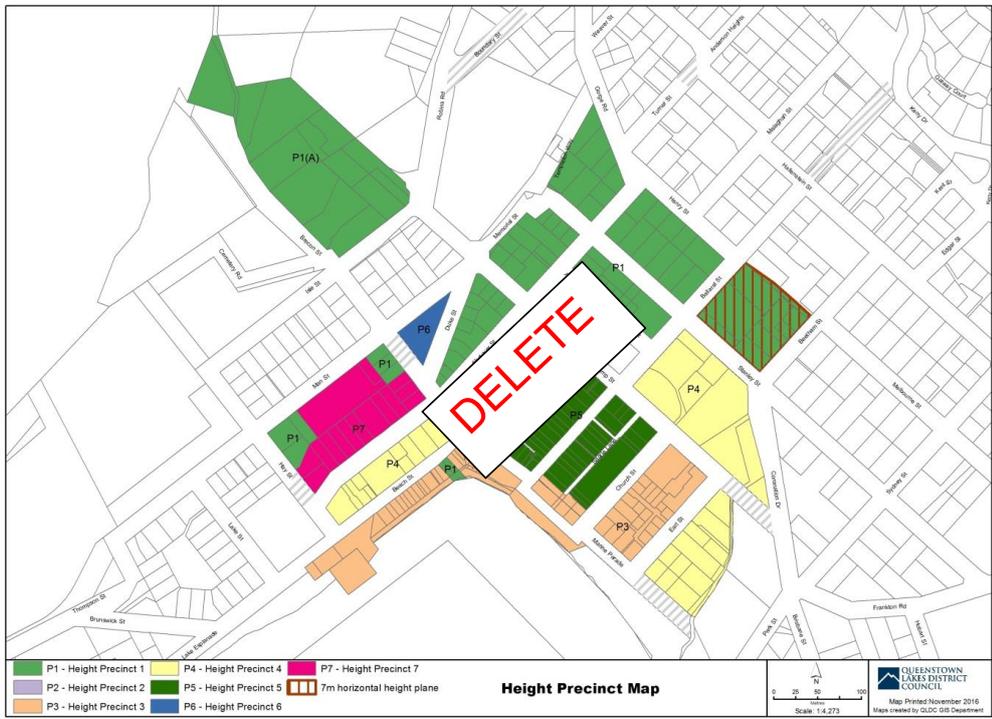
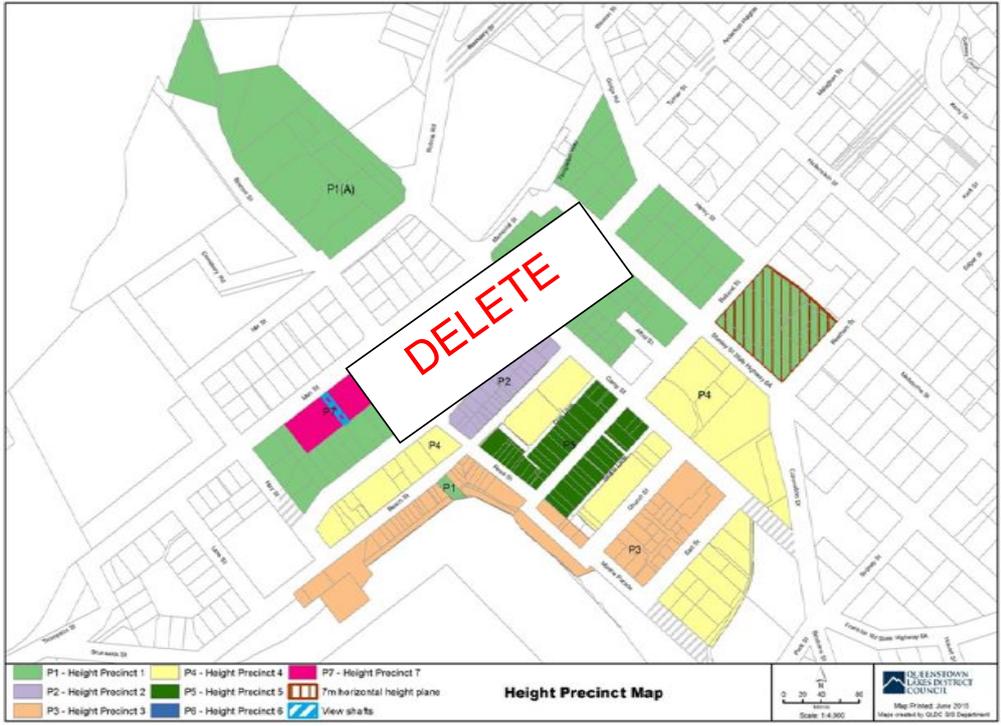
QUEENSTOWN TOWN CENTRE 12



