

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991
AND of appeals under Clause 14 of the First
Schedule of the Act
BETWEEN ALPS INVESTMENTS LIMITED
(ENV-2018-CHC-149)
FII HOLDINGS LIMITED
(ENV-2018-CHC-84)
UNIVERSAL DEVELOPMENTS LIMITED
(ENV-2018-CHC-101)
QUEENSTOWN AIRPORT
CORPORATION LIMITED
(ENV-2018-CHC-93)
Appellants
AND QUEENSTOWN LAKES DISTRICT
COUNCIL
Respondent

Environment Judge J J M Hassan – sitting alone pursuant to s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 5 October 2020

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court,
by consent, orders that:



- (1) the appeal is allowed, and Queenstown Lakes District Council is directed to
 - (a) amend the provisions of Chapters 8 (Medium Density Residential), 9 (High Density Residential), 16 (Business Mixed Use) and 27 (Subdivision and Development) and the planning maps as set out in Appendix 1, attached to and forming part of this consent order;
 - (b) make any consequential changes or corrections to the numbering of plan provisions or to the relevant planning maps resulting from the above amendments.
- (2) the appeal is otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns appeals by Alps Investments Limited, FII Holdings Limited, Universal Developments Limited and Queenstown Airport Corporation Limited against parts of a decision of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan. In particular, it relates to Topic 16, Group 1 – Queenstown Rezoning – Frankton North.

[2] The court has now read and considered the consent memorandum of the parties dated 31 August 2020 which proposes to resolve this appeal.

Other relevant matters

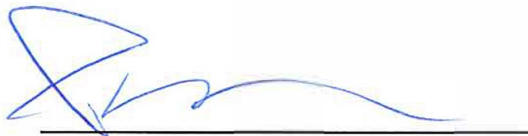
[3] Several parties gave notice of an intention to become parties under s274 of the Resource Management Act 1991 ('the RMA'). Many of those parties withdrew its interest in Topic 16 – Frankton North. The remaining six s274 parties, the appellants and respondent have all signed the memorandum setting out the relief sought.

Orders

[4] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:



- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



J J M Hassan
Environment Judge



APPENDIX 1

(amendments shown in underline and ~~strikethrough~~ text)**Chapter 8 Medium Density Residential**

8.2.8 Objective - A high quality residential environment at Frankton North that is integrated with the surrounding roading network, pedestrian and cycle access, and appropriate servicing. ~~The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality residential environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.~~

Policies

- 8.2.8.1 Ensure subdivision and development is undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.X) to promote integration and provision of access to and throughout Frankton North.
- 8.2.8.42 Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.
- 8.2.8.23 Avoid the impacts of stormwater discharges on the State Highway network.
- 8.2.8.3 ~~Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.~~
- 8.2.8.4 Provide for safe transport connections that:
- a. avoid any new access to the State Highway;
 - b. integrate with the pedestrian and cycle path as shown on the Frankton North Structure Plan (Schedule 27.13.X), and the road network and public transport routes on the southern side of State Highway 6; and
 - c. ensure that, where direct access to the primary road shown on the Frankton North Structure Plan (Schedule 27.13.X) is not available, the standard and layout of Internal Road connections are of a form that accounts for long-term traffic demand without the need for subsequent retrofitting or upgrade.

~~Provide for a safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.~~

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

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



- 8.2.8.5 — Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.
- ~~8.2.8.6~~ — ~~Require the provision of a safe and legible walking and cycle environment with links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.~~
- 8.2.8.7 — Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.
- ~~8.2.8.8~~ — ~~Ensure coordinated, efficient and well designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:~~
- ~~a. — a 'fourth leg' off the Hawthorne Drive/State Highway 6 roundabout;~~
 - ~~b. — all sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/State Highway 6 roundabout; and~~
 - ~~c. — new and safe pedestrian connections between Hansen Rd and the southern side of SH6, and the Hawthorne Drive/State Highway 6 roundabout, Ferry Hill Drive and the southern side of State Highway 6.~~
- 8.2.8.9 — Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

8.5 Rules – Standards

8.5.3	<p><u>Development on land at Frankton North shall be undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.X), including:</u></p> <ol style="list-style-type: none"> <u>a. Providing for a primary road that links State Highway 6 to Quail Rise;</u> <u>b. Providing for internal connections from the primary road that ensure vehicle access to all sites;</u> <u>c. Precluding any new vehicular access to the State Highway network; and</u> <u>d. Providing for a pedestrian and cycle path along the boundary with State Highway 6. This is intended to provide a minimum path width of 2.5 metres, within the existing State Highway corridor, or where there is insufficient land within the State Highway corridor, within adjacent private land.</u> 	NC
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	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>8.5.3.1 — Transport, parking and access design that:</p> <p>a. ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/State Highway 6 Roundabout, and/or Ferry Hill Drive;</p> <p>b. there is no new vehicular access to the State Highway Network.</p> <p>8.5.3.2 — Where a site adjoins State Highway 6, landscaping planting buffer fronting State Highway 6 as follows:</p> <p>a. Ribbonwood (<i>Plagianthus regius</i>);</p> <p>b. Corokia cotoneaster;</p> <p>c. Pittosporum tenuifolium;</p> <p>d. Grisilinea;</p> <p>e. Coprosma propinqua;</p> <p>f. Olearia dartonii.</p> <p>Once planted these plants are to be maintained in perpetuity.</p>	
8.5.4	<p>Building Coverage</p> <p>8.5.4.1 A maximum of 45%.</p> <p>8.5.4.2 <u>For the zone at Frankton North located adjacent to Quail Rise, a maximum of 50%.</u></p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;</p> <p>b. external amenity values for future occupants of buildings on the site;</p> <p>c. effects on views, sunlight and shading on adjacent properties;</p> <p>d. parking and access layout: safety, efficiency</p>



