

**Before the Hearings Panel appointed by
the Queenstown Lakes District Council**

In the Matter of

the Resource Management Act 1991

And

In the Matter of

the proposed Queenstown District
Plan – Urban Intensification Variation

**Memorandum of Counsel on behalf of
Multiple Queenstown Submitters**

Dated: 14 August 2025

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MAY IT PLEASE THE PANEL

1. We appeared at the Queenstown Lakes District Council (**QLDC**) Urban Intensification Variation (**UIV**) hearing on 6 August 2025 for Multiple Queenstown Submitters.
2. At conclusion of our presentation, the Panel directed the experts for the Multiple Queenstown Submitters, Mr Freeman and Ms Costello, to consider the following:
 - (a) how best to construct a concise urban design assessment framework within the High Density Residential Zone (**HDRZ**) and Medium Density Residential Zone (**HDRZ**);
 - (b) how best to achieve consistency of outcomes through policies and rules from an amenity perspective; and
 - (c) that updated wording of Rule 12.5.8 (building façade height and setback of upper floors) in the Queenstown Town Centre Zone is supplied to ensure that this rule appropriately addresses the Height Precincts 3A and 3B on Man Street.
3. The findings of Mr Freeman and Ms Costello in relation to these three points are set out in the annexures to this Memorandum.

CONCLUSION AND DIRECTIONS SOUGHT

4. Mr Freeman and Ms Costello's conclusions which are included in the Annexures to this Memorandum of Counsel are provided to respond to the questions raised at the hearing and assist the Panel in their deliberations.
5. In Counsel's view, with that information now provided, the following next steps may be of assistance to the Panel:
 - (a) In relation to the best way to achieve a concise urban design assessment framework in the MDRZ and HDRZ, QLDC Officers could consider the suggestions of Mr Freeman and Ms Costello above and provide their opinion on whether they would address the points raised by the Panel.

- (b) In relation to improving the consistency of urban design and amenity outcomes in provisions, QLDC Officers could consider the inconsistencies outlined by Mr Freeman and Ms Costello and how these inconsistencies could be resolved (potentially utilising expert planning conferencing).
- 6. Counsel is available to respond to any points arising from this Memorandum of Counsel.

Dated this 14th day of August 2025



Joshua Leckie
Counsel for Multiple Queenstown Submitters

ANNEXURE 1 - FINDINGS OF MR FREEMAN AND MS COSTELLO

How to achieve a concise urban design assessment framework within the MDRZ and HDRZ

1. Mr Freeman and Ms Costello agree with the concerns (as we interpret them) of the Panel are that the proposed UIV provisions would enable greater height and density, however the current QLDC Residential Design Guide 2021 would be redundant to a degree until such time as it is updated via a variation to the Proposed District Plan (**PDP**). There may be a reasonable time delay until the QLDC Residential Design Guide 2021 would be updated.
2. Mr Freeman and Ms Costello have researched relevant examples from other District and Unitary Plans around the country including from the:
 - (a) Auckland Unitary Plan;
 - (b) Rotorua District Plan (Plan Change 9); and
 - (c) Tauranga District Plan (Plan Change 33).
3. Mr Freeman and Ms Costello have collated appropriate examples from the above District and Unitary Plans and these can found at **Annexure 2** to this memorandum.
4. Mr Freeman and Ms Costello consider that the approach taken in the Tauranga District Plan (**TDP**) is the best fit for the UIV HDRZ and MDRZ.
5. Mr Freeman and Ms Costello's suggested approach in the HDRZ and MDRZ Chapters is:
 - (a) The HDRZ and MDRZ policy framework is directive in terms of the anticipated urban outcomes and the level of amenity effects anticipated;
 - (b) Rules 9.5A.1 and 8.5A.1 are amended in a way similar to the TDP Urban Design assessment:

For all restricted discretionary and discretionary activities under Rules 9.4 and 9.5 [and Rules 8.4 and 8.5 in the case of the MDRZ], applications shall include an Urban Design Assessment commensurate to the scale of the proposal. The

Urban Design Assessment must demonstrate how the application achieves Objectives and Policies XXXX and addresses any relevant matters of discretion.

- (c) Rules 9.4.5 (HDRZ multi-unit sites) and 8.4.10 (MDRZ multi-unit sites) which require a restricted discretionary consent when over a certain number of units are proposed, currently have urban design matters of discretion that need to be assessed. The matters of discretion are similar to the matters of discretion in the TDP equivalent rule.¹ Mr Freeman and Ms Costello consider that revised appropriate matters of discretion could be considered for Rules 9.4.5 and 8.4.10 with a combination of the existing UIV matters of discretion and the TDP matters of discretion being appropriate.

Consistency of outcomes through policies and rules from an amenity perspective

6. At the hearing the Panel inquired into the consistency of text and words throughout the UIV framework. For example, in the HDRZ purpose, the following is stated:

*Development controls **provide minimum protections** for existing amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban.*

(emphasis added)

7. This is compared to Objective 9.2.3 and Policy 9.2.3.1:

9.2.3 Objective – Development *maintains an appropriate level of existing amenity values*** for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.**

9.2.3.1 Policy – Apply recession plane, building height, height setback at upper floors, yard setback and site coverage controls as

¹ Standards 14B.11 and 14D.13, Tauranga City Council, Plan Change 33.

*the primary means of **ensuring an appropriate level of neighbours'** outlook space, sunshine and light access, and privacy is provided for, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.*

(emphasis added)

8. There are also various rules within the UIV HDRZ provisions which imply that a high level of residential amenity for surrounding residents must be maintained. For example:
 - (a) Rule 9.4.5 (for four or more units) includes a matter of discretion which refers to “...*whether the building form provides a **high level of residential amenity** for the occupants...and neighbouring properties...*”
 - (b) Rule 9.5.1.1 (maximum building height) includes a matter of discretion for breach of building height which refers to “...*building **dominance and sunlight access relative to neighbouring properties and public spaces including roads...***”
 - (c) Rule 9.5.3.1 (recession planes) includes a matter of discretion for breaches of recession planes which refers to “...***any sunlight, shading or privacy effects** created by the proposal on adjacent sites and/or their occupants.*”

(emphasis added)

9. Mr Freeman and Ms Costello consider that when approaching amenity related considerations, the zone purposes, policies and rules are not consistent in the level of minimum amenity to be maintained. For example, the inconsistent application through different levels of amenity to be considered such as “minimum”, “appropriate”, “high level” or “any”.

Updated wording of Rule 12.5.8 (building façade height and setback of upper floors) for QTCZ

10. Mr Freeman has further considered Rule 12.5.8 and has supplied updated wording at **Annexure 3** which ensures the rule appropriately addresses Height Precincts 3A and 3B on Man Street. We consider the rule should be measured from the level of the Man Street road boundary because the

Brecon Street road boundary (sloping down the Brecon Street steps) is significantly lower than the Height Precincts 3A and 3B datums from which their height limits are measured.