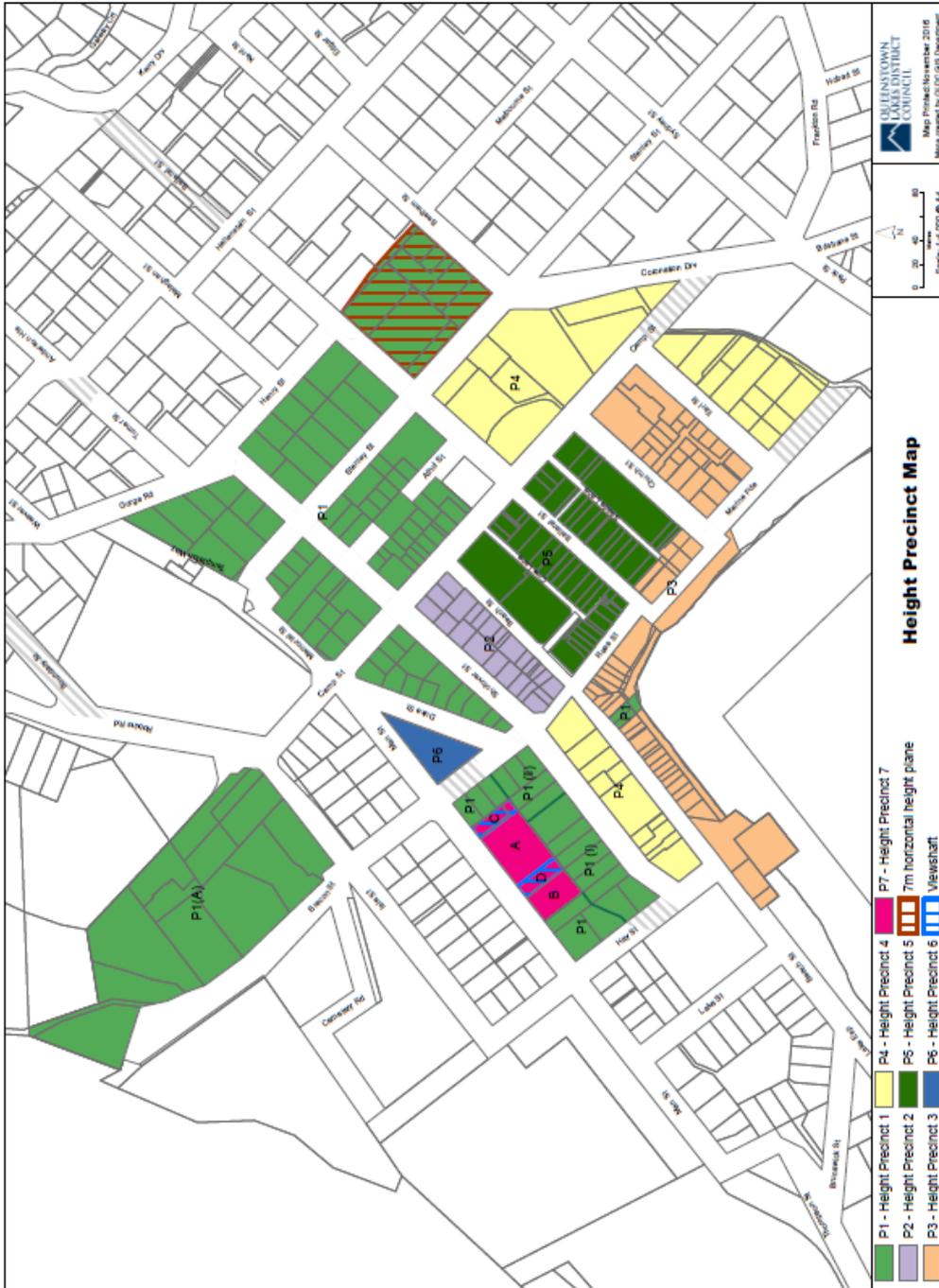
QUEENSTOWN TOWN CENTRE 12

Figure 2 - Queenstown Town Centre Height precinct map

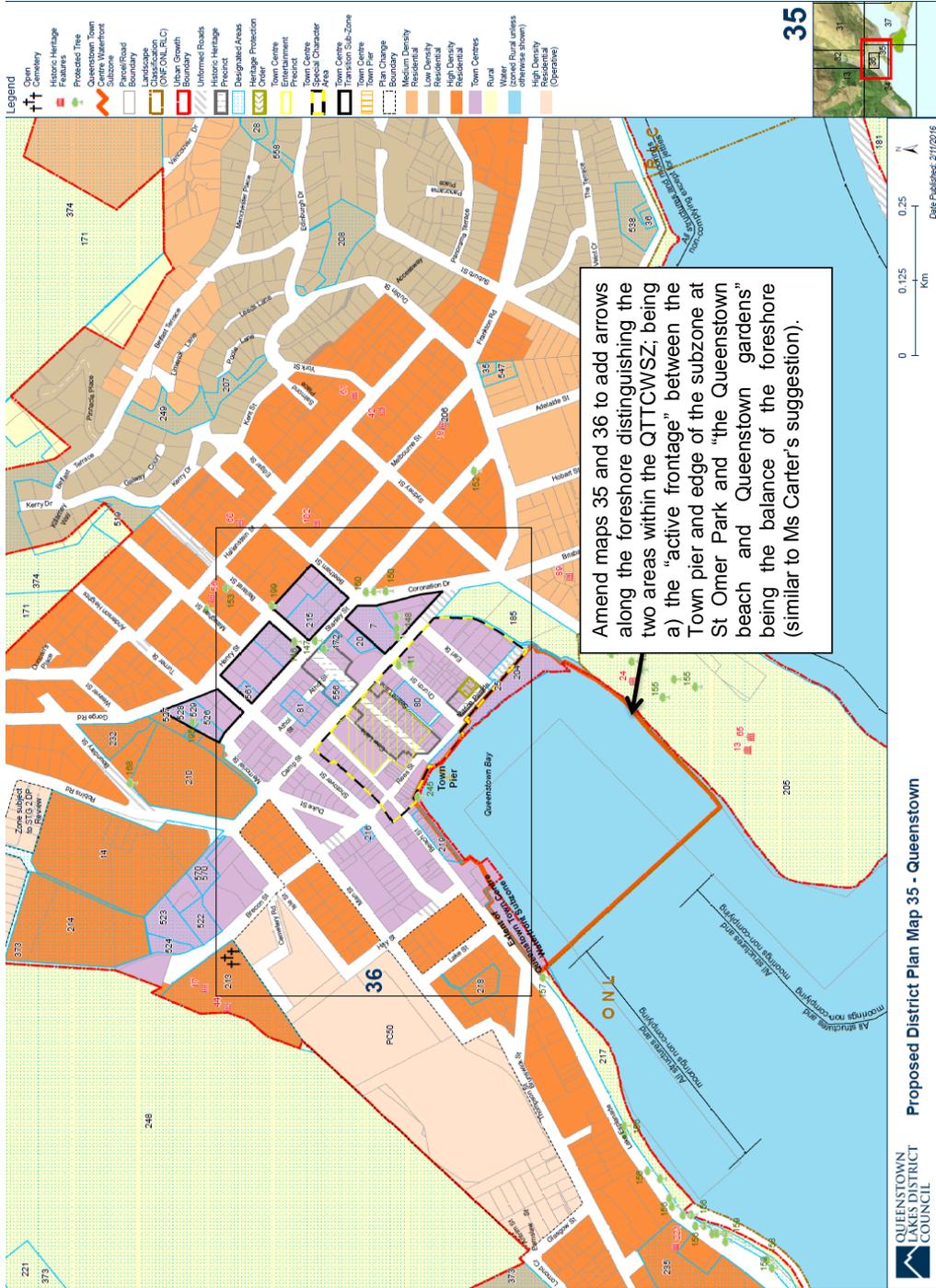
Comment [MSOffice187]: 417 (John Boyle), 398 (MSP), 383 (QLDC). The first version of the Figure below is as notified and the second version below (since recommended to be deleted) was introduced via the Council's memorandum dated 8 November 2016.



