

## 12.33 Northlake Special Zone - Issues, Objectives and Policies

The purpose of the Northlake Special Zone is to provide for a predominantly residential mixed use neighbourhood. The area will offer a range of housing choices and lot sizes ranging from predominantly low to medium density sections, with larger residential sections on the southern and northern edges. The zone enables development of the land resource in a manner that reflects the zone's landscape and amenity values.

The Northlake Special Zone includes a Structure Plan showing existing and proposed roads, the position of Activity Areas, Building Restriction Areas and Tree Protection Areas. Subsequent provisions refer to these terms. An important component of the Zone is the need to submit an Outline Development Plan as part of an application for consent to specified activities prior to development, to ensure the Zone is developed in an integrated manner.

### 12.33.1 Issues

#### i Landscape and Amenity

Northlake is located within a landscape which contributes to the amenity of the wider Wanaka area. It is important to recognise and achieve high quality amenity outcomes. The urban edge needs to be located to preserve the landscape values enjoyed from Lake Wanaka and the Clutha River.

#### ii Community

Development in Northlake shall occur in a manner that provides for the integration of activities important for the social wellbeing of the community. There is potential to establish a small precinct with community and commercial activities that meet some daily needs and act as a focal point for the Northlake community.

#### iii Ecology

Years of pastoral farming have degraded natural values. However, through protecting remnants of mostly kanuka vegetation and encouraging tree planting, some values can be restored and enhanced. Development near the boundary of the Hikuwai Conservation Area shall be managed so as to reinforce and protect the values of that area.

#### iv Open Space and Recreation

Northlake presents opportunities to provide open spaces and trails that will contribute to the Wanaka community's social and economic wellbeing. Continued and increased opportunities to access Lake Wanaka and the outlet to the Clutha River can be secured as part of the development of the land.

#### v Efficient Land Use

It is important that residentially zoned land is used efficiently in order to promote housing affordability and relieve pressure to develop other more sensitive land in and around Wanaka.

#### vii Infrastructure

Development of the zone will require the provision of services including water supply, sewage disposal, stormwater disposal, telecommunications and electricity supply.

## 12.33.2 Objectives and Policies

### Objective 1 – Residential Development

**A range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities.**

#### Policies

- 1.1 To establish a mix of residential densities that will provide a residential environment appealing to a range of people.
- 1.2 To enable medium density living within the less sensitive parts of the zone in order to give Northlake a sense of place and to support a neighbourhood commercial and retail precinct.
- 1.3 To maintain and enable residential lot sizes in Activity Areas A and C4 consistent with the adjacent Rural Residential Zone.
- 1.4 To enable and encourage low density residential activities within Activity Areas B1 – B5.
- 1.5 To enable and encourage larger residential lot sizes within Activity Areas C1 – C3.
- 1.6 To enable and encourage medium density residential activities within Activity Area D1.
- 1.7 To provide for small scale neighbourhood retail activities including one small supermarket to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.
- 1.8 To provide for community activities, including educational facilities, to

*serve the needs of the Northlake community and to be available for use by the wider Wanaka community.*

- 1.9 To enable affordable housing by providing for cost effective development and by requiring a range of lot sizes and housing typologies, including 20 affordable lots (as defined in Rule 15.2.20.1).

### Objective 2 – Urban Design

**Development demonstrates best practice in urban design and results in a range of high quality residential environments.**

#### Policies

- 2.1 To use a Structure Plan to establish:
  - The location of Activity Areas
  - The primary roading network
  - Required walking and cycle connections
  - Areas where buildings are prevented from occurring due to landscape sensitivity
  - Areas where existing vegetation forms an important landscape or ecological feature and should be protected
- 2.2 To require development to be consistent with the Northlake Structure Plan.
- 2.3 To require the use of Outline Development Plans in resource consent applications for Activity Areas B1 to B5, C1 to C4 and D1 in order to:
  - implement the objectives and policies of the Zone and the relevant Activity Area and the Northlake Structure Plan;

- determine the general location of anticipated future activities and built form within the Activity Area;
- achieve any required density range within the relevant Activity Area;
- achieve appropriate integration of anticipated future activities.

2.4 To achieve a high level of integration through residential lot layout, street design, recreational areas (including walkways/ cycleways, parks and open spaces) and landscaping through the resource consent process using Outline Development Plans.

2.5 To ensure that development recognises and relates to the wider Wanaka character and is a logical extension of the urban form of Wanaka.

2.6 To enable visitor accommodation, commercial, ~~retail and~~ community activities ~~and retirement villages and limited small scale retail activities including one small supermarket within Activity Area D1 including limited areas of small scale neighbourhood retail~~ to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.

2.7 To enable educational facilities to service the needs of the Wanaka community, while maintaining compatibility with residential amenity.

2.8 Ensure the design and appearance of non-residential buildings is compatible with the character of the wider neighbourhood and considers variation in form, articulation, colour and texture and landscaping to add variety, moderate visual scale and provide visual interest, especially where facades front streets and public spaces.

## Objective 3 – Connectivity

**Development that is well-connected internally and to networks outside the zone.**

### Policies

3.1 To ensure that roading is integrated with existing development and the existing road network.

3.2 To promote a logical and legible road layout, minimising cul-de- sacs where practical.

3.3 To require public cycling and walking trails through the zone that link to existing and potential trails outside the zone.

3.4 To enable public transport to efficiently service the area, now and in the future.

3.5 To reduce travel distances through well connected roads.

3.6 To provide safe, attractive, and practical routes for walking and cycling, which are well linked to existing or possible future passenger transport and local facilities and amenities within the zone.

## Objective 4 – Landscape and Ecology

**Development that takes into account the landscape, visual amenity, and conservation values of the zone.**

### Policies

4.1 To identify areas where buildings are inappropriate, including ridgelines, hilltops and other visually prominent landforms, and to

avoid buildings within those areas.

- 4.2 To maintain and enhance the nature conservation values of remnants of indigenous habitat, and to enhance the natural character of the northeast margin of the zone.
- 4.3 To ensure that roads are designed and located to minimise the need for excessive cut and fill and to respect natural topographical contours.
- 4.4 To ensure that trees within the Tree Protection Areas are retained, and that any individual trees that are removed or felled within TPA3 or TPA4 are progressively replaced with non-wilding species so as to ensure development is reasonably difficult to see from the Deans Bank trail (northern side of the Clutha River), to retain a predominantly treed foreground when viewed from the Deans Bank trail, and to retain a predominantly treed background when viewed from Outlet Road.

## **Objective 5 – Recreation**

**The establishment of areas for passive and active recreation.**

### **Policies**

- 5.1. To identify areas for passive and active recreation, and to encourage connections between recreational areas.
- 5.2. To ensure that community recreation areas are located on flatter areas within the zone.
- 5.3. To encourage the provision of public access to the Clutha River.

- 5.4. To require provision of community facilities at an early stage in the development of the zone.

## **Objective 6 – Infrastructure**

**Provision of servicing infrastructure to cater for demands of development within the zone in an environmentally sustainable manner and to enhance wider utility network systems where appropriate.**

### **Policies**

- 6.1. To provide safe and efficient road access to the zone from Aubrey Road and Outlet Road.
- 6.2. To provide for transport network upgrades when required.
- 6.3. To design local streets to ensure safe, low speed traffic environments.
- 6.4. To utilise low impact design solutions that minimise adverse environmental effects resulting from stormwater runoff.
- 6.5. To provide for water storage facilities for the benefit of the wider Council network as well as for the zone.

# 12.34 Northlake Special Zone - Rules

## 12.34.1 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

- |       |  |                 |
|-------|--|-----------------|
| (i)   | Heritage Protection                                  | - Refer Part 13 |
| (ii)  | Transport  | - Refer Part 14 |
| (iii) | Subdivision, Development and Financial Contributions | - Refer Part 15 |
| (iv)  | Hazardous Substances                                 | - Refer Part 16 |
| (v)   | Utilities  | - Refer Part 17 |
| (vi)  | Signs  | - Refer Part 18 |
| (vii) | Relocated Buildings and Temporary Activities         | - Refer Part 19 |

## 12.34.2 Activities

### 12.34.2.1 Permitted Activities

- i. Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Restricted Discretionary, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.
- ii. Non-residential activities involving up to one full time equivalent person who permanently resides elsewhere than on the site and occupying no more than 40m<sup>2</sup> of the gross floor area of the buildings on a site.

### 12.34.2.2 Controlled Activities

The following shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying, Restricted Discretionary or Discretionary Activity** and they comply with all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

#### i. Buildings in Activity Area A

The addition, external alteration or construction of buildings within Activity Area A, with the exercise of Council's control limited to:

- (a) The location, external appearance and design of buildings;
- (b) Roof and wall colours;
- (c) Associated earthworks and landscaping.

#### ii. Buildings in Activity Areas C1 to C4

The addition, external alteration or construction of buildings within the Activity Areas C1 to C4, with the exercise of Council's control limited to:

- (a) The location, external appearance and design of buildings;
- (b) Roof and wall colours;
- (c) Infrastructure and servicing;
- (d) Associated earthworks and landscaping;
- (e) Access.

#### iii. Removal of trees from the Tree Protection Areas

The removal and/or felling of a tree which is within a Tree Protection Area shown on the Northlake Structure Plan and which is described in the Schedule "Protected Trees – Wanaka" in the Inventory of Protected Features in Appendix A3, with the Council's discretion

limited to:

- (a) the extent of tree removal in the context of retention of a predominantly treed area;
- (b) the timing, type and density of replacement trees;
- (c) the method of removal of trees;
- (d) retention and enhancement of indigenous ecological values.

### 12.34.2.3 Restricted Discretionary Activities

The following shall be **Restricted Discretionary Activities** provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has limited its discretion are listed with each **Restricted Discretionary Activity**.

#### i. Residential Activities (excluding buildings) in Activity Areas B1 to B5 and C1 to C4

Any application for consent under this rule shall include a proposed Outline Development Plan as part of the proposed conditions of consent in respect of all of the relevant Activity Area. The exercise of Council's discretion shall be limited to:

- (a) Indicative subdivision design, density of residential units, lot configuration and allotment sizes;
- (b) Roding pattern and vehicle access arrangements, including integration with existing development;
- (c) Proposed road and street designs, including landscaping;
- (d) Location and suitability of pedestrian and cycling connections and linkages to surrounding pedestrian and cycling networks;
- (e) Location and suitability of open space and recreational amenity spaces;
- (f) The proposed methods of servicing by infrastructure;
- (g) Proposed methods of low impact stormwater disposal;
- (h) Proposals to protect and enhance conservation values;
- (i) Measures to address any adverse effects resulting from any

contaminated sites;

- (j) The extent to which natural topography is respected, where practical;
- (k) Integration of the Outline Development Plan with other parts of the zone, or with other consents with Outline Development Plans that have been approved;
- (l) Species of trees (Note: required to be specified for the purposes of Rule 12.34.4.1.x).

#### ii. Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages (all excluding buildings) in Activity Area D1

Any application for consent under this rule shall include a proposed Outline Development Plan as part of the proposed conditions of consent in respect of all of Activity Area D1. The exercise of Council's discretion shall be limited to:

- (a) Indicative subdivision design, density of residential units, lot configuration, maximum number of residential units proposed for any retirement village, and allotment sizes;
- (b) Location of any visitor accommodation, commercial, retail, retirement village and community activities;
- (c) Roding pattern and vehicle access arrangements, including integration with existing development;
- (d) Proposed road and street designs, including landscaping;
- (e) Location and suitability of pedestrian and cycling connections and linkages to surrounding pedestrian and cycling networks;
- (f) Location and suitability of open space and recreational amenity spaces;
- (g) The proposed methods of servicing by infrastructure;
- (h) Proposed methods of low impact stormwater disposal;
- (i) Proposals to protect and enhance conservation values;
- (j) Measures to address any adverse effects resulting from any contaminated sites;
- (k) The extent to which natural topography is respected, where

practical;

- l) Integration of the Outline Development Plan with other parts of the zone, or with other consents with Outline Development Plans;
- (m) Design controls and implementation methods for managing outcomes on sites with internal setbacks of less than 1.5 m and / or lot sizes smaller than 400m<sup>2</sup>;
- (n) Species of trees (Note: required to be specified for the purposes of Rule 12.34.4.1.x).