ANNEXURE 2 – RELEVANT EXAMPLES OF URBAN DESIGN CONSIDERATION FROM OTHER UNITARY AND DISTRICT PLANS

AUCKLAND UNITARY PLAN – Assessment Criteria:

(2) for four or more dwellings on a site:

- (a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:
 - (i) Standard H4.6.8 Maximum impervious areas;
 - (ii) Standard H4.6.9 Building coverage;
 - (iii) Standard H4.6.10 Landscaped area;
 - (iv) Standard H4.6.11 Outlook space;
 - (v) Standard H4.6.12 Daylight;
 - (vi) Standard H4.6.13 Outdoor living space;
 - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
 - (viii) Standard H4.6.15 Minimum dwelling size
- (b) The extent to which the development contributes to a variety of housing types in the zone and is in keeping with the neighbourhood's planned suburban build character of predominantly two storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.
- (c) [deleted]
- (d) The extent to which development achieves attractive and safe streets and public open space by:
 - (i) providing doors, windows and/or balconies facing the street and public open space
 - (ii) minimising tall, visually impermeable fences
 - (iii) designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/or façade design as viewed from streets and public open spaces.
 - (iv) optimising front yard landscaping
 - (v) providing safe pedestrian access to buildings from the street
 - (vi) minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings as viewed from streets or public open spaces
- (e) The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites.
- (f) The extent to which dwellings:
 - (i) Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling
 - (ii) Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space
 - (iii) Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.
 - (iv) Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screened from streets and public open spaces.
- (g) The extent to which outdoor living space:
 - (i) Provides for access to sunlight

- (ii) Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.
 - (iii) When provided at ground level, is located on generally flat land or is otherwise functional.
- (h) refer to Policy H4.3(7); and
- (i) infrastructure and servicing:
 - (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
 - (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

ROTORUA DISTRICT PLAN (PLAN CHANGE 9) – Matters of Discretion & Assessment Criteria:

RESZ-MDB Four or more residential or rest home units

The Council will consider the assessment criteria below, relevant to the matters of discretion. The assessment criteria provide examples of typical design responses or scenarios, but other design responses may be appropriate.

1. <u>Matters of Discretion</u>	2. <u>Assessment Criteria</u>
1. <u>The design, layout, and appearance of development.</u> 2. <u>Effects on the safety, amenity and attractiveness of the street and public open spaces.</u> 3. <u>Effects on the quality of on-site living environments (not otherwise managed by performance standards).</u> 4. <u>Effects on adjoining sites (not otherwise managed by performance standards).</u>	1. <u>Attractive and safe streets and open spaces</u> <ul style="list-style-type: none"> a. <u>Whether development provides a quality and attractive frontage to the street or public open space. This includes orientating residential and rest home units to front the street with clear and direct pedestrian access, and minimising long expanses of blank walls and at grade carparking/garage doors.</u> b. <u>Whether the orientation of development and the placement of doors, windows, balconies and habitable rooms maximises visibility over the street and public open space to enhance safety and security.</u> c. <u>Whether development optimises landscaping within the front yard to provide privacy for residential and rest home units at ground level and visual interest and safety along the street.</u> d. <u>For rest homes:</u> <ul style="list-style-type: none"> i. <u>Whether the development, including any non-residential activities, are designed to visually integrate with the planned residential character of the zone, and manage effects on the residential amenity values of adjoining sites. This includes, considering the location and design of vehicle access, parking areas and main</u>

	<p>building entrances relative to neighbouring sites.</p> <p>2. Quality on-site living environments</p> <p>a. Whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access.</p> <p>b. The extent to which outdoor living spaces are directly accessible from the principal living room.</p> <p>c. Whether landscaped areas can be consolidated to allow opportunities for large scale trees on site, and contribute to the overall quality of outlook space and allow some privacy between residential units.</p> <p>d. Where communal open space is provided on site, whether it is located to provide convenient access for all residents and maximise sunlight access, amenity and use.</p> <p>e. Whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened.</p> <p>f. For rest homes whether buildings are orientated and designed to provide privacy between residents and optimise sunlight access.</p> <p>3. Effects on adjoining sites</p> <p>a. Without limiting the ability to achieve the planned future character for the zone, whether:</p> <p>i. The development is designed to mitigate visual and privacy effects on adjoining sites, through the orientation and design of habitable rooms, outlook spaces and windows and outdoor living spaces relative to adjoining sites, and the use of architectural treatments and landscaping;</p> <p>ii. The development provides opportunities for sunlight access to adjoining sites through building placement or breaks in building form alongside or rear boundaries, acknowledging that there will be reduced opportunities to achieve this in the High Density Residential zone given the greater building heights enabled.</p>
5. The location and design of parking, access, and servicing.	4. The location and design of parking, access and servicing

6. <u>For 20 or more units the effects on the adjacent road network and the recommendations of any transport assessment required under Appendix APP1.</u>	<ul style="list-style-type: none"> a. <u>Whether safe and direct pedestrian access that is easily identifiable is provided from the street to residential units on the site.</u> b. <u>Whether a good level of connectivity is provided within the site to the existing transport network and to local services and facilities.</u> c. <u>Whether vehicle access and carparking areas are designed as low speed environments that prioritise pedestrian movement.</u> d. <u>Whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed).</u> e. <u>Whether access for emergency service vehicles is appropriately designed so that emergency service personnel can access the site safely and efficiently.</u> f. <u>Whether each residential unit has sufficient space within the site for the secure storage of at least one bicycle.</u>
7. <u>Adequacy of water, wastewater, stormwater and electricity infrastructure and management.</u>	5. <u>Infrastructure and stormwater management</u> <ul style="list-style-type: none"> a. <u>Whether the development can be adequately serviced by water, wastewater, stormwater and electricity infrastructure.</u> b. <u>Encourage development to apply low impact stormwater design.</u>

TAURANGA CITY COUNCIL – PLAN CHANGE 33

(High Density Residential Zone)

14D.12 - Standards and Terms for Four or More Independent Dwelling Units on a Site

Application for four or more [independent dwelling units](#) on a [site](#) must comply with the following standards and terms:

Note: For the avoidance of doubt, any activity that does not comply with the following standards and terms shall be considered a Restricted Discretionary Activity, unless stated otherwise.

14D.12.1- Information Requirements – Four or More Independent Dwelling Units

Any application for four or more [independent dwelling units](#) on a [site](#) must include:

- a. An Urban Design assessment commensurate to the scale of the proposal that demonstrates how the application achieves [Policies 14D-P1 to 14D-P13](#) and addresses the relevant matters of discretion;
- b. An engineering assessment, prepared by a suitably qualified and experienced person, that addresses [infrastructure](#) capacity in the local network ([Static Capacity Check](#)) within the subject catchment in relation to the anticipated water, [wastewater](#), and stormwater demand generated by the [activity](#);
- c. An [Integrated Transport Assessment](#), prepared by a suitably qualified and experienced person, relevant to the scale of the proposal in accordance with [Appendix 4K: Integrated Transportation Assessment Information Requirements](#) and the thresholds outlined below:
 - i. Neighbourhood Assessment for 15 to 35 [independent dwelling units](#);

- ii. Local Area Assessment for 36 to 50 [independent dwelling units](#);
- iii. Wide Area Assessment for 51 or more [independent dwelling units](#).

14D.13 - Matters of Discretion and Conditions for Four or More Independent Dwelling Units on a Site

In considering an application for four or more [independent dwelling units](#) on a [site](#), the [Council](#) restricts the exercise of its discretion to the following matters.

14D.13.1

Site and Context

Whether the scale, form and appearance of the development responds to:

- a. The planned urban form of the neighbourhood;
- b. The [site](#) topography and orientation; and
- c. Surrounding land uses.