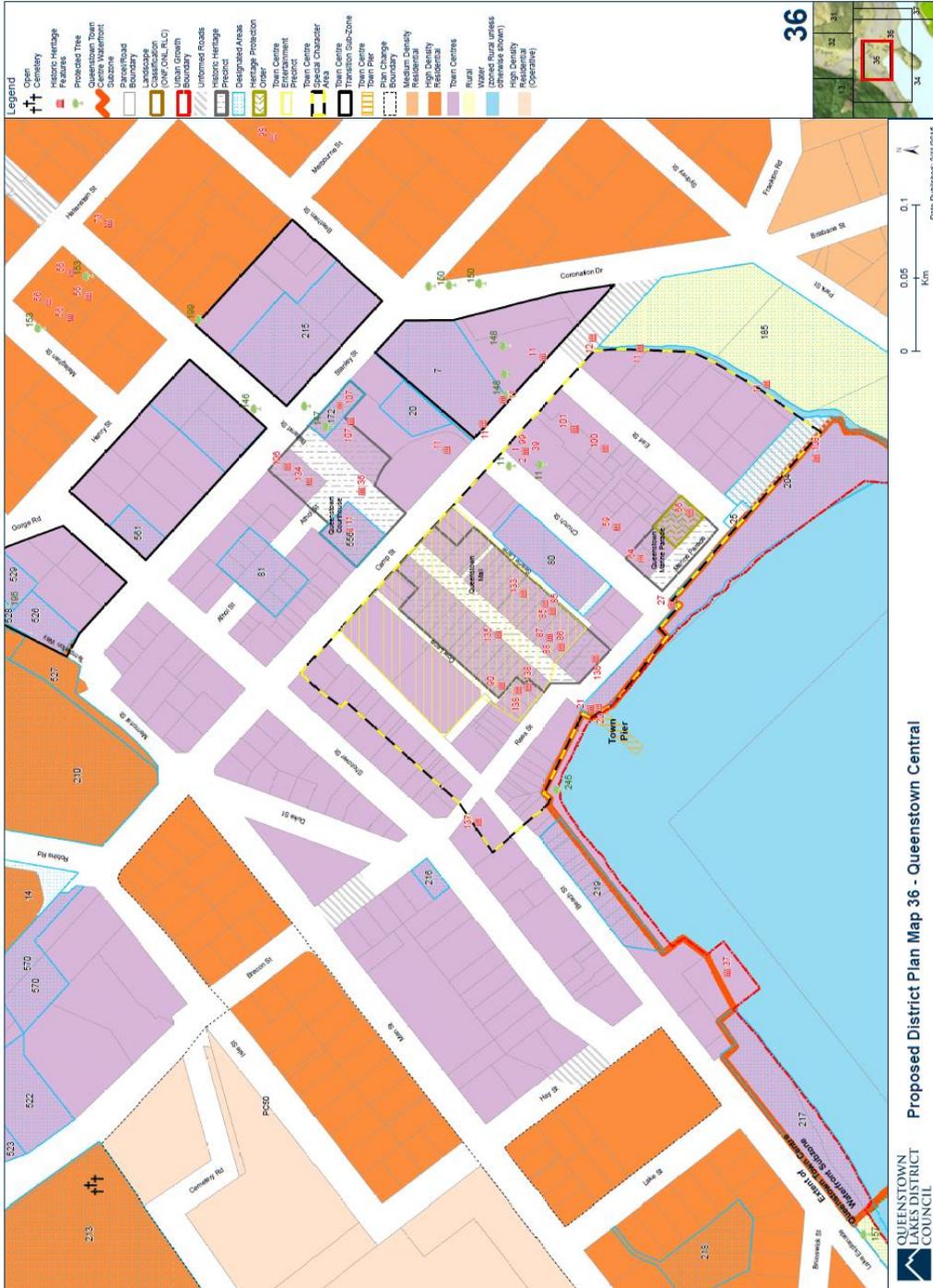
QUEENSTOWN TOWN CENTRE 12



QUEENSTOWN TOWN CENTRE 12



QUEENSTOWN TOWN CENTRE 12



NOISE 36

Key:

Recommend changes to notified chapter are shown in red underlined text for additions and ~~red-strike~~ through text for deletions. Appendix 1 to Right of Reply, dated 22 September 2016.

Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Appendix 1 to section 42A report, dated 17 August 2016.

Recommend changes to notified chapter recommended through the chapter 12 hearing are shown in double underlined text for additions and ~~strike through text~~ for deletions. Appendix 1 to Queenstown Town Centre section 42A report, dated 2 November 2016.

36 Noise

36.1 Purpose

The purpose of this section is to manage the effects of noise in the District. Noise is part of the environment. While almost all activities give rise to some degree of noise, noise can cause ~~nuisance~~ and give rise to adverse effects on amenity values and the health and wellbeing of people and communities. Adverse effects may arise where the location, character, frequency, duration, or and timing of noise is inconsistent or incompatible with anticipated or reasonable noise levels.

Comment [RE188]: Non-substantive clarification

Comment [RE189]: Submission 649

Comment [RE190]: Submission 649

The Resource Management Act (RMA) 1991 requires every occupier of land and every person carrying out an activity to adopt the best practicable option to ensure noise does not exceed a reasonable level. The RMA also defines noise to include vibration. "Reasonable" noise levels are determined by the standard of amenity and ambient noise level of the receiving environment and the Council provides direction on this through the prescription of noise levels limits for each Zone. Noise is also managed by the Council through the use of relevant New Zealand Standards for noise. Land use and development activities, including activities on the surface of lakes and rivers should be managed in a manner that avoids, remedies or mitigates the adverse effects of noise to a reasonable level.

Comment [RE191]: Submission 649

In most situations, activities should consider the control of noise at the source and the mitigation of adverse effects of noise on the receiving environment. However, the onus on the reduction of effects of noise should not always fall on the noise generating activity. In some cases it may be appropriate for the noise receiver to avoid or mitigate the effects from an existing noise generating activity, particularly where the noise receiver is a noise sensitive activity.

Comment [RE192]: Submission 649

Comment [RE193]: Amended to reflect correct section of Civil Aviation Act.

Comment [RE194]: Added for clarity

Comment [MSOffice195]: QTC s42A change: 621 (Real Journeys)

Comment [RE196]: Added for clarity

Comment [RE197]: Deleted for clarity.

Comment [RE198]: Added for clarity

Comment [RE200]: Added for clarity.

Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and Designation conditions. However, this is different from controlling noise from aircraft that are in flight. The RMA which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft can be controlled through is controlled under section 29~~AB~~ of the Civil Aviation Act 1990.

With the exception of ventilation requirements for the Queenstown and Wanaka town centres contained in 36.7, and noise from water and motor-related noise from commercial motorised craft within the Queenstown Town Centre Waterfront Subzone, which is subject to Rule 36.5.14, noise in relation to received within town centres is not addressed in this chapter, but rather in the Queenstown, Wanaka and Arrowtown Town Centres Zone chapters. This is due to the town centre-specific complexities on noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. Noise generated in the town centres but received outside of the town centres is ~~still~~ managed under this chapter, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Subzone), need not meet the noise limits set by chapter 36.

Comment [MSOffice199]: QTC s42A change:

Submitters 151 (Imperium Group, 503 (DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch), 506 (Friends of the Wakatipu Gardens and Reserves Incorporated), 654 (Warren Cooper & Associates), FS1063 (Peter Fleming and Others), FS1318 (Imperium Group), 302 and FS1043.18 (Grand Lakes Management Limited), 474 (Evan Jenkins), 217 (Jay Berriman).

NOISE 36

36.2 Objectives and Policies

36.2.1 ~~Objective - Control the adverse effects~~ **The adverse effects of noise emissions are controlled** to a reasonable level ~~to manage and manage~~ the potential for conflict arising from adverse noise effects between land use activities ~~is managed.~~

Comment [RE201]: Objective rephrased in accordance with the Panel's procedural minute of 8 April 2016.

Policies

36.2.1.1 ~~Manage subdivision, land use and development activities in a manner that~~ **Avoids, remedies** or mitigates the adverse effects of unreasonable noise from land use and development.

Comment [RE202]: Reworded for clarity.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

Comment [RE203]: Reworded for clarity.

Comment [RE204]: Reworded for clarity.

36.3 Other Provisions

36.3.1 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)~~.

Comment [RE206]: Changes made for consistency with other chapters. Plan guidance only, no change in substance.

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

Comment [RE205]: Change to reflect incorrect chapter reference.

36.3.2 Clarification

36.3.2.1 ~~The following tables describe activities, standards and subsequent level of activity for resource consent purposes.~~ Any activity that is not Permitted requires resource consent, ~~and a~~ Any activity that **does not specify an activity status for non-compliance** is not specifically identified in a level of activity, but breaches a standard, requires resource consent as a Non-complying activity.

Comment [RE207]: Non-substantive amendment for clarity and efficiency.

36.3.2.2 The following abbreviations are used in the tables:

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

36.3.2.3 Sound levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and NZS 6802:2008 Acoustics - Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.

NOISE 36

- 36.3.2.4 Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.
- 36.3.2.5 In addition to the above, the noise from the following activities listed in Table 1 shall be permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.
- 36.3.2.6 Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall be subject to the rules in the applicable zones.
- 36.3.2.7 Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.
- 36.3.2.8 The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.
- 36.3.2.9 Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Corner Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Subzone) need not meet the noise limits set by chapter 36.
- 36.3.2.10 The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.