		<p>and impacts on on-street parking and neighbours;</p> <p>e. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.</p>
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Chapter 9 High Density Residential

- 9.2.X Objective - High quality residential development of the land on the northern side of State Highway 6 at Frankton, that is integrated with a primary road that connects State Highway 6 at Hawthorne Drive to Quail Rise, pedestrian and cycle access, and appropriate servicing.
- 9.2.X.1 Ensure subdivision and development at Frankton North is undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.X) to promote integration and provision of access to and throughout Frankton North.
- 9.2.X.2 Ensure safe transport connections by:
- a. avoiding any new access to State Highway 6;
 - b. limiting new access to the land at Frankton North to: Hawthorne Drive/SH6 roundabout, Hansen Road and Ferry Hill Drive;
 - c. providing the primary road connection between State Highway 6 at Hawthorne Drive and Quail Rise;
 - d. providing access to the primary road connection from all sites within Frankton North; and
 - e. providing internal road, pedestrian and cycle connections that are of a form that accounts for long-term traffic demand for the area between Hansen Road and Ferry Hill Drive without the need for subsequent retrofitting or upgrade.
 - f. ensuring that road frontages are not dominated by vehicular access and parking; and
 - g. integrating with the pedestrian and cycle path and the road network and public transport routes on the southern side of State Highway 6, including pedestrian and cycle access across State Highway 6.
- 9.2.X.3 Encourage low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.
- 9.2.X.4 Avoid the impacts of stormwater discharges on the State Highway network.

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

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



9.5 Rules – Standards

	Standards for activities located in the High Density Residential Zone	Non-compliance status
9.5.1	Building Height – Flat Sites in Queenstown	RD Discretion is restricted to:
	9.5.1.1 A height of 12 metres except where specified in Rules 9.5.1.2, 9.5.1.3 or 9.5.1.4.	<ul style="list-style-type: none"> a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms; b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads; c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; d. privacy for occupants of the subject site and neighbouring sites; e. effects on significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); f. the positive effects of enabling additional development intensity within close proximity to town centres.
	9.5.1.2 In the High Density Residential Zone immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary.	D
	9.5.1.3 Within the area specified on the planning maps on the south side of Frankton Road	D



	Standards for activities located in the High Density Residential Zone	Non-compliance status
	<p>(SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.</p> <p>9.5.1.4 Maximum building height of 15m.</p> <p><u>9.5.1.5 Rules 9.5.1.1 to 9.5.1.4 do not apply to the land at Frankton North.</u></p>	D
...		
9.5.3	<p>Building Height – Sloping Sites in Queenstown and Wanaka</p> <p>9.5.3.1 A height of 7m, except as specified in Rules 9.5.3.2, 9.5.3.3 and 9.5.3.4</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms; building dominance and sunlight access relative to neighbouring properties and public spaces including roads; how the design advances housing diversity and promotes sustainability either through construction methods, design or function; how the design responds to the sloping landform so as to integrate with it; privacy for occupants of the subject site and neighbouring sites; effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); the positive effects of enabling additional development intensity within close proximity to town centres.



	Standards for activities located in the High Density Residential Zone	Non-compliance status
	<p>9.5.3.2 Immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary.</p> <p>9.5.3.3 Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline</p> <p>9.5.3.4 Maximum building height of 10m.</p> <p><u>9.5.3.5 Rules 9.5.3.1 to 9.5.3.4 do not apply to the land at Frankton North.</u></p>	<p>D</p> <p>D</p> <p>D</p>
<p><u>9.5.X</u></p>	<p><u>Building Height – Frankton North</u></p> <p><u>9.5.X.1 Building height of 12m.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms;</u></p> <p><u>b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads;</u></p> <p><u>c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function;</u></p> <p><u>d. privacy and outlook for occupants of the subject site and neighbouring sites;</u></p>



	Standards for activities located in the High Density Residential Zone	Non-compliance status
	<p>9.5.X.2 <u>Maximum building height of 20m.</u></p>	<p>e. <u>Crime Prevention Through Environmental Design considerations;</u> f. <u>the positive effects of enabling additional development intensity within close proximity to town centres;</u> g. <u>Consistency with the Residential Zone Design Guide 2019.</u></p> <p>NC</p>
<p>9.5.4</p>	<p>Building Coverage</p> <p>9.5.4.1 A maximum of 70% site coverage</p> <p>9.5.4.2 <u>Within Frankton North a maximum of 75% building coverage.</u></p> <p>Exclusions:</p> <p>a. building coverage does not include any veranda over public space and does not apply to underground structures, which are not visible from ground level and which are landscaped to appear as recreational or planted (including grassed) areas.</p>	<p>NC</p>
<p>9.5.5</p>	<p>Recession plane (applicable to all buildings, including accessory buildings)</p> <p>9.5.5.1 For Flat Sites from 2.5 metres above ground level a 45 degree recession plane applies to all boundaries, other than the northern boundary of the site where a 55 degree recession plane applies.</p> <p>Exclusions:</p> <p>a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height;</p> <p>b. recession planes do not apply to site boundaries adjoining a Town Centre Zone, fronting a road, or adjoining a park or reserve.</p>	<p>RD – for boundaries where the High Density Residential zone applies on each side of the boundary.</p> <p>Discretion is restricted to:</p> <p>a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;</p> <p>b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);</p> <p>c. external appearance, location and visual dominance of the building(s) as viewed from</p>