14D.13.2

Public Space Interface

Whether the development contributes to a safe and attractive interface with public spaces, including by:

- a. Breaking up the bulk and mass of [buildings](#) to avoid overly dominant and blank facades;
- b. Providing a clearly visible pedestrian entrance from the road frontage; and
- c. Minimising the visual dominance of garages and parking from the streetscape.

14D.13.3

Movement Networks

Whether the development provides clear and convenient movement networks for all people to move safely:

- a. Within the [site](#); and
- b. Between the [site](#) and adjoining public spaces.

14D.13.4

Residential Amenity and Privacy

Whether the development delivers quality on-site amenity and privacy appropriate for its scale and location, including by:

- a. Orientating indoor and outdoor living areas to maximise access to sunlight throughout the year;
- b. Positioning balconies or decks to minimise overlooking of adjacent [independent dwelling units](#);
- c. Minimising direct line of sight between indoor and outdoor living areas of adjacent [independent dwelling units](#); and
- d. Using design measures to minimise reverse sensitivity effects on surrounding [non-residential activities](#).

14D.13.5

Safety and Security

Whether the development creates safe on-site communal spaces.

14D.13.6

Waste Management

Whether the development provides [waste management areas](#) that are:

- a. Easily accessible from the [independent dwelling units](#) being serviced and a suitable collection point;
- b. An appropriate size for any waste generated and stored communally on-site; and
- c. Designed to avoid or mitigate adverse amenity effects on adjoining [independent dwelling units](#).

Note: The New Zealand Building Code (G15/AS1 (2.0.1)) specifies a maximum carry distance of 30 metres for occupants transferring waste from dwellings to waste bins.

14D.13.7

Waters Infrastructure

Whether the proposal can avoid, remedy or mitigate any adverse effects of the development on the local water supply capacity, stormwater and [wastewater](#) systems.

14D.13.8

Transport Network

Whether the proposal can avoid, remedy or mitigate any adverse effects of the development on the safe and efficient function of the [transport network](#) and its existing level of service.

14D.13.9

Positive Effects

Any positive effects, including whether the proposal achieves the outcomes outlined in:

- a. [Policy 14D-P1 - Enabling Housing Choice](#);
- b. [Policy 14D-P9 - Urban Trees](#)
- c. [Policy 14D-P12 - Sustainability](#).

**ANNEXURE 3 – UPDATED QTCZ CHAPTER WITH UPDATED RULE
12.5.8 (BUILDING FAÇADE HEIGHT AND SETBACK OF UPPER
FLOORS)**

12 Queenstown Town Centre

P 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.

12.1 Zone Purpose

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

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

Development within the Special Character Area of the Town Centre Zone (shown on the District Plan web mapping application) is required to be consistent with the Queenstown Town Centre Design Guidelines ~~2023~~²⁰¹⁵, reflecting the specific character and design attributes of development in this part of the Town Centre. The Entertainment Precinct (also shown on the District Plan web mapping application) has permitted noise thresholds that are higher than other parts of the Town Centre in order to encourage those noisier operations to locate in the most central part of town, where it will have least effect on residential zones.

Commented [AB1]: S42A Amy Bowbyes - Strategic

The Queenstown Waterfront Sub-Zone makes an important contribution to the amenity, vibrancy, and sense of place of the Queenstown Town Centre as a whole.

12.2 Objectives and Policies

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

Policies

12.2.1.1 Enable intensification within the Town Centre through:

- a. enabling sites to be entirely covered with built form other than in the Town Centre Transition Sub-Zone and in relation to comprehensive developments provided identified pedestrian links are retained; and
- b. enabling additional building height in some areas provided such intensification is undertaken in accordance with best practice urban design principles and the effects on key public amenity and character attributes are avoided or satisfactorily mitigated.

12.2.1.2 Provide for new commercial development opportunities within the Town Centre Transition Sub-Zone that are affordable relative to those in the core of the Town

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Centre in order to retain and enhance the diversity of commercial activities within the Town Centre.

12.2.1.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur subject to appropriate noise controls.

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

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

Policies

12.2.2.1 Require development in the Special Character Area to be consistent with the design outcomes sought by the Queenstown Town Centre Design Guidelines ~~2023~~ ~~15~~ 2015.

Commented [AB2]: S42A Amy Bowbyes - Strategic

12.2.2.2 Require development to:

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

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

- a. provide a reasonable degree of certainty in terms of the potential building height and mass; ~~and~~ ~~or~~
- b. retain and provide opportunities to frame important view shafts ~~from public places~~ to the surrounding landscape; ~~and~~ ~~or~~
- c. maintain sunlight access to ~~land zoned Open Space public places and to footpaths,~~ ~~and~~ with a particular emphasis on retaining solar access into the Special Character Area (as shown on the District Plan web mapping application); ~~and~~ ~~or~~
- d. minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.

Commented [CF3]: S42A Corinne Frischknecht - Chapters 12, 13, 15, 16 & Business Rezoning

12.2.2.4 ~~Allow buildings to exceed the discretionary height standards where:~~

- a. ~~the outcome is of a high quality design; and~~
- b. ~~the cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a minor extent provided this is offset or compensated~~

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~~for by the provision of additional or enhanced public space or a pedestrian link within the development site; and~~

- c. ~~the increase in height will facilitate the provision of new residential or visitor accommodation activity.~~

12.2.2.4 In respect of buildings that exceed the non-complying height standards:

- i. Allow buildings other than those on jetties and wharves to exceed the maximum height standards in the following instances:
 - a. where the proposed design is an example of design excellence; and
 - b. where there is an adverse effect on the public environment from the increase in height, the proposed development provides an urban design outcome that has a net benefit to the public environment; and
 - c. where relevant, where building height and bulk have been reduced elsewhere on the site in order to reduce the impact of the proposed building on a listed heritage item.

For the purpose of this policy, urban design outcomes that are beneficial to the public environment include, as appropriate:

- d. provision of sunlight to any public space of prominence or space where people regularly congregate;
- e. provision of a new or retention of an existing uncovered pedestrian link or lane;
- f. where applicable, the restoration and opening up of Horne Creek as part of the public open space network;
- g. provision of high quality, safe public open space;
- h. retention of a view shaft from a public place to an identified landscape feature;
- i. minimising wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.
- j. the creation of landmark buildings on key block corners and key view terminations.
- ii. Recognise that the efficient utilisation of land that would otherwise be underdeveloped or developed to a lesser design quality may enable excellent design outcomes.

12.2.2.5 Ensure that development within the Special Character Area reflects the general historic subdivision layout and protects and enhances the historic heritage values that contribute to the scale, proportion, character and image of the Town Centre.

12.2.2.6 Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.

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

- k. requiring minimum floor heights to be met; and

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- l. encouraging higher floor levels (of at least RL 312.8 masl) where amenity, mobility, streetscape, and character values are not adversely affected; and
- m. encouraging building design and construction techniques which limit the impact of flooding or ponding in areas of known risk.