### iii. Residential Buildings

The addition, external alteration or construction of **buildings with more than three residential units**, with the exercise of Council's discretion limited to:

- (a) The location, external appearance and design of buildings;
- (b) Infrastructure and servicing;
- (c) Associated earthworks and landscaping; and
- (d) Access.

### iv. Buildings for Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages within Activity Area D1

The addition, external alteration or construction of buildings for visitor accommodation, commercial, retail and community activities and retirement villages within Activity Area D1, with the exercise of Council's discretion limited to:

- (a) The location, external appearance and design of buildings;
- (b) Infrastructure and servicing;
- (c) Associated earthworks and landscaping;
- (d) Access;
- (e) The amount of vehicle parking, its location and layout;
- (f) Location of buildings on the site;
- (g) Hours of operation; and

- (h) Integration between the proposed building and other consents with Outline Development Plans relevant to the site.

### 12.34.2.4 Discretionary Activities

The following shall be **Discretionary Activities** provided they are not listed as **Non-Complying Activities** or **Prohibited Activities** and they comply with all the relevant **Zone Standards**.

- i. Any Activity which is not listed as a **Non-Complying Activity** or **Prohibited Activity** and which complies with all the Zone Standards but does not comply with one or more of the Site Standards shall be a **Discretionary Activity** with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.
- ii. **Residential Activities (excluding buildings) in Activity Areas B1 to B5 and C1 to C4 and Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages (all excluding buildings) in Activity Area D1 where an Outline Development Plan is proposed for only part of Activity Areas B1 to B5, C1 to C4 and D1.**

### 12.34.2.5 Non Complying Activities

The following shall be **Non-Complying Activities**, provided that they are not listed as a **Prohibited Activity**:

- i. **Factory Farming**
- ii. **Forestry Activities**
- iii. **Mining Activities**
- iv. **Service Activities**
- v. **Industrial Activities**

vi. **Airports**

Airports **other than** the use of land and water for emergency landings, rescues and fire fighting.

vii. **Building Restriction Area (including Tree Protection Area) – Activity Areas E1-E4**

Any building (including buildings ancillary to residential use) and any domestic curtilage activities, including gardens, paved areas, and parking (except for the purpose of vehicle access) in Activity Areas E1-E4.

viii. **The use or development of land within any of Activity Areas B1 to B5, C1 to C4 and D1 that is not in accordance with Rule 12.34.2.3.i or Rule 12.34.2.3.ii in respect of all of that Activity Area or under Rule 12.34.2.4.ii in respect of part of that Activity Area.**

ix. **Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages within Activity Areas A, B1 to B5 and C1 to C4.**

x. **Removal of trees from the Tree Protection Area**

The removal and/or felling of a tree which is within a Tree Protection Area shown on the Northlake Structure Plan and which is described in the Schedule "Protected Trees – Wanaka" in the Inventory of Protected Features in Appendix A3, other than as approved under Rule 12.34.2.2.iii,

xi. Any activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone** standards, shall be a **Non-Complying Activity**.

**12.34.2.6 Prohibited Activities**

The following shall be **Prohibited Activities**:

i. **Panelbeating, spray-painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (except if ancillary to any retail activity or restaurant), or any activity requiring an Offensive Trade Licence under the Health Act 1956.**

ii. **Planting the following trees:**

- (a) Pinus radiata
- (b) Pinus muriata
- (c) Pinus contorta
- (d) Pinus ponderosa
- (e) Pinus sylvestris
- (f) Pinus nigra
- (g) Douglas Fir
- (h) All Eucalyptus varieties
- (i) Silver Birch
- (j) Hawthorn

**12.34.3 Non-Notification of Applications**

Any application for a resource consent for the following matters may be considered without the need to obtain the written approval of affected persons and need not be notified in accordance with Section 95A and 95B of the Act, unless the Council considers special circumstances exist in relation to any such application:

i. All applications for **Restricted Discretionary Activities**, except that where the owners of land adjoining an area subject to a consent application with an Outline Development Plan may be affected by a proposed roading connection (or lack thereof) then notice may be served on those persons considered to be potentially adversely affected if those persons have not given their written approval.



Note:

- For the purposes of this rule, “adjoining” means land that shares a boundary with the part of the Northlake Special Zone to which the consent application's Outline Development Plan relates.
- If any application in respect of all or part of Activity Area B1 includes an Outline Development Plan which includes the use of Peak View Ridge for vehicle access, then the owners of land that gain access off Peak View Ridge shall be considered potentially adversely affected
- For the purposes of this rule, a consent application's Outline Development Plan includes a variation to a consent's Outline Development Plan.

ii. Applications for the exercise of the Council's discretion in respect of the following **Site Standards**:

- (a) Access;
- (b) Outdoor Living Space;
- (c) Earthworks

## 12.34.4 Standards

### 12.34.4.1 Site Standards

#### i. Nature and Scale of Non-Residential Activities

- (a) Within Activity Areas A, B1 – B5, and C1 – C4 no more than one full time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity.
- (b) Within Activity Areas A, B1 – B5, and C1 – C4 no more than 40m<sup>2</sup> of the gross floor area of the buildings on a site shall be used for non-residential activities.
- (d) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity

parked on the site overnight and the storage of outdoor items ancillary to activities located on the site.

- (e) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

#### ii. Setback from Roads

- (a) The minimum setback from road boundaries of any building shall be 4.5m except within Activity Area D1;
- (b) The minimum setback from road boundaries of any building within Activity Area D1 shall be 3m, except for that part of Activity Area D1 that adjoins Outlet Road, north of Mt. Burke Street, where the minimum setback from Outlet Road shall be 7m.

#### iii. Setbacks from Internal Boundaries

- (a) In all areas aside from Activity Area D1, and except as provided for below, the minimum setback from internal boundaries for any building shall be:

##### Front Site

One setback of 4.5m and all other setbacks 2m.

##### Rear Sites

Two setbacks of 4.5m and all remaining setbacks to be 2m.

- (b) Within Activity Areas D1 the minimum setback from internal boundaries for any building shall be 1.5m unless otherwise authorized through a consent under Rule 12.34.2.3.i, Rule 12.34.2.3.ii or Rule 12.34.2.4.ii.
- (c) Accessory buildings for residential activities other than those used for the housing of animals may be located within the

setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.

- (d) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
  - (i) eaves up to 0.6m into the setback; and
  - (ii) balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and
  - (iii) porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
  - (iv) chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
  - (v) no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.
- (e) No setback is required from an internal boundary where buildings share a common wall on that boundary.
- (f) No setback is required from a rear lane within Activity Area D1.

#### iv. Continuous Building Length

Where the aggregate length along one elevation of buildings

measured parallel to any internal boundary or internal boundaries exceeds 16m; either:

- (a) The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum yard setback (continuous façades) at the same distances from the boundary; or
- (b) That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary).

*Refer Appendix 4*

#### v. Outdoor Living Space

- (a) The minimum provision of outdoor living space for each residential unit at the ground floor level contained within the net area of the site shall be:
  - (i) For residential activities within Activity Area D1, 40m<sup>2</sup> contained in one area with a minimum dimension of 4m; In addition, it is to be directly accessible from the principal living room, has a gradient not exceeding 1:20, is free of buildings, parking spaces, servicing and manoeuvring areas, and excludes any area with a dimension of less than 1m.
  - (ii) In all other Activity Areas 36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m.
- (b) The minimum provision of outdoor living space for each residential unit above ground level shall be 8m<sup>2</sup> contained in one area with a minimum dimension of 2m.
- (c) The outdoor living space shall be readily accessible from a living area.
- (d) No outdoor living space shall be occupied by:
  - (i) Any building, other than an outdoor swimming pool or accessory building of less than 8m<sup>2</sup> gross

- floor area; or
- (ii) A driveway or parking space; or
- (iii) Areas to be used for the storage of waste and recycling.

#### vi. Garages

In Activity Areas B1 – B5 and D1 garages and carports must be setback at least level with the front façade (i.e. the façade facing the street) of the residential unit.

#### vii. Walls and Fences

No walls or fences shall be located within a setback from roads, except that:

- (a) Fences within a road setback in Activity Areas C1 – C4 are allowed up to 1.2m high provided they are post and wire.
- (b) Fences within the setback of Outlet and Aubrey Roads and a minimum of 8m from the road boundary along the lot side boundaries are allowed up to 1.2m high provided they are post and wire.
- (c) Fences within setbacks from the boundaries of parks and reserves, within 4m of the boundary of the Hikuwai Conservation Area, and within 2m of a Building Restriction Area, are allowed up to 1.2m high provided they are post and wire.

#### viii. Access

- (a) Each residential unit shall have legal access to a formed road.
- (b) Within Activity Area D1 no residential unit shall have direct access to Outlet Road.

#### ix. Earthworks

The following limitations apply to all earthworks (as defined in this

Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

#### (a) Earthworks

- (i) The total volume of earthworks does not exceed **200m<sup>3</sup>** per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
- (ii) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 400m<sup>2</sup> in area within that site (within a 12 month period).
- (iii) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m<sup>3</sup> (notwithstanding provision 17.2.2).
- (iv) No earthworks shall:
  - a. expose any groundwater aquifer;
  - b. cause artificial drainage of any groundwater aquifer;
  - c. cause temporary ponding of any surface water.

#### (b) Height of cut and fill and slope

- (i) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.
- (ii) The maximum height of any cut shall not exceed 2.4m.
- (iii) The maximum height of any fill shall not exceed 2m.

#### (c) Environmental Protection Measures

- (i) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
- (ii) Any person carrying out earthworks shall:
  - a. Implement erosion and sediment control measures

to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

- b. Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- c. Implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
- (d) Protection of archaeological sites and sites of cultural heritage
  - (i) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites, or in the Kai Tahu ki Otago Natural Resource Management Plan.
  - (ii) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.
  - (iii) If koiwi (human skeletal remains), waahi taoka (resource or object of importance including greenstone/pounamu), waahi tapu (place or feature of special significance) or other artefact materials are discovered work shall stop, allowing for a site inspection by the appropriate Runaka and their advisors. These people will determine if the discovery is likely to be extensive and whether a thorough site investigation will be required. Materials discovered should be handled and removed by takata whenua who possess knowledge of tikanga (protocol) appropriate to their removal or preservation.

## x. Landscaping and Planting

- (a) In Activity Area C1, 10% landscaping coverage of residential sites shall be achieved through the planting of trees species specified under Rule 12.34.2.3.i.

Note: For the purposes of this rule (a) above:

- (i) 'tree' shall be a species that will grow above 5.5m at maturity.
- (ii) 'coverage' shall be trees planted at a maximum of 5m between centres of trees.
- (iii) planting shall be completed within 12 months of Code of Compliance certification of a building on the site in accordance with the Building Act 2004.

- (b) In Activity Area C1, where any residential site boundary adjoins the Building Restriction Area, planting within a four metre setback from that boundary shall achieve 100% coverage using kanuka, red tussock, coprosma, pittosporum and hebe species, with a minimum of two of these species.
- (c) In Activity Area C4, where any residential site adjoins the Hikuwai Conservation Area or Aubrey Road, planting within a four metre setback from that boundary shall achieve 100% coverage using kanuka, red tussock, coprosma, pittosporum and hebe species, with a minimum of two of these species.