Comment [RE208]: Submission 433

Comment [RE209]: Added for clarity

Comment [RE210]: Amended to reflect the correct zone name.

Comment [RE211]: Added for clarity

Comment [MSOffice212]: QTC s42A change:
 Submitters 151 (Imperium Group, 503 (DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch), 506 (Friends of the Wakatipu Gardens and Reserves Incorporated), 654 (Warren Cooper & Associates), FS1063 (Peter Fleming and Others), FS1318 (Imperium Group), 302 and FS1043.18 (Grand Lakes Management Limited), 474 (Evan Jenkins), 217 (Jay Berriman).

Comment [RE213]: Consolidated with 36.8 for efficiency reasons due to duplication between this rule and 36.8.

...

<p>36.5.461514</p> <p>Commercial Motorised Craft</p> <p>Motorised craft on the surface of lakes and rivers must be operated and conducted such that a maximum sound level is not exceeded, when measured and assessed in accordance with 36.8</p> <p><u>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</u></p>	<p>Refer 36.8-25 metres from the craft</p>	<p>Refer 36.8</p> <p><u>0800h to 2000h</u></p> <p><u>2000h to 0800h</u></p>	<p>77 dB</p> <p><u>L_{Asmax}</u></p> <p><u>77 dB</u></p> <p><u>L_{Asmax}</u></p> <p><u>67 dB</u></p> <p><u>L_{Asmax}</u></p>	<p>NC</p>
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APPENDIX 2
SECTION 32AA EVALUATION

Appendix 2
SECTION 32AA EVALUATION

Note: The relevant provisions from the revised chapter are set out below. Section 42A report recommendations are shown as underlining for additions and deletions in ~~strike through~~ text. Reply recommendations are shown in red underlined text for additions and ~~red strike through~~ text for deletions (i.e. as per the recommended chapter). Where text is red underlined and strike through it is being recommended to be deleted in the reply version.

The section 32AA evaluation then follows in a separate table underneath each of the provisions.

The provisions are assessed in the order that they appear in the chapter.

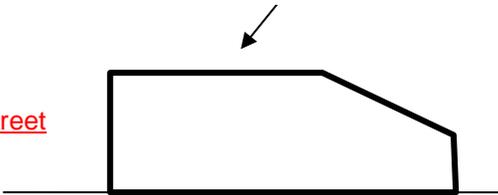
Recommended amendment to Rule 12.4.7 relating to moorings in the Queenstown Town Centre Waterfront subzone (QTTCSZ)

12.4.7	<p>...</p> <p><u>12.4.7.3 Moorings within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Subzone (as shown on the planning maps).</u></p> <p><u>In respect of 12.4.7.3, discretion is restricted to consideration of the following:</u></p> <ul style="list-style-type: none"> • <u>Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands.</u> • <u>Whether the structure causes an impediment to craft manoeuvring and using shore waters.</u> • <u>The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline.</u> • <u>The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect.</u> • <u>Whether the structure will be used by a number and range of people and craft, including the general public.</u> • <u>The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design.</u> 	<u>RD</u>
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Those wishing to establish a mooring will incur costs and uncertainty in terms of having to apply for a resource consent and the risk that the application may be declined. • May put added pressure on the establishment of moorings elsewhere (e.g. in the Frankton Arm). • Is likely to limit the mooring of boats in this area which 	<ul style="list-style-type: none"> • More effectively conserves the natural qualities and amenity values of the Queenstown gardens and beach area and the open views from there • Enables cumulative effects to be considered via resource consent • More consistent with the rules relating to moorings in the majority of the Frankton Arm. 	<p>The new rule will be more effective and efficient at implementing revised Objective 12.2.5 and the associated policies by accepting that, as a whole the QTTCSZ will be provide a dynamic environment but providing greater certainty as to what is expected to occur in the Queenstown gardens and beach part of the QTTCSZ (Policy 12.2.5.3).</p>

Costs	Benefits	Effectiveness & Efficiency
some may consider would otherwise contribute to an active and dynamic environment.	<ul style="list-style-type: none"> Provides greater certainty for the Earnslaw and other boating activity that this area of water will remain relatively free of obstacles (i.e. permanently moored craft). 	

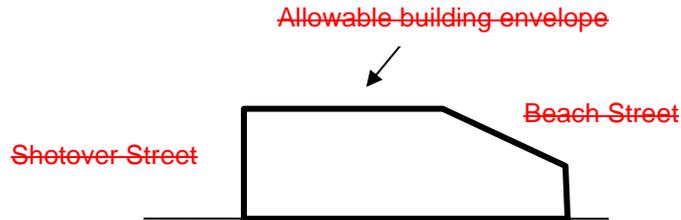
Recommended Amended Rules 12.5.9 and 12.5.10 regarding building heights