	Standards for activities located in the High Density Residential Zone	Non-compliance status
	<p>9.5.5.2 No recession plane for sloping sites</p> <p>9.5.5.3 <u>Rules 9.5.5.1 and 9.5.5.2 do not apply at Frankton North.</u></p> <p>9.5.5.4 <u>At Frankton North all buildings, including accessory buildings, along the northern boundary of the zone where it adjoins the Rural Zone, Open Space Zone and Quail Rise Special Zone: For flat and sloping sites from 3 metres above ground a 45 degree recession plane applies.</u></p>	<p>the street(s) and adjacent properties.</p> <p>NC – for boundaries where there is a change of zone other than as specified in the exclusions.</p>
	...	
9.5.7	<p>Building Length</p> <p>The length of any building facade above the ground floor level shall not exceed 30m.</p> <p><u>Rule 9.5.7 does not apply at Frankton North.</u></p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.</p>
9.5.8	<p>Minimum Boundary Setbacks</p> <p>9.5.8.1 All boundaries 2 metres except for State Highway road boundaries where the minimum setback shall be 4.5m.</p> <p>9.5.8.2 garages shall be at least 4.5m back from a road boundary.</p> <p>9.5.8.3 <u>Rules 9.5.8.1 and 9.5.8.2 do not apply at Frankton North.</u></p> <p>Exceptions to setback requirements other than any road boundary setbacks:</p> <p>Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;</p> <p>b. streetscape character and amenity;</p> <p>c. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;</p> <p>d. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to</p>



	Standards for activities located in the High Density Residential Zone	Non-compliance status
	are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.	any specified significant public views identified within the District Plan).
...		
9.5.X	<p><u>Development on land at Frankton North shall be undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.X), including:</u></p> <p>a) <u>Providing for a primary road that links State Highway 6 to Quail Rise;</u></p> <p>b) <u>Providing for internal connections from the primary road that ensure vehicle access to all sites;</u></p> <p>c) <u>Precluding any new vehicular access to the State Highway network; and</u></p> <p>d) <u>Providing for a pedestrian and cycle path along the boundary with State Highway 6. This is intended to provide a minimum path width of 2.5 metres, within the existing State Highway corridor, or where there is insufficient land within the State Highway corridor, within adjacent private land.</u></p>	NC

9.6 Rules – Non-Notification of Applications

9.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified except where vehicle crossing or right of way access on or off a State Highway is sought:

9.6.1.1 Residential development involving the development of 4 or more residential units where the standards in Rule 9.5 are complied with.

9.6.1.2 Building Heights between 12m and 20m at Frankton North as identified in Rule 9.5.X.1.

9.6.2 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:

9.6.2.1 Restricted Discretionary building height (except at Frankton North as identified in Rule 9.6.1.2) and recession plane contraventions.

9.6.2.2 Boundary setback contraventions of up to 0.6m into the required setback depth of the yard (for unlimited length of the boundary).



9.6.2.3 Visitor accommodation and residential visitor accommodation



Chapter 16 Business Mixed Use

Policies

- 16.2.2.7 Allow buildings between 12m and 20m heights in the Queenstown (Gorge Road) and Frankton North business mixed use Zone in situations when:
- the outcome is of high quality design;
 - the additional height would not result in shading that would adversely impact on adjoining Residential zoned land and/or public space; and
 - the increase in height would facilitate the provision of residential activity.

...

- 16.2.3 **Objective – A high quality, well designed urban environment on the northern side of State Highway 6 at Frankton, that is integrated with a primary road that connects State Highway 6 at Hawthorne Drive to Quail Rise, pedestrian and cycle access, and appropriate servicing. The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.**

Policies

- 16.2.3.1 Ensure subdivision and development at Frankton North is undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.X) to promote integration and provision of access to and throughout Frankton North.
- 16.2.3.12 Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.
- 16.2.3.23 Avoid the impacts of stormwater discharges on the State Highway network.
- 16.2.3.4 Ensure safe transport connections by:
- avoiding any new access to State Highway 6;
 - limiting access to the land at Frankton North to: Hawthorne Drive/SH6 roundabout, Hansen Road and Ferry Hill Drive;
 - providing the primary road connection between State Highway 6 and Quail Rise;
 - providing access to the primary road connection from all sites within Frankton North;
 - providing internal road, pedestrian and cycle connections that are of a form that accounts for long-term traffic demands for the area between Hansen Road and Ferry Hill Drive without the need for subsequent retrofitting or upgrade; and
 - ensuring that road frontages are not dominated by vehicular access and parking; and
 - integrating with the pedestrian and cycle path and the road network and public transport routes on the southern side of State Highway 6, including pedestrian and cycle access across State Highway 6.
- Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.



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

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

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

~~Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.~~

- ~~16.2.3.6 Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes. Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.~~

- ~~16.2.3.7 Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.~~

- ~~16.2.3.8 Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:~~

- ~~a. A 'fourth leg' off the Hawthorne Drive/SH6 roundabout;~~
- ~~b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and~~
- ~~c. New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.~~

- ~~16.2.3.9 Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive~~

16.2.X Objective - The commercial function and viability of other commercial areas are not undermined by any new office and retail activities within Area A at Frankton North (shown on Plan Map xx).

- 16.2.X.1 Within Area A at Frankton North, as shown on the Plan map (Map xx), provide for office and retail activities where they are ancillary, or where they will not undermine the function and viability of Queenstown Town Centre, Frankton urban areas (including Remarkables Park mixed use centre, Frankton Flats A and B Zones, and the Local Shopping Centre at Frankton North.



16.4 Rules – Activities

	Activities located in the Business Mixed Use Zone	Activity status
...		
16.4.7	<p>Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers except as provided for by Rule 16.4.198</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings; b. the provision, location and screening of access, parking and traffic generation; and c. landscaping; and • d. at Frankton North, effects on adjoining residential areas and activities. 	RD
16.4.X	<p><u>Office and retail activities within Area A as shown on Plan Map XX, except for:</u></p> <ol style="list-style-type: none"> a. <u>retailing associated with trade suppliers (as provided for by rule 16.4.7);</u> b. <u>administrative offices that are ancillary to the principal use of the site; and</u> c. <u>retail activities that are ancillary to the principal use of the site and not greater than 50m² GFA.</u> 	<u>D</u>
16.4.19X	Warehousing, Storage and Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North	PR



16.5 Rules – Standards

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
...		
16.5.87	<p>Discretionary building Height (Queenstown and Frankton North Only)</p> <p>In Queenstown the discretionary maximum building height of shall be 12m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the design and quality of the building, including the use of articulated facades, active street frontages and the treatment of corner sites; b. modulated roof forms, including screening of plant and services; c. material use and quality; d. the avoidance of large monolithic buildings; e. the impact on the street scene; f. privacy and outlook for residential uses; g. sunlight access to adjoining Residential zoned land and/or public space; h. Crime Prevention Through Environmental Design (CPTED) considerations; i. where appropriate, the integration of Horne Creek into the development and landscaping; and j. facilitation of the provision of residential activities. <p>•</p>
16.5.98	<p>Maximum building height</p> <p>16.5.98.1 The absolute maximum building height shall be:</p>	NC



	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
	<p>a. Queenstown – 20m</p> <p>b. Wanaka – 12m</p> <p>c. <u>Frankton North – 20m</u></p> <p>16.5.98.2 Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p>	
16.5.109	<p>Noise</p> <p>16.5.109.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>a. Daytime (0800 to 2200hrs) 60 dB LAeq(15 min)</p> <p>b. Night-time (2200 to 0800hrs) 50 dB LAeq(15 min)</p> <p>c. Night-time (2200 to 0800hrs) 75 dB LAFmax</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. the noise limits in rule 16.5.108.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 standards for that zone.</p>	NC
...		
16.5.124	<p>Development on land <u>at Frankton North shall be undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.X):</u></p> <p>a. <u>Providing for a primary road that links State Highway 6 to Quail Rise;</u></p> <p>b. <u>Providing for internal connections from the primary road that ensure vehicle access to all sites;</u></p>	



	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
	<p>c. <u>Precluding any new vehicular access to the State Highway network; and</u></p> <p>d. <u>Providing for a pedestrian and cycle path along the boundary with State Highway 6. This is intended to provide a minimum path width of 2.5 metres, within the existing State Highway corridor, or where there is insufficient land within the State Highway corridor, within adjacent private land.</u></p> <p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>16.5.11.1 Transport, parking and access design that:</p> <p style="padding-left: 40px;">Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive.</p> <p style="padding-left: 40px;">There is no new vehicular access to the State Highway Network.</p> <p>16.5.11.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows:</p> <p style="padding-left: 40px;">a. a density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species:</p> <p style="padding-left: 80px;">i. Ribbonwood (Plagianthus regius)</p> <p style="padding-left: 80px;">ii. Corokia cotoneaster</p> <p style="padding-left: 80px;">iii. Pittosporum tenuifolium</p> <p style="padding-left: 80px;">iv. Grisilinea</p> <p style="padding-left: 80px;">v. Coprosma propinqua</p> <p style="padding-left: 80px;">vi. Olearia dertonii</p> <p style="padding-left: 40px;">b. once planted these plants are to be maintained in perpetuity.</p>	
...		
16.5.X	<p><u>Sound Insulation and Mechanical Ventilation</u></p> <p><u>Within Area A as shown on Plan Map XX any buildings containing an Activity Sensitive to Road Noise, within 80m of the State Highway, shall be designed to achieve an Indoor Design Sound Level of 40dB LAeq24h.</u></p>	NC



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



Chapter 27 Subdivision and Development

27.3.12 Objective – High quality urban subdivision and development of the land on the northern side of State Highway 6 at Frankton, that is planned around, and integrated with, a primary road that connects State Highway 6 at Hawthorne Drive to Quail Rise, pedestrian and cycle access, and appropriate servicing. Subdivision of the Medium Density Residential and Business Mixed Use Zones on the north side of State Highway 6 between Hansen Road and Quail Rise enables development integrated into the adjacent urban areas while minimising traffic impacts on the State Highway.

Policies

27.3.12.1 Ensure subdivision and development at Frankton North is undertaken in accordance with the Frankton North Structure Plan (Schedule 27.13.X) to promote integration and provision of access to and throughout Frankton North. Limit the roading access to Frankton North to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/SH6 roundabout.

27.3.12.2 Ensure safe transport connections by:

- a. avoiding any new access to State Highway 6;
- b. limiting new access to the land at Frankton North to: Hawthorne Drive/SH6 roundabout, Hansen Road and Ferry Hill Drive;
- c. providing the primary road connection between State Highway 6 at Hawthorne Drive and Quail Rise;
- d. providing access to the primary road connection from all sites within Frankton North; and
- e. providing internal road, pedestrian and cycle connections that are of a form that accounts for long-term traffic demand for the area between Hansen Road and Ferry Hill Drive without the need for subsequent retrofitting or upgrade.

~~Ensure subdivision and development enables access to the roading network from all sites in the Frankton North Medium Density Residential and Business Mixed Use Zones and is of a form that accounts for long term traffic demands without the need for subsequent retrofitting or upgrade.~~

27.3.12.3 Ensure subdivision and development at Frankton North provides, or has access to, a safe walking and cycling environment, including by providing internal pedestrian and cycle access and a dedicated pedestrian and cycle path along the State Highway 6 corridor (as shown on the Frankton North Structure Plan (Schedule 27.13.X)) that integrates with, and links to, the public transport network and the surrounding pedestrian and cycle network, including on the southern side of State Highway 6.

~~Ensure subdivision and development in the Frankton North Medium Density Residential and Business Mixed Use Zones provides, or has access to, a safe and legible walking and cycling environment adjacent to and across the State Highway linking to other pedestrian and cycling networks~~

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



27.3.12.X Avoid the impacts of stormwater discharges on the State Highway network.

27.5 Rules – Subdivision

	Subdivision Activities - District Wide	Activity Status
...		
27.5.7	<p>All urban subdivision activities, unless otherwise provided for, within the following zones:</p> <ol style="list-style-type: none"> 1. Lower Density Suburban Residential Zone; 2. Medium Density Residential Zone; 3. High Density Residential Zone; 4. Town Centre Zones; 5. Arrowsdown Residential Historic Management Zone; 6. Large Lot Residential Zone; 7. Local Shopping Centre; 8. Business Mixed Use Zone; 9. Airport Zone - Queenstown. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; l. ecological and natural values; m. historic heritage; n. easements. <p>For the avoidance of doubt, where a site is governed by a Structure Plan, that is included in the District Plan, subdivision activities shall</p>	RD



	be assessed in accordance with Rule 27.7.1, <u>unless otherwise stated.</u>	
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27.6 Rules – Standards for Minimum Lot Areas

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.

Zone		Minimum Lot Area
...		
Business Mixed Use		200m ²
	Frankton North	No minimum
...		
Residential	High Density	450m ²
	High Density at Frankton North	No minimum

27.7 Zone – Location Specific Rules

	Zone and Location Specific Rules	Activity Status
27.7.1	<p>Subdivision consistent with a Structure Plan that is included in the District Plan, <u>except for subdivision at Frankton North.</u></p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; and l. ecological and natural values; 	C



	Zone and Location Specific Rules	Activity Status
	<p>m. historic heritage;</p> <p>n. easements;</p> <p>o. any additional matters relevant to achievement of the objectives and policies in part 27.3 of this Chapter.</p>	
...		
27.7.9	<p>Frankton North</p> <p>27.7.9.1 <u>Subdivision in accordance with the Structure Plan 27.13.X Frankton North.</u></p> <p>All subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that complies with the following standards in addition to the requirements of Rule 27.5.7:</p> <p>a. access to the wider roading network shall only be via one or more of: i. Hansen Road; ii. Ferry Hill Drive; and/or iii. Hawthorne Drive/State Highway 6 roundabout.</p> <p>b. no subdivision shall be designed so as to preclude an adjacent site complying with clause a.</p> <p>27.7.9.2 <u>All subdivision activity at Frankton North that complies with the following standards:</u></p> <p>a. <u>access to the wider roading network shall only be via one or more of:</u></p> <p>i. <u>Hansen Road;</u></p> <p>ii. <u>Ferry Hill Drive; and/or</u></p> <p>iii. <u>Hawthorne Drive/State Highway 6 roundabout.</u></p> <p>b. <u>no subdivision shall be designed so as to preclude compliance with clause 27.7.9.2a, including in respect of access to adjacent sites.</u></p> <p>c. <u>provision for a pedestrian and cycle path along the boundary with State Highway 6.</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>the matters contained in Rule 27.5.7;</u></p> <p>b. <u>safe and effective functioning of the State Highway network, including no new access to State Highway 6;</u></p>	RD



	Zone and Location Specific Rules	Activity Status
	<p>d. <u>provision and integration of internal connections throughout Frankton North with the primary road that links State Highway 6 to Quail Rise, and Hansen Road;</u></p> <p>e. <u>integration with pedestrian and cycling networks, including those across State Highway 6.</u></p> <p>f. <u>provision for a pedestrian and cycle path along the boundary with State Highway 6. This is intended to provide a minimum path width of 2.5 metres, within the existing State Highway corridor, or where there is insufficient land within the State Highway corridor, within adjacent private land.</u></p> <p>g. <u>Road design accounts for long-term traffic demands without the need for subsequent retrofitting or upgrade.</u></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • <u>a. safe and effective functioning of the State Highway network;</u> • <u>b. integration with other access points through the zones to link up to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/State Highway 6 roundabout;</u> • <u>c. integration with pedestrian and cycling networks, including those across the State Highway.</u> 	
27.7.10	27.7.9.2 Any subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive at Frankton North that does not comply with Rule 27.7.9.4.	NC D



27.13 Structure Plans

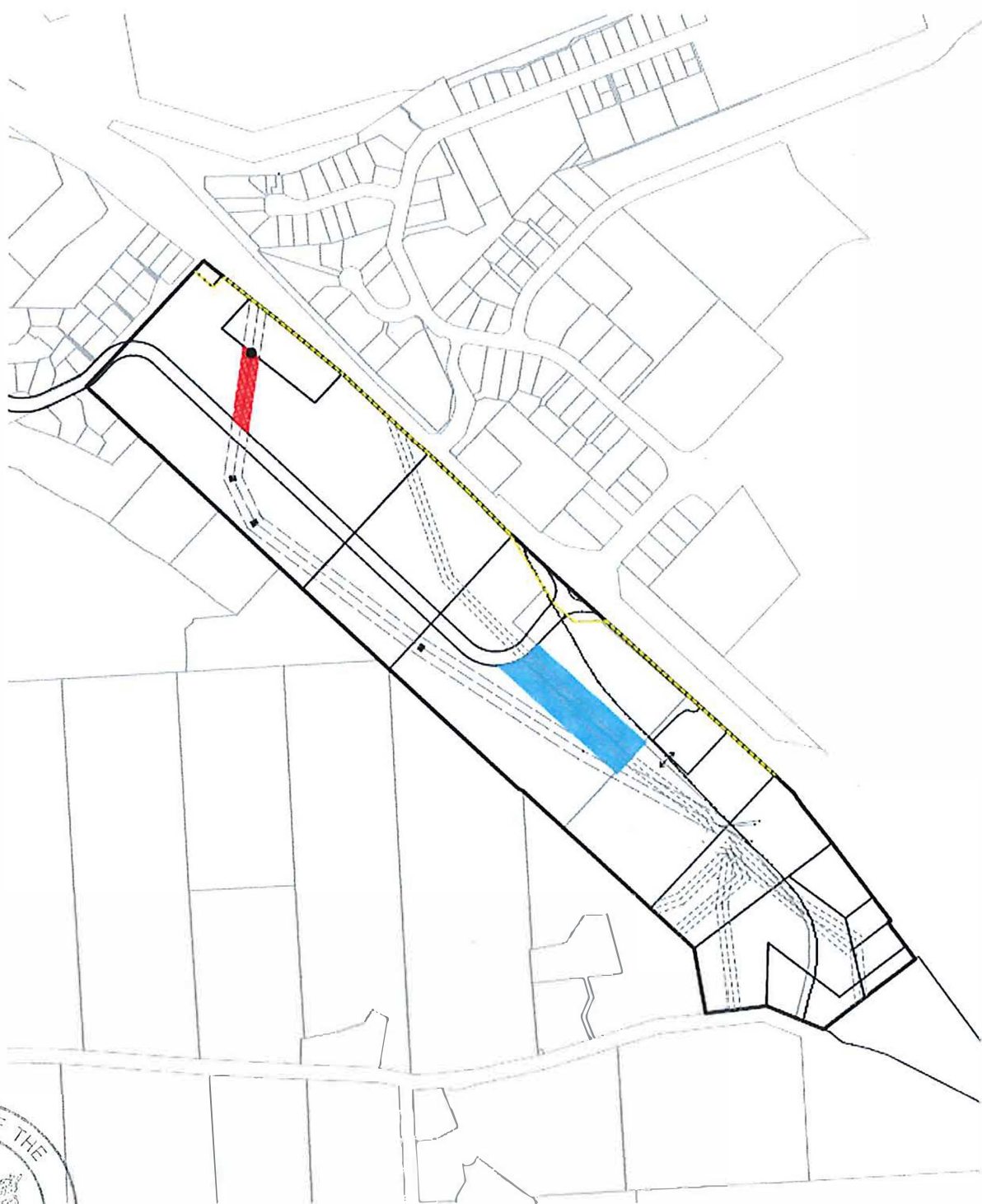
27.13.X Frankton North





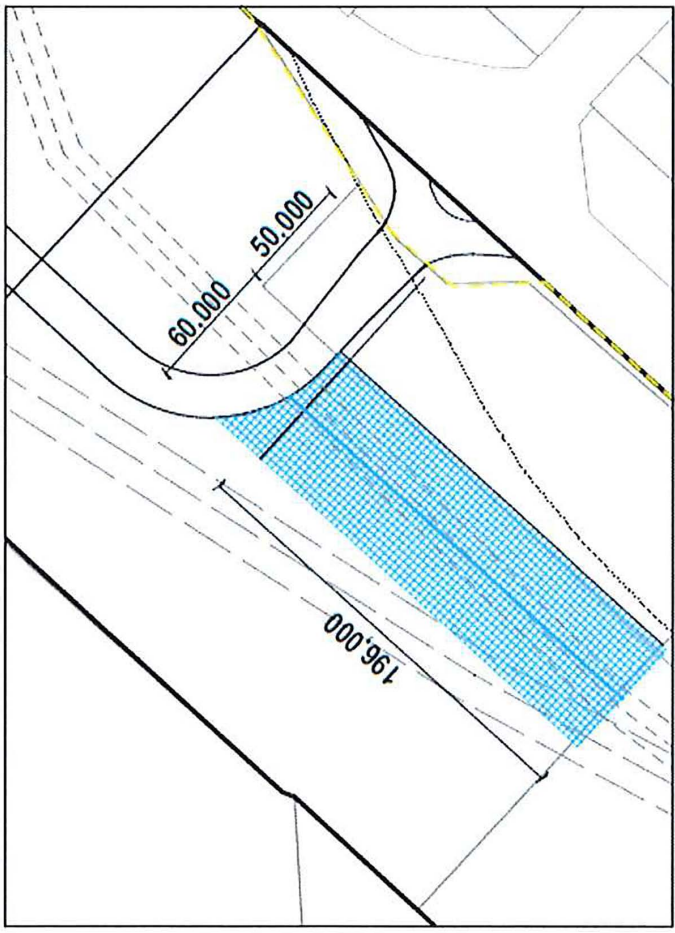
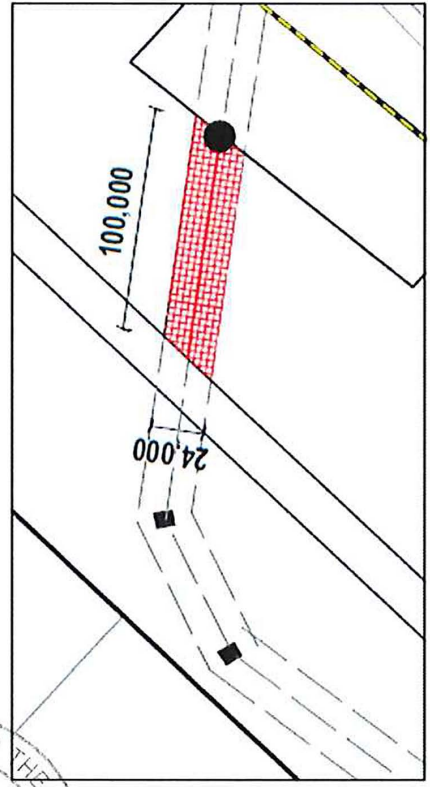
- LEGEND**
- SPACES & ELEMENTS**
- PRIMARY ROAD CONNECTION BETWEEN SH4 & PERRY HILL DRIVE
 - LOCATION INDICATIVE (+/- 50 METRES)
 - INTERNAL CONNECTION
 - LOCATION INDICATIVE
 - FRANKTON NORTH
 - RESERVE AND CYCLE PATH
 - LOCATION INDICATIVE AND MAY BE LOCATED WITHIN THE STATE HIGHWAY 6 ROAD RESERVE
 - INTERNAL ROAD 1
 - LOCATION INDICATIVE (+/- 10 METRES WITHIN THE MATCHED CORRIDOR)
 - INTERNAL ROAD 2
 - LOCATION INDICATIVE (+/- 5 METRES WITHIN THE MATCHED CORRIDOR)
 - RASD LOCATION POSITIONS BETWEEN PROPERTIES
- INFORMATION LINES**
- AURORA DISTRIBUTION NETWORK
 - REFER TO ELECTRICAL CODE OF PRACTICE FOR ELECTRICAL SAFE DISTANCES (NECP 3A:2011)
 - TRANSITION CORRIDOR FOR SETBACK
 - REFER TO CHAPTER 20 ENERGY AND UTILITIES AND CHAPTER 31 DESIGNATIONS (DESIGNATION 1)
 - QUEENSTOWN AIRPORT OUTER CONTROL BOUNDARY (LINES)
 - REFER TO PLANNING MAP 31: A1

NOTE: The Queenstown Airport Approach and Land Use Control boundary is shown in red on the map and is not a construction boundary. Refer to Chapter 31 (Designation 1).

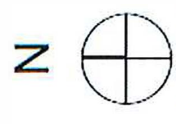


Scale: 1:5000

FRANKTON NORTH STRUCTURE PLAN - 25.08.2020



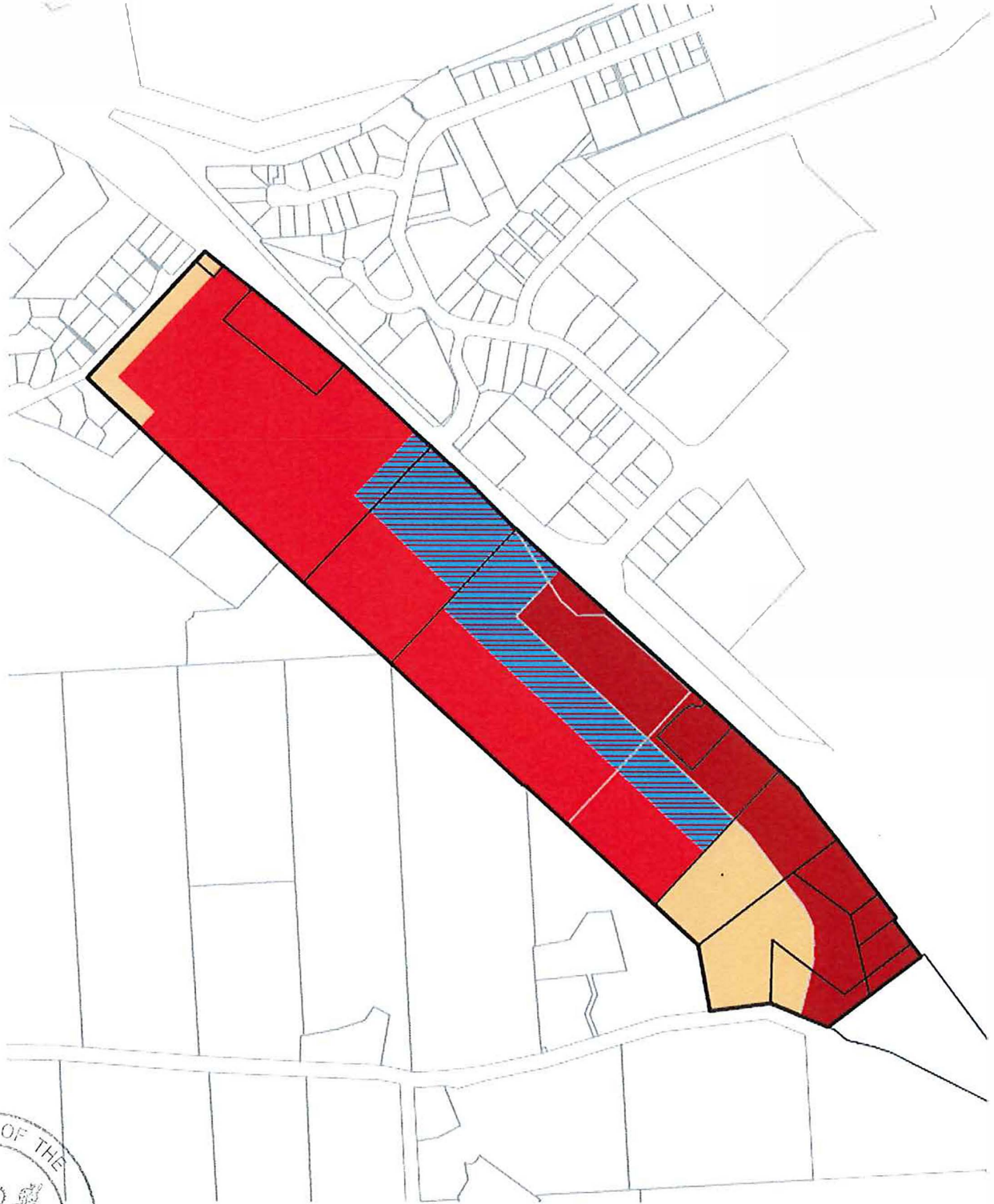
- LEGEND**
- PRIMARY ROAD CONNECTION BETWEEN SH 4 & FERRY HILLS DRIVE (LOCATION INDICATIVE +/- 50 METRES)
 - ← INTERNAL CONNECTION (LOCATION INDICATIVE)
 - FUNKY NORTH
 - PEDESTRIAN AND CYCLE PATH (LOCATION INDICATIVE AND MAYBE LOCATED WITHIN THE STATE HIGHWAY ROAD RESERVE)
 - INTERNAL ROAD 1 (LOCATION INDICATIVE +/- 50 METRES WITHIN THE MATCHED CORRIDOR)
 - INTERNAL ROAD 2 (LOCATION INDICATIVE +/- 50 METRES WITHIN THE MATCHED CORRIDOR)
 - FIXED LOCATION FOR ACCESS BETWEEN PROPERTIES
- NEOSMITH LINES**
- 115000 DISTRIBUTION IN SETBACK (REFER TO ELECTRICAL CODE OF PRACTICE FOR ELECTRICAL SAFE DISTANCES - NEEP 3/2008)
 - TRANSMISSION CORRIDOR 10M SETBACK (REFER TO CHAPTER 3.6 ENERGY AND UTILITIES AND CHAPTER 3.7 DESIGNATING DESIGNATION 1)
 - QUEENSWAL AIRPORT OUTER CONTROL BOUNDARY (LINE) (REFER TO PLANNING MAP 31 A)
- NOTE: The Queenstown Airport Approach and Land Use Control Boundary is shown on the map for information only and does not constitute a final land use control. Refer to Chapter 3.7 Designating Designation 1.





Scale: 1:2000

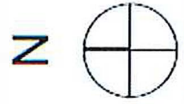
PDP Plan Map for Frankton North appeal area





LEGEND

-  HIGH DENSITY RESIDENTIAL (RETURNED FROM MCR)
-  MEDIUM DENSITY RESIDENTIAL ZONE (RETURNED FROM MCR)
-  BUSINESS MIXED USE ZONE ASEA
-  BUSINESS MIXED USE ZONE



Scale: 1: 5000

ZONE MAP FOR FRANKTON NORTH - 25.08.2020