Note: For the purposes of rules (b) and (c) above:

- (i) 'coverage' shall be achieved by planting at a maximum of 2m between plants
- (ii) planting shall be completed within 12 months of Code of Compliance certification of a building on the site in accordance with the Building Act 2004.

- (d) On ~~residential~~ sites adjoining Outlet Road, tree planting within a 3.5 m setback from that road shall achieve 100% coverage.

Note: For the purposes of rule (d) above:

- (i) 'tree planting' shall consist of species that will be higher than 1.5 at maturity spaced at a maximum of 5m between centres of trees.
- (ii) planting shall be completed within 12 months of Code of Compliance certification of a building on the site in accordance with the Building Act 2004.
- (iii) this rule shall not apply to Activity Area A.
- (iv) This rule shall not apply to Activity Area D1 to the west of Outlet Road where roadside landscaping along of Outlet Road shall consist of:
  - a. A 1.1m post and rail fence shall be located along the batter slope that extends generally parallel to and 6m back from Outlet Road.
  - b. A Grisilinea hedge shall be planted behind the fence and maintained to a minimum height of 1.5m
- (e) Within the Tree Protection Areas, any tree that dies shall be replaced within 12 months by a non-wilding evergreen tree.

#### **xi. Outlook Space**

- (a) An outlook space must be provided from the face of a building containing windows or balconies to a habitable room. Where the room has two or more external faces with windows or balconies the outlook space must be provided from, in order of priority, the face with the largest balcony or largest area of glazing.
- (b) The minimum dimensions for a required outlook space are as follows:
  - (i) principal living room: 6m in depth and 4m in width
  - (ii) principal bedroom: 3m in depth and 3m in width
  - (iii) all other habitable rooms: 1m in depth and 1m in width.

- (c) The depth of the outlook space is measured at right angles to and horizontal from the window or balcony to which it applies. Where the outlook space applies to a balcony, it must be measured from the outside edge of the balcony.
- (d) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies or from the centre point of the largest balcony.
- (e) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the control applies.
- (f) Outlook spaces may be within the site, over a public street, or other public open space.
- (g) Outlook spaces required from different rooms within the same dwelling may overlap.
- (h) Outlook spaces must:
  - (i) be clear and unobstructed by buildings
  - (ii) not extend over adjacent sites or overlap with outlook spaces required by another dwelling.
- (i) An outlook space at ground floor level from a principal living room may be reduced to 4m deep if privacy to adjacent dwellings is provided by fencing at least 1.6m in height.

#### **xii. Universal Access**

- (a) Where an attached multi-unit development contains 10 or more dwellings, 20 per cent of those dwellings must comply with the following:
  - (i) doorways must have a minimum clear opening width of 810mm

- (ii) stairwells must have a minimum width of 900mm
- (iii) corridors must have a minimum width of 1050mm
- (iv) the principal means of access from the frontage, or the parking space serving the dwelling, to the principal entrance of the dwelling must have:
  - a minimum width of 1.2m
  - a maximum slope of 1:20
  - a maximum cross fall of 1:50.

- (b) Where the calculation of the dwellings required to be universally accessible results in a fractional dwelling, any fraction that is less than one-half will be disregarded and any fraction of one-half or more will be counted as one dwelling.
- (c) All dwellings required to be universally accessible must provide at least one parking space for people with a disability. The dimensions and accessible route requirements for such parking spaces are detailed in Section 5.5 of the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS 4121-2001).

### **xiii. Sustainable development**

- (a) In new attached multi-unit developments containing five or more dwellings, each dwelling must be designed and constructed to achieve:
  - (i) a minimum 6-star level from New Zealand Green Building Council Homestar Tool (2013), or
  - (ii) certification under the Living Building Challenge

- (b) This control does not apply to:

- (i) extensions and alterations to existing buildings
- (ii) converting an existing building to a dwelling
- (iii) new developments containing four or fewer dwellings.

### **xiv. Separation between buildings within a site**

- (a) Buildings must be separated where the habitable room of a dwelling has windows or balconies that face out to the wall of another building on the same site (the facing wall). Where the room has two or more external faces with windows or balconies the building separation must be applied from, in order of priority, the face with the largest balcony or the largest area of glazing.
- (b) The separation space required must be free of buildings for the depth, width and height set out below.
- (c) The depth of the separation space is measured at right angles to, and horizontal from, the window or balcony to which it applies across to the facing wall, excluding eaves or guttering. Where the building separation applies to a balcony, it is measured from the outside edge of the balcony.
- (d) For the principal living room, the depth of the separation space required is equal to the height of the facing wall above the floor level of the habitable room, or 15m, whichever is the lesser.
- (e) For the principal bedroom, the depth of the separation space required is 6m.
- (f) For other habitable rooms, the depth of the separation space required is 3m.

- (g) The width of the separation space is 50 per cent of its depth and is measured from the centre point of the largest window on the building face to which it applies or from the centre point of the largest balcony.
- (h) The height of the separation space is from the height of the floor or balcony upwards, clear to the sky except that eaves or gutters may protrude into it.
- (i) Where the adjacent building is not perpendicular to the distance being measured, the minimum separation depth required must be measured as an average around the centre line of the window/balcony.

#### 12.34.4.2 Zone Standards

##### i. Structure Plan

All activities and developments must be carried out in accordance with the Structure Plan, provided that this rule does not apply to an amendment of boundaries of up to 50m between Activity Areas B1 - B5 and D1.

##### ii. Outline Development Plan & Staging Plan

- (a) A consent application with an Outline Development Plan lodged under Rule 12.34.2.3.i or Rule 12.34.2.3.ii shall identify required walkway/ cycleway links and required roading links within 50m of their positions shown on the Structure Plan,
- (b) A consent application with an Outline Development Plan for Activity Area B1 lodged under Rule 12.34.2.3.i shall identify the required public walkway / cycleway to Aubrey Road shown on the Structure Plan together with the legal method to implement it.

- (c) A consent application with an Outline Development Plan lodged under Rule 12.34.2.3.i or Rule 12.34.2.3.ii shall be accompanied by a Staging Plan to indicate the proposed timeframes for development in the relevant parts of the Northlake Special Zone to enable infrastructure servicing works to be programmed. The first consent with an Outline Development Plan lodged shall be accompanied by a Staging Plan for the whole of the Northlake Special Zone and this is to be progressively revised as subsequent consents and Outline Development Plans are lodged over time.

Note: The purpose of this rule is to inform Council of when infrastructure works may need to be programmed. The Staging Plan is not intended to apply as a condition of consent.

##### iii. Density

The density of residential units within each Activity Area shall achieve limits set out in Table 1 plus or minus fifteen per cent (15%).

Table 1:

Activity Areas	Density (residential units per hectare)
A & C4	N/A
B1 – B5	10
C1 – C3	4.5
D1	15

Density shall be calculated for each Activity Area on an individual basis on the gross area of land available for development and includes land vested or held as reserve, open space, access or roading but excludes the Building Restriction Area and Tree Protection Area and any land developed or intended to be developed for activities other than residential activities.

##### iv. Building Height

Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

(a) Flat sites

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then the maximum height for buildings shall be:

- 8.0m for residential activities within Activity Areas A, B1 – B5, and C2 – C4;
- 5.5m in Activity Area C1;
- 10.0m for activities within Activity Area D1 (provided that buildings within 40m of the legal boundary of Outlet Road north of Mt. Burke Street shall be no more than 2 levels),

and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 40° and commencing at 2.5m above ground level at any given point on the site boundary:

except:

- (i) Gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m<sup>2</sup> with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.
- (ii) The recession line shall not apply to buildings that share a common wall on an internal boundary and shall not apply to Activity Area D1.

(b) Sloping site

Where any elevation indicates a ground slope of greater than 6 degrees (approximately 1:9.5) then the maximum height for buildings shall be 7.0m:

except:

- (i) No part of any accessory building located within the setback distances from internal boundaries shall protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary.
- (ii) In Activity Area C1 building height shall be limited to one story and 5.5 m above ground level.

**v. Building Coverage**

The maximum building coverage for all activities on any site shall be:

- (a) 40% in Activity Areas A, B1 – B5, C1 – C4
- (b) 65% in Activity Area D1.

**vi. Noise**

- (a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:
  - (i) Daytime (0800 to 2000 hrs) 50 dB L<sub>Aeq</sub>(15 min)
  - (ii) Night-time (2000 to 0800 hrs) 40 dB L<sub>Aeq</sub>(15 min)
  - (iii) Night-time (2000 to 0800 hrs) 70 dB L<sub>AFmax</sub>
- (b) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (c) The noise limits in (a) and (b) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.
- (d) The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998.



For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

## vii. Lighting, Glare and Controls on Building Materials

Any activity that does not comply with the following standards:

- (a) All fixed exterior lighting shall be directed away from adjacent sites and roads; and
- (b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.
- (c) External building materials shall either:
  - (i) be coated in colours which have a reflectance value of between 0 and 36%; or
  - (ii) consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper;

except that:

- (i) architectural features, including doors and window frames, may be any colour; and
- (ii) roof colours shall have a reflectance value of between 0 and 20%.

## viii. Retail

- (a) No retail activity shall occur within the Northlake Special Zone except in Activity Area D1.
- (b) No retail activity shall have a gross floor area exceeding 200m<sup>2</sup>, except for one activity which may have a maximum gross floor area of 1,250m<sup>2</sup> limited to a supermarket.

- (c) The total amount of retail gross floor area within the Northlake Special Zone (excluding a supermarket established pursuant to (b)) shall not exceed ~~4000m<sup>2</sup>~~ 1,250m<sup>2</sup>.

## ix. Roof Design

In Activity Area C1 at least 80% of the surface area of roofs shall have a roof pitch that is between a 25 and 40 degree slope.

Note: For the purposes of this rule, 'surface area' shall be measured from directly above the building using a 2-dimensional plan.

## x. Activity Areas E1 & E4

In Activity Area E1 and Activity Area E4 existing trees shall be retained and any additional enhancement planting, once established, shall also be maintained except that this rule does not apply to wilding tree species (particularly those spreading from the adjoining land outside the zone to the west) which shall be removed.

## 12.34.5 Assessment Matters

### 12.34.5.1 General

- (a) The following Assessment Matters are methods included in the District Plan in order to enable the Council to implement the Plan's policies and fulfill its functions and duties under the Act.
- (b) In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Matters set out in Rule 12.34.5.2 below.
- (c) In the case of Controlled, Restricted Discretionary and

Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).

- (d) In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.
- (e) Where an activity is a Discretionary Activity because it does not comply with one or more relevant Site Standards, but is also specified as a *Controlled Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

#### 12.34.5.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but shall not be limited by, the following assessment matters:

##### i. **Controlled Activity Consent – Buildings in Activity Area A (Rule 12.34.2.2.i)**

- (a) The extent to which the location of buildings and associated earthworks and landscaping breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- (b) The extent to which roof and wall colours are recessive and will not stand out against the surrounding background.