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

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

Policies

- 12.2.3.1 Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre and controlling the height and design of buildings at the zone boundary.
- 12.2.3.2 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:
 - a. enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre; and
 - b. providing for noisier night time activity within the entertainment precinct in order to minimise effects on residential zones adjacent to the Town Centre; and
 - c. ensuring that the nature and scale of licensed premises located in the Town Centre Transition Sub-Zone result in effects that are compatible with adjoining residential zones.; and
 - d. enabling activities within the Town Centre Zone that comply with the noise limits; and
 - e. requiring sensitive uses within the Town Centre to mitigate the adverse effects of noise through insulation.
- 12.2.3.3 Enable residential and visitor accommodation activities within the Town Centre while:
 - a. acknowledging that it will be noisier and more active than in residential zones due to the density, mixed use, and late night nature of the Town Centre and requiring that such sensitive uses are insulated for noise; and
 - b. ensuring appropriate level of amenity for occupants through building layout and design that provides for privacy, outlook space and access to sunlight; and
 - c. discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre; and
 - d. avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives

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

- e. only enabling new residential and visitor accommodation uses within the Town Centre Entertainment Precinct where adequate insulation and mechanical ventilation is installed.

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

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

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

12.2.3.7 Recognise the importance of enabling and maintaining flexibility for a range of retail and commercial activities to establish, specifically at ground level, in order to maintain and contribute to the vibrancy and economic prosperity of the Town Centre.

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

Policies

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

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

- a. maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality;
- b. requiring new pedestrian linkages in appropriate locations when redevelopment occurs;
- c. strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it;
- d. encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings, and may need to be specifically designed so as to not interfere with kerbside movements of high-sided vehicles;
- e. promoting and encouraging the maintenance and creation of uncovered pedestrian links and lanes wherever possible, in recognition that these are a key feature of Queenstown character;

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- f. promoting the opening up of Horne Creek wherever possible, in recognition that it is a key visual and pedestrian feature of Queenstown, which contributes significantly to its character; ~~and~~
- g. ensuring the cumulative effect of buildings does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site; and
- h. ensure adequate provision of loading and servicing areas, including waste and recycling storage and collection space, in order to not compromise the pedestrian experience.

12.2.4.3 Minimise opportunities for anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of streetscapes, carparking areas, public and semi-public spaces, accessways/ pedestrian links/ lanes, and landscaping.

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

12.2.4.5 Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or considering applications for wharves, jetties, moorings, and water based transport.

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

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

Policies

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

12.2.5.2 Recognise the benefits of an integrated approach to the provision of facilities for water-based activities, including avoiding the adverse congestion effects on the surface of water and the adjoining waterfront of more than one petrol and diesel refuelling facility establishing within the Queenstown Bay Waterfront Subzone.

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

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- 12.2.5.4 Retain and enhance all the public open space areas adjacent to the waterfront.
- 12.2.5.5 Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.
- 12.2.5.6 Provide for structures (including moorings, jetties and wharves) within the Queenstown Bay waterfront area subject to complying with bulk, location and appearance controls (if specified) and maintaining or enhancing the existing predominantly open character, a continuous pedestrian waterfront connection, and navigational safety.
- 12.2.5.7 Recognise the contribution that wharves and jetties within the 'active frontage area' make to supporting recreation, tourism, transport, and general public uses of the surface of the lake activities.
- 12.2.5.8 Require that buildings on wharves and jetties be located and designed in a manner that minimises impacts on views from waterfront public spaces to the lake, gardens and mountains beyond, and maintains and encourages public access onto the wharves.
- 12.2.5.9 Provide for public water ferry services within the Queenstown Town Centre waterfront Subzone.
- 12.2.5.10 Manage commercial surface of water activities within the Queenstown Bay Waterfront Subzone in a manner that ensures navigational safety, having particular regard to compatibility with existing activities.
- 12.2.5.11 Enable the use of wharves and jetties within the 'active frontage area' to support commercial activities and public transport and recognise that the active frontage area is expected to continue to provide for this function.

12.3 Other Provisions and Rules

12.3.1 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	

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12.3.2 Interpreting and Applying the Rule

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

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

- 12.3.2.5A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001. including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

12.4 Rules - Activities

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.1	Activities which are not listed in this table and comply with all standards	P
12.4.2	Minor repairs and maintenance of existing wharves and jetties and minor alterations to existing wharves and jetties that are required for operational reasons and do not restrict public access to the wharf or jetty.	P
12.4.3	Visitor Accommodation Control is reserved to: <ol style="list-style-type: none"> the location, provision, and screening of access and parking, traffic generation, and travel demand management, with a view to maintaining the safety and efficiency of the roading network, and minimising private vehicle movements to/ from the accommodation; ensuring that where onsite parking is provided it is located or screened such that it does not adversely affect the streetscape or pedestrian amenity; and promoting the provision of safe and efficient loading zones for buses; landscaping; 	C

	Activities located in the Queenstown Town Centre Zone	Activity status
	<ul style="list-style-type: none"> c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; and d. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; ii. hours of operation, in respect of ancillary activities. 	
12.4.4	<p>Commercial Activities within the Queenstown Bay Waterfront Subzone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.11.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the management of the volume, timing and safety of additional traffic generation from the activity within or adjacent to the Queenstown Bay Waterfront Subzone; b. the location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles; and c. the erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of: <ul style="list-style-type: none"> i. any adverse effect on visual amenity and on pedestrian or vehicle movement; and ii. the extent to which a comprehensive approach has been taken to providing for such areas within the Sub-Zone. 	C
12.4.5	<p>Licensed Premises</p> <p>12.4.5.1 Other than in the Town Centre Transition Sub-Zone premises licensed for the consumption of liquor on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>12.4.5.2 Premises within the Town Centre Transition Sub-Zone licensed for the consumption of liquor on the premises between the hours of 6pm and 11pm provided that this rule shall not apply to the sale of liquor:</p>	C

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	Activities located in the Queenstown Town Centre Zone	Activity status
	<p>a. to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>b. to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>In relation to both 12.4.5.1 and 12.4.5.2 above, control is reserved to:</p> <p>a. the scale of the activity;</p> <p>b. effects on amenity (including that of adjoining residential zones and public reserves);</p> <p>c. the provision of screening and/ or buffer areas between the site and adjoining residential zones;</p> <p>d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and</p> <p>e. noise issues, and hours of operation.</p>	
12.4.6	<p>Licensed Premises within the Town Centre Transition Sub-Zone</p> <p>Premises within the Town Centre Transition Sub-Zone licensed for the consumption of liquor on the premises between the hours of 11 pm and 8 am.</p> <p>This rule shall not apply to the sale of liquor:</p> <p>a. to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>b. to any person who is present on the premises for the purpose of dining up until 12 am.</p> <p>Discretion is restricted to:</p> <p>a. the scale of the activity;</p> <p>b. effects on amenity (including that of adjoining residential zones and public reserves);</p> <p>c. the provision of screening and/ or buffer areas between the site and adjoining residential zones;</p> <p>d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and</p> <p>e. noise issues, and hours of operation.</p>	RD
12.4.7	<p>Buildings except wharves and jetties, buildings on wharves and jetties, temporary 'pop up' buildings that are in place for no longer than 6 months, and permanent and temporary outdoor art installations</p>	RD

	Activities located in the Queenstown Town Centre Zone	Activity status
	<p>Buildings, including verandas, and any pedestrian link provided as part of the building/ development.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> consistency with the Queenstown Town Centre Special Character Area Design Guidelines (2023¹⁵ 2015), (noting that the guidelines apply only to the Special Character Area); external appearance, including materials and colours; signage platforms; lighting; the impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas; the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; the contribution the building makes to pedestrian flows and linkages and to enabling the unobstructed kerbside movement of high-sided vehicles where applicable; the provision of active street frontages and, where relevant, outdoor dining/patronage opportunities; and <u>the adequate provision and screening of loading and servicing areas, including waste and recycling storage and collection space; and</u> where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> the nature and degree of risk the hazard(s) pose to people and property; whether the proposal will alter the risk to any site; and the extent to which such risk can be avoided or sufficiently mitigated. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure. 	
12.4.8	<p>Wharves and jetties within the 'Active Frontage Area' of the Queenstown Bay Waterfront Subzone</p> <p>12.4.8.1 Wharves and Jetties within the 'active frontage area' of the Queenstown Bay Waterfront Subzone as shown on the the District Plan web mapping application.</p>	RD