12.5.9	<p><u>Discretionary Building Height in Precinct 1, and Precinct 1(A), Precinct 2, Precinct 4, and Precinct 5</u></p>	RD
<p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2) at the end of Chapter 12 which takes precedence over the general descriptions below.</p>		
12.5.9.1	<p>Within Precinct 1 and Precinct 1(A) the maximum height shall be 12m and the building shall contain no more than 4 storeys (excluding basements), except that: and</p>	
12.5.9.2	<p>In that part of the precinct on the eastern side of Brecon Street annotated as Within Precinct 1(A) as shown on the Height Precinct Map (figure 2) where the maximum height shall be 15.5m above ground level and shall be limited to no more than 4 storeys in height (excluding basements), provided no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p>	
12.5.9.3	<p>Within Precinct 2, any street front parapet of buildings on the north side of Beach Street shall be between 6.5m and 7m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.5m above any street boundary.</p>	
<div style="text-align: center;"> <p><u>Allowable building envelope</u></p>  </div>		
12.5.9.4	<p>Within Precinct 4, no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p>	
12.5.9.5	<p>Within Precinct 5, the street front parapet shall be between 7.5 and 8.5m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 7.5m above any street boundary.</p>	
<p>*Discretion is restricted to consideration of the effects of any additional building height on:</p> <ul style="list-style-type: none"> The urban form of the Town Centre and the character of the height precinct within which it is located. The Council will consider: <ul style="list-style-type: none"> a. The extent to which the proposed building design responds sensitively to difference in height, scale and mass between the proposal and existing buildings on adjacent sites and with buildings in the wider height precinct, in terms of use of materials, facade articulation and roof forms; <u>and</u> b. The effect on human scale and character as a result of proposed articulation of the façade, the roofline, and the roovescape; and c. The amenity of surrounding streets, lanes, footpaths and other public spaces, including the effect on sunlight access to public spaces and 		

	<p>footpaths; the provision of public space and pedestrian links; and</p> <p>d. <u>The opportunity to establish landmark buildings on key sites, such as block corners and key view terminations; and</u></p> <ul style="list-style-type: none"> • The protection or enhancement of public views of Lake Wakatipu or of any of the following peaks: <ul style="list-style-type: none"> a. Bowen Peak; b. Walter Peak; c. Cecil Peak; d. Bobs Peak; e. Queenstown Hill; f. The Remarkables range (limited to views of Single and Double Cone); and • Effects on any adjacent Residential Zone; and • The historic heritage value of any adjacent heritage item/ precinct and whether it acknowledges and respects the scale and form of this heritage item/ precinct. 	
<p>12.5.10</p>	<p>Maximum building and façade height</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2) at the end of Chapter 12, which takes precedence over the general <u>geographic</u> descriptions below.</p> <p>12.5.10.1 <u>In Height Precinct 1, Precinct 1(A), and Precinct 2, subject to sub-clauses (a) - (e) below (Stanley and Shotover streets and the north side of Camp Street west of Ballarat, and the eastern side of Brecon Street), unless otherwise allowed by Standard 12.15.10(b) the maximum absolute height limits shall be as follows:</u></p> <p>i. 15m on Secs 4-5 Blk Xv Queenstown Tn (<u>48-50 Beach St</u>);</p> <p>ii 15.5m on Precinct 1(A);</p> <p>iii 14m elsewhere;</p> <p>And:</p> <p>a. Throughout the precinct, the building shall contain no more than 4 storeys, (excluding basements);</p> <p>b. In addition, buildings within the block bound by Ballarat, Beetham, and Stanley streets (as shown on the height <u>precinct map (figure 2) overlay</u>) shall not protrude through a horizontal plane drawn at 7m above any point along the north-eastern zone boundary of this block, as illustrated in the below diagram:</p> <div data-bbox="523 1713 1268 1915" data-label="Diagram"> <p>The diagram illustrates a building footprint within a zone boundary. A horizontal line is drawn 7m above the zone boundary. The building's height is shown to be 14m above ground level. The area between the 7m boundary and the building's top is labeled 'Allowable building envelope'.</p> </div> <p>c. In addition, on Secs 4-5 Blk Xv Queenstown Tn (<u>48-50 Beach St</u>), no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 12m above any boundary;</p>	<p>NC</p>

d. In addition, buildings within that part of the block bound by Man, Brecon, Shotover, and Hay streets shown on the height precinct map (figure 2) as area P1(i) shall not protrude through a horizontal plane drawn at 330.1 masl and that part of the block shown as P1(ii) shall not protrude through a horizontal plane drawn at 327.1 masl.

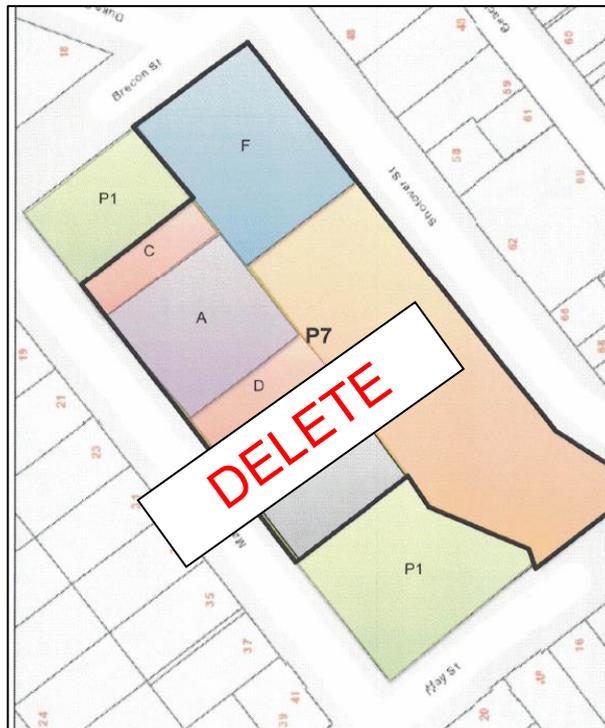
~~d. In addition, in **Height Precinct 2** (central Shotover/ upper Beach Street block) any the street front parapet of buildings on the north side of Beach Street shall be between 6.5m and 7m in height and no part of any building, except a street front parapet, shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.5m above any street boundary.~~



