

**BEFORE THE ENVIRONMENT COURT**

Decision No. [2014] NZEnvC 054

**IN THE MATTER** of the Resource Management Act 1991 (the Act) and of appeals under Clause 14 of the First Schedule of the Act

**BETWEEN** QUEENSTOWN AIRPORT CORPORATION LIMITED

(ENV-2009-CHC-210)

TROJAN HOLDINGS LIMITED

(ENV-2009-CHC-211)

MANAPOURI BEECH INVESTMENTS LIMITED

(ENV-2009-CHC-212)

FOODSTUFFS (SOUTH ISLAND) LIMITED

(ENV-2009-CHC-214)

QUEENSTOWN CENTRAL LIMITED

(ENV-2009-CHC-215)

THE STATION AT WAITIRI LTD

(ENV-2009-CHC-216)

AIR NEW ZEALAND LIMITED

(ENV-2009-CHC-221)

REMARKABLES PARK LIMITED AND SHOTOVER PARK LIMITED

(ENV-2009-CHC-222)

QUEENSTOWN LAKES COMMUNITY HOUSING TRUST

(ENV-2009-CHC-223)

Appellants



**AND**QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

Hearing: at Queenstown on 3 and 4 February 2014

Court: Environment Judge J E Borthwick  
Environment Commissioner R M Dunlop  
Environment Commissioner D J BuntingAppearances: R M Wolt for Queenstown Airport Corporation Ltd  
V Robb and L J McPhail for Manapouri Beech Investments Ltd  
J M Crawford for Foodstuffs (South Island) Ltd  
I M Gordon for Queenstown Central Ltd  
T L Edney for The Station At Waitiri Ltd  
J D Young for Remarkables Park Ltd and Shotover Park Ltd  
J E Macdonald for the respondent  
S M Janissen for New Zealand Transport Agency

Date of Decision: 14 March 2014

Date of Issue: 14 March 2014

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**SECOND INTERIM DECISION OF THE ENVIRONMENT COURT**


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- A: The resource management issues, objectives and policies for PC19, except for Activity Area A, Activity Area E2 and the Outline Development Plans which are to follow in a later decision, are approved subject to the amended provisions marked Appendix A attached to and forming part of this decision.
- B: Leave is reserved for any party to apply to the court to correct any minor editorial errors or omissions, including the use of consistent terminology.

**REASONS****Introduction**

[1] In February 2013 the court released its first Interim Decision on the appeals against the higher order provisions of Plan Change 19, Queenstown. Located within



Queenstown's Urban Growth Boundary, this plan change rezones one of the last remaining greenfield sites for urban development.<sup>1</sup> This important planning instrument is to meet the future needs of the district by providing for a mix of uses across 69 hectares.

[2] At the substantive hearing, and with all provisions of the plan change being contested, the parties sought outcomes which would give rise to two, or more likely three, different urban forms. Complicating the proceedings, some parties advanced policy which exceeded the court's jurisdiction; challenged the relief sought by another party on the same basis, or both. These matters, and more, are the subject of the first Interim Decision<sup>2</sup> and, after further hearing time, the second Procedural Decision (released September 2013).<sup>3</sup>

[3] Notwithstanding an appeal against the first Interim Decision (now before the Court of Appeal), the proceedings are not stayed and the parties' expert witnesses were directed back into conferencing. The purpose of conferencing was to ascertain whether the experts agreed with the court's recommended wording for the objectives and policies and any rule, standard or method or other provision determined in the Interim Decision. If they did not agree, they were to propose alternative wording that accords with and implements the Interim Decision.

[4] Following a hearing on 3-4 February 2014, apart from Activity Area A, Activity Area E2 and Outline Development Plan provisions, this decision finally approves higher order provisions for PC19 including the relevant resource management issues, objectives and policies. The provisions that are approved are contained in Appendix A attached to this decision.

[5] A second hearing was held in the week commencing 24 February 2014 concerning the relationship between Activity Area A and the provision for open space, Activity Area E2 and Outline Development provisions. A separate decision will be released in respect of the matters considered during the second hearing week.



<sup>1</sup> First Joint Witness Statement dated 28 November 2013 at [14].

<sup>2</sup> [2013] NZEnvC 14.

<sup>3</sup> [2013] NZEnvC 224.

**Preliminary matters**

[6] We record that Air New Zealand Ltd, Trojan Holdings Ltd and Queenstown Airport Corporation Ltd were granted leave to be excused from this 3-4 February 2014 hearing, the parties abiding the decision of the court.

[7] The Station at Waitiri Ltd (the successor in title to an appeal filed by FM Custodians Ltd) was represented by its director, Mr T L Edney. Mr Edney said he wished to reserve the appellant's position and sought leave to be excused. As The Station at Waitiri Ltd did not call evidence, make submissions or cross-examine witnesses, its position on appeal and on the appeals for which it is an interested party is not known. Apart from acknowledging the standing of this party in these proceedings, we do not otherwise refer to it in this decision. Leave to be excused was granted.

[8] No appearance was entered on behalf of Queenstown Lakes Community Housing Trust, an appellant in this proceeding.

[9] We move next to our findings in relation to Manapouri Beech Investments Ltd's appeal.

**Manapouri Beech Investments Ltd*****Discussion and findings***

[10] Following the first Interim Decision and second Procedural Decision, with Manapouri continuing to pursue site specific treatment of its land, the court directed its appeal be set down for a hearing with evidence to be filed as to the merits of treating its site differently from other land zoned AA-E1.

[11] Manapouri subsequently amended its notice of appeal, eventually limiting its relief to the establishment of a licensed café to be operated in association with an existing garden centre. Conferencing of expert witnesses followed evidence exchange, with the witnesses reaching agreement on the objectives and policies relating to the Manapouri land.



[12] In response to the court's questions the policies were further amended by the parties<sup>4</sup> during the hearing to ensure the consistent use of terms. An advice note was also added to policy 4.4 explaining the New Zealand Transport Agency's powers under the Government Rounding Powers Act 1989 in relation to access onto a limited access road.

[13] We are satisfied that the relief pursued by Manapouri Beech is within the court's jurisdiction, the amended policies are the most appropriate means to achieve the purpose of the Act and that the provisions will promote the sustainable management of the district's natural and physical resources.

### **The balance of PC19 appeals (not including AA-E2)**

#### ***Introduction***

[14] Through conferencing, the experts responded to the court's approved higher order provisions recommending further reorganisation and revision of wording. With one exception (being retail activities in Activity Area D and E1) the recommendations accorded with the Interim Decision. During the course of the hearing the witnesses proposed further minor amendments to policies 2.1, 4.13, 8.13, 7.16(a)<sup>5</sup> and these are also approved. The amendments were not included in an updated set of provisions provided by QLDC on 14 February 2014, but are included in the approved version attached to this decision.

[15] Overall, the recommendations made in the second Joint Witness Statement of 23 January 2014 are a significant improvement to the wording of the plan change provisions with the court facilitated conferencing of the expert witnesses having been particularly effective.

#### ***Retailing in Activity Area D***

[16] We return now to the policies amending retail provisions in AA-D and E1 commencing with the former.

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<sup>4</sup> Specifically, the witnesses for Manapouri Beech Investments Ltd, Queenstown Lakes District Council and the New Zealand Transport Agency in their Joint Witness Statement dated 3 February 2014 concerning policies 2.2, 4.5, 2.8 and 10.8.

<sup>5</sup> Transcript 185-188.



[17] In the first Joint Witness Statement the planners proposed combining policies 11.3, 11.4 and 11.11 approved by the court in the first Interim Decision. This would result in a new policy, policy 11.3, which addresses what is to occur for retailing within AA-D, including in the area adjoining the Eastern Access Road (EAR). Policy 11.3 in the first Joint Witness Statement reads:

**AA-D Policy 11.3**

To exclude retailing unless retail activities are:

- (a) ancillary to and minimal in comparison with the use of the site for industrial and service activities; or
- (b) located at the interface of the EAR and are directly connected to the use of the site by industrial and service activities for the outdoor storage of goods, materials and equipment.

[emphasis added]

[18] In the second Joint Witness Statement Mr Mead, a planner engaged by the District Council, proposed a further revision of policy 11.3 to address a problem he saw with regards to “other yard-based activities” as distinct from retailing associated with industrial and service activities. His amendment would read as follows:

**Policy 11.3 for AA-D**

To exclude retailing unless retailing activities are:

- (a) ancillary to and minimal in comparison with the use of the site for industrial and service activities of a yard-based nature, or
- (b) in addition to (a) located at the interface of the EAR and are:
  - (i) directly connected to the use of the site by industrial and service activities of a yard-based nature for the outdoor storage of goods, materials and equipment, or
  - (ii) involve the sale of goods from yard-based automotive, marine, timber, garden and landscape suppliers where the goods are primarily stored outdoors.

[emphasis added]

Issue: Extension of retailing in Activity Area D

[19] Turning first to Mr Meads’ proposed policy 11.3(b)(ii), this is to provide for a restricted form of standalone retailing, namely yard-based with goods stored primarily



outdoors. We were surprised at Mr Meads' recommendation given that in the second Procedural Decision on the issue of retailing within AA-D the court held retailing in this area is to be limited to activities ancillary or directly connected to industrial, service and yard-based activities. This ruling does not contemplate that the "yard-based activities" are "yard-based retail activities". Indeed, Mr Mead conceded such a policy would not give effect to the objective.<sup>6</sup> We note that Mr J Brown and Mr C Ferguson, the planners engaged by Shotover Park Limited and Remarkables Park Ltd (referred to as "SPL") and Trojan respectively, considered the addition of clause (ii) to policy 11.3 would authorise standalone retail in apparent contradiction of the court's second Procedural Decision at paragraph [120].

[20] In response to proposed policy 11.3(b)(ii) counsel for the District Council, SPL and Queenstown Central Limited ("QCL") submitted that the court has no jurisdiction to approve standalone retail in this activity area. We agree.

Issue: "Directly connected to"

[21] A second issue emerged during the course of the hearing concerning the District Council's interpretation of the phrase "directly connected to". This appears in policy 11.4 of the court's first Interim Decision and is repeated in the first and second Joint Witness Statements in policy 11.3.<sup>7</sup> The words have been emphasised above in the text for the policies.

[22] Mr Mead's evidence was he had interpreted the phrase "directly connected to" as enabling retail of a scale greater than "ancillary to or minimal in comparison with". Counsel advised, merits aside, that the court had jurisdiction to approve of the relevant policy, as it arises out of relief sought in the Trojan Holdings Ltd appeal.<sup>8</sup>

[23] Addressing the Trojan appeal, we observe every sentence is comprised of a subject and predicate. It appears at the substantive hearing the parties had not considered the subject of the Trojan relief when proposing amendments to this policy. Instead the phrase "directly connected to" has been lifted from the Trojan appeal and applied to

<sup>6</sup> Transcript at 178.

<sup>7</sup> The policy appears as policy 11.3(b) in the Joint Witness Statements and policy 11.3(b)(i) in Mr Mead's revision.

<sup>8</sup> Appendix D, policy 9.5



activities that are not the subject matter of the appeal. We find, therefore, that the court has no jurisdiction to consider either policy 11.3(b) in the Joint Witness Statements or Mr Mead’s policy 11.b(i).

[24] As for the merits of the policy, there is a tension between the witnesses’ policy 11.3(a) which restricts the scale of retailing to a scale that is “ancillary to and minimal in comparison with” its related industrial or service activities and secondly policy 11.3(b) which, by deploying “directly connected to”, provides for a greater scale of retailing for a subset of industrial and service activities; namely outdoor storage of goods.<sup>9</sup> This tension will not assist the District Council in the future performance of its functions pursuant to s 31. Policy 11.3(b) in the Joint Witness Statements is not approved.

*Issue: Spatial Limitation*

[25] We agree with the witnesses that the policies should address the spatial limitation of retail in proximity to the Eastern Access Road within AA-D (and E1) and have amended the policy accordingly (see below).<sup>10</sup> The court’s policies approved in the Interim Decision for AA-D both encouraged and discouraged certain activities establishing within this area. Having given the matter some further reflection we have decided to revise the policies for AA-D and E1 to ensure, to the extent that is possible, they have common wording. The final wording approved reflects the predominate views of the planning witnesses.<sup>11</sup>

***Outcome for Retailing in Activity Area D***

[26] Given the absence of jurisdiction for the planning witnesses’ policy 11.3(b), we approve of the wording for policy 11.3 as follows:

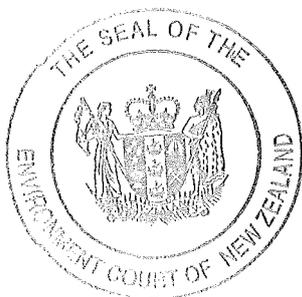
**AA-D Policy 11.3**

To exclude retailing unless retail activities are:

<sup>9</sup> Industrial and services activities are defined under the operative District Plan as follows: Industrial activity means the use of land or buildings for the primary purpose of manufacturing, fabricating, processing, packing or associated storage of goods. Service activity means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.

<sup>10</sup> Transcript at 134.

<sup>11</sup> For the adjective “yard-based” applying to industrial and service activities see transcript 176, 177-178 and 182.



- (a) ancillary to and minimal in comparison with the use of the site for yard-based industrial or service activities; or
- (b) in addition to (a) where located on a site with frontage to, and not extending more than 50m from the EAR, retailing ancillary to yard-based industrial or service activities.

***Retail in Activity Area E1***

**Policy 10.3 second Joint Witness Statement**

[27] The policy proposed in the second Joint Witness Statement for Activity Area E1 reads as follows:

**Policy 10.3 for AA-E1**

To exclude retailing unless retailing activities are

- (a) ancillary to and minimal in comparison with the use of the site for industrial and service activities; or
- (b) in addition to (a) located at the interface of the EAR and are:
  - (i) directly connected to the use of the site by an industrial and service activity for the outdoor storage of goods, material and equipment, or
  - (ii) involve the sale of goods from yard-based automotive, marine, timber garden and landscape suppliers where the goods are primarily stored outdoors.

[28] This policy would amend policies 10.1-10.5 approved of by the court in the first Interim Decision and is different again from that proposed in the first Joint Witness Statement.<sup>12</sup>

[29] In the first Interim Decision the court did not approve of a policy enabling retail activities that are “directly connected to the use of the site by an industrial and service activity for the outdoor storage of goods, material and equipment” ((b)(i) in second Joint Witness Statement at [27] above) or a policy for standalone retail activities ((b)(ii) in the



<sup>12</sup> The reasons for the difference in approach are given in the second Joint Witness Statement at [33].

same document). Instead the court accepted that there is a role for yard-based retail activities located on sites fronting the EAR (policy 10.2) but this activity must be “directly ancillary to, and minimal in comparison with, the principal use of the site” (policy 10.4). Further, the court approved of a policy to exclude, amongst other activities, retail that conflicted with the intended function of AA-E1 (policy 10.5). In common with AA-D the policies approved of by the court both encouraged and discouraged certain activities establishing within this area.

[30] Given the absence of jurisdiction to consider the witnesses’ proposed policy 10.3(b)(i) and (ii), these policies are not approved.

[31] As with AA-D we consider the policy requires further revision given that the witnesses were of like mind that any retail within E1 should not be located further than 50m from the EAR and this was not made explicit. In fact the need for a spatial limit was overlooked. We have also made clear that retailing within this activity area is ancillary to “yard-based” industrial or service activities.

[32] We record here counsel’s advice that the storage of goods for sale in a yard does not fall within the definition of industrial or service activity. We agree with their interpretation and our decision proceeds on this basis.

Outcome

[33] For the reasons given, the court approves policy 10.3 in the following form:

**Policy 10.3 for AA-E1:**

To exclude retailing unless retail activities are:

- (a) ancillary to and minimal in comparison with the use of the site for industrial or service activities; or
- (b) in addition to (a) where located on a site with frontage to, and not extending more than 50m from the EAR, yard-based retailing ancillary to industrial or service activities.



[34] Finally, we record that we do not share counsel for QCL's concerns that the phrase "ancillary to and minimal in comparison with" or the term "ancillary to" are difficult to apply. The lower order hearing will give clarification through the floor area and site coverage provisions.

Policy 10.4 Joint Witness Statement

[35] We do not approve of the wording proposed for the policy identified in the second Joint Witness Statement as policy 10.4. This policy amends the provision approved of by the court (our reference policy 10.5) by excluding reference to "retail". The planners advised that retention of "retail" in this policy was inconsistent with the otherwise limited provision for this activity.<sup>13</sup> As the proposed amendment could lead to a diluting of the strong direction previously approved of by the court it does not give effect to the first Interim Decision.

[36] If there are inconsistencies in the policy wording this can be addressed by amending the policy but retaining its overall direction.

Outcome

[37] Thus policy 10.4 is approved subject to the following amendments:

Unless otherwise provided for in the policies for this Activity Area, to exclude activities (such as residential activities, retail and visitor accommodation) that conflict with the intended purpose of the Activity Area through the generation of reverse sensitivity effects; or will result in the reduction of land available for industrial or service activities.

**District Wide policies**

***Discussion and findings***

[38] In the Interim Decision at paragraph [696] the District Council was directed, pursuant to section 293, to prepare a change to the plan by amending District Wide Issues policy 8.2 and to consult with the parties about the amended wording.

[39] The final wording of the policy was provided by the parties at paragraph 4 of their joint memorandum dated 21 February 2014. The wording follows:



**Policy 8.2**

To prohibit all new Activities Sensitive to Airport Noise within the Frankton Flats Special Zone (B), Rural and Industrial Zones located within the Outer Control Boundary at Queenstown Airport, and to limit such uses in the Frankton Flats Special Zone (A).

[40] The policy wording is approved and the direction given pursuant to s 293 is confirmed.

**Stormwater Catchment Management**

[41] Two years have passed since the substantive hearing on the objectives and policies for PC19 but the District Council has yet to complete the preparation of the stormwater catchment management plan and to obtain a comprehensive resource consent for this. The District Council planners were of the view that the stormwater policies should not be approved ahead of a catchment wide consent for the disposal of stormwater. That view was not shared by QCL's planner who regarded that there was sufficient information to inform the objectives and for a developer to apply for resource consent as it pertains to their land. We accept the advice of QCL's planner and approve the policies for stormwater disposal.

[42] In coming to this conclusion, we record our understanding of the zone standard 12.20.5.2(vi) Minimum Permeable Surface in PC19(DV) – is that it is a method to give effect to the stormwater and separately, the open space policies.

**Decision sought from the court**

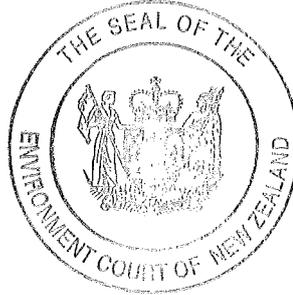
[43] The parties are seeking a final determination of the higher order provisions with leave reserved to them to seek corrections to minor editorial errors or omissions. Experience from the Manapouri Beech Investments' appeal has thrown up further, non-substantive changes to policy when regard is paid to the rules, standards and other methods. Reserving leave on this basis is entirely appropriate and we reiterate, this does not preclude the court from amending the provisions if required to give effect to Part 2 and ss 31-32 of the Act.



[44] Leave is reserved for any party to apply to the court to correct any minor editorial errors or omissions for the policies which have been approved under this decision, including the use of consistent terminology.

For the Court:

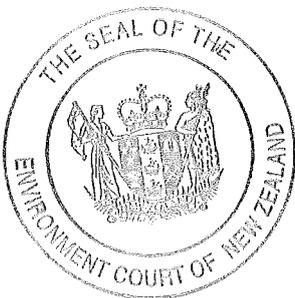
  
\_\_\_\_\_  
**J E Borthwick**  
**Environment Judge**



# Appendix A

## Frankton Flats Special Zone B

### Resource Management Issues, Objectives and Policies



## 12.31 Frankton Flats Special Zone (B)

### 12.31.1 Resource Management Issues

#### 12.31.1.1 Urban Growth and Sustainability

The location and topography of the Frankton Flats Special Zone B (FFSZ(B) or “the Zone”) provide an ideal opportunity to accommodate urban growth. There is the potential to integrate this Zone with Frankton Flats Special (A) Zone (or FFSZ(A)), the Events Centre, Glenda Drive Industrial Zone and the Remarkables Park Zone. The Zone is also adjacent to the State Highway and the Airport. The FFSZ(B) provides the ability to accommodate a range of urban activities for which there is demonstrated demand, including residential, education, industrial, commercial and certain forms of retail along with related activities such as recreation. The land can therefore enable a range of social and economic wellbeing outcomes.

The FFSZ(B) is adjacent to the already zoned FFSZ(A) and the established Events Centre. The FFSZ(A) zone provides for retail and commercial activities. There is the opportunity to complement and integrate development of FFSZ(B) with the FFSZ(A) Zone to seamlessly form a new retail town centre within the District. The FFSZ(B) provides land required to meet identified future growth needs. It will provide for the efficient use of one of the last flat land areas suitable for development within the Urban Growth Boundary. In particular there is space for a range of industrial and service activities, as well as further retail and commercial activities. The nature and location of retail activities has implications for the availability of land for industrial activities as well as the sustainable management of other retail centres.

The FFSZ(B) can also contribute significantly toward the need for residential including affordable housing. The Zone can enable an intensely developed built environment at densities not currently achieved in the District, involving a

significant mix of activities.

There are a number of constraints to development in the FFSZ(B). These include the location of the Zone in the foreground of iconic views of outstanding natural landscapes, an interface with the airport and associated air noise boundaries, limited access from State Highway 6 and the proximity to the Glenda Drive Industrial Zone.

These constraints to a large extent determine where activities within the FFSZ(B) can locate and how they function. A Structure Plan is used to define locations for land use activities and protected viewshafts, important roading connections and significant built form outcomes. This Plan has been created by referencing existing development, key infrastructure (such as the airport and the State Highway) and views to significant landscapes.

The Structure Plan assists in making the most appropriate use of the land resource. Through good design and higher densities, FFSZ(B) will enable the community to grow whilst avoiding the adverse environmental and social consequences of urban sprawl and high cost housing. At the same time, existing physical resources on the Frankton Flats will not be compromised.

#### 12.31.1.2 Landscape and Visual Amenity

Development of the Zone can enhance or detract from the amenity of the entry to the Queenstown urban area. The interface of development with the State Highway corridor is important and control is needed over the design of buildings, fencing and landscape treatment, signage and the arrangement of car parking, access and outdoor storage.

Significant views are present from the State Highway across the Zone towards the face of The Remarkables. These views need to be maintained while allowing for development to occur. Through setting buildings back from the edge of the State Highway, limiting building heights and identifying viewshafts at defined points along the State Highway frontage of the Zone, there is the ability to balance these two outcomes.



The Eastern Access Road (EAR for short) and Grant Road have potential to act as primary viewshafts towards The Remarkables. The development of these roads in terms of their width, planting, street furniture and design of adjoining development will be integral to adding to the visual amenity of the Zone.

Within the Zone there will be some other opportunities to frame views within and outside of the area through the judicious placement of reserves, open spaces, roads and buildings.

### 12.31.1.3 Integration within the Zone and with other Zones

The likely mix of activities within the FFSZ(B), and the location close to others zones and activities, provide the opportunity to integrate a range of activities. There is the opportunity for people to live and work, go to school and recreate within the zone. Providing a network of roads and walking/cycling linkages to enable integration between the different parts of the zone will be important. The development must also recognise the importance of public transport routes.

The zone is to be laid out utilising a grid-street pattern, mostly aligned at right angles to the State Highway. This provides an opportunity to provide view shafts, along the primary axis – the EAR and the secondary axis, Grant Road and assist in solar access and connectivity.

The Zone contains the northern part of the EAR which will link State Highway 6 through to the Remarkables Parks Zone, via the eastern end of the Queenstown Airport. This route will connect to State Highway 6 to the south and is an important traffic, pedestrian and cycle link in the wider integration of Frankton. Traffic and pedestrian links within the Zone to the Glenda Drive Industrial area, the Events Centre and the FFSZ(A) are necessary to enable a high degree of connectivity and walkability.

Outline Development Plans (ODP) will identify the detailed elements within certain Activity Areas, including the location of roads, accessways and pedestrian and cycle links, consistent treatment of interfaces, viewshafts,

design guidelines (where relevant), infrastructure networks and public spaces. The assessment of an ODP will need to take into account any previously approved ODP as well as methods of integration with adjoining land use patterns. In Activity Areas where ODPs are not required the existing Part 15 provisions of the District Plan, complemented by FFSZ(B) provisions, will ensure appropriate integration within and outside of the Zone.

### 12.31.1.4 High Quality Urban Design

In keeping with the primary goal of sustainable management, development must create a liveable community characterised by high quality urban design to include:

- i compact residential neighbourhood (Activity Area C2) containing a mix of housing types and sizes, adequate open space, affordable housing and ready access to public transportation
- ii commercial areas with shops for residents and visitors through the integration of Activity Area C1 and the FFSZ(A) Zone to form a town centre and complementary main street shopping environment. Activity Area E2 provides for larger showroom style retail not normally found in a town centre environment as well as light industry.
- iii local employment
- iv community activities
- v a range of visitor accommodation facilities that add to the life of the community but do not intrude into residential neighbourhoods.
- vi a quality public realm including open spaces, reserves and road reserves which contributes to active and passive spaces to be enjoyed by residents, workers and visitors

It is intended that compatible activities are co-located and that incompatible



activities are adequately separated and buffered from each other. This is achieved through the use of a Structure Plan. Within Activity Areas E1 and D provision is made for industrial activities that have a lesser amenity standard. Interface areas between activity areas (for example E2/C2 and D/C2) need to be carefully managed.

### 12.31.1.5 Infrastructure

Frankton Flats is located adjacent to key regional transport infrastructure – the airport and State Highway 6. Any development within this area needs to recognise the importance of protecting the functions of this infrastructure into the future while allowing the development of a Frankton Flats area as a mixed-use zone.

The Zone is within the boundary of the urban reticulation network for water, effluent and stormwater. There are multiple land holdings within the Zone and so there needs to be co-ordination between the funding, planning and design of infrastructure, utilities and roading to ensure that these are delivered efficiently.

The road network from Frankton to Queenstown CBD is under pressure from increasing traffic volumes. In planning for the development of the Zone and for all modes of travel there is a need to ensure that there are good connections within the site, to the wider Frankton Flats area, to Queenstown and the remainder of the District. In addition, limiting unrestrained private vehicle use including the provision of parking and promoting alternatives to the car must be addressed. There are opportunities for travel demand management planning to be utilised within the Zone to reduce the number of vehicle trips occurring.

### 12.31.2 Objectives and Policies

#### Objective 1 Urban growth and the sustainable management of resources

- a. *The needs of the District are provided for by utilising the Zone for a range of urban activities*
- b. *The Zone develops in a manner that achieves environmental quality and amenity while avoiding or mitigating any adverse effects on the environment.*

#### Policies:

- 1.1 *To provide for a wide range of non residential activities including retailing, community activities and commercial uses, mixed live/work units, and industry (including yard based) to help meet projected land use requirements.*
- 1.2 *To provide for a range of residential activities and visitor accommodation including affordable housing with an emphasis on high amenity, higher density living environments, while discouraging low density living.*
- 1.3 *To ensure that development within the Zone is structured so that:*
  - a. *Compatible activities are co-located and incompatible activities are adequately separated by the position of activity areas and roads, and suitable interface controls;*
  - b. *The Zone is effectively integrated with adjacent zones; and*
  - c. *Activity Area C1 and FFSZ(A) integrate to form a town centre.*
- 1.4 *To use a Structure Plan to establish:*



- a. *The location of the Activity Areas, taking into account the compatibility of activities and the location of the Airport Outer Control Boundary;*
- b. *A landscaped open space area adjacent to State Highway 6 and associated setbacks of development height to primarily provide for views of surrounding Outstanding Natural Landscapes;*
- c. *Viewshafts from State Highway 6 to The Remarkables;*
- d. *The primary roading structure within the Zone; and*
- e. *Where land use controls are necessary at the interface with the EAR.*

1.5 **NOT APPROVED** *To use Outline Development Plans in Activity Areas C1, C2 and E2 to implement the Structure Plan and to co-ordinate development within these Activity Areas, taking into account adjacent Activity Areas and Zones in a way that is consistent with the objectives and policies of the Zone and the particular Activity Area.*

1.6 *To ensure quality urban design occurs within the public and private realms so that the built environment provides an appropriate level of amenity for residents, visitors and workers.*

1.7 *To establish a cohesively designed network of open space areas, streets and public reserves across the Zone.*

## Explanation and Principal Reasons for Adoption

The zone is located where it is close and accessible to other urban areas in the Wakatipu Basin.

The zone provides the opportunity for a range of activities including residential, commercial industrial, community and related activities such as recreation. It provides for employment growth in many sectors. The land can

therefore contribute to the ongoing social and economic wellbeing of the District's people and communities.

Development in the zone must recognise certain constraints, including views to the face of The Remarkables, the proximity of and ongoing operational viability of the airport, and the potential for activities to be incompatible with each other. The objectives and policies require that rules ensure that any potential adverse effects are properly avoided or mitigated.

The zone provides for the integration of enabled activities with adjoining land uses, including the FFSZ(A) zone such that a town centre will develop. Integration will also occur with the Glenda Drive Industrial area; the Events Centre and the Remarkables Park zone accessed via the Eastern Access Road. Development will take place at a higher intensity and with a more diverse mix of uses than has generally occurred in Queenstown to date.

## Objective 2 Visual Amenity and Connections

- a. ***Visual connections to surrounding Outstanding Natural Landscapes are maintained***
- b. ***All development visible from State Highway 6 is of a high standard in terms of visual appearance.***

### Policies:

- 2.1 *To require a 50m wide landscaped open area (Activity Area A) to be established and maintained between State Highway 6 and any built development along the central and western portions of the Zone's northern edge at C1, C2 and E2.*
- 2.2 *To require a building setback from State Highway 6 and generous areas of landscape planting to substantially screen built development and outdoor storage of goods, material and equipment when viewed from State Highway 6 at the eastern portion of the Zone's northern edge, within that part of Activity Area E1 located to the east of Activity*



Area A.

- 2.3 To provide views from State Highway 6 to the face of The Remarkables, in addition to Activity Area A, through:
- a graduated stepping of building height within the Zone;
  - Viewshafts along Grant Road and the EAR; and
  - Three viewshafts through Activity Areas C1 and C2.
- 2.4 To ensure that the three viewshafts shown indicatively on the Structure Plan through Activity Areas C1 and C2:
- are created by the position of open space (public and private) streets and accessways; and
  - have a minimum width of 15 metres and are maintained free of buildings.
- 2.5 To encourage views from within the Zone to face of The Remarkables, Cecil and Walter Peaks, Ferry Hill, K Number 2, Queenstown Hill and Peninsula Hill through the position of open space, streets and accessways.
- 2.6 To give primacy to the protection of the views of Outstanding Natural Landscapes from public spaces when considering proposals to exceed height limits not otherwise provided for by provisions in specific activity areas.
- 2.7 To ensure that the nature and location of landscaping proposed to complement development does not itself adversely affect the view shafts to The Remarkables.
- 2.8 To achieve a high level of amenity for all development that is visible from State Highway 6 through managing building design, site layout

and landscaping.

- 2.9 To ensure that commercial signage avoids adverse effects of visual clutter as viewed from State Highway 6 and that it does not compromise traffic safety.

### Explanation and Principal Reasons for Adoption

Frankton Flats Special Zone (B) is located at the entrance to Queenstown and as such provides one of the first impressions of the Queenstown urban environment. Any development in this area must maintain and enhance the amenity of this approach into Queenstown.

Activity Area A (Open Space Zone) provides a 50m open area from the State Highway that is free from structures so that landscaping and tree planting can soften the views of the intensive development within the zone.

Development undertaken in accordance with the Structure Plan will ensure roads are located perpendicular to the State Highway to assist in providing views to the Remarkables Range beyond the development.

Landscaping in the form of mature trees can assist in framing views and softening the effects of the development.

Buildings viewed from the State Highway are subject to a higher threshold of design to ensure they are of a high standard of appearance and amenity while excessive signage and the use of corporate colours is avoided to protect the important views.

### Objective 3 Managing Interfaces, Integration and Improving Connections

- Development physically and visually integrates within the Zone and with surrounding Zones including the Frankton Flats Special Zone (A), Glenda Drive Industrial Zone and the Events Centre.

Appendix A to Second Interim Decision: Approved Provisions

(Excludes all provisions relating to Activity Area A, Activity Area E2 and Outline Development Plans)



- b. *The Eastern Access Road (EAR) develops as a corridor that has an important linking role as well as being an urban place in its own right formed by the road and adjacent development.*
- c. *A connected internal roading network develops that helps to facilitate movement demands between activity areas while also providing a block structure that supports a quality urban environment.*
- d. *Interfaces between incompatible activities are managed to avoid or mitigate adverse effects.*

**Policies:**

3.1 **NOT APPROVED** *To require separate Outline Development Plans (for the whole of) Activity Areas C1, C2 and for either side of the EAR in Activity Area E2. In the case of Activity Area E2, where due to multiple land ownership it is not possible to be definitive as to likely development in the whole of any of these activity areas an ODP for part of this activity area may be appropriate, provided it is demonstrated that sufficient account has been taken of the ODP for adjacent land and whether the ODP limits the ability of that land to be developed in accordance with the Zone's provisions.*

3.2 **NOT APPROVED** *To require Outline Development Plans to provide for the following:*

- a. *A hierarchy of roads and routes including:*
  - (i) *those roads which are required in accordance with the location shown on that Structure Plan;*
  - (ii) *those roads which are required in accordance with the Structure Plan but where up to 25m of location flexibility is appropriate; and*

- (iii) *other streets, laneways, pedestrian and cycle connections to assist with the creation of continuous view shafts, a permeable connected movement network and a block structure that supports a quality built environment.*

b. *An appropriate (and within the same activity area, consistent) treatment of the interfaces of the following:*

- (i) *C1, C2 and E2 with A*
- (ii) *C2 and E2*
- (iii) *C2 and D*

*Through any combination of:*

- (i) *Provision of laneways;*
- (ii) *Location of car parking and other outdoor areas;*
- (iii) *Building orientation and set backs;*
- (iv) *Building design;*
- (v) *Landscape treatment;*
- (vi) *Arrangement of land uses*

- c. *The location of the indicative viewshafts depicted on the Structure Plan;*
- d. *An integrated network of public and private open spaces;*
- e. *A consistent pattern of landscape treatment within and alongside required roads;*



f. Urban design principles to be used in each relevant activity area;

g. Infrastructure and utilities in particular stormwater; and

h. Other matters as specified in individual Activity Areas.

3.3 **NOT APPROVED** To ensure that where no ODP applies, subdivision and development provides for:

a. Those roads which are required in accordance with the location shown on the structure plan;

b. Those roads which are required in the structure plan, but where up to 25 metres of location flexibility is appropriate; and

c. Other streets and routes as necessary to achieve the policies of the Zone.

3.4 To provide an effective and efficient arterial road connection between the Zones and the Remarkables Park Special Zone (the EAR).

3.5 To develop a movement network which is highly permeable and provides a choice of routes and transport modes within and between Activity Areas based on function, convenience, expected traffic volumes and speeds, public safety and amenity.

3.6 To provide pedestrian and cycle linkages between the Zone and Frankton Flats Special Zone (A), the Events Centre and Glenda Drive as well as within the Zone.

3.7 To ensure through appropriate road network design that the impact of traffic on the amenity of Activity Areas C1 and C2 is minimised.

3.8 To provide safe and pleasant street environments for residents, visitors and workers within the Zone which contribute positively to neighbourhood identity and amenity.

#### Explanation and Principal Reasons for Adoption

The Frankton Flats Special Zone (B) is situated adjacent to an established industrial area, the Events Centre, Queenstown International Airport and State Highway 6. It is important that access to these areas and facilities is well designed. Given the mixed use nature of the zone and neighbouring land activities it is important that the interface between incompatible activities is managed to reduce the opportunities for reverse sensitivity effects to occur.

The Eastern Access Road will form a significant part of the roading network within the Frankton Flats. As well as providing access to the Zone it will provide access to the Remarkables Park Zone.

Transportation, land use and public access are fully integrated within the Zone and beyond with the State Highway and other urban centres such as central Queenstown, Frankton Village, Remarkables Park Shopping Centre and Arrowsmith.

The zone needs to provide for residents as well as the employees and visitors. Providing connections within and through the Zone will improve choices and encourage walking and cycling as alternatives to using a car. **NOT APPROVED** Development undertaken in accordance with the Outline Development Process will assist in securing good connections through the zone.

#### Objective 4 Providing for and managing impacts on infrastructure

a. *The development of the Zone does not diminish the on-going operation of the Airport and the Airport is protected from adverse reverse sensitivity effects.*

b. *A safe, efficient and effective transportation network is provided and travel demands are managed to reduce reliance on the private car.*

c. *Appropriate provision is made for public and private utilities to*



*meet future needs and to protect public health and safety.*

- d. Effective integration of land uses with stormwater management systems occurs.**

**Policies:**

**Airport Operation**

- 4.1 *To prohibit Activities Sensitive to Aircraft Noise within the Outer Control Boundary of Queenstown Airport.*
- 4.2 *To establish a buffer of industrial land (including yard based industrial and service activities) between Queenstown Airport and noise-sensitive activities in the Zone.*

**Transportation Network**

- 4.3 *To provide a safe, convenient and integrated transportation network that provides for pedestrians, cyclists, the expected range of vehicles and public transport.*

**State Highway**

- 4.4 *To require that a safe, efficient and effective connection to any site from State Highway 6 exists prior to any development being occupied within the Zone.*

Advice Note: *State Highway 6 is a limited Access Road. Lot 1 DP 23542 and Lot 2 DP 23542 have an authorised crossing place from and to State Highway 6 as provided for in the Government Roding Powers Act 1989. The NZ Transport Agency may exercise its discretion to cancel and disestablish the crossing place under circumstances where a parcel of land has reasonably practicable alternative legal access to some other road (section 91(1)(a)(iii) Government Roding Powers Act*

1989).

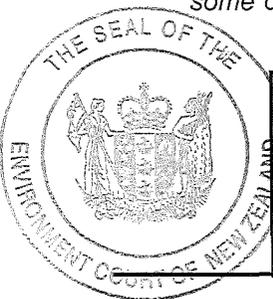
- 4.5 *To provide safe, sustainable and integrated road connections to and from State Highway 6 in locations agreed with the NZ Transport Agency. These agreed locations are all-access roads at Grant Road and the EAR, and limited access at Glenda Drive.*
- 4.6 *To maintain Activity Area A as an open landscaped buffer between the State Highway and activities in the Zone sensitive to road noise*

**Internal Network**

- 4.7 *To provide a network of streets and accessways, appropriately orientated and integrated with State Highway 6 with physical distinctions between each, based on function, convenience, traffic volumes, vehicle speeds, public safety and amenity.*
- 4.8 *To ensure that businesses that are serviced by trucks provide safe and functional loading zones on site so that the effective functioning of the road network is not compromised.*
- 4.9 *To encourage the majority of the heavy traffic passing through the Zone to utilise the EAR instead of Grant Road by road design and traffic control measures such as intersection design, judicious placement of pedestrian crossings and the provision of on-street parking along Grant Road.*
- 4.10 *To provide suitable, convenient, safe and accessible areas for car parking on site in a way that contributes to the amenity of the Activity Area.*

**Travel Demand Management**

- 4.11 *To ensure that the design of the relevant street environments take into account the operational requirements of public transport.*



- 4.12 To ensure that car parking is available consistent with a reduced reliance on the private car for travel while not over providing car parking and not exceeding the rates necessary to service the development.
- 4.13 To ensure the layout of the Zone and urban blocks that make up the Zone facilitate walking and cycling.
- 4.14 To encourage a range of physical and behavioural measures to reduce reliance on motor vehicles and to manage demand to travel.

#### Infrastructure

- 4.15 To ensure that subdivision and development recognises and provides for any necessary cross boundary infrastructure and utilities including but not limited to the provision of overland flow paths for stormwater.
- 4.16 To ensure that any run-off from impervious surfaces is treated and discharged through a combination of on-site infiltration, piping, and overland flow and attenuation primarily along the roading network in accordance with stormwater catchment management plan(s) for the Frankton Flats.
- 4.17 To ensure that, in addition to odd-site stormwater soakage and storage areas, sufficient space is provided on each site to accommodate on-site soakage of stormwater run-off through the provision of permeable areas, as well as soakage bores, pits and galleries.

#### Explanation and Principal Reasons for Adoption

The zone is located between two important community infrastructure assets – the Airport and State Highway 6. A planning framework to ensure the ongoing operation of these assets into the future is important. Strong provisions to ensure that ASANs are not located within the Outer Control Boundary assists in this. The zone provides for 2 accesses from the State Highway. Grant Road and the Eastern Access Road are central components to the internal roading network within the Frankton Flats. While the zone enables

opportunities for large scale mixed use development, it promotes methods to travel by modes other than the private motor vehicle. Site design, parking provisions and travel demand management measures are necessary to ensure that this objective can be fulfilled while providing for a range of development opportunities. The Council has undertaken a Stormwater Catchment Management Plan for the Frankton Flats area. This provides the basis for the design of stormwater systems to be assessed at the time resource consents are applied for as development within the zone progresses.

#### Objective 5 Creating a high quality urban environment

***A high quality, urban environment develops with integrated built and open space elements, including roads.***

#### Policies

##### Urban Design

- 5.1 To ensure a high standard of building design, site layout and landscape treatment including amenity planting within:
- All of Activity Area, C1, C2 and E2;
  - E1 at the interface of the EAR and SH6; and
  - D at the interface of The Events Centre, the EAR and Road 5.

*In other areas building design, site layout and landscape treatment should be appropriate to the context of the site and Activity Area*

- 5.2 To enable variations in building height in order to create interesting streetscapes and variety in form, scale and height of buildings.
- 5.3 To provide for additional height of up to one floor on street corners adjoining Activity Area A where this will add to the visual interest and



articulation of the corner when viewed from State Highway 6.

- 5.4 To ensure buildings and site layout enhances street frontages and street amenity taking into account the context of the site.
- 5.5 To encourage the use of colours and materials that complement the surrounding landscape character.
- 5.6 To ensure that crime prevention techniques are incorporated in the design of buildings (including parking areas), public and semi-public spaces and landscaping.
- 5.7 To ensure that the design of the EAR and development on adjoining land, including associated landscaping of both areas, is considered in a comprehensive manner so that:
- It contributes positively to the urban form and integration of the adjacent Activity Areas; and
  - It maintains and enhances the viewshaft and corridor function of this road.
- 5.8 To minimise the visual impact of wide carriageways on streetscapes while accommodating footpaths, public utility services and drainage systems.
- 5.9 To require the provision of landscape treatment appropriate to the function of the street as an integral part of street network design while ensuring that signage and roadside furniture and landscaping do not adversely affect views of the surrounding Outstanding Natural Landscapes.
- 5.10 To complement the appearance of buildings through the judicious placement of trees so building bulk and height is less apparent.
- 5.11 To ensure the design of on-site car parking, loading zones and loading

bays in Activity Areas C1, C2 and E2 do not adversely affect the amenity of streets and other public places.

#### Open Space

- 5.12 To provide for a range of reserves of appropriate, quality, quantity and functionality in convenient locations so as to meet the active and passive needs of the residents, worker and visitor community taking into account Policy 1.1 of 4.4.3 of the District Wide Policies.
- 5.13 To provide for a range of open spaces including places to meet, play, shelter, sit and rest with these spaces oriented to the sun and sheltered from prevailing winds.

#### Explanation and Principal Reasons for Adoption

The urban area within the zone is to be built to such a standard that it is visually interesting and provides varied urban form. Factors such as building height, form, subdivision design, materials and comprehensive urban planning will contribute to an area that is attractive, usable, safe and vibrant.

**NOT APPROVED** Outline Development Plans are to provide further guidance on the urban design principles that are to be used in Activity Areas C1, C2 and E2 as well as showing the location and nature of open space and reserves within the Zone.

**NOT APPROVED** Outline Development Plans must be approved by resource consent in Activity Areas C1, C2 and E2. This process will ensure that development is consistent with the Structure Plan for the zone as well as containing all of the critical elements of the urban form that will contribute to the zone being of a high quality. These elements include a network of streets and accessways, living and open spaces that facilitate movement through the zone, location of car parks and the design of a subdivision pattern that enhances the form and function of the development.



## Objective 6 Area A (Open Space) NOT APPROVED

*An open landscaped area adjacent to the State Highway that helps to maintain views of the surrounding Outstanding Natural Landscapes and provides for public access and physical separation of buildings from the State Highway.*

### Policies:

- 6.1 To mitigate the adverse landscape and visual amenity effects of development by providing an attractive, comprehensively designed open landscaped area between State Highway 6 and Activity Areas C1, C2 and E2 that is free of buildings.
- 6.2 To provide a public walkway and cycle path that is linked with the local network and that is compatible with the walkway/cycleway adjacent to the northern edge of the FFSZ(A).
- 6.3 To ensure that all of Activity Area A is comprehensively maintained and managed in a consistent manner and is not fenced or further developed in incompatible landscape styles.
- 6.4 To require that a resource consent be granted and implemented for development of Activity Area A prior to work proceeding in Activity Areas C1 and C2. The consent is to:
  - a. provide for the formation of a walkway and cycle path linked with the local network;
  - b. provide for consistent landscape treatment while not compromising the Area's open character, viewshafts to The Remarkables, and views to ONLs;
  - c. secure the Area's ongoing maintenance and management; and

- d. secure permanent public use of the walkway and cycleway.

## Explanation and Principal Reasons for Adoption

This Activity Area includes most of the land within 50m of State Highway 6 along the frontage of the zone. The area will remain free of buildings and will provide a landscaped open area between the State Highway and the built form in Activity Areas C1, C2 and E2. Public access through the activity area and its ongoing maintenance will be secured through the resource consent process.

## Objective 7 Area C1 (Centre)

*A vibrant, mixed use area organised around a mainstreet-type environment that complements and is integrated with the Frankton Flats Special Zone A to form a town centre which serves local and surrounding areas.*

### Policies:

- 7.1 To enable a range of retail, commercial, office, entertainment and licensed premises, higher density residential, visitor accommodation, community, education, health and day care activities, that achieve a mixed use town centre outcome, in conjunction with FFSZ(A).
- 7.2 To limit the number of large format retail activities and their location to either end of the mainstreet (Road 8) to help generate pedestrian activity and support commercial viability while maintaining a mainstreet environment.
- 7.3 To ensure that Activities Sensitive to Aircraft Noise only occur outside the Queenstown Airport Outer Control Boundary.
- 7.4 To encourage subdivision and development to provide a fine grained urban pattern based on a grid street network and a perimeter block form of development where streets are generally edged by continuous



building facades.

- 7.5 To ensure streets and landscaped places provide a range of sunny and sheltered places that enable people to meet, rest and observe passing activity.
- 7.6 **NOT APPROVED** To require attractive, active and continuous street frontages along the 'mainstreet' (Road 8) by using extensive areas of transparent glazing, not allowing residential activities and visitor accommodation to locate at ground floor level and locating main pedestrian entrances direct to the street.
- 7.7 To provide continuous veranda cover for pedestrian shelter along both sides of the 'mainstreet'.
- 7.8 To mitigate adverse visual effects of large format retail uses by requiring the sleeving of large building forms with smaller buildings and requiring modulation and detailing of frontages visible from streets .
- 7.9 To enable minor variations in buildings height in order to create interesting streetscapes and variety in form, scale and height of buildings.
- 7.10 To manage the location of car parking in order to contribute to visual amenity including placement of parking to the side or rear of buildings and undergrounding where appropriate.
- 7.11 To provide and enhance public walkways and thoroughfares between and through buildings to enhance walkability and permeability for pedestrians.
- 7.12 To ensure public spaces, including communal parking areas, are safe to use and pass through, including being suitably lit at night time whilst taking into account Council policies on lighting.

adverse effects on occupants from high levels of night time noise generated from other activities within the Zone.

- 7.14 To achieve a high level of amenity on the northern edge of Activity Area C1 as viewed from State Highway 6 and Activity Area A by requiring buildings to face and provide access to the 'Laneway' (Road 14). Buildings on site(s) between the western end of the 'Laneway' (Road 14) and Grant Road are to similarly address Activity Area A.
- 7.15 To avoid adverse visual effects of signage on the northern side of buildings adjoining Activity Area A by managing the size and location of signs or sign platforms when assessing building design.
- 7.16 **NOT APPROVED** To require Outline Development Plan(s), in addition to the matters set out in Policy 3.2 & 7.5, to demonstrate:
- how buildings, streets, open spaces, viewshafts, and pedestrian and cycle connections are to be integrated to form a high quality, mainstreet-based, mixed use town centre environment in conjunction with the FFSZ(A);
  - consistent urban design principles, taking into account Appendix A, that result in all buildings having high design standards and positively supporting the safety and amenity of the public realm;
  - the location and size of large format stores at either end of the mainstreet; and
  - how car parking is to be managed to promote walking and cycling and to reduce demand to travel.

## Explanation and Principal Reasons for Adoption

Organised around a mainstreet with retail anchors at either end (Road 8), Activity Area C1 is to integrate with the neighbouring FFSZ(A) zone to function as a town centre. A mix of activities are provided, enabling the development



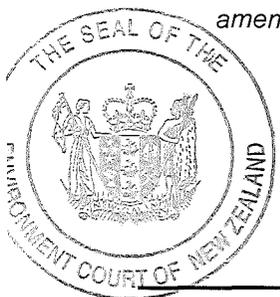
of a vibrant and attractive place to live, visit and work. There is a requirement for high quality design of buildings and landscaped spaces to create safe, visually attractive places.

**Objective 8 Activity Area C2 (Residential Neighbourhood)**

*A compact, predominantly residential neighbourhood, with a mix of compatible activities, accommodated in low to midrise building types (up to 6 storeys) designed to provide a high quality public and private living environment.*

**Policies:**

- 8.1 *To encourage effective use of land by preventing low density residential living and enabling higher density residential development, including affordable housing.*
- 8.2 *To enable an environment conducive to the development of a residential neighbourhood, with retail, commercial, and visitor accommodation activities limited to convenience retail and smaller scale workplaces and developments.*
- 8.3 *To ensure that Activities Sensitive to Aircraft Noise only occur outside the Queenstown Airport Outer Control Boundary*
- 8.4 *To require a high standard of site and building design including outdoor living spaces that integrate with neighbouring land uses and streetscapes to ensure high quality environment for residents and visitors.*
- 8.5 *To ensure that building facades that front streets and public spaces contribute to safe and attractive high amenity public environments.*
- 8.6 *To manage the location of car parking in order to contribute to visual amenity. Garages and on-site car parking areas should not dominate streetscapes.*
- 8.7 *To enable minor variations in buildings height in order to create interesting streetscapes and variety in form, scale and height of buildings.*
- 8.8 *To achieve an environment where:*
- a. *noise sensitive activities are designed so as to minimise potential adverse effects for occupants from noise generated by activities in the Zone; and*
  - b. *noise generating activities within the activity area are required to avoid or mitigate any unreasonable noise effects on nearby residential activities.*
- 8.9 *At the interface of Activity Areas C2 and E2 require:*
- a. *At the time of subdivision and development a laneway between the Activity Areas to enable physical separation of development and to provide shared access; and*
  - b. *ensure that building design and site layout, including the location of parking and outdoor areas helps to minimise nuisance effects for residents while maintaining the amenity of the laneway*
- 8.10 *At the interface of Activity Areas C2 and D, minimise adverse effects of activities in Activity Area D upon residential and visitor accommodation activities in Activity Area C2 through mix of uses, building design and landscaping.*
- 8.11 *At the interface of Activity Area C2 with Activity Area A, achieve a high level of amenity on the northern edge of Activity Area C2 as viewed from State Highway 6 by:*
- a. *requiring buildings to face and provide access to the 'Laneway'*



(Road 14); and

- b. *managing the size and location of signs.*

8.12 *To recognise that that part of Activity Area C2 located on the western side of Grant Road is inside of the Outer Control Boundary where Activities Sensitive to Aircraft Noise are not possible and to:*

- a. *provide for a range of non-residential activities that are not ASANs; and*
- b. *ensure that the design of development should recognise and appropriately address the area's relationship to and connections with Grant Road, FFSZ(A) and the Events Centre.*

8.13 **NOT APPROVED** *To require Outline Development Plan(s) for development in the Activity Area (except for that part of C2 west of Grant Road), to demonstrate, in addition to the matters set out in Policy 3.2 & 8.4*

- a. *how streets, pedestrian and cycle connections, open spaces and viewshafts and buildings, outdoor living areas and permeable landscaped spaces are to be arranged and designed in an integrated manner that accords with establishing a high quality predominately residential neighbourhood;*
- b. *how a range of dwelling sizes are to be provided to help meet housing needs, including affordability; and*
- c. *how car parking (on and off-street) is to be provided to ensure that residential amenity is maintained.*

8.14 *To ensure that public open spaces are provided concurrently with development, that provide safe, accessible and convenient spaces for people to undertake passive, informal recreational activities.*

### Explanation and Principal Reasons for Adoption

Activity Area C2 is predominately outside the airport's Outer Control Boundary and is intended to enable a higher density, high quality residential environment. Non-residential activities are limited in scale and type to those compatible with a residential environment. There is an expectation of quality design of buildings, the space between buildings and streetscapes.

The area of C2 west of Grant Road is separated from the main body of C2. Its proximity to FFSZ(A) and its location inside the OCB means that the area does not fit neatly under the objectives for C2.

The policy for this particular area of C2 therefore recognises the areas features and allows for a different approach in terms of activity mix and building design to that of the main part of C2. Given the small size of this part of C2, there is no need for an ODP.

### Objective 9 Activity Area E2 (Mixed Use Commercial) NOT APPROVED

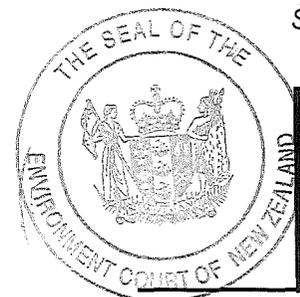
- a. ***A predominately commercial precinct for activities that benefit from exposure to passing traffic and which provides a transition between the adjoining residential and industrial areas, including compatible residential and visitor accommodation.***
- b. ***A high quality urban form that complements the corridor functions of the Eastern Access Road, including its role as an important viewshaft.***

### Policies:

- 9.1 *To provide for a compatible mix of retail, commercial and residential activities including offices, light industry, health, community, educational and recreational activities, mid-sized retail and smaller scale convenience retail and residential and visitor accommodation.*



- 9.2 To exclude activities that are incompatible with a high quality, predominantly commercial corridor due to the presence of harmful air discharges, excessive noise, use of hazardous substances or other noxious effects; or which would undermine Activity Area C1 as being the primary location for smaller scale retail.
- 9.3 To ensure that a mixed use environment establishes along the EAR by:
- controlling the size of individual retail units;
  - managing the proportion of floorspace occupied by retail activities in relation to other activities; and
  - restricting the location of residential activities to above ground floor level.
- 9.4 To ensure that built form, site layout and landscape treatment of development establishes and maintains a high quality, attractive and visually cohesive interface along the EAR frontage
- 9.5 To ensure buildings and site development results in a high level of visual interest when viewed from the EAR through a combination of generous areas of glazing at ground floor, building modulation and detailing, positioning of main building entrances visible from the street and appropriate landscape treatment.
- 9.6 To ensure roadside interfaces become attractive spaces, by requiring:
- that buildings are developed close to road boundaries so activities within the ground floor of buildings are clearly visible to passing pedestrians and motorists; and
  - car parking and loading areas are located at the side or rear of each site so that they do not visually dominate road frontages. Storage of goods and refuse is to occur to the rear and be appropriately screened from view.
- 9.7 To require any landscape treatment of frontages to complement and be integrated with building design and site layout. Landscape treatment should not be an alternative to high quality building design.
- 9.8 To achieve a high level of amenity on the northern edge of Activity Area E2 as viewed from State Highway 6 and Activity Area A.
- 9.9 To require that residential development incorporates mitigation of potential reverse sensitivity nuisance effects such as noise and glare generated from adjacent activities and the EAR.
- 9.10 To ensure that safe, convenient and attractive pedestrian footpaths and on-street parking are available within the road corridor, along both sides of the EAR as well as for pedestrian connections between activities within the Activity Area, and activities in Activity Areas C2 and E1.
- 9.11 To require adequate parking (staff and visitor), loading and turning of vehicles to occur within each site (or as part of a shared arrangement secured by an appropriate legal agreement), arranged so that all vehicles that exit onto the EAR can do so in a forwards direction.
- 9.12 To limit vehicle access to and from the EAR to either shared crossing points or accessways or alternative access locations, when subdivision or development occurs.
- 9.13 At the interface of Activity Areas C2 and E2, require subdivision and development to provide a laneway between the Activity Areas to enable physical separation of development while providing shared access.
- 9.14 To require outline development plan(s) for development in the Activity Area to demonstrate, in addition to the matters set out in 3.2:
- how site layout, including vehicle access, building location and car parking, accessways and pedestrian and cycle connections



are to be provided for in a manner that recognises multiple ownerships and achieves high quality urban form along, and the corridor function of, the EAR;

- b. the location and size of retail activities. Developments should enable a combination of different types of activities to occur within the sites covered by the ODP, either arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another): and
- c. how car parking is to be managed so as to not to over provide car parking relative to the likely demand and to minimise the number of vehicle crossings onto the EAR.

#### Explanation and Principal Reasons for Adoption

Activity Area E2 straddles the Eastern Access Road. The proximity of the highway and the Eastern Access Road provides a high level of visual exposure for this land, which in turn requires that there is a high quality urban design and architectural response. This area is identified as a suitable location for a mix of high quality light industrial activities, office and retail activities, as well as residential, where it occurs above ground level. The area provides an opportunity for showroom type activities to develop. These are complemented by limited opportunities for convenience retail, which are not necessarily appropriate in a town centre environment, yet which benefit from visual exposure. Retail floor area restrictions are in place to ensure that the area develops a mixed use character.

Residential activities have been provided for adjacent to the Eastern Access Road, above ground level. In this location they are outside the Outer Control Boundary, and as such can make a useful contribution to the residential capacity of the zone.

#### Objective 10 Activity Area E1 (Industrial)

*An area for industrial and service activities, which has a standard*

*of amenity that is appropriate to the function of the Activity Area*

#### Policies:

- 10.1 To enable a wide variety of industrial activities and service activities ranging from lighter industrial activities through to those of a yard based nature.
- 10.2 To ensure that any office space is ancillary to the use of the site for industrial and service activities.
- 10.3 To exclude retailing unless retailing is:
  - a. ancillary to and minimal in comparison with the use of the site for industrial or service activities, or
  - b. in addition to (a), where located on a site with frontage to, and not extending more than 50m from the EAR, then to enable yard based retailing ancillary to industrial or service activities.
- 10.4 Unless otherwise provided for in the policies for this Activity Area, to exclude activities (such as residential activities, retail and visitor accommodation) that conflict with the intended purpose of the Activity Area through the generation of reverse sensitivity effects; or will result in the reduction of land available for industrial and service activities.
- 10.5 To ensure that Activities Sensitive to Aircraft Noise are not located within the Outer Control Boundary.
- 10.6 To provide for higher building coverage on sites while ensuring that there is adequate space for storage of goods, parking, loading and manoeuvring.
- 10.7 To require sites provide an attractive frontage to all streets.
- 10.8 To require buildings and outdoor areas that adjoin and are visible from



the EAR, State Highway 6 or Road 2 to:

- a. have a high quality building façade design and associated road frontage landscaping; and
- b. appropriately screen outdoor storage of goods, materials and equipment (except for those goods, materials and equipment that are offered for sale adjoining the EAR) in order to provide high amenity values.

10.9 To minimise the adverse effects of noise, glare, dust and pollution

10.10 To ensure subdivision creates lots and sites that are capable of accommodating development that meets the relevant site and zone standards.

10.11 At the time of subdivision or development, to ensure that:

- a. there is adequate provision for road access, onsite parking (staff and visitors) and loading and manoeuvring for all types of vehicle so as to cater for the intended use of the site;
- b. where the intended use may require the use of large truck and trailer units, or a large number of vehicles using the same access point, there is sufficient area for these to exit on to the road in a forwards direction.
- c. all vehicles that exit onto the EAR can do so in a forwards direction;
- d. vehicle access to and from the EAR is limited to either shared crossing points or accessways, or alternative access locations; and
- e. clauses (b), (c) and (d) above can be enabled by shared parking, access and loading arrangements that are secured by an

appropriate legal mechanism.

10.12 To recognise the existence of a consented garden centre activity on Lot 2 DP23542 and its continued operation while providing for a licensed café (on-licence only) that is ancillary to the use of the site as a garden centre.

### Explanation and Principal Reasons for Adoption

This activity area adjoins the existing Industrial zoned area at Glenda Drive. It will contain industrial activities and service activities that are generally of a lesser amenity in terms of building design, noise and other effects. Development is provided sufficient room on site to accommodate cars and other vehicles, as well as storage and loading. A higher standard of amenity is to be achieved through building design, landscaping and screening along SH 6, EAR and Road 2.

To retain the ability of the zone to accommodate industrial and service activities, office floorspace is limited to being ancillary to the primary use. Residential and other non-industrial and service activities that may generate reserve sensitivity effects are not provided for. Retail activities not ancillary to industrial and service activities, or not directly connected to the principal use of the site for outdoor storage where located alongside the EAR, are also not provided for because of the other location options available for these activities, as well as the need to protect the land resource for industrial and service activities.

The function of Activity Area E1 is to provide for the full range of industrial and service activities, i.e., small and big, extensive and intensive, while recognising that over time it is likely that intensive use of land (by greater building coverage and smaller sites) will occur. Industrial and Service activities of a yard based nature are consistent with the objective for the area, this function but it can be expected that they will have a much smaller presence in the activity area over time. Activity Area D provides for a long term location for yard based activities, by virtue of its development controls.

### Appendix A to Second Interim Decision: Approved Provisions

(Excludes all provisions relating to Activity Area A, Activity Area E2 and Outline Development Plans)



**Objective 11 Activity Area D (Yard Based Industry)**

*An area dedicated to yard based industrial and service activities where there is a predominance of outdoor storage of goods, equipment and materials.*

**Policies:**

- 11.1 *To enable industrial and service activities which require larger land areas with a smaller proportion of building coverage.*
- 11.2 *To ensure that any office space is ancillary to the use of the site for yard based industrial and service activities.*
- 11.3 *To exclude retailing unless retail activities are:*
- a. *ancillary to and minimal in comparison with the use of the site for yard based industrial and service activities; or*
  - b. *in addition to (a) where located on a site with a frontage to, and not extending more than 50m from the EAR, then to enable retailing ancillary to yard based industrial or service activities.*
- 11.4 *To exclude activities that conflict with the intended function of this Activity Area such as those involving a high percentage of building coverage, small lot sizes, generate reverse sensitivity effects or which would otherwise not be appropriate in close proximity to the Airport (including residential and visitor accommodation).*
- 11.5 *To use a combination of large lot sizes and low building coverage to ensure that this area is retained for yard based industrial and service activities.*
- 11.6 *To require adequate parking, loading and manoeuvring of vehicles to occur within each site, provided that:*
- a. *there is sufficient area for large truck and trailer units, and other vehicles where a large number of vehicles use the same access point to exit on to the road in a forwards direction, and*
  - b. *all vehicles that exit onto the EAR can do so in a forwards direction.*
- 11.7 *To require buildings and outdoor areas that adjoin and are visible from the EAR, Grant Road and Road 5 to:*
- a. *have a high quality of building façade design and associated road frontage landscaping; and*
  - b. *appropriately screen outdoor storage of goods, materials and equipment (except for those goods, materials and equipment that are offered for sale adjoining the EAR in order to provide high amenity values.*
- 11.8 *To ensure that sites provide an attractive frontage to streets and to the adjoining activity area C2.*
- 11.9 *At the interface of Activity Area D and the Events Centre, provide a consistent landscaped edge inside of Activity Area D where it adjoins the Events Centre land to provide for screening of low amenity activities without precluding pedestrian connections.*
- 11.10 *To promote safe and direct pedestrian connections between Grant Road and the Events Centre land.*
- 11.11 *To minimise the adverse effects of noise, glare, dust and pollution.*

**Explanation and Principal Reasons for Adoption**

The District requires land dedicated to yard-based industrial and service activities. This includes land for the parking and servicing of vehicles, storage of construction materials and contractors yards. These activities require large



sites, but are often excluded from industrial zones by demand from other, more intensive activities. A large minimum site area is required and building coverage limited in order to maintain the function of this area.

To meet foreseeable needs, it is necessary to prevent the area being utilised for activities that could locate in other zones, such as retail and stand alone office activities. Retail activities have the potential to increase land prices and make it uneconomic for yard-based activities to locate in Queenstown. Retailing is therefore limited to activities ancillary or directly connected to the principal use of the site.

Because of the nature of activities occurring within this Activity Area and the location beside the Queenstown Airport, any form of residential community or visitor accommodation activity is inappropriate. The more extensive industrial and service uses in this area will be compatible with the existing and reasonably foreseeable future effects of the Airport.



Make the following amendment to Policy 8.2 District Wide Issues

*Policy 8.2 To prohibit all new Activities Sensitive to Airport Noise within the Frankton Flats Special Zone (B), Rural and Industrial Zones located within the Outer Control Boundary at Queenstown Airport, and to limit such uses in the Frankton Flats Special Zone (A).*



Appendix A to Second Interim Decision: Approved Provisions

(Excludes all provisions relating to Activity Area A, Activity Area E2 and Outline Development Plans)