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	Activities located in the Queenstown Town Centre Zone	Activity status
	<p>Discretion is restricted to the effects (including cumulative effects) relating to the following:</p> <ul style="list-style-type: none"> a. external appearance, including materials and colours and any effects on the character and amenity of the Queenstown Bay Waterfront Subzone; b. the scale, location, and orientation of wharves and jetties in relation to the shoreline and existing jetties and the extent to which it affects views from the waterfront public spaces to the lake, gardens, and the mountains beyond; the character and amenity of the Queenstown Bay Waterfront Subzone; and navigational safety; c. lighting; d. people's safety and adherence to CPTED principles; e. navigational safety; f. any proposed outdoor storage or street furniture located on the structure and the extent to which it is integrated into the design; g. the use of public areas around the shoreline, including maintaining or enhancing the provision of a continuous public waterfront walkway from Horne Creek to St Omer Park and public access to the lake; h. any proposed boat refuelling, bilge pumping, and sewage pumping facilities as part of the proposed jetty or wharf; i. the values of wāhi tūpuna. <p>12.4.8.2 Public water ferry services (surface of water activity only) within the Queenstown Bay Waterfront Subzone as shown on the District Plan web mapping application.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on the transport network. b. Effects on navigational safety. c. Location, scale and, intensity of the activity. d. Effects on landscape and amenity values. e. Congestion and safety, including effects on other commercial operators and recreational users. f. Waste disposal. g. Cumulative effects. 	RD

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.9	<p>Buildings that meet specified criteria on jetties and wharves within the 'active frontage area' of the Queenstown Bay Waterfront Subzone</p> <p>Buildings on jetties and wharves within the 'active frontage area' of the Queenstown Bay Waterfront Subzone for the purpose of carrying out activities with a functional need associated with surface of water activities less than 15m² in area and no more than 3m in height above the floor level of the jetty or wharf and limited to one building per jetty or wharf.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the extent to which design, location, scale, height and external appearance integrates with the use, enjoyment, and character of waterfront environment; the impact on pedestrian flows; lighting; signage platforms; the cumulative effects of multiple buildings on jetties and wharves; views from the waterfront public spaces to the lake, gardens, and the mountains beyond; outdoor storage; the contribution that the building makes to the safety of the town centre through adherence to the CPTED principles; and the contribution that the building makes to the vibrancy of the waterfront and to facilitating public access to the water. 	RD
12.4.10	<p>Wharves and jetties, and buildings on wharves and jetties within the Queenstown Bay Waterfront Subzone</p> <p>Wharves and Jetties within the 'Queenstown beach and gardens foreshore area' of the Queenstown Bay Waterfront Subzone as shown on the District Plan web mapping application.</p> <p>Any buildings located on Wharves and Jetties within the Queenstown Bay Waterfront Subzone, except buildings provided for under rule 12.4.9 (restricted discretionary buildings on wharves).</p>	NC
12.4.11	<p>Commercial surface of water activities within the Queenstown Bay Waterfront Subzone</p> <p>Commercial Surface of Water Activities within the Queenstown Bay Waterfront Subzone as shown on the District Plan web mapping application.</p> <p>The Council's discretion is unlimited but it shall consider the extent to which the proposal will:</p>	D

	Activities located in the Queenstown Town Centre Zone	Activity status
	<ul style="list-style-type: none"> a. create an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore; b. maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities; c. maintain or enhance public access to the lake and amenity values including character; d. affect navigation and people's safety, having particular regard to compatibility with existing activities; and e. affect the values of wāhi tūpuna. 	
12.4.12	<p>Moorings within the Queenstown Bay Waterfront Subzone</p> <p>Moorings within the 'Queenstown beach and gardens foreshore area' of the Queenstown Bay Waterfront Subzone (as shown on the District Plan web mapping application).</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands; b. whether the structure causes an impediment to craft manoeuvring and using shore waters; c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline; d. the effects associated with congestion and clutter around the shoreline, including whether the structure contributes to an adverse cumulative effect; e. whether the structure will be used by a number and range of people and craft, including the general public; and f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	RD
12.4.13	<p>The use of buildings or boating craft for accommodation within the Queenstown Bay Waterfront Sub-zone</p> <p>Buildings or boating craft within the Queenstown Bay Waterfront Subzone if used for visitor, residential or overnight accommodation.</p>	NC
12.4.14	Industrial Activities at ground floor level	NC

	Activities located in the Queenstown Town Centre Zone	Activity status
	Note: Specific industrial activities are listed separately below as prohibited activities.	
12.4.15	Factory Farming	PR
12.4.16	Forestry activities, except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.	PR
12.4.17	Mining Activities	PR
12.4.18	Airports other than the use of land and water for emergency landings, rescues and firefighting.	PR
12.4.19	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
12.4.20	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
12.4.21	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR
12.4.22	Cemeteries and Crematoria	PR

12.5 Rules - Standards

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.1	<p>Maximum building coverage in the Town Centre Transition Sub-Zone and in relation to comprehensive developments</p> <p>12.5.1.1 In the Town Centre Transition Sub-Zone or when undertaking a comprehensive development (as defined), the maximum building coverage shall be 75%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the adequate provision of cycle, vehicle, and pedestrian links and lanes, open spaces, outdoor dining opportunities; b. the adequate provision of storage and loading/ servicing areas;

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>Advice Note: While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as outdoor storage areas, and pedestrian linkages might be required.</p> <p>12.5.1.2 Any application for building within the Town Centre Transition Sub-Zone or for a comprehensive development (as defined) shall include a Comprehensive Development Plan that covers the entire development area.</p>	<p>c. the provision of open space within the site, for outdoor dining or other purposes;</p> <p>d. the site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, listed heritage items, and heritage precincts, and the amenity and safety of adjoining public spaces and designated sites, including shading and wind effects.</p>
12.5.2	<p>Waste and Recycling Storage Space</p> <p>12.5.2.1 Offices shall provide a minimum of 2.6m³ of waste and recycling storage (bin capacity) and minimum 8m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.2 Retail activities shall provide a minimum of 5m³ of waste and recycling storage (bin capacity) and minimum 15m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.3 Food and beverage outlets shall provide a minimum of 1.5m³ (bin capacity) and 5m² floor area of waste and recycling storage per 20 dining spaces, or part thereof.</p> <p>12.5.2.4 Residential and Visitor Accommodation activities shall provide a minimum of 80 litres of waste and recycling storage per bedroom, or part thereof.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the adequacy of the area, dimensions, design, and location of the space allocated, such that it is of an adequate size, can be easily cleaned, and is accessible to the waste collection contractor, such that it need not be put out on the kerb for collection. The storage area needs to be designed around the type(s) of bin to be used to provide a practicable arrangement. The area needs to be easily cleaned and sanitised, potentially including a foul floor gully trap for wash down and spills of waste.</p>
12.5.3	Screening of Storage Areas	<p>RD</p> <p>Discretion is restricted to:</p>