12.5.10.2 In **Height Precinct 3** (lower Beach St to Marine Parade and the Earl/ Church Street block) the maximum height shall be 8m and the street front parapet of buildings shall be between 7.5m and 8.5m and may protrude through the height plane;

12.5.10.3 For any buildings **located on a wharf or jetty**, the maximum height shall be 4 m above RL 312.0 masl (~~412.0m Otago Datum~~);

12.5.10.4 In **Height Precinct 7** (Man Street), ~~the following height rules apply within each of the areas shown on the below plan;~~



a. In **Area A** shown on the height precinct map, the maximum height shall be 11m above **RL** 327.1 masl. ~~except that within the~~

b. In **Area B** the maximum height shall be 14m above **RL** 327.1 masl;

c. In **Viewshaft C** the maximum height shall be **RL** 327.1 masl (i.e. no

	<p><u>building is permitted above the existing structure);</u></p> <p>d. <u>In Viewshaft D identified on the Height Precinct map, the maximum height shall be 4.3 m above RL 321.7 RL 327.1 6masl;</u></p> <p>e. <u>In Area E the maximum height shall be 12m (above ground level) and, in addition:</u></p> <ul style="list-style-type: none"> • <u>no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary; and in addition</u> • <u>no building shall protrude through a horizontal plane drawn at RL 330.1 masl. 17m above the level of Shotover Street, as measured at the site boundary.</u> <p>f. <u>In Area F the maximum height shall be 12m (above ground level) and, in addition:</u></p> <ul style="list-style-type: none"> • <u>no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary; and in addition,</u> • <u>no building shall protrude through a horizontal plane drawn at RL 327.1 masl. 14m above the level of Shotover Street, as measured at the site boundary.</u> <p>12.5.10.5 For all other sites within the Town Centre Zone, the maximum height shall be 12m and, in addition, the following shall apply:</p> <p>a. <u>In Height Precinct 4 (lower camp/ Stanley/ Coronation Dr block, Earl/ Gardens block, and lower Beach/ lower Shotover block, south side of Beach St and the north side of Church Street) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary;</u></p> <p>b. <u>In Height Precinct 5 (The Mall heritage precinct and those sites facing Rees Street) the street front parapet shall be between 7.5 and 8.5m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 7.5m above any street boundary;</u></p> <p>c. <u>In Height Precinct 6 (land bound by Man, Duke and Brecon streets):</u></p> <ul style="list-style-type: none"> • <u>No building shall protrude through a horizontal plane drawn at RL 332.20 masl (being 432.20 Otago datum), except that decorative parapets may encroach beyond this by a maximum of up to 0.9 metre. This rule shall not apply to any lift tower within a visitor accommodation development in this area, which exceeds the maximum height permitted for buildings by 1m or less; and</u> <p><u>No part of any building shall protrude through a recession line inclined towards the site at an angle of 45° commencing from a line 10m above the street boundary.</u></p>	
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In relation to removing the parapet rule/ Height Precinct 2 (Precinct 2) (Rule 12.5.10.1)

Note: The change and below S32AA evaluation is limited only to the fact that any rule relating to parapets has been removed from the S42A version of the provision.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> By not mentioning parapets in the rule this may result in less parapets being provided which may result in less variety in the built form. 	<ul style="list-style-type: none"> Greater flexibility in building design on the Beach St frontage. Retains sunlight access to the street, which will contribute to vibrancy and economic and social wellbeing Avoids the need to obtain resource consent if proposing to construct a parapet at a height lower or higher than 6.5 - 7.0 metres, as would be required under the S42A redraft version. More parapets may be included in building design as there is no constraint on what height they need to be. 	<p>The amended rule will be more equally effective and efficient at implementing:</p> <ul style="list-style-type: none"> Objective 12.2.3 relating to vibrancy and amenity (noting that sunlight access during busy winter months is considered to make an important contribution to this); and Objectives 2.2.1 and 2.2.4 relating to providing for a mix of uses within a compact environment (through added height)

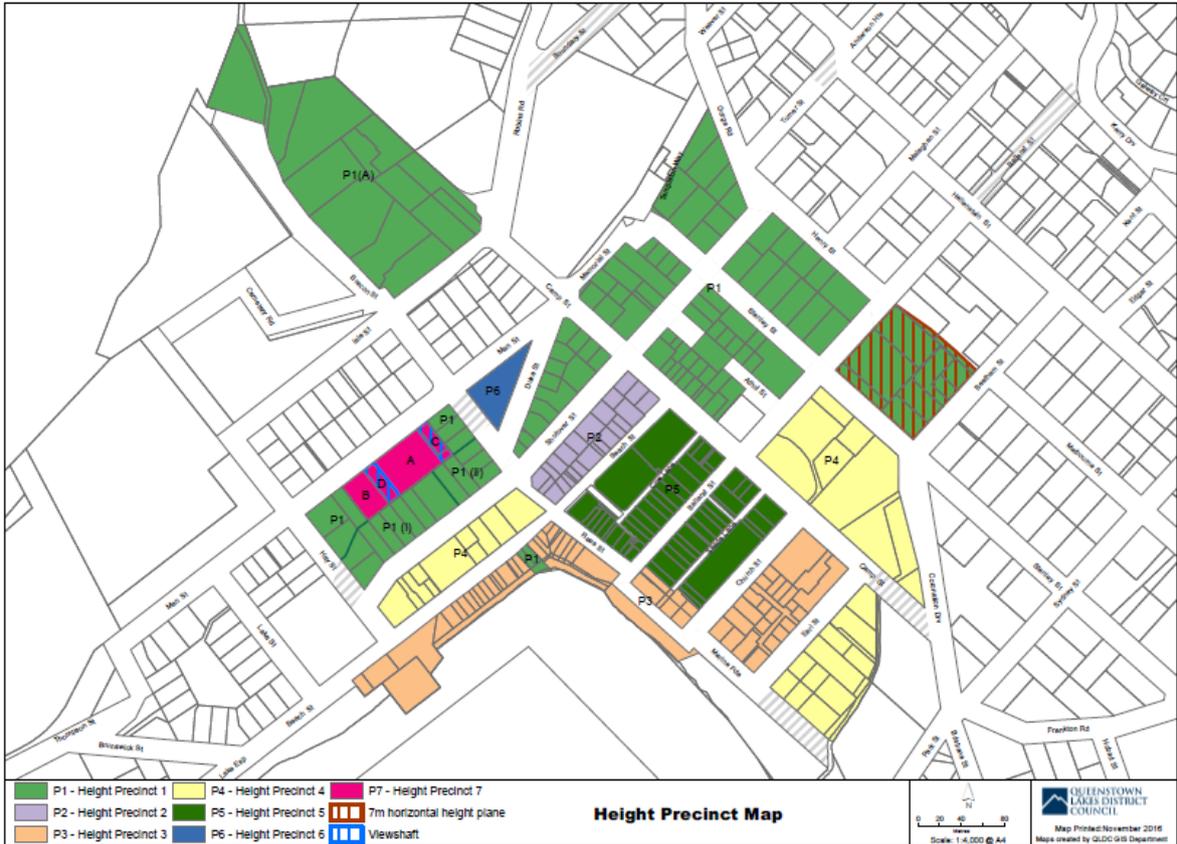
In relation to amending the recession plane rules in Precincts 2, 3, and 4 from a non-complying to restricted discretionary activity

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> This may encourage more buildings to encroach into the recession plane Risk that recession planes will become routinely breached Applicants will continue to incur costs to show the extent of shading that will result from the breach, effects on scale, etc. 	<ul style="list-style-type: none"> Will allow buildings on corner sites (which are relatively constrained by recession planes) to more readily breach the recession plane rules in the interests of creating landmark buildings at key sites Is more consistent with the design guidelines, which provide examples of appropriate buildings Enables case by case assessment of building designs, unimpeded by the non-complying status, especially in the Special Character Area. Should result in a clear and less costly resource consent process Is likely to enable more efficient landuse in these precincts by providing for more upper story GFA. Will enable more regular built form by avoiding the temptation to align roof lines with the recession plane (e.g. the Glassons building 	<p>The amended rule will be more effective and efficient at implementing:</p> <ul style="list-style-type: none"> Objective 12.2.1 by enabling slightly greater intensification of the heart of the Town Centre. Objective 12.2.2. as it will be more consistent with the guidelines; potentially contribute better to the Town Centre's sense of place through the creation of landmark buildings; and enable improved design on case by case basis while still ensuring against adverse effects on sunlight access, character, viewshafts

	on the corner of Beach and Rees streets).	
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In relation to amending the height precinct P7 (E and F) to P1(i) and P1(ii) in the height precinct map (Figure 2) and subsequent changes to Rule 12.5.10.4.1, 12.5.10.4(e) and 12.5.10.4(f))

Note: P1(i) is the eastern parts of the block containing The Lofts, Hamilton building, and Salvation Army building along the frontage and P1(ii) is the balance land.



Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Introduces more sub-parts of the P1 height precinct, which adds complexity. May result in slightly greater building mass on these sites. 	<ul style="list-style-type: none"> Provides for heights between 12 and 14 m above ground level as a restricted discretionary activity whereas it would be non-complying under the S42A redraft version Is consistent with the approach taken for the Ballarat Street carpark site (Rule 12.5.10.1(b)) which is P1 with a horizontal plane overlay and also for Height Precinct 6 (the Sofitel site). Makes the rule consistent with the rest of Shotover Street as far as the site frontages are concerned, which enables a consistent streetscape to evolve over 	<p>The amended rule will be more effective and efficient at implementing:</p> <ul style="list-style-type: none"> Objective 12.2.1 by enabling slightly greater intensification and more capacity for increased diversity of activities in the Town Centre. Objective 12.2.2 by enabling a) improved building design and higher quality internal spaces on a case by case basis while still ensuring against adverse effects on sunlight access, character, viewshafts; and b) a more consistent streetscape to evolve along Shotover

	<p>time.</p> <ul style="list-style-type: none">• Avoids more costly non complying consent processes.• Is likely to result in some encroachment into the 12 m height limit provided this results in improved building design (e.g. improved built form/ rooflines, and more efficient landuse) and provided effects on sunlight access, etc. are considered to be appropriate.• Particularly with the slight rise in ground level, this extra 'sliver' of discretionary height is likely to better enable good quality 4 storey development (plus basements in the rear) subject to shading, streetscape effects, etc.• Effects on views from Man Street and sites above and through the viewshafts will continue to be protected (and mitigated in the case of Area B of P7) through the non-complying horizontal plane rule.	<p>Street over time.</p>
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APPENDIX 3
MAN STREET CARPARK VIEWSHAFT PLANS

**RESOURCE CONSENT PLANS (SUBMITTED TO COUNCIL 2006¹) FOR THE MAN STREET
CARPARK SITE (LOT 1 DP399240)**



¹ RM060690. Submitted but then put on hold and never issued. Understood to have been presented in discussions with council in relation to the possible PDP provisions for the site as part of pre-notification discussions on the PDP.