##### ii. **Controlled Activity Consent – Buildings in Activity Areas C1 to C4 (Rule 12.34.2.2.ii)**

- (a) The extent to which designs contribute to a coherent neighbourhood theme, utilising gabled roof forms and materials such as stone, shingles, natural timber, plaster and weather boards
- (b) The extent to which controls on the design and location of accessways and earthworks may be appropriate to mitigate the visual effects resulting from modifications to the landform
- (c) The extent to which roof and wall colours are in the range of dark greys, browns and blacks

##### iii. **Restricted Discretionary Activity – Residential Activities in any of Activity Areas B1 to B5 and C1 to C4 (Rule 12.34.2.3.i) and Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages in Activity Area D1 (Rule 12.34.2.3.ii)**

- (a) In regard to **indicative subdivision design**
  - (i) Whether the street blocks are designed to be walkable. Where practical within Activity Areas B1 – B5 in particular, block sizes larger than 1.5 ha and block lengths (between intersections, not including rear service lanes) longer than 200m are discouraged.
  - (ii) The extent to which the subdivision layout minimises, as far as practical, the number of rear sites that do not front the street.
  - (iii) The extent to which the subdivision design responds positively to the underlying topography and landscape characteristics.
  - (iv) Whether the street and lot configuration is likely to encourage house orientations that maximise solar gain. North-south street orientations and grid road designs that promote connectivity are encouraged to support such a lot configuration. designs that promote connectivity are encouraged to support such a lot

- configuration.
  - (v) Whether proposed open spaces and walkways are likely to feel safe, including through benefiting from passive surveillance from surrounding uses.
  - (vi) Whether the edges of the Activity Area are designed to relate to the adjoining land, and provide for potential road and pedestrian or cycle connections to adjoining land.
- (b) In regard to **roading pattern and vehicle access arrangements**
  - (i) Whether the roading pattern realises opportunities to connect streets. Where practical, cul-de-sacs, except those that are short and straight, should be avoided.
  - (ii) The extent to which a grid road design with vehicle or pedestrian connections, particularly within Activity Areas B1 – B5 and D1 is utilised to promote connectivity and to avoid a conventional suburban design with unnecessarily meandering road forms. Curved roads that respond positively to landforms and topography are acceptable, provided these are well-connected.
  - (iii) The extent to which the roading pattern connects with existing development, including other consents with Outline Development Plans and road networks outside the zone.
  - (iv) Whether road connections to and from Outlet Road and Aubrey Road are provided for generally as shown on the Structure Plan.
  - (v) Whether vehicle access arrangements to and from private properties minimise where practical the number of direct accesses onto Outlet Road. Where practical, access should be achieved from other roads,
  - (vi) Whether provision should be made for bus stop(s) (now or in the future).
- (c) In regard to **road and street designs**
  - (i) Whether road and street design cross sections show key dimensions and features of roads and associated footpaths, rear lanes, cycleways (when relevant and appropriate), on-street parking and stormwater management infrastructure.
  - (ii) Whether road and street design cross sections are shown to be proposed for use in appropriate locations reflecting the likely role and function of the road or street.
  - (iii) Whether road and street designs will enable safe, efficient and pleasant use by vehicles, pedestrians and cyclists. Consideration should be given to matters such as width, footpath availability, traffic calming measures, and cycle lanes.
  - (iv) The extent to which road and street designs make a positive contribution to the amenity of the zone.
  - (v) Whether, where practical, in Activity Area C1-C4 the use of kerb and channel is avoided and grass swales utilised.
  - (vi) The extent to which the types of street trees and the density of planting proposed will aid in softening the visual effects of domestication of the landscape when viewed from outside of the zone and contribute to urban amenity and character.
- (d) In regard to **open space areas, pedestrian and cycle links**
  - (i) The extent to which public access to places of public interest and enjoyment is created and enhanced.
  - (ii) Where terrain and site constraints do not enable connections between streets: safe, convenient and attractive walking and cycle connections should be provided if practical.
  - (iii) Provision of a range of public open spaces, including larger natural areas, and smaller urban parks and playgrounds.
  - (iv) The extent to which parks, reserves, walkways and cycleways are comprehensively designed and laid out so as to create connections between open spaces and provide alternative routes in which to navigate the zone

without the use of roads.

- (e) In regard to **infrastructure**
  - (i) The extent to which development can be serviced by existing infrastructure, or where upgrades are required, that these upgrades are planned and managed.
  - (ii) The extent to which development is staged to ensure cost effective provision of infrastructure and any required upgrades.
- (f) In regard to **approaches to stormwater disposal**
  - (i) Whether, where practical, low impact design solutions are employed.
  - (ii) Whether, where possible, safe and practical proposals to integrate stormwater management facilities into an attractive public realm and/or conservation corridors are proposed.
- (g) In regard to **conservation values**
  - (i) The extent to which remnant islands of kanuka and matagouri shrubland are protected.
- (h) In regard to **contaminated sites**
  - (i) Whether any contaminated sites exist that would be a risk to human health or the environment and, if so, what measures have been taken to address these sites.
  - (ii) Whether a Preliminary Site Investigation is required to ensure compliance with the National Environmental Standard for soil contaminants.
- (i) In regard to **controls on built form in Activity Area D1**
  - (i) Whether controls are proposed that will ensure that buildings in close proximity to one another will achieve reasonable levels of amenity and privacy;
  - (ii) Whether controls on built form will promote an attractive streetscape;
  - (iii) Whether appropriate mechanisms, including consent

conditions and/or private covenants, are proposed to ensure controls on built form will be adhered to by subsequent house builders and owners.

- (j) In regard to **Residential Activities in any of Activity Areas B1 to B5 and C1 to C4, where a consent with an Outline Development Plan has previously been granted under Rule 12.34.2.3.i**
    - (i) The extent to which varied consent and Outline Development Plan takes into account, and enables integration with, existing Residential Activities already developed in accordance with the previously consent and Outline Development Plan.
  - (k) In regard to **Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages in Activity Area D1, where a consent with an Outline Development Plan has previously been granted under Rule 12.34.2.3.ii**
    - (i) The extent to which a varied consent and Outline Development Plan takes into account, and enables integration with, existing Residential, Visitor Accommodation, Commercial, Retail, and Community Activities and Retirement Villages already developed in accordance with the previously consent and Outline Development Plan.
      - (ii) The extent to which those activities may be of a nature, scale or frequency that would undermine the integrity of the consent and Outline Development Plan previously granted under Rule 12.34.2.3.ii.
- iv. **Restricted Discretionary Activity – Buildings with more than three residential units within Activity Area D1 (Rule 12.34.2.3.iii)**
- (a) Whether the development positively contributes to the streetscape through the location and design of the built form,

carparking, balconies, ground floor levels, accessways, the treatment of the public/ private interface, and landscaping.

- (b) Whether buildings are able to achieve a high level of connection with the street, including establishing local character and evoking visual interest from street users.
- (c) Whether the design creates a visual connection between land uses and the street, including through having windows that face the street.
- (d) Whether views from the street into sites are clearly drawn to land use activities and entrance points, with garages being a recessive visual feature.
- (e) Whether the visual effect of monotonous or repetitious facades created by same or similar unit types have been avoided or mitigated through articulation of building frontages.
- (f) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood.
- (g) Whether communal car parking is designed so that spaces are broken up and easily identifiable with each unit and commercial-style continuous parking areas are avoided.
- (h) Whether there are suitable places to store cycles within residential units (such as garages) or secure and convenient cycle parking / storage is available for each unit.
- (i) Whether each unit is designed to minimise loss of privacy and nuisance effects between other units, such as by off- setting windows in close proximity to one another.
- (j) Whether waste and recycling material can be appropriately stored within the grounds of each area, or convenient,

appropriately sized and designed communal areas for the storage of waste are available.

- (k) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
  - (i) Noise, vibration and lighting from vehicles
  - (ii) Protecting privacy for residential neighbours.
- (l) Whether private and public space are clearly demarcated
- (m) Whether proposals to utilise innovative, cost effective building designs, methods and materials that may support the provision of affordable housing are not unreasonably precluded.

**v. Restricted Discretionary Activity – Buildings for Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages within Activity Area D1 (Rule 12.34.2.3.iv)**

- (a) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
  - (i) Noise, vibration and lighting from vehicles
  - (ii) Protecting privacy for residential neighbours.
- (b) Whether buildings, taking account of their proposed location, function and visibility, will make an attractive contribution to the streetscape or landscape.
- (c) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood, in general accordance with the architectural style shown in the following images.



- (d) Whether the buildings would be attractive when viewed from elevated locations inhabited or frequented by people.
- (e) Whether the building is setback from the road or not and the extent to which it is set back.
- (f) Whether any area set aside for the storage of waste is adequately sized and designed to enable the separation, storage and collection of recyclable waste.
- (g) The extent to which the outside storage of any goods,

materials or equipment (including vehicles associated with the activity parked on the site overnight) would have an adverse effect on the residential amenity of neighbours or the streetscape.

- (h) Whether any landscaping associated with buildings, for the purposes of mitigation or beautification, would:
  - (i) Result in adverse effects on neighbouring properties;
  - (ii) Be practical to maintain.
- (i) Whether sufficient car and cycle parking is available or proposed either on site or through shared or common areas.
- (j) Whether car parking is appropriately located and designed.
- (k) Whether the building contributes to the creation of an active street frontage.
- (l) Whether, for buildings which adjoin open spaces, an appropriate interface is achieved with that open space that makes the open space feel safe and attractive.
- (m) The extent to which any proposed retail activities are limited to small scale retail activities intended to primarily service the local neighbourhood catchment, such as dairies, hairdresser, cafés/restaurants and food takeaway shops.

**vi. Site Standard – Nature and Scale of Non-Residential Activities (Rule 12.34.4.1.i)**

- (a) The extent to which the scale of the activity and the proposed use of the buildings will be compatible with the scale of other buildings and activities in the surrounding area and will not result in visual dominance as a result of the area of buildings used, which is out of character with the low density suburban environment.

- (b) The extent to which the character of the site will remain dominated by landscaping rather than by buildings and areas of hard surfacing.
- (c) The extent to which the activity will result in the loss of residential activity on the site.
- (d) The extent to which the activities on the site remain dominated by residential activity, rather than by activities which are not associated with or incidental to residential activity on the site.
- (e) Any adverse effects of the activity in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.
- (f) The extent to which the activity provides a local function by meeting the needs of residents principally within the surrounding residential environment.
- (g) The ability to mitigate any adverse effects of the increased scale of activity.
- (h) The extent to which the activity will detract from the coherence and attractiveness of the site as viewed from adjoining roads and sites.
- (i) Any adverse effects of the activity on the outlook of people on adjoining sites, including the loss of residential character.
- (j) The extent to which the activity will be compatible with the appearance, layout and functioning of other sites in the adjoining area.
- (k) The ability to mitigate any adverse effects of the activity on adjoining roads and sites.

(l) The extent to which additional employment will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding residential area.

(m) The extent to which additional employment is an integral and necessary part of other activities being undertaken on the site and assists in providing alternative home-based employment and income generating opportunities for residents or occupiers of the site.

#### **vii. Site Standard – Setback from Roads (Rule 12.34.4.1.ii)**

- (a) The provision of adequate space for landscaping in the vicinity of road boundaries, which will mitigate the effects of the building intrusion into the street scene;
- (b) The ability to provide adequate on-site parking and maneuvering for vehicles;
- (c) The compatibility of proposed building with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from road boundaries;
- (d) The proposed building size, form, proportions, roof line, style and external appearance that is similar to or in keeping with those of existing buildings on the site;
- (e) The provision of an equal or greater amount of open space on the site that contributes to the sense of space and openness as viewed from public places;
- (f) Significant (more than minor) public and pedestrian amenity values in terms of building appearance and function resulting from the setback infringement;

- (g) The extent and effect of shadowing on any adjacent property or public road; and
- (h) Any likely future increases in the usage of the road.

**viii. Site Standard – Setbacks from Internal Boundaries (Rule 12.34.4.1.iii)**

- (a) The ability to mitigate adverse effects of the proposal on adjoining sites.
- (b) The extent to which a lower building coverage may offset or reduce the need to infringe upon the setback.
- (c) The purpose of the building or part of the building located within the setback.
- (d) The extent to which topography is considered in regard to the layout of adjoining sites and effects on access to daylight and sunlight.

**ix. Site Standard – Continuous Building Length (Rule 12.34.4.1.iv)**

- (a) Any adverse effects of the continuous building length in terms of visual dominance by building(s) of the outlook from the street and adjoining sites, which is out of character with the local area.
- (b) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

**x. Site Standard – Outdoor Living Space (Rule 12.34.4.1.v)**

- (a) The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of residents to provide for the outdoor living needs of likely future residents

of the site.

- (b) Any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents.
- (c) The extent to which the reduction in outdoor living space or the lack of access to sunlight is compensated for by alternative space within buildings with access to sunlight and fresh air.
- (d) The extent to which provision is made elsewhere within the zone for communal open space amenity areas. Such spaces should be easily accessed and well connected to surrounding activities, have good sunlight access and protection from prevailing winds.

**xi. Site Standard – Garages (Rule 12.34.4.1.vi)**

Whether the breach of standard would result in:

- i. Visual dominance of the frontage of a residential building by a garage when viewed from the street;
- ii. The obstruction of sight lines from the street to windows of living areas or the main entrance of the house;
- iii. The diminishing of the coherence of the design and built form of the street.

**xii. Site Standard – Walls and Fences (Rule 12.34.4.1.vii)**

(a) Whether the breach of the standard would result in:

- i. Public places (including streets and parks) appearing less safe or attractive; or
- ii. An outcome at odds with the character of the zone; or
- iii. The obstruction of sight lines from the street to



windows of living areas or the main entrance to the house.

- (b) Whether any measures have been taken to reduce potential adverse effects, for example through the use of permeable or transparent fencing materials.

**xiii. Site Standard – Access (Rule 12.34.4.1.viii)**

- (a) The extent to which alternative formed access can be assured to the activity in the long-term.
- (b) The extent to which the level and nature of the use will make it unlikely that access by way of a formed road will ever be necessary.

**xiv. Site Standard – Earthworks (Rule 12.34.4.1.ix)**

- (a) Environmental Protection Measures
  - (i) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
  - (ii) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
  - (iii) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
  - (iv) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
  - (v) Whether appropriate measures to control dust emissions are proposed.
  - (vi) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

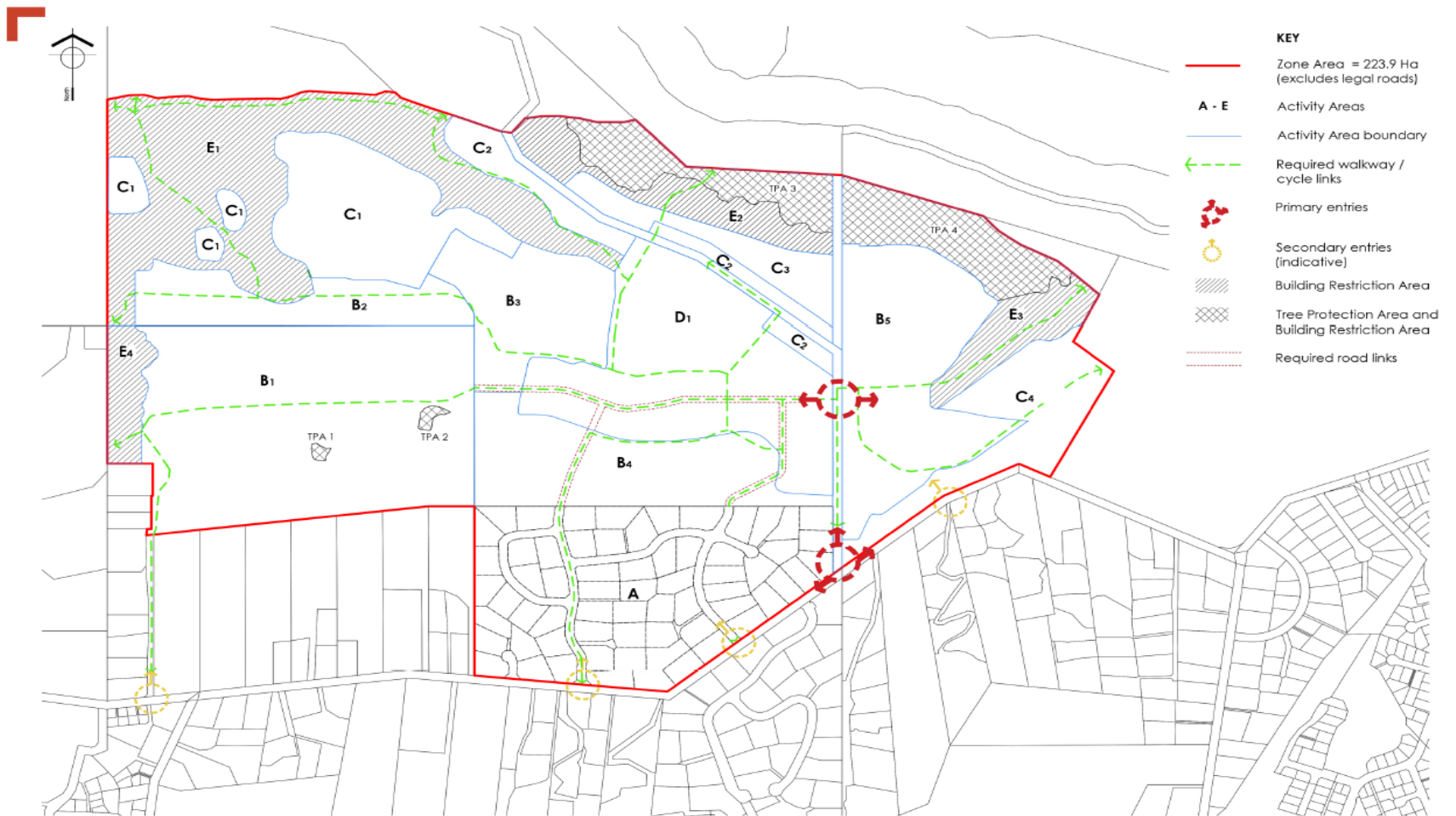
- (b) Effects on landscape and visual amenity values:
  - (i) Whether the scale and location of any cut and fill will adversely affect:
    - the visual quality and amenity values of the landscape;
    - the natural landform of any ridgeline or visually prominent areas;
    - the visual amenity values of surrounding sites.
  - (ii) Whether the earthworks will take into account the sensitivity of the landscape.
  - (iii) The potential for cumulative effects on the natural form of existing landscapes.
  - (iv) The proposed rehabilitation of the site.
- (c) Effects on adjacent sites:
  - (i) Whether the earthworks will adversely affect the stability of neighbouring sites.
  - (ii) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
  - (iii) Whether cut, fill and retaining are done in accordance with engineering standards.
- (d) General amenity values:
  - (i) Whether the removal of soil to or from the site will affect the surrounding roads, and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
  - (ii) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
  - (iii) Whether natural ground levels will be altered.
  - (iv) The extent to which the transportation of soil to or from the site will generate any negative effects on the safety or efficiency of the road network.

- (e) Impacts on sites of cultural heritage value:
  - (i) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgement Area, and whether tangata whenua have been notified.
  - (ii) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

**xv. Site Standard – Landscaping and Planting (Rule 12.34.4.1.x)**

Whether and the extent to which landscaping and / or planting proposed in breach of the standard will achieve amenity outcomes anticipated by the standards from viewpoints outside of the site.

## Northlake Structure Plan



**baxter**  
design

REFERENCE : 2754 - SK05 SCALE = 1 : 8,000 AT A3 - 22 SEPTEMBER 2017

**NORTHLAKE WANAKA**  
**PROPOSED STRUCTURE PLAN**

**Replacement Structure Plan**

**12 - 23**

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES **15**

## **15.2 Subdivision, Development and Financial Contributions Rules**

### **15.2.1 Statement**

Control of the subdivision of land is one of the functions of a territorial authority. The subdivision of land cannot take place unless authorised by a rule in the Plan or a resource consent. The subdivision of land for purposes of land tenure can have effects on land use expectations and is the framework for the provision of services to future activities.

### **15.2.2 General Provisions**

#### **15.2.2.1 Definition of Subdivision of Land**

Subdivision of land has the same meaning as in section 218 of the Act.

#### **15.2.2.2 Relevant Sections of the Act**

All applications are subject to Part VI and X of the Act, with particular reference to sections 104, 105, 106, 108, 219, 220 and 230-237G.

#### **15.2.2.3 Legal Road Frontage**

Section 321 of the Local Government Act 1974 shall apply to all subdivisions.

#### **15.2.2.4 Regional Council Requirements**

Attention is drawn to the need to obtain relevant consents from the **Otago Regional Council** relating to matters such as, water supply, stormwater and sewage disposal, earthworks, vegetation clearance and structures in the beds of lakes and rivers. It may also be necessary to obtain approval from other relevant agencies.

#### **15.2.2.5 Transit New Zealand Requirements**

Attention is drawn to the need to obtain a notice of consent from the Minister of Transport for all subdivisions on state highways which are declared Limited Access Roads. See Appendix 1A of the District Plan for sections of state highways which are LAR. Transit New Zealand should be consulted and a request made for a Minister's notice under section 93 of the Transit New Zealand Act 1989.

#### **15.2.2.6 Non-Notification of Applications**

- (i) Any application for resource consent under the Subdivision Rules for Controlled Subdivision Activities and Discretionary Subdivision Activities where the exercise of the Council's discretion is limited, need not be notified and the written approval of affected persons need not be obtained. If the Council considers special circumstances exist it may require the application to be notified.
- (ii) Prior to any application for resource consent being processed under Rule 15.2.10.2(i) on a non-notified basis pursuant to section 94(2) of the Resource Management Act 1991 written approval of the Otago Regional Council must be provided to the Queenstown Lakes District Council.
- (iii) Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified basis the written approval as an affected party is required from Transpower New Zealand Limited.

#### **15.2.2.7 Joint Hearings**

Any land use consent application arising from non-compliance with rules in this Plan as a result of a proposed subdivision shall be considered jointly with the subdivision consent application. In some circumstances consideration of a resource consent application may require a joint hearing with one or more additional consent authorities.

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

## 15.2.2.8 Application of Assessment Matters

- (i) The following are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- (ii) In addition to the applicable provisions of the Act, the Council shall also apply the relevant *Assessment Matters* set out in the following rules.
- (iii) In the case of Controlled and Discretionary Subdivision Activities, where the exercise of the Council's control or discretion is restricted to specified matter(s), the assessment matters taken into account shall only be those relevant to that/those matter(s).
- (iv) In the case of *Controlled Subdivision Activities*, the assessment matters shall only apply in respect to *conditions* that may be imposed on a consent.
- (v) In the case of *Controlled Subdivision Activities*, the application would only be declined pursuant to section 106 of the Act (Natural Hazards).
- (vi) Where a subdivision is a *Discretionary Subdivision Activity* because it does not comply with one or more of the relevant Site Subdivision standards, but is also specified as a *Controlled Subdivision Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Subdivision Activity when considering the imposition of conditions on any consent to the Discretionary Subdivision Activity.

## 15.2.3 Subdivision Activities

### 15.2.3.1 Permitted Subdivision Activities

There shall be no **Permitted Subdivision Activities**.

### 15.2.3.2 Controlled Subdivision Activities

- (a) Subdivision in the Frankton Flats Special Zone (B) for the purpose of creating a single certificate of title for an Activity Area or part thereof. Any title for part of an Activity Area must match the boundary of land ownership

as of 7 July 2007 or as altered as a result of a designation by NZTA or the Council. Rules 15.2.4 to 15.2.17 do not apply to subdivision under this rule.

The matters over which the Council reserves control are:

- (i) Creation or cancellation of easements for any purpose

Assessment Matters:

- (ii) Refer to Rule 15.2.18.2.

- (b) Except as provided for in (a) above and where specified as a Discretionary or Non-Complying Activity in Rules 15.2.3.3 and 15.2.3.4, any subdivision or development in any zone which complies with all of the Site and Zone Standards shall be a **Controlled Activity**.

The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

- (i) Boundary adjustment in the Rural General Zone, provided that:

- (a) Each of the lots must have a separate certificate of title; and
- (b) Any approved residential building platform must be retained in its approved location; and
- (c) No new residential building platforms shall be identified and approved as part of a boundary adjustment; and
- (d) There must be no change in the number of residential building platforms or residential buildings per lot; and
- (e) There must be no change in the number of non-residential buildings per lot; and
- (f) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards; and
- (g) No additional saleable lots shall be created; and

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (h) If one of the lots contains no building or residential building platform then no smaller lot shall be created without a building or residential building platform on it;

in respect of:

- The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
- Boundary treatment;
- Easements for access and services.

- (ii) The subdivision of land for the purposes of creating an Open Space Zone and public access easements throughout that zone.
- (iii) In the Ballantyne Road Mixed Use Zone subdivision that is in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i.
- (iv) Any rear site created in the Three Parks Zone following or combined with a comprehensive commercial development or multi unit development shall be a controlled activity

### 15.2.3.3 Discretionary Subdivision Activities

**Except** where specified as a Controlled Activity in Rule 15.2.3.2 above, and except where specified as a non-complying Activity in 15.2.3.4 below:

- (i) Any subdivision which complies with all the Zone Subdivision Standards but does not comply with any one or more Site Subdivision standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.
- (ii) Any subdivision of a lot in any zone, which complies with all of the Zone Subdivision Standards, but which contains an Area of Significant Indigenous Vegetation listed in Appendix 5 or a Heritage Item or Archaeological Site listed in Appendix 3, shall be a **Discretionary Subdivision Activity**.

- (iii) Any subdivision of land in the Penrith Park Zone north of the Visual Amenity Line as shown on the Penrith Park Plan 'A' shall be a **Discretionary Subdivision Activity**.

- (iv) In the Rural Residential zone at the north of Lake Hayes, the further subdivision of any allotment, including balances that had previously been used to calculate the average allotment size under Rule 15.2.6.2(iv).

- (v) In the Gibbston Character Zone all subdivision and location of residential building platforms shall be a **Discretionary Activity**.

- (vi) In the Rural General Zone all subdivision and location of residential building platforms shall be a Discretionary Activity, except any subdivision of land zoned Rural General pursuant to Rule 15.2.3.3 (vii) (Kirimoko Block - Wanaka)

- (vii) Any subdivision complying with the principal roading layout depicted in the Kirimoko Structure Plan shown on Page 7-59 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties) shall be a Restricted Discretionary Activity.

The Council's discretion will be limited to the following:

- Any earthworks required to create any vehicle accesses of building platforms
- The design of the subdivision including lot configuration and roading patterns
- Creation and planting of road reserves
- The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block contained within part 7 of this District Plan
- The protection of native species as identified on the structure plan as green network

- (viii) Within the Shotover Country Special Zone, any subdivision within 32m either side of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line shall be a Restricted Discretionary Activity with the Council's discretion restricted to:

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (a) The extent to which the subdivision design mitigates potential adverse effects on the transmission line, for example through the location of roads, reserves and open space under the line;
- (b) The ability for maintenance and inspection of the transmission line, including ensuring access;
- (c) The extent to which the design and development will minimise risk or injury and/or property damage from the transmission line;
- (d) The extent to which potential adverse effects from the transmission line including visual impact are mitigated, for example through the location of building platforms and landscape design;
- (e) The location of any building platforms;
- (f) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)

### (ix) Subdivision in the Frankton Flats Special Zone (B).

- (a) Any subdivision within Activity Areas C1 and C2 shall be a Restricted Discretionary Activity, with the Council's discretion restricted to:
  - (i) The matters listed in Rule 15.2.6 to 15.2.18;
  - (ii) The alignment of Road 5 (where Road 5 is included within Activity Areas C1 or C2);
  - (iii) The alignment of Road 14; and
  - (iv) The spatial layout of the subdivision and the Activity Area, including relationships to other Activity Areas, in relation to the location, capacity and form of:
    - a. Road, access ways and laneways;
    - b. Infrastructure;
    - c. Viewshafts; and
    - d. Open spaces.

- (b) Any subdivision within Activity Areas E1, E2 and D shall be a Restricted Discretionary Activity, with Council's discretion restricted to:

- (i) The matters listed in Rule 15.2.6 to 15.2.18.
- (ii) The alignment of Roads 4, 5 and 12.
- (iii) The location and number of vehicle crossing points along the EAR.

### Information Requirements for spatial layout plan

Applications for subdivision in Activity Area C1 and C2 shall be accompanied by a spatial layout plan for the Activity Area showing:

- (a) roads and publicly accessible laneways and accessways
- (b) publicly accessible open spaces
- (c) location of indicative viewshafts
- (d) proposed landscape treatment of the above
- (e) three waters infrastructure.

Where relevant, applications may rely upon any spatial layout plan submitted in support of a prior application where that application has received consent.

### Assessment Matters: Subdivision in AA C1 and C2

- (a) The assessment matters listed under Rule 15.2.6 to 15.2.18.
- (b) In considering the subdivision and the associated works the Council must be satisfied that these works, in relation to the matters set out in Policy 3.1 will contribute to, and not undermine:
  - i. A connected street network which can be progressively developed that:

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- a. Enables convenient and safe traffic circulation, while managing traffic speeds and moderating driver behaviour.
  - b. Promotes walking and cycling through short blocks and regular intersections (block lengths in excess of 200m and culs-de-sac are discouraged). Any pedestrian and cycle only connections should be safe and convenient. Generally they should have a straight alignment and be edged by buildings that provide a sense of safety for users.
  - c. Provides for coherent landscape treatment of streets.
  - d. Incorporates water sensitive urban design elements (e.g. bio filtration, permeable paving etc).
  - e. Enables a built form (building footprints, mass and typologies) that meets the policies and site standards of the Activity Area.
- ii. An arrangement of publicly accessible open space areas that can meet future needs and supports the built environment policies of the Zone.
- a. Within AA C1, a civic focal space, adjacent to the Mainstreet should be identified, with a form that is suitable for a range of public gatherings and use.
  - b. Within AA C2, the location and form of open space areas, including open space that can provide for the passive neighbourhood recreational open space needs of residents and visitors in the Zone, should be identified.
- iii. Indicative viewshafts that will be maintained in an appropriate manner that retains their role as continuous viewshafts with straight alignments, including consistent controls on fencing, structures and vegetation within the viewshaft area.
- iv. Sufficient provision is made to accommodate future infrastructure needs, taking into account demands from adjacent sites and Activity Areas, including:
- a. on-site soakage and overland flow paths for rainfall events that exceed the capacity of the piped network. In AA C1 these soakage areas may be pits and chambers overlain by hard surfaces, while in AA C2 there may be a mix of permeable areas and engineered soakage areas.
  - b. Water and wastewater networks and space for other utilities.

### Assessment Matters for subdivision in Activity Areas D, E1 and E2:

- a. The assessment matters in Rule 15.2.6 to 15.2.18
  - b. The identification of cycleway / pedestrian walkways, including a through-site link from Activity Area C2 through to E2 to the western side of the Eastern Access Road, and alignment with any pedestrian crossing over the Eastern Access Road.
  - c. The EAR shall be designed to a minimum standard classification of Primary Street: Arterial as defined in NZS 4404: 2004. The legal road reserve width will need to provide for landscaping and multi-use (pedestrian, cycle and vehicles).
  - d. Vehicle access points onto the EAR should be limited to one per 50m of frontage. Joint use of crossing points by lots is expected.
- (x) **Within the Northlake Special Zone** – any subdivision of any of Activity Areas B1 to B5, C1 to C4 and D1 into more than one lot prior to a grant of consent for the relevant Activity Area under Rule 12.34.2.3.i or Rule 12.34.2.3.ii.
- (xi) **Within the Northlake Special Zone** any subdivision shall be a **Restricted Discretionary Activity** with the Council's discretion restricted to:
- (a) The extent to which the subdivision is consistent with the Northlake Structure Plan and any relevant consent's Outline Development Plan consented under Rule 12.34.2.3.i or Rule 12.34.2.3.ii;



## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (b) The extent to which the subdivision would undermine the integrity of the Northlake Structure Plan and any relevant consent's Outline Development Plan consented under Rule 12.34.2.3.i or Rule 12.34.2.3.ii;
  - (c) Those matters in respect of which the Council has reserved control under Rule 15.2.3.2.
- (xii) **In the Queenstown town Centre Lakeview sub-zone** any subdivision which is not in general accordance with Figure 2: Lakeview sub-zone Structure Plan (and any departures from the Structure Plan provided for in site standard 10.6.5.1(xiii)).
- Advice Note: Figure 2: Lakeview sub-zone Structure Plan is located in Section 10 Town Centres Rules.
- (xiii) **In the Ballantyne Road Low Density Residential Zone**, landscaping and earthworks within areas shown as '15 metre wide No Building Area' on Planning Map 23 and in **Figure 15.2 Ballantyne Road Low Density Residential Zone Structure Plan**, with discretion restricted with respect to the following matters:
- (a) Clarify the use of the space and for this to be designed/ planted accordingly;
  - (b) Identify the range of plant species proposed, including evergreen species where year-round screening of the development is required;
  - (c) Outline the long term ownership, management, and maintenance regime for the open spaces;
  - (d) The Council expects the mounding and planting to provide effective mitigation in respect of visual amenity and be in general accordance with **Figure 15. 3 Ballantyne Road Low Density Residential Zone Mounding Plan Cross Section**. To achieve this Council expects either:
    - a. combination of naturalistic mounding and predominantly evergreen planting;
    - b. minimum 15 metre strip of dense predominantly evergreen planting is required in order to provide effective mitigation.
    - c. Whether and to what extent the earthworks on the open space areas will, together with landscaping, contribute to effective screening of the future subdivision and development when viewed from public and private places, particularly when viewed from Riverbank Road.
- (xiv) Within the **R(HD) and R(HD\_SH) Activity Areas of the Hanley Downs** area of the Jacks Point Resort Zone, all subdivision shall be a restricted discretionary activity, where the Council's discretion is restricted to:
- (a) The matters of discretion specified in Rules 15.2.6 to 15.2.18.
  - (b) Consistency with the Structure Plan, including the provision of Public Access Routes, Primary Road Access, Secondary Road Access and Key Road Connections.
  - (c) The provision of access to the State Highway through the intersection of Woolshed Road (Rule 12.2.5.1(iv)).
  - (d) Diversity of lot sizes and density.
- (xv) Within the R(HD) Activity Areas of the Jacks Point Resort Zone, the Council reserves discretion over those matters listed in (ix) above, and the following:
- (a) The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.
  - (b) Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.
  - (c) Road and street designs.
  - (d) The location and suitability of proposed open spaces
  - (e) Commitments to remove wilding trees
  - (f) Any appropriate legal mechanism required to secure control over future built development on sites smaller than 550m<sup>2</sup> created pursuant to Rule 15.2.6.2(i)(b).

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

(xvi) Within the R(HD-SH) Activity Areas of the Jacks Point Resort Zone the Council reserves discretion over those matters listed in (ix) above, and the following:

- (a) The visual effects of subdivision and development on landscape and amenity values as viewed from State Highway 6.
- (b) The location of building platforms within Activity Area R(HD-SH) – 2 with respect to the mitigation of flood hazard risk.
- (c) The provision of a flood hazard mitigation bund alongside Activity Area R(HD-SH) – 2.
- (d) Whether State Highway mitigation approved under Rule 12.2.3.2ix(b) has been implemented.

### 15.2.3.4 Non-Complying Subdivision Activities

- (i) Any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a **Non-Complying Subdivision Activity**.
- (ii) The further subdivision of any allotment, including balances, that had previously been used to calculate the average allotment size under Rule 15.2.6.3(ii).
- (iii) The subdivision of a residential flat from a residential unit.
- (iv) Any subdivision within an Open Space Zone, further to the subdivision pursuant to 15.2.3.2 (ii).
- (v) **Peninsula Bay**
  - (a) Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2.(ii).
  - (b) Any subdivision and development in the area covered by the Peninsula Bay North Structure Plan, as shown in Figure 15.5, that is not in accordance with that structure plan.

#### (vi) **Kirimoko Block**

Any subdivision that is not in general accordance with the location of the principal roading and reserve network contained within the Kirimoko Structure Plan shown on Page 7-59 shall be a Non-complying Activity.

- (vii) Any subdivision of land zoned Low Density Residential Zone on the Kirimoko Block prior to a walkway being constructed to QLDC Standards from Aubrey Road to Peninsula Bay and an easement in gross for such a walkway being registered against all servient titles.
- (viii) Kirimoko Block – Wanaka: Any subdivision of land zoned Rural General proposed to create a lot entirely within the Rural General Zone, to be held in a separate certificate of title.
- (ix) Kirimoko Block – Wanaka: Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot which has included in its legal boundary land zoned Rural General.
- (x) In the Ballantyne Road Mixed Use Zone subdivision shall be a **Non-complying** Activity when it is not in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i

If none of these rules (vi – ix) are offended by the subdivision proposal then it is restricted discretionary in accordance with Rule 15.2.3.3 (vii)

- (xi) **The Three Parks Zone** - Any subdivision which is not in accordance with an approved Outline Development Plan or Comprehensive Development Plan.

Note: The intention of this rule is to ensure that an Outline Development Plan or Comprehensive Development Plan is submitted and approved prior to a subdivision consent being applied for.

- (xii) **The Three Parks Zone** – Any subdivision which is not in accordance with the Three Parks Structure Plan, unless a variation has been expressly approved as part of a subsequent, more detailed ODP or CDP, except that:

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- i All, subzone boundaries, and key connection points shown as 'fixed' on the Three Parks Structure Plan may be moved up to 20 metres and all collector roads shown on the Three Parks Structure Plan may be moved up to 50 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting; and
- ii All roads and other elements shown as 'indicative' on the Three Parks Structure Plan may be moved or varied provided they are generally in accordance with and achieve the Three Parks Structure Plan and the relevant objectives and policies.
- iii All Open Spaces shown on the Three Parks Structure Plan may be moved or varied provided they are generally in the same location; are of the same or greater scale; provide the same or an improved level of landscape mitigation (particularly in respect of ensuring a green buffer from SH 84); and provide the same or an improved level of functionality.

Note: For the avoidance of doubt, an Outline Development Plan or Comprehensive Development Plan which in any way obstructs or does not specifically provide for the roading connections to land or roads adjoining the zone, in the manner shown on the Three Parks Structure Plan will be processed as a non complying activity.

- (xiii) **The Three Parks Zone** – Any subdivision of the Open Space areas shown on the Three Parks Structure Plan or approved by an Outline Development Plan or Comprehensive Development Plan.
- (xiv) **The Three Parks Zone** – Any subdivision within the Deferred Urban subzone.
- (xv) **Industrial B Zone** – Any subdivision that is not in accordance with the relevant Structure Plan unless a variation has been expressly approved as part of a subsequent, more detailed Outline Development Plan, except that:
  - (a) Any fixed connection points shown on the relevant Structure Plan may be moved up to 20 metres

- (b) Any fixed roads shown on the relevant Structure Plan may be moved up to 50 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting.
- (c) The boundaries of any fixed open spaces shown on the relevant Structure Plan may be moved up to 5 metres.
- (d) All indicative roads and any other elements shown as 'indicative' on the relevant Structure Plan may be moved or varied provided they are generally in accordance with and achieve the relevant Structure Plan and the relevant objectives and policies.
- (e) Where a boundary (or boundaries) has been expressly approved as part of a subsequent, more detailed ODP, then that subsequent boundary (or boundaries) shall take precedence over that shown in the relevant Structure Plan.

Note: An ODP that in any way obstructs or does not specifically provide for the roading connections to land or roads adjoining the zone, in the manner shown on the Structure Plan will be processed as a non complying activity.

- (xvi) **Industrial B Zone** - Any subdivision that is not in accordance with an approved Outline Development Plan (ODP).

Note: The intention of this rule is to ensure that an ODP is submitted and approved prior to a subdivision consent being applied for.

- (xvii) **Industrial B Zone** – Any subdivision of the open space areas shown on the Connell Terrace Precinct Structure Plan prior to 70% of the western boundary planting in combination with the mounding having reached a minimum combined height of 6 metres and a continuous screen in the horizontal plane.

- (xviii) In the Rural Living Activity Areas of the **Arrowtown South Special Zone** subdivision which results in lots that contain neither an existing or approved residential unit, nor a residential building platform (as identified on the Arrowtown South Structure Plan, or approved by rule 12.32.3.3 (i) shall be a non-complying activity except where the subdivision is for purposes of boundary adjustment, access formation or to create lots to

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

be managed by the body corporate responsible for landscape management and ecological restoration.

(xvii) Industrial B Zone – Any subdivision of the open space areas, including for the creation of Road 3, shown on Figure 15.2. **Ballantyne Road Low Density Residential Zone Structure Plan** and Figure 15.4 **Ballantyne Road Industrial B Zone and Open Space Structure Plan** prior to 100 per cent of the planting in combination with the mounding having been implemented.

(xix) Any subdivision of the land contained within Figure 15.2. **Ballantyne Road Low Density Residential Zone Structure Plan** prior to 100 per cent of the landscaping and earthworks within the area shown as the '15 metre wide No Building Area' having been implemented.

### 15.2.3.5 Prohibited Subdivision Activities

(i) Subdivision within Activity Area 7a of the Mount Cardrona Station Special Zone

### 15.2.3.6 Assessment Matters for Resource Consents

- (i) The assessment matters to which the Council will have regard in relation to Controlled Subdivision Activities, and Discretionary Subdivision Activities where the exercise of the Council's discretion is limited to a particular matter(s), are specified in Subdivision Rules 15.2.6 to 15.2.21.
- (ii) In considering whether or not to grant consent or impose conditions in respect to Discretionary Subdivision Activities specified in Rule 15.2.3.3 above, where the exercise of the Council's discretion is not limited, the Council shall have regard to, but not be limited by, the following assessment matters:

#### (a) Subdivision of Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites

- (i) The effect of the subdivision on the character of the conservation area, heritage item or archaeological site and its environs, its important values, the reasons for its listing, and the ability of the public to enjoy and appreciate its features, where appropriate.

(ii) Whether the subdivision enables identification and protection of areas containing nature conservation values.

(iii) Whether the lot size and dimensions are sufficient and appropriate to provide protection to the area, item or site.

(iv) Whether the subdivision enables or enhances the retention of the essential character and values of the area, item or site, including any proposed preservation programme.

(v) Whether the subdivision will allow development on, or use of, the site without adversely affecting the character and values of the area, item or site and its environs.

(vi) Any need to restrict the location or bulk of future buildings on the lot.

#### (b) Subdivisions of Land in the Rural General, Rural Lifestyle, Gibbston Character, Bendemeer Zones the Rural Residential area at the north of Lake Hayes, and the Quail Rise Zone (Activity Area R2)

(i) The extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and enhances:

- (a) rural character
- (b) landscape values
- (c) heritage values
- (d) visual amenity
- (e) life supporting capacity of soils, vegetation and water
- (f) infrastructure, traffic access and safety
- (g) public access to and along lakes and rivers

(ii) The extent to which subdivision, the location of residential building platforms and proposed development may adversely affect adjoining land uses.

(iii) The extent to which subdivision, the location of residential building platforms and proposed development may be serviced by a potable water supply, reticulated sewerage or on-site sewage disposal within the lot, telecommunications and electricity.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (iv) The extent to which subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation, particularly within the Rural Lifestyle Zone at Makarora.

Also refer to Part 15.2.10.1.

- (v) Consideration of the long term development of the entire property.
- (vi) Whether the subdivision will result in the loss of the life supporting capacity of soils.
- (vii) In the Bendemeer Special Zone the extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and does not compromise the ice sculptured legibility of the land within the zone particularly when viewed from State Highway 6 to the south of the zone, Morven Ferry and Arrow Junction Roads and any other public places to the south, excluding the Crown Range Road.
- (viii) Subdivision and location of residential building platforms in R2 (Design Urban Edge) Activity Area of the Quail Rise Zone – Controlled Activity

In considering the subdivision design of the R2 (Design Urban Edge) Activity Area the Council shall consider:

- a. The location of residential building platforms in positions where future houses will not be visible from State Highway 6. In determining this the Council shall take into account the deferment of residential development within the R2 (Design Urban Edge) Activity Area for five years from the completion of the landscaping works in the G (Design Urban Edge) Activity Area to allow growth in the vegetation screening;
- b. Structure landscaping work within the R2 (Design Urban Edge) Activity Area to compliment the purpose of the G (Design Urban Edge) Activity Area landscaping work, including the protection of any existing trees proposed landscaping and earthworks;

- c. Street lighting designed to avoid any potential effects of street lighting when viewed from State Highway 6 by means of design, location and height of such street lighting;

- d. The need for covenants or consent notices on the resultant titles as follows:

- (i) Acknowledging that the purpose of landscaping work within the G (Design Urban Edge) and R2 (Design Urban Edge) Activity Area is to make buildings within the R2 (Design Urban Edge) Activity Area not visible from SH 6; and
- (ii) Prohibiting and future landowner from making complaints, request or resource consent applications to the Council for the topping or removal of vegetation from the G (Design Urban Edge) Activity Area.

- (ix) In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:

- a. whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
- b. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.

- (x) In considering whether or not to grant consent or impose conditions in respect of subdivision and the location of residential building platforms in the Rural General Zone, the Council shall apply Rules 5.4.1 and 5.4.2.1 and shall have regard to, but not be limited to, the relevant assessment matters in Rules 5.4.2.2 and 5.4.2.3

### (c) Gibbston Character Zone – Assessment Matters

- A) Effects on Gibbston Valley's character

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on Gibbston Valley's character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;
- (ii) whether the scale and nature of the development will compromise the productive potential, amenity or character of the surrounding Gibbston Valley;
- (iii) whether the development will degrade the amenity or character of the surrounding Gibbston Valley by causing over-domestication of the landscape.

### B) Visibility of development

In considering whether the development will result in a loss of the viticultural or arcadian pastoral character of the landscape the Council shall have regard to whether and the extent to which:

- (i) the proposed development is highly visible when viewed from any public roads and other public places which are frequented by the public, or is visible from SH6;
- (ii) development which is highly visible or visible pursuant to (i) above is appropriate within Gibbston Valley;
- (iii) the proposed development is likely to be visually prominent such that it dominates or detracts from views otherwise characterised by viticultural or cultural landscapes.
- (iv) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography;

- (v) the subject site and wider visual amenity landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;
- (vi) any residential building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
- (vii) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the viticultural landscape particularly with respect to elements which are inconsistent with the existing natural topography;
- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units.

### C) Rural Amenities

In considering the potential effect of the proposed development on rural amenities, the following matters shall be taken into account:

- (i) whether the proposed development maintains adequate and appropriate visual access to open space and views across Arcadian pastoral landscape from SH6 and other public places; and from adjacent land where views are sought to be maintained;
- (ii) whether the proposed development compromises the ability to undertake viticultural activities on surrounding land;
- (iii) whether the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting, curb and channelling and impervious surfaces other than roads, particularly in relation to SH6 frontages;
- (iv) whether landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front SH6.

### D) Form and Density of Development

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

In considering the appropriateness of the form and density of development the following matters shall be taken into account:

- (i) whether and to what extent there is the opportunity to utilise existing natural topography to ensure that the development is located where it is not highly visible when viewed from any public roads and other public places frequented by the public, or visible from SH6.
- (ii) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
- (iii) whether and to what extent development is concentrated in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state;
- (iv) whether and to what extent the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.

### E) Cumulative Effects of Development on the Landscape

In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative adverse effects on the viticultural or Arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:

- (i) the assessment matters detailed in (a) to (d) above;
- (ii) the nature and extent of existing development within the vicinity or locality;
- (iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the

existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;

- (iv) whether further development as proposed will visually compromise the existing viticultural and Arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;
- (v) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).

**Note:** For the purposes of this assessment matter the term "vicinity" generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from:

- State Highway 6, or
- from any other public roads or public place frequented by the public and which is readily visible from that other public road or public place; or
- from adjacent or nearby residences.

The "vicinity or locality" to be assessed for cumulative effect will vary in size with the scale of the landscape i.e. when viewed from the road, this "vicinity", will generally be 1.1 kilometre in either direction.

### (d) Northlake Special Zone – Assessment Matters

- (i) In considering whether to grant consent for subdivision in accordance with Rule 15.2.3.3(x) the Council shall have regard to, but not be limited by, the following assessment matter:
  - (a) The extent to which the proposed subdivision may preclude or adversely affect the integrated planning and development, development and approval of any of Activity Areas B1 to B5, C1 to C4 and D1.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

### 15.2.4 Developments

#### 15.2.4.1 General Provisions

- (i) The following rules apply only to the Hydro Generation Sub-Zone.
- (ii) In considering any resource consent application in relation to financial contributions, Rule 15.2.5 shall apply.

#### 15.2.4.2 Activities

The following shall be **Controlled Activities**. The matters in respect of which the Council has reserved control are listed with each activity.

- (i) Development within the Hydro Generation Zone. Council's control shall be limited to matters specified in 15.2.5.

#### 15.2.4.3 Assessment Matters for Resource Consents

In considering whether or not to impose conditions in respect to developments in the Hydro Generation Zone, the Council shall have regard to, but not be limited by, the assessment matters for subdivision consent relating to water supply, stormwater disposal, sewage treatment and disposal, trade waste disposal, energy supply and telecommunications, property access, open space and recreation (as specified in the relevant subdivision standard) as though the application for the development was for a subdivision activity.

In addition, the Council may take into account any provision made as part of an application for a development to provide or include any of the items set out in Clause 15.2.4.2 (i) and (ii) above.

### 15.2.5 Financial Contributions

#### 15.2.5.1 Purpose

The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development via the imposition of development contributions. The Council has now

formulated a development contribution policy as part of its Long Term Community Plan and actively imposes development contributions via this process.

The rules in this section of the plan are therefore limited to the imposition of a financial contribution as a condition of a resource consent for a development as follows:

- (a) In relation to a development within the Hydro Generation Zones.

The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

#### 15.2.5.2 Financial Contributions for Open Space and Recreation - Developments

##### i Hydro Generation Activities

##### Purpose

A financial contribution may be included as a condition of a resource consent for any other development for the purposes of providing land and/or facilities for open space, recreation and public amenity within the Hydro Generation Zone.

##### Form

- (a) Payment of money
- (b) Land
- (c) Any combination of the above.

##### Maximum Contribution for Hydro Generation Activities

0.5% of the value of the development once that value exceeds \$5,000,000.00



# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

## Value of Development

The value of development shall be the cost of the development at the date on which the resource consent is granted, and shall include the cost of all improvements forming part of the development but not include the value of the site of the proposed development.

## ii Credit

If, preceding the lodging of the application for a resource consent for any development, any payment in respect of the subdivision of the land comprising the site of the proposed development has been made to the Council for the purposes of providing land and/or facilities for open space and recreation, the amount of that payment shall be deducted from the maximum amount payable.

### 15.2.5.3 General Provisions - Financial Contributions for Open Space and Recreation (Hydro Generation Zone only)

- (i) These provisions shall apply to all financial contributions made for the purposes of open space and recreation on subdivision or development within the Hydro Generation Zone.
- (ii) All financial contributions shall be GST inclusive.
- (iii) Where the financial contribution is or includes a payment of money, the Council may specify in the condition:
  - (a) The amount to be paid by the consent holder or the method by which the amount of the payment shall be determined;
  - (b) How payment is to be made, including whether payment is to be made by instalments;
  - (c) When payment shall be made;
  - (d) Whether the amount of the payment is to bear interest and if so, the rate of interest;

- (e) If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted;
- (f) Whether there are any penalties to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
- (iv) Whether financial contribution is or includes land, the value of the land shall be determined by the Council. In granting a consent the Council shall in its decision give reasons for its assessment of the value of the land.
- (v) Whether financial contribution is or includes land, the Council may specify:
  - (a) The location and area of the land;
  - (b) When and how the land is to be transferred to or vested in the Council.
- (vi) The Council may require a bond to be given for the performance of any condition requiring that a financial contribution be made. The value of the bond will be a maximum of 200% of the cost of the financial contribution, depending on the length of time the bond is to be in place and according to the nature of the proposal for which the bond is required to secure.

## 15.2.6 Lot Sizes, Averages and Dimensions

### 15.2.6.1 Controlled Subdivision Activities - Lot Sizes and Dimensions

**Except** where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- i Lot sizes and dimensions for subdivisions of land in the Town Centre, Corner Shopping Centre, Remarkables Park, Resort and Visitor Zones.
- ii Sizes and dimensions of lots for access, utilities, reserves and roads.

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- iii There will be no minimum lot sizes or areas for hydro development activities and subdivision.

## 15.2.6.2 Site Subdivision Standards - Lot Sizes and Dimensions

**Except** where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all of the Zone Subdivision Standards, but does not comply with any one or more of the following Site Subdivision Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

### i Lot Sizes

- (a) No lots to be created by subdivision, including balance lots, shall have a net area less than the minimum specified for each zone in the Table below, except as provided for in 15.2.6.3 (c), (d), and (e) below.

Zone	Minimum Lot Area
Hydro Generation	20 hectares

- (b) The minimum lot size for subdivision within the Residential (Hanley Downs) Activity Area (R(HD) and R(HD-SH) of the Jacks Point Resort Zone shall be 550m<sup>2</sup>.

### ii Lot Dimensions

The dimensions of all lots created by subdivision in the following zones, other than lots for access, utilities, reserves and roads, shall be such that they can accommodate a square of the dimensions specified below:

Residential and Township Zones	15m x 15m
Rural-Residential Zone	30m x 30m

### iii Certification of Allotments

Applications for certification of allotments on an existing Survey Plan pursuant to section 226(1)(e)(ii) of the Act are to be in accordance with the requirements of the District Plan. Allotments for certification are required to have all services to the boundary and roading as if the allotment were of a subdivision application. All title boundaries to be created by certification that are within proximity to structures must not create a non-complying structure in accordance with the Building Act 1991 or a non-complying activity in accordance with the District Plan.

### iv Lot Averages

- (a) The total lots to be created by subdivision, including balance lots, shall not be less than the average specified for each zone:

Zone	Average
Rural Residential at the North end of Lake Hayes	8000m <sup>2</sup>
Shotover Country Special Zone - Activity Areas 1a – 1e	750 m <sup>2</sup>

- (b) For the purposes of calculating any average, the following three titles at the north of Lake Hayes shall include the area previously taken from those titles (at their southern end) as a Wildlife Management Reserve, as described below:

Legal Description of land owned	Land taken from these lots as Wildlife Management Reserve
Lot 1 DP 27445	Lot 4 DP 15096
Lot 1 DP 26803	Lot 5 DP 15096
Lot 2 DP 26803	

- (c) The total lots to be created by subdivision, other than lots for access, utilities, reserves and roads, shall not be greater than the average specified for each zone

Zone	Average
Quail Rise Zone Activity Area R1	1500m <sup>2</sup>

- (d) In the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone, subdivisions shall comply with the density requirements set-out in Rule 12.2.5.2xviii.

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

## v Boundary Planting – Rural Residential sub-zone at Bobs Cove

Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and  
Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected.

## vi Shotover Country Special Zone – Park and Ride Facility

Areas developed as part of any park and ride facility shall vest in Council as Local Purpose Reserve (car parking).

## vii Hanley Downs Structure Plan

In that part of the Jacks Point Resort Zone covered by the Hanley Downs Structure Plan, subdivision shall be in general accordance with the Hanley Downs Structure Plan. For the purposes of interpreting this rule, the following shall apply:

- (a) A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and its intersection with State Highway 6, shall be acceptable
- (b) Trails and secondary roads may be otherwise located and follow different alignments provided that alignment enables a similar journey
- (c) Subdivision shall facilitate a road connection at all Key Road Connections shown on the Hanley Downs Structure Plan which will enable vehicular access to roads which connect with the Primary Road, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.
- (d) Open Space Areas are shown indicatively, with their exact location and dimensions to be established through the subdivision process.

## 15.2.6.3 Zone Subdivision Standards – Lot Sizes and Dimensions

Any subdivision of land that does not comply with any one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**.

### i Lot Sizes

- (a) No lots to be created by subdivision, including balance lots, shall have a net area less than the minimum specified for each zone in the Table below, **except** as provided for in (c), (d) and (e) below.

Zone	Minimum Lot Area
Rural Residential (excluding Rural Residential sub-zone at Bob's Cove)	4000m <sup>2</sup>
Rural Residential at Bob's Cove sub-zone	No minimum – Controlled Activity  Provided the total lots to be created by subdivision (including the balance of the site within the zone) shall have an average of at least 4000m <sup>2</sup>
In the Ferry Hill Rural Residential sub-zone	4000m <sup>2</sup> – with up to a maximum of 17 rural residential allotments
Rural General	No minimum discretionary activity
Hydro Generation	No minimum – Controlled Activity
Gibbston Character	No Minimum – Discretionary Activity
Rural-Lifestyle	In all Rural Lifestyle Zones (except the Makarora Rural Lifestyle Zone): 1 ha provided that the total lots to be created by subdivision (including balance of the site within the zone) shall not have an average less than 2 hectares  In the Makarora Rural Lifestyle Zone the total lots to be created by subdivision (including balance of the site within the zone) shall not have an average less than 2 hectares.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

Resort (excluding the R(HD) and R(HD-SH) Activity Areas of the Jacks Point Resort Zone)	No Minimum – Controlled Activity
Rural Visitor	No Minimum – Controlled Activity
Remarkables Park	Activity Area 1 600m <sup>2</sup> Activity Areas 2a-8 – No Minimum controlled activity
Low Density Residential	Arthurs Point 800m <sup>2</sup> Queenstown Heights Area 1500m <sup>2</sup> Wanaka 700m <sup>2</sup> Elsewhere 600m <sup>2</sup>
High Density Residential	450m <sup>2</sup>
Residential Arrowtown (Historic)	800m <sup>2</sup>
Frankton Flats Special Zone	No minimum – Controlled Activity
Deferred Rural Lifestyle A and B	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
Deferred Rural Lifestyle (Buffer)	The land in this zone shall be held in a single allotment
Frankton Flats Special Zone (B) – Activity Area D	3000m <sup>2</sup>
Frankton Flats Special Zone (B) – Activity Areas A, C1, C2, E1, E2	No minimum
Northlake Special Zone	Activity Areas A & C4 4000m <sup>2</sup> Activity Area C1 1200m <sup>2</sup>

Note: In the Deferred Rural Lifestyle zones, