

## 16 Business Mixed Use

Please note: Variations to parts of this chapter have been decided by Council on 18 March 2021 as part of Stage 3&3b of the PDP. You can view the Stage 3 Decisions and appeals notices on our website. The appeals and section 274 periods for the Stage 1 and 2 Decisions have closed.

*This table identifies new provisions sought to be added:*

Appellant Court Number	Provision/s Sought to be Added into Chapter 16
<del>FH Holdings Limited</del> ENV-2018-CHC-084 (consent order issued)	Provide for the Frankton North Structure Plan and associated provisions, as necessary, including: <u>16..x.xx Structure Plan</u> <ul style="list-style-type: none"> <li><u>Internal road access shall be provided in accordance with the Structure Plan in Rule 16.7 as follows:</u></li> <li><u>Road access into the zone from State Highway 6 shall be via the fourth (northern) leg of the Hawthorn Drive/State Highway 6 roundabout (Designation #370), unless otherwise approved by the NZ Transport Agency;</u></li> <li><u>Subject to compliance with a. above, Required Primary Road Access shall be provided as shown on the Structure Plan except that the exact location of such roading may vary by up to 50 metres.</u></li> </ul>
<del>FH Holdings Limited</del> ENV-2018-CHC-084 (consent order issued)	Amend Chapter 16 to provide a site specific suite of objectives, policies, and rules relevant to the Frankton North land, including but not limited to matters currently contained in Chapter 16.
<del>Universal Developments Limited</del> ENV-2018-CHC-101 (consent order issued)	Amend Chapter 16 to provide site specific suite of objectives, policies, and rules relevant to the Frankton North land, including but not limited to matters currently contained in Chapter 16. Provide for the Frankton North Structure Plan (included in the submission) and associated provisions as necessary, including: <u>16..x.xx Structure Plan</u> <ul style="list-style-type: none"> <li><u>Internal road access shall be provided in accordance with the Structure Plan in Rule 16.7 as follows:</u></li> <li><u>Road access into the zone from State Highway 6 shall be via the fourth (northern) leg of the Hawthorn Drive/State Highway 6 roundabout (Designation #370), unless otherwise approved by the NZ Transport Agency;</u></li> </ul> <u>Subject to compliance with a. above, Required Primary Road Access shall be provided as shown on the Structure Plan except that the exact location of such roading may vary by up to 50 metres.</u>
Airbnb Australia Pty Ltd ENV-2019-CHC-061	Amend the following permitted activity standards in the Lower Density Suburban Residential (7.5.19), Medium Density Residential (8.5.18), High Density Residential (9.5.15), Arrowtown Residential Historic Management (10.5.10), Large Lot Residential (11.5.14), Business Mixed Use (16.5.13) and zones as follows: Add a new standard: <u>Must comply with the noise limits for the relevant zone in Rules 36.5.1 to 36.5.4 in Chapter 36 Noise.</u> Delete the following two standards: <u>• Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u> <u>• Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u>
Airbnb Australia Pty Ltd ENV-2019-CHC-061	1. Delete non-compliance activities status statements or letters in the 'non-compliance status' column in Rules 7.5.19, 8.5.18, 9.5.15, 10.5.10, 11.5.14, 22.5.15, 23.5.13, 41.5.1.13, and replace

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	<p>with 'C' to indicate controlled activity status for non-compliance.</p> <p>2. Delete all matters of discretion listed in the 'non-compliance status' column in Rules 7.5.19, 8.5.18, 9.5.15, 10.5.10, 11.5.14, 22.5.15 and replace with the following; and add the following to the 'non-compliance status' column of Rules 22.5.15, 23.5.13 and 41.5.1.13:  <u>Control is reserved to:</u>  <u>a. The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u>  <u>b. The keeping of records of Homestay use, and availability of records for Council inspection; and</u>  <u>c. Monitoring requirements, including imposition of an annual monitoring charge.</u></p> <p><u>3. Amend Rules 21.9.6 and 24.5.22 as follows (in the 'non-compliance status' column):</u>  <u>Control is reserved to:</u>  <u>a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</u>  <u>b. The management of noise, rubbish and outdoor activities;</u>  <u>a. The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u>  <u>and re-number (b) and (c) to (c) and (d).</u></p> <p>4. Amend the 'non-compliance status' columns of rules 16.5.13, 42.5.10 and 43.5.15 as follows:  <u>Control is reserved to:</u>  <u>a. The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u>  <u>a. The location, nature and scale of activities;</u>  <u>b. The location, and provision, and screening of parking and access;</u>  <u>c. The management of noise, rubbish and outdoor activities;</u>  <u>and re-number (d) and (e) to (b) and (c).</u></p>
Airbnb Australia Pty Ltd ENV-2019-CHC-061	<p>Amend the permitted activity standards for RVAs in the High Density Residential (9.5.14), and Business Mixed Use (16.5.12) zones as follows:</p> <ul style="list-style-type: none"> <li>• Must not exceed a cumulative total of <u>120</u> <del>90</del> nights occupation by paying guests on a site per 12 month period.</li> <li><del>• Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</del></li> <li>• <u>Must comply with the noise limits for the relevant zone in Rules 36.5.1 to 36.5.4 in Chapter 36 Noise.</u></li> <li>• <u>Where the RVA involves construction of a new residential dwelling, the RVA must</u> <del>must</del> comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</li> <li>...</li> <li><del>• Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</del></li> </ul>
Airbnb Australia Pty Ltd ENV-2019-CHC-061	<p>1. For Rules 7.5.18; 8.5.17; 9.5.14; 10.5.9; 11.5.13:  a. delete all text within the 'non-compliance status' column except for the following two matters (which have different numbering for each rule):  <i>"The keeping of records of RVA use, and availability of records for Council inspection; and Monitoring requirements, including imposition of an annual monitoring charge."</i></p> <p>b. Insert into the 'non-compliance status' column, above the two remaining matters  - 'C' (to indicate controlled activity status).  - the statement <u>"Control is reserved to:"</u>  - the following new matter of control: <u>"The location and provision of parking and access for the construction of new residential dwellings to be used for RVA"</u></p> <p>2. For Rules 16.5.12; 21.9.5; 24.5.20; 42.5.9; 43.5.14, within the 'non-compliance status' column, make the following changes:  a. delete all matters of control, except the following two (which have different numbering for each rule):  <i>"The keeping of records of RVA use, and availability of records for Council inspection; and Monitoring requirements, including imposition of an annual monitoring charge."</i></p>

	<p>b. add the following new matter of control: "<u>The location and provision of parking and access for the construction of new residential dwellings to be used for RVA</u>"</p> <p>3. For Rules 22.5.14; 23.5.12; 41.5.1.12, within the 'non-compliance status' column, make the following changes:</p> <p>a. delete "D" and replace with "C" (to indicate controlled activity status).</p> <p>b. Add the following text: "<u>Control is reserved to:</u>"</p> <p>c. Add the following matters of control:</p> <p><u>a. The location and provision of parking and access for the construction of new residential dwellings to be used for RVA;</u></p> <p><u>b. The keeping of records of RVA use, and availability of records for Council inspection; and</u></p> <p><u>c. Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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*Note: the annotations in this chapter reflect the Council's interpretation of the provisions affected by appeals.*

## 16.1 Purpose

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

## 16.2 Objectives and Policies

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

#### Policies

- 16.2.1.1 Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.
- 16.2.1.2 Enable a range and mix of compatible business, residential and other complementary activities to achieve an urban environment that is desirable to work and live in.
- 16.2.1.3 Avoid activities that have noxious, offensive, or undesirable qualities from locating within the business mixed use Zone to ensure that a high quality urban environment is maintained.
- 16.2.1.4 For sites adjoining Gorge Road in Queenstown and Sir Tim Wallis Drive in Three Parks Wānaka, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.
- 16.2.1.5 Provide appropriate noise limits to minimise adverse noise effects received within the business mixed use Zone and by nearby properties.
- 16.2.1.6 Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the building Code to limit the potential for reverse sensitivity effects.

- 16.2.1.7 Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on views of the night sky and provide a safe and well-lit environment for pedestrians.
- 16.2.1.8 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects on public places and adjoining residential zones.
- 16.2.1.9 Minimise opportunities for criminal activity through incorporating Crime Prevention through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways/pedestrian links/lanes, and landscaping.

**16.2.2 Objective – New development achieves high quality building and urban design outcomes that minimises adverse effects on adjoining residential areas and public spaces.**

**Policies**

- 16.2.2.1 Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.
- 16.2.2.2 Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbours.
- 16.2.2.3 Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout, landscaping and design measures.
- 16.2.2.4 Utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.
- 16.2.2.5 Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.
- 16.2.2.6 Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.
- 16.2.2.7 Allow buildings between 12m and 20m heights in the Queenstown (Gorge Road) and Frankton North business mixed use Zone in situations when:
  - a. the outcome is of high quality design;
  - b. the additional height would not result in shading that would adversely impact on adjoining Residential zoned land and/or public space; and
  - c. the increase in height would facilitate the provision of residential activity.
- 16.2.2.8 Apply consideration of the operational and functional requirements of non-residential activities as part of achieving high quality building and urban design outcomes.
- 16.2.2.9 Encourage the layout and design of new buildings and landscaping to integrate with Horne Creek where feasible.

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16.2.2.10 Require consideration of the relevant design elements identified in the Business Mixed Use Design Guide 2021.

**16.2.3 Objective – A high quality, well designed urban environment on the northern side of State Highway 6 at Frankton, that is integrated with a primary road that connects State Highway 6 at Hawthorne Drive to Quail Rise, pedestrian and cycle access, and appropriate servicing.**

16.2.3.1 Ensure subdivision and development at Frankton North is undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.9) to promote integration and provision of access to and throughout Frankton North.

16.2.3.2 Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.

16.2.3.3 Avoid the impacts of stormwater discharges on the State Highway network.

16.2.3.4 Ensure safe transport connections by:

- a. avoiding any new access to State Highway 6;
- b. limiting access to the land at Frankton North to: Hawthorne Drive/SH6 roundabout, Hansen Road and Ferry Hill Drive;
- c. providing the primary road connection between State Highway 6 and Quail Rise;
- d. providing access to the primary road connection from all sites within Frankton North:
- e. providing internal road, pedestrian and cycle connections that are of a form that accounts for long-term traffic demands for the area between Hansen Road and Ferry Hill Drive without the need for subsequent retrofitting or upgrade; and
- f. ensuring that road frontages are not dominated by vehicular access and parking; and
- g. integrating with the pedestrian and cycle path and the road network and public transport routes on the southern side of State Highway 6, including pedestrian and cycle access across State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on adjoining State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roadway Powers Act 1989.

16.2.3.5 Within Area A as shown on the planning maps, require, sound insulation and mechanical ventilation of any critical listening environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Road Noise to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.

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**16.2.4 Objective – The development of land at Frankton Marina (Sugar Lane) provides for a range of activities, while restricting the scale of office and retail activities, to achieve a high quality environment that is compatible with its location adjacent to Frankton Marina, Lake Wakatipu and Frankton Road.**

16.2.4.1 Restrict the scale of office and retail activities so that the function and viability of the Queenstown Town Centre and Frankton commercial area are not undermined.

16.2.4.2 Allow buildings between 12m and 15m heights when the additional height:

- a. Does not result in significant adverse shading effects on adjoining residential zoned land; and
- b. Does not dominate the Frankton Road streetscape.

16.2.4.3 Ensure all new and altered buildings intended for Activities Sensitive to Road Noise are designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.

**16.2.5 Objective – The commercial function and viability of other commercial areas are not undermined by any new office and retail activities within Area A at Frankton North (shown on the planning maps).**

16.2.5.1 Within Area A at Frankton North, as shown on the planning maps, provide for office and retail activities where they are ancillary, or where they will not undermine the function and viability of Queenstown Town Centre, Frankton urban areas (including Remarkables Park mixed use centre, Frankton Flats A and B Zones, and the Local Shopping Centre at Frankton North.

## 16.3 Other Provisions and Rules

### 16.3.1 District Wide

Attention is drawn to the following District Wide chapters

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated buildings	36 Noise
37 Designations	District Plan web mapping application	

## 16.3.2 Interpreting and Applying the Rules

- 16.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables.
- 16.3.2.2 Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply unless otherwise specified.
- 16.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 16.3.2.4 The status of any Plantation Forestry will be determined by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
- 16.3.2.5 The following abbreviations are used within this Chapter.

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

## 16.4 Rules - Activities

	Activities located in the Business Mixed Use Zone	Activity status
16.4.1	Activities which are not listed in this table and comply with all standards	P
16.4.2	Residential Visitor Accommodation and Homestays	P
16.4.3	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. the location, provision, and screening of access and parking and traffic generation;</li> <li>b. landscaping;</li> <li>c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses;</li> <li>d. the location and screening of bus and car parking from public places; and</li> <li>e. where the site adjoins a residential zone: <ul style="list-style-type: none"> <li>i. noise generation and methods of mitigation; and</li> <li>ii. hours of operation, in respect of ancillary activities.</li> </ul> </li> </ul>	C

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



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	Activities located in the Business Mixed Use Zone	Activity status
	<p>This rule shall not apply to the sale and supply of alcohol:</p> <ul style="list-style-type: none"> <li>a. to any person who is residing (permanently or temporarily) on the premises; and/or</li> <li>b. to any person who is present on the premises for the purpose of dining up until 12am.</li> </ul> <p>Discretion is restricted to consideration of the following:</p> <ul style="list-style-type: none"> <li>a. the scale of the activity;</li> <li>b. car parking and traffic generation;</li> <li>c. effects on amenity (including that of adjoining residential zones and public reserves);</li> <li>d. the configuration of activities within the building and site (e.g. outdoor seating, entrances);</li> <li>e. noise issues; and</li> <li>f. hours of operation.</li> </ul>	
<b>16.4.6</b>	<p><b>Daycare Facilities</b></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. the compatibility of the development with respect to existing land uses on the subject site and nearby properties;</li> <li>b. potential reverse sensitivity issues;</li> <li>c. traffic, parking and access limitations; and</li> <li>d. noise.</li> </ul>	RD
<b>16.4.7</b>	<p><b>Warehousing, Storage &amp; Lock-up Facilities (including vehicle storage) and Trade Suppliers except as provided for by Rule 16.4.19</b></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. the impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings;</li> <li>b. the provision, location and screening of access, parking and traffic generation; and</li> <li>c. landscaping; and</li> <li>d. at Frankton North, effects on adjoining residential areas and activities.</li> </ul>	RD

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	Activities located in the Business Mixed Use Zone	Activity status
<b>16.4.8</b>	Community Activities at Sugar Lane	D
<b>16.4.9</b>	Office and retail activities at Frankton North within Area A as shown on the planning maps, except for: <ul style="list-style-type: none"> <li>a. retailing associated with trade suppliers (as provided for by rule 16.4.7);</li> <li>b. administrative offices that are ancillary to the principal use of the site; and</li> <li>c. retail activities that are ancillary to the principal use of the site and not greater than 50m<sup>2</sup> GFA.</li> </ul>	D
<b>16.4.10</b>	Industrial Activities not otherwise provided for in this Table	NC
<b>16.4.11</b>	Service Stations	NC
<b>16.4.12</b>	Panelbeating, spray painting, motor vehicle repair or dismantling.	NC
<b>16.4.13</b>	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking.	PR
<b>16.4.14</b>	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
<b>16.4.15</b>	Factory Farming	PR
<b>16.4.16</b>	Mining Activities	PR
<b>16.4.17</b>	Forestry Activities, except for Plantation Forestry where the Resource Management (Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017) Regulation 2017 prevails.	PR
<b>16.4.18</b>	Airport	PR
<b>16.4.19</b>	Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control boundary	PR
<b>16.4.20</b>	Warehousing and Lock-up Facilities (including vehicle storage) in the zone at Frankton North	PR
<b>16.4.21</b>	Cemeteries and Crematoria	PR

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## 16.5A Rules – Standards for Restricted Discretionary and Discretionary Activities under Rules 16.4 and 16.5

	Standards for activities in the Business Mixed Use Zone	Non-compliance status
16.5A.1	For all restricted discretionary and discretionary activities under Rules 16.4 and 16.5, applications for resource consent shall include a statement confirming that the relevant design elements from the Business Mixed Use Design Guide 2021 have been considered, including a summary of any particular aspects of the proposal that have resulted from that consideration.	NC

## 16.5 Rules - Standards

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
<b>16.5.1</b>	<p>Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone</p> <p>16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site from points 3m above the Residential zone boundary.</p> <p>a. 45° applied on the northern boundary; and</p> <p>b. 35° applied on all other boundaries</p> <p>16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p> <p>16.5.1.3 For 30-46 Gorge Road (as shown on the District Plan web mapping application):</p> <p>a. Standards 16.5.1.1 and 16.5.1.2 only apply to the boundary with 10A-10B Boundary Street; and</p> <p>b. Buildings shall be set back not less than 4.5m from the property boundary adjacent to Horne Creek.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the visual effects of the height, scale, location and appearance of the building, in terms of visual dominance and loss of residential privacy on adjoining properties and any resultant shading effects; and</p> <p>b. For 30-46 Gorge Road (as shown on the District Plan web mapping application) integration of the development with Horne Creek, including site layout and landscaping</p>
<b>16.5.2</b>	<p>Storage</p> <p>Outdoor storage and storage of waste and recycling shall</p>	<p>RD</p> <p>Discretion is restricted to:</p>

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	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
	be screened from public places and adjoining Residential zones.	<ul style="list-style-type: none"> <li>a. the effects on visual amenity;</li> <li>b. the location relative to the public realm and adjoining residential properties;</li> <li>c. consistency with the character of the locality; and</li> <li>d. whether pedestrian and vehicle access is compromised.</li> </ul>
<b>16.5.3</b>	<p>Residential and visitor accommodation activities</p> <p>All residential activities and visitor accommodation;</p> <p>16.5.3.1 on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road, or</p> <p>16.5.3.2 on sites adjoining Sir Tim Wallis Drive in Three Parks Wānaka located within 10m of the boundary adjoining Sir Tim Wallis Drive;</p> <p>shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. the effects of residential and visitor accommodation activities at ground floor level on surrounding buildings and activities;</li> <li>b. the location of residential and visitor accommodation activities at ground floor level relative to the public realm;</li> <li>c. the maintenance of active and articulated street frontages.</li> </ul>
<b>16.5.4</b>	<p>Building Coverage</p> <p>Maximum building coverage of 75%</p>	D
<b>16.5.5</b>	<p>Acoustic insulation</p> <p>For all residential development and visitor accommodation the following shall apply:</p> <p>16.5.5.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36; and</p> <p>16.5.5.2 All elements of the façade of any critical listening environment shall have an airborne</p>	D

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	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
	sound insulation of at least 40 db Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.	
<b>16.5.6</b>	<p>Fencing</p> <p>A solid fence of 1.8m shall be erected on the boundary of any residential zone, except for 30-46 Gorge Road (as shown on the District Plan web mapping application) where no fence is required along the property boundary adjacent to Horne Creek.</p>	D
<b>16.5.7</b>	<p>Commercial Activities within 30-46 Gorge Road (as shown on the District Plan web mapping application):</p> <ul style="list-style-type: none"> <li>a. shall not exceed 100m<sup>2</sup> GFA per site; and</li> <li>b. shall only occur at ground floor or street level.</li> </ul>	D
<b>16.5.8</b>	<p>Discretionary building Height (Queenstown, Frankton Marina (Sugar Lane) and Frankton North Only)</p> <p>Building Height of 12m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. the design and quality of the building, including the use of articulated facades, active street frontages and the treatment of corner sites;</li> <li>b. modulated roof forms, including screening of plant and services;</li> <li>c. material use and quality;</li> <li>d. the avoidance of large monolithic buildings;</li> <li>e. the impact on the street scene;</li> <li>f. privacy and outlook for residential uses;</li> <li>g. sunlight access to adjoining Residential zoned land and/or public space;</li> <li>h. Crime Prevention Through Environmental Design (CPTED)</li> </ul>

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	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
		<p>considerations;</p> <p>i. where appropriate, the integration of Horne Creek into the development and landscaping; and</p> <p>j. facilitation of the provision of residential activities.</p>
<b>16.5.9</b>	<p>Maximum building height</p> <p>16.5.9.1 Maximum building height shall be:</p> <p>a. Queenstown - 20m</p> <p>b. Wānaka - 12m</p> <p>c. Frankton Marina – 15m</p> <p>d. Frankton North – 20m</p> <p>16.5.9.2 Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p>	NC
<b>16.5.10</b>	<p>Noise</p> <p>16.5.10.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>a. Daytime (0800 to 2200hrs) 60 dB <math>L_{Aeq}(15 \text{ min})</math></p> <p>b. Night-time (2200 to 0800hrs) 50 dB <math>L_{Aeq}(15 \text{ min})</math></p> <p>c. Night-time (2200 to 0800hrs) 75 dB <math>L_{AFmax}</math></p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. the noise limits in rule 16.5.10.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>Note: Sound from activities in this zone which is received</p>	NC

# BUSINESS MIXED USE 16

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
	in another zone shall comply with the noise limits set out in Chapter 36 standards for that zone.	
<b>16.5.11</b>	<p>Lighting and Glare</p> <p>16.5.11.1 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 amenity of adjoining sites, the safety of the transport network and the effects on the night sky.</p> <p>16.5.11.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.11.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to the effects of lighting and glare on:</p> <ul style="list-style-type: none"> <li>a. amenity values of adjoining sites;</li> <li>b. the safety of the Transport Network; and</li> <li>c. the night sky.</li> </ul>
<b>16.5.12</b>	<p>Development on land at Frankton North shall be undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.9):</p> <ul style="list-style-type: none"> <li>a. Providing for a primary road that links State Highway 6 to Quail Rise;</li> <li>b. Providing for internal connections from the primary road that ensure vehicle access to all sites;</li> <li>c. Precluding any new vehicular access to the State Highway network; and</li> <li>d. Providing for a pedestrian and cycle path along the boundary with State Highway 6. This is intended to provide a minimum path width of 2.5 metres, within the existing State Highway corridor, or where there is insufficient land within the State Highway corridor, within adjacent private land.</li> </ul>	NC
<b>16.5.13</b>	<p><b>Residential Visitor Accommodation</b></p> <p><b>16.5.13.1 Must not exceed a cumulative total of 90 nights</b></p>	<p>C</p> <p>Control is reserved to:</p>

# BUSINESS MIXED USE 16

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status				
	<p>occupation by paying guests on a site per 12 month period.</p> <p>16.5.13.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>16.5.13.3 Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</p> <p>16.5.13.4 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>16.5.13.5 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours’ notice.</p> <p>16.5.13.6 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours’ notice, in order to monitor compliance with rules 16.5.13.1 to 16.5.13.6.</p> <table><tr><th>Rule 16.5.13 and relief sought</th><th>Appellant Court Number</th></tr><tr><td>Rule 16.5.13 Residential Visitor Accommodation ... 16.5.13.2 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.</td><td>Wayfare Group Ltd ENV-2019-CHC-076</td></tr></table>	Rule 16.5.13 and relief sought	Appellant Court Number	Rule 16.5.13 Residential Visitor Accommodation ... 16.5.13.2 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076	<p>a. The location, nature and scale of activities;</p> <p>b. The location, provision, and screening of parking and access;</p> <p>c. The management of noise, rubbish and outdoor activities;</p> <p>d. The compliance of the residential unit with the Building Code as at the date of the consent;</p> <p>e. Health and safety provisions in relation to guests;</p> <p>f. Guest management and complaints procedures;</p> <p>g. The keeping of records of RVA use, and availability of records for Council inspection; and</p> <p>h. Monitoring requirements, including imposition of an annual monitoring charge.</p>
Rule 16.5.13 and relief sought	Appellant Court Number					
Rule 16.5.13 Residential Visitor Accommodation ... 16.5.13.2 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076					
16.5.14	<p>Homestay</p> <p>16.5.14.1 Must not exceed 5 paying guests on a site per night.</p> <p>16.5.14.2 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</p> <p>16.5.14.3 Must not generate any vehicle movements by</p>	<p>C</p> <p>Control is reserved to:</p> <p>a. The location, nature and scale of activities;</p> <p>b. The location, provision, and screening of parking and</p>				



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	Standards for activities located in the Business Mixed Use Zone	Non-compliance status				
	<p>heavy vehicles, coaches or buses to and from the site.</p> <p>16.5.14.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>16.5.14.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours’ notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours’ notice, in order to monitor compliance with rules 16.5.14.1 to 16.5.14.5.</p> <table><tr><th>Rule 16.5.14 and relief sought</th><th>Appellant Court Number</th></tr><tr><td>Rule 16.5.14 Homestay ... 16.5.14.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</td><td>Wayfare Group Ltd ENV-2019-CHC-076</td></tr></table>	Rule 16.5.14 and relief sought	Appellant Court Number	Rule 16.5.14 Homestay ... 16.5.14.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076	<p>access:</p> <p>c. The management of noise, rubbish and outdoor activities;</p> <p>d. The keeping of records of Homestay use, and availability of records for Council inspection;</p> <p>e. Monitoring requirements, including imposition of an annual monitoring charge.</p>
Rule 16.5.14 and relief sought	Appellant Court Number					
Rule 16.5.14 Homestay ... 16.5.14.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076					
16.5.15	<p>At Frankton Marina (Sugar Lane) the following limits on office and retail activities apply:</p> <p>16.5.15.1 1000m<sup>2</sup> GFA for retail activities; and</p> <p>16.5.15.2 1000m<sup>2</sup> GFA for office activities; and</p> <p>16.5.15.3 300m<sup>2</sup> GFA for individual tenancies for retail activities.</p> <p>16.5.15.4 200m<sup>2</sup> GFA for individual tenancies for office activities.</p> <p>Exemption:</p> <p>a. The retail limits in 16.5.14.1 and 16.5.14.3 do not apply to marine retail activities.</p>	D				
16.5.16	<p>Sound Insulation and Mechanical Ventilation</p> <p>Within Area A as shown on the planning maps any buildings containing an Activity Sensitive to Road Noise, within 80m of the State Highway, shall be designed to achieve an Indoor Design Sound Level of 40dB LAeq24h.</p>	NC				

## BUSINESS MIXED USE 16

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
	Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level.	

### 16.6 Rules - Non-Notification of Applications

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

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

16.6.2.1 Buildings.

16.6.2.2 Building Heights between 12m and 20m in the Business Mixed Use Zone in Queenstown, except:

- a. for 30-46 Gorge Road (as shown on the District Plan web mapping application) where applications may be limited notified to the adjoining properties along the Horne Creek boundary; and
- b. except for the Frankton Marina (Sugar Lane) Business Mixed Use Zone.

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

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