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	Storage areas shall be situated within a building or screened from view from all public places, adjoining sites and adjoining zones, except this standard does not apply to the storage of goods on a wharf for up to three (3) hours prior to or following being transported by boating craft.	<ul style="list-style-type: none"> a. effects on visual amenity; b. consistency with the character of the locality; c. effects on human safety in terms of CPTED principles; and d. whether pedestrian and vehicle access is compromised.
12.5.4	<p>Verandas</p> <p>12.5.4.1 Every new, reconstructed or altered building (excluding repainting) with frontage to the roads listed below shall include a veranda or other means of weather protection.</p> <ul style="list-style-type: none"> a. Shotover Street (Stanley Street to Hay Street); b. Beach Street; c. Rees Street; d. Camp Street (Church Street to Man Street); e. Brecon Street (Man Street to Shotover Street); f. Church Street (north west side); g. Queenstown Mall (Ballarat Street); h. Athol Street; i. Stanley Street (Coronation Drive to Memorial Street). <p>12.5.4.2 Verandas shall be no higher than 3m above pavement level and no verandas on the north side of a public place or road shall extend over that space by more than 2m and those verandas on the south side of roads shall not extend over the space by more than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. consistency of the proposal and the Queenstown Town Centre Design Guidelines (2015) where applicable; and b. effects on pedestrian amenity, the human scale of the built form, and on historic heritage values.
12.5.5	<p>Residential Activities</p> <p>12.5.5.1 Residential activities shall not be situated at ground level in any</p>	<p>RD</p> <p>Discretion is restricted to:</p>

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>building with frontage to the following roads:</p> <ul style="list-style-type: none"> a. Stanley Street (Coronation Drive to Memorial Street); b. Camp Street (Man Street to Earl Street); c. Queenstown Mall (Ballarat Street) ; d. Church Street; e. Marine Parade (north of Church Street); f. Beach Street; g. Rees Street; h. Shotover Street; i. Brecon Street; j. Athol Street; k. Duke Street. 	<ul style="list-style-type: none"> a. effects on the ability to achieve active frontages along these streets; b. effects on surrounding buildings and activities; and c. the quality of the living environment within the building.
12.5.6	<p>Flood Risk</p> <p>No building greater than 20m² with a ground floor level less than RL 312.0 masl shall be relocated to a site, or constructed on a site, within this zone.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and b. the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.
12.5.7	<p>Provision of Pedestrian Links and Lanes</p> <p>12.5.7.1 All new buildings and building redevelopments located on sites which are identified for pedestrian links or lanes in Figure 1 (at the end of this chapter) shall provide a ground level pedestrian link or lane in the general location shown.</p> <p>12.5.7.2 Where a pedestrian link or lane required by Rule 12.5.7.1 is open to the public during retailing</p>	<p>RD</p> <p>Where the required link is not proposed as part of development, discretion is restricted to:</p> <ul style="list-style-type: none"> a. the adverse effects on the pedestrian environment, connectivity, legibility, and Town Centre character from not providing the link.

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>hours the Council will consider off-setting any such area against development levies and car parking requirements.</p> <p>12.5.7.3 Where an existing lane or link identified in Figure 1 is:</p> <p>a. uncovered then, as part of any new building or redevelopment of the site, it shall:</p> <p>i. remain uncovered; and</p> <p>ii. be a minimum of 4.0m wide; and</p> <p>iii. include an unobstructed accessible route at least 2.0m wide, with the remainder incorporating open space, outdoor dining or the display of goods; and</p> <p>b. covered then it may remain covered and shall be at least 1.8 m wide, with an average minimum width of 2.5m.</p> <p>12.5.7.4 In all cases, lanes and links shall be open to the public during all retailing hours.</p> <p>Location of Pedestrian Links within the Queenstown Town Centre</p> <ol style="list-style-type: none"> 1. Shotover St / Beach St, Lot 2 DP 11098, Lot 3 DP11098; 2. Trustbank Arcade (Shotover St/Beach St), Lot 1 DP Tn of Queenstown, Pt Sec 23 Bk VI Tn of Queenstown; 3. Plaza Arcade, Shotover St/Beach Lot 1 DP 17661; 4. Cow Lane/Beach Street, Sec 30 Blk I Tn of Queenstown; 5. Ballarat St/Searle Lane, Sec 22 & Pt Sec 23 BLK II Tn Queenstown, 6. Ballarat Street/Searle Lane and part of Searle Lane land parcel; 	

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>7. Searle Lane/Church St, Lot 1 DP 27486;</p> <p>8. Church St/Earl St, Lot 100 DP 303504</p> <p>9. Camp/ Stanley St, post office precinct, Lot 1 DP 416867 and Lot 2 DP 416867;</p> <p>10. Camp/ Athol St, Lot 1 DP 20875.</p> <p>11. Camp/Athol St, Section 18 Block V Tn of Queenstown.</p> <p>Advice Notes:</p> <p>a. where an uncovered pedestrian link or lane (i.e. open to the sky) is provided in accordance with this rule, additional building height may be appropriate pursuant to Policies 12.2.2.4 and 12.2.2.5;</p> <p>b. where an alternative link is proposed as part of the application which is not on the development site but achieves the same or a better outcome then this is likely to be considered appropriate.</p>	
12.5.8	<p>Building façade height and setback at of upper floors</p> <p><u>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</u></p> <p>12.5.8.1 <u>Within Precinct 2, a 4m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 8m from the ground level.</u></p> <p>12.5.8.2 <u>Within Precincts 3 and 4 and 7:</u></p> <p><u>a) A 3m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 12m from the ground level, providing that the maximum height of the building is no greater than 16m.</u></p> <p><u>b) For buildings greater than 16m in height, a 6m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 12m from the ground level.</u></p> <p>Note: <u>This rule</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. <u>external appearance and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;</u></p> <p>b. <u>streetscape character and amenity;</u></p> <p>c. <u>views along the street and viewshafts;</u></p> <p><u>d. any sunlight or shading effects created by the proposal on adjacent sites and/or their occupants.</u></p> <p>e. <u>adequate daylight access to streets;</u></p> <p>f. <u>wind tunnel effects.</u></p>

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p><u>Rule 12.5.8</u> does not apply in Precincts 1 and 5, <u>or to boundaries adjoining Cow Lane, Searle Lane, or the pedestrian links identified in Figure 1 of this Chapter.</u></p> <p>When applying Rule <u>12.5.8.2</u> to Height Precinct 3 (Man Street), Area A <u>and Area B</u>, the building façade height and setback at upper floors shall be, for both Man and Brecon Streets, measured from the level of the adjoining Man Street road boundary</p>	
	<p>Discretionary Building Height in Precinct 1, Precinct 1(A), Precinct 2, Precinct 4 and Precinct 5</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</p> <p>12.5.8.3 Within Precinct 1 and Precinct 1 (A) the maximum height shall be 12m; and</p> <p>12.5.8.4 Within Precinct 1 (A) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p> <p>12.5.8.5 Within Precinct 2, no part of any building shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.5m above any street boundary.</p> <p>12.5.8.6 Within Precinct 4, no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary. This rule does not apply to the Ballarat Street and Stanley Street boundaries of Lot 1 DP 416867, Lot 2 DP 416867 or Lot 3 DP 416867 where the covered and uncovered portions of Pedestrian Link 11 identified on Figure 1 are</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of any additional height on the urban form of the Town Centre and the character of the height precinct within which it is located. The Council will consider:</p> <p>i. the extent to which the proposed building design responds sensitively to difference in height, scale and mass between the proposal and existing buildings on adjacent sites and with buildings in the wider height precinct, in terms of use of materials, façade articulation and roof forms; and</p> <p>ii. the effect on human scale and character as a result of proposed articulation of the façade, the roofline, and the roofscape; and</p> <p>iii. the amenity of surrounding streets, lanes, footpaths and other public spaces, including the effect on sunlight access to public spaces and footpaths; the provision of public space and pedestrian links; and</p>

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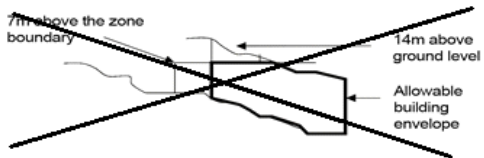
	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>retained in accordance with Rule 12.5.7.</p> <p>12.5.8.7 Within Precinct 5, the street front parapet shall be between 7.5 and 8.5m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 7.5m above any street boundary.</p>	<p>iv. the opportunity to establish landmark buildings on key sites, such as block corners and key view terminations; and</p> <p>b. The protection or enhancement of public views of Lake Wakatipu or of any of the following peaks:</p> <p>i. Bowen Peak;</p> <p>ii. Walter Peak;</p> <p>iii. Cecil Peak;</p> <p>iv. Bobs Peak;</p> <p>v. Queenstown Hill;</p> <p>vi. The Remarkables Range (limited to views of Single and Double Cone); and</p> <p>vii. effects on any adjacent Residential Zone; and</p> <p>viii. the historic heritage value of any adjacent heritage item/precinct and whether it acknowledges and respects the scale and form of this heritage item/precinct.</p>
12.5.9	<p>Maximum building and façade height</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</p> <p>12.5.9.1 <u>Maximum height limit of:</u></p> <p>i. <u>8m in Height Precinct 1.</u></p> <p>ii. <u>12m in Height Precinct 2.</u></p> <p>iii. <u>20m in Height Precinct 3.</u></p> <p>iv. <u>24m in Height Precinct 4.</u></p> <p>v. <u>16m in Height Precinct 5.</u></p> <p>vi. <u>8m in Height Precinct 6.</u></p> <p>vii. <u>15m in Height Precinct 7.</u></p>	NC

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>viii. <u>In Height Precinct 3 (Man Street), in Area A shown on the Height Precinct Map, the maximum height shall be 20m, above RL 327.1 masl</u></p> <p>ix. <u>In Height Precinct 3 (Man Street), in Area B shown on the Height Precinct Map, the maximum height shall be 20m, above RL 326.5 masl</u></p> <p>x. In Height Precinct 1 Precinct 1 (A) and Precinct 2, subject to sub-clauses a – d below, the maximum absolute height limits shall be as follows:</p> <p>i. 15m on Secs 4 5 Blk Xv Queenstown Tn (48-50 Beach St);</p> <p>ii. 15.5m in Precinct 1(A) and in P1 (iv);</p> <p>iii. 14m elsewhere.</p> <p>and</p> <p>a. throughout the precinct, the building shall contain no more than 4 storeys excluding basements;</p> <p>b. in addition, buildings within the block bound by Ballarat, Beetham, and Stanley streets as identified on the Height Precinct Map shall not protrude through a horizontal plane drawn at 7m above any point along the north-eastern zone boundary of this block, as illustrated in the below diagram;</p> 	<p>Commented [CF12]: S42A Corinne Frischknecht - Chapters 12, 13,15, 16 & Business Rezoning</p> <p>Commented [CF13]: Corinne Frischknecht - Rebuttal Evidence - Planning text</p>

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>c. in addition, on Secs 4-5 Blk Xv Queenstown Tn, (48-50 Beach Street) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 12m above any boundary;</p> <p>d. in addition, buildings within that part of the block bound by Man, Brecon, Shotover, and Hay streets shown on the Height Precinct Map as area P1 (i) shall not protrude through a horizontal plane drawn at 330.1 masl; that part of the block shown as P1 (ii), through a horizontal plane drawn at 327.1 masl; and that part of the block shown as P1 (iii) through a horizontal plane drawn at 335.1 masl.</p> <p>12.5.9.2 For any buildings located on a wharf or jetty, the maximum height shall be 4 m above RL 312.0 masl.</p> <p>In Height Precinct 3 (lower Beach St to Marine Parade and the Earl/Church Street block) the maximum height shall be 8m and the street front parapet of buildings shall be between 7.5m and 8.5m and may protrude through the height plane.</p> <p>In Height Precinct 7 (Man Street):-</p> <p>a. in Area A shown on the Height Precinct Map, the maximum height shall be 11m above RL 327.1 masl.</p> <p>b. in Area B the maximum height shall be 14m above RL 327.1 masl;</p> <p>c. in Viewshaft C the maximum height shall be RL 327.1 masl (i.e. no building is permitted above the existing structure);</p>	

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>d. in Viewshaft D, the maximum height shall be 3 m above RL 327.6masl.</p> <p>12.5.9.3 For all other sites within the Town Centre Zone, the maximum height shall be 12m and, in addition, the following shall apply:</p> <p>a. in Height Precinct 6 (land bound by Man, Duke and Brecon streets):</p> <p>i. no building shall protrude through a horizontal plane drawn at RL 332.20 masl except that decorative parapets may encroach beyond this by a maximum of up to 0.9 metre. This rule shall not apply to any lift tower within a visitor accommodation development in this area, which exceeds the maximum height permitted for buildings by 1m or less; and</p> <p>ii. no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° commencing from a line 10m above the street boundary.</p>	
12.5.10	<p><u>Setback and sunlight access – sites adjoining a Residential zone</u></p> <p>12.5.10.1 Buildings shall not project beyond a recession line constructed at an angle of 60° inclined towards the site from points 8m above any Residential Zone boundary.</p> <p>12.5.10.2 Where a site adjoins a Residential Zone all buildings shall be setback not less than 3m from the Residential Zone boundary.</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 dominance and loss of privacy on adjoining properties and any resultant shading effects.</p>
12.5.11	<p><u>Minimum Ground Floor Height</u></p> <p>A minimum floor to ceiling floor height of 4m shall apply at the ground floor level of all buildings.</p>	<p>RD</p> <p>Discretion is restricted to:</p>

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
		<u>a. The ability to maintain flexibility of the ground floor for a range of commercial uses.</u>
12.5.12	<p><u>Outlook Space (per unit)</u></p> <p><u>The minimum dimensions for the required outlook space for each residential and visitor accommodation unit are as follow:</u></p> <p><u>12.5.12.1 A principal living room/space must have an outlook space with a minimum dimension of 6m in depth and 4m in width; and</u></p> <p><u>12.5.12.2 All other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m width.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Effects on amenity values for future occupants of buildings on the site;</u></p> <p>b. <u>Alternatives to achieve the same or better amenity outcomes.</u></p>
12.5.13	<p>Noise</p> <p>12.5.13.1 Sound* from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 to 12.5.10.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</p> <p>a. Daytime (0800 to 2200hrs) 60 dB L_{Aeq(15 min)}</p> <p>b. Night-time (2200 to 0800hrs) 50 dB L_{Aeq(15 min)}</p> <p>c. Night-time (2200 to 0800hrs) 75 dB L_{AFmax}</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.13.2 Sound from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 and 12.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p>	NC

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>12.5.13.3 within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from music shall not exceed the following limits:</p> <ul style="list-style-type: none"> a. 60 dB $L_{Aeq(5 \text{ min})}$ at any point within any other site in the Entertainment Precinct; b. at any point within any other site outside the Entertainment Precinct, other than as allowed for in c.: <ul style="list-style-type: none"> i. daytime (0800 to 0100 hrs) 55 dB $L_{Aeq(5 \text{ min})}$ ii. late night (0100 to 0800 hrs) 50 dB $L_{Aeq(5 \text{ min})}$; and c. 55 dB $L_{Aeq(5 \text{ min})}$ at any point along the eastern boundary of Searle Lane (excluding any frontage south of Lot 1 DP 27486) <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>12.5.13.4 within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from voices shall not exceed the following limits:</p> <ul style="list-style-type: none"> a. 65 dB $L_{Aeq(15 \text{ min})}$ at any point within any other site in the Entertainment Precinct; b. at any point within any other site outside the Entertainment Precinct, other than as allow for in c.: <ul style="list-style-type: none"> i. daytime (0800 to 0100 hrs) 60 dB $L_{Aeq(15 \text{ min})}$ ii. late night (0100 to 0800 hrs) 50 dB $L_{Aeq(15 \text{ min})}$; and c. 60 dB $L_{Aeq(15 \text{ min})}$ at any point along the eastern boundary of Searle 	

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>Lane (excluding any frontage south of Lot 1 DP 27486)</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.13.5 within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from any loudspeaker outside a building shall not exceed 75 dB $L_{Aeq(5 \text{ min})}$ measured at 0.6 metres from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions from Rule 12.5.130:</p> <ol style="list-style-type: none"> the noise limits in 12.5.130.1 and 12.5.130.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. the noise limits in 12.5.10.1 to 12.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan. the noise limits in 12.5.130.1 and 12.5.130.2 shall not apply to motor/ water noise from commercial motorised craft within the Queenstown Town Centre waterfront Sub-Zone which is, instead, subject to Rule 36.5.14. 	
12.5.14	<p>Acoustic insulation, other than in the Entertainment Precinct</p> <p>where any new building is erected, or a building is modified to accommodate a recent activity:</p> <p>12.5.14.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>12.5.14.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites

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	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	accordance with ISO 10140 and ISO 717-1.	such that such noise insulation will not be necessary.
12.5.15	<p>Acoustic insulation within the Entertainment Precinct</p> <p>where any new building is erected, or a building is modified to accommodate a new activity:</p> <p>12.5.15.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>12.5.15.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p>	NC
12.5.16	<p>Lighting and Glare</p> <p>12.5.16.1 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>12.5.16.2 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>12.5.16.3 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"> a. amenity values of adjoining sites; b. the safety of the Transport Network; and c. the night sky.

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12.6 Rules - Non-Notification of Applications

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

- 12.6.1.1 ~~Where~~ visitor accommodation includes a proposal for vehicle access directly onto a State Highway.

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

- 12.6.2.1 Buildings, with the exception of wharves and jetties, and buildings on wharves and jetties, in the Queenstown Bay Waterfront Subzone.
- 12.6.2.2 Building coverage in the Town Centre Transition Sub-Zone and comprehensive development.
- 12.6.2.3 ~~W~~aste and recycling storage space

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

- 12.6.3.1 ~~Setbacks and sunlight access – sites adjoining a Residential zone. Discretionary building height in Height Precinct 1 and Height Precinct 1(A).~~
- 12.6.3.2 In relation to the electricity distribution network and where Rule 12.4.7(j) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

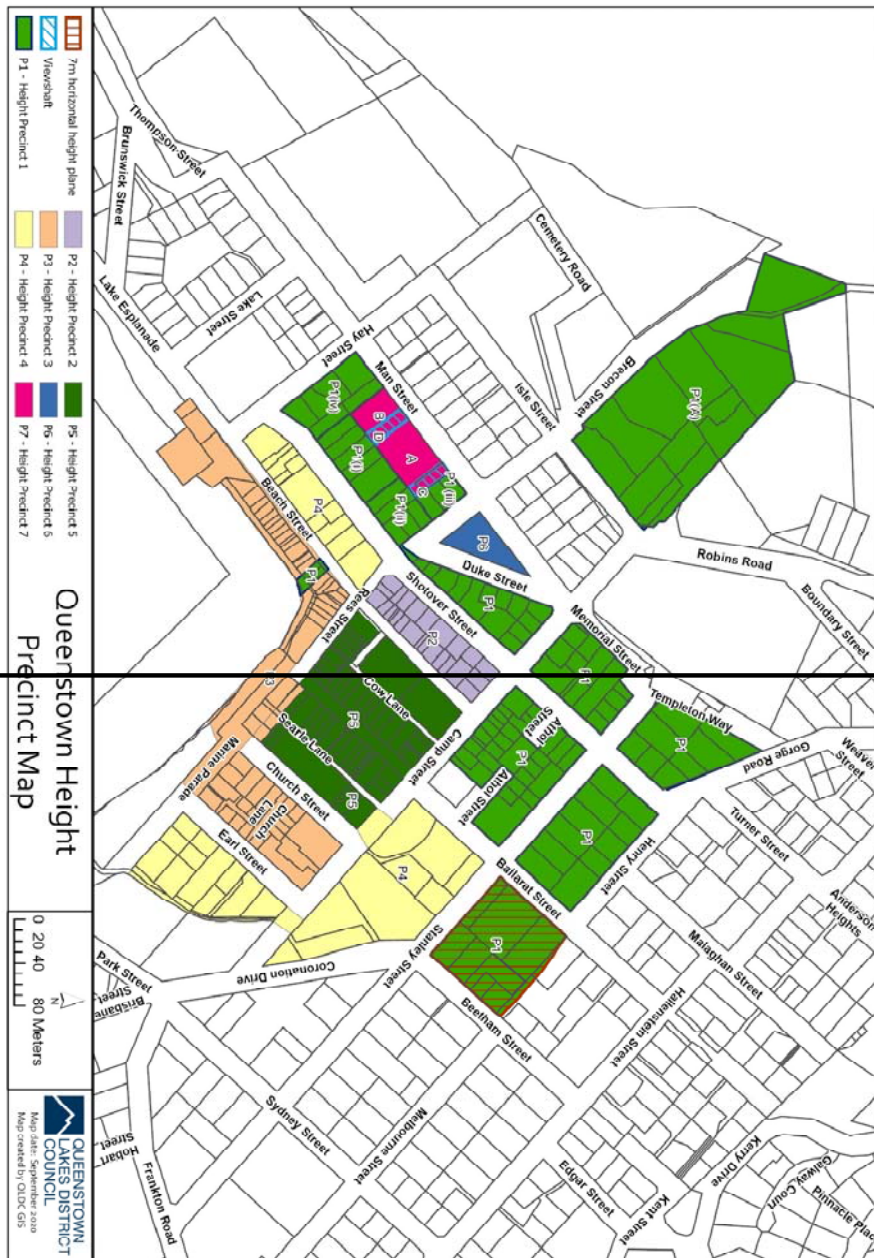
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Figure 1: Identified Pedestrian Links



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Figure 2: Queenstown Town Centre Height precinct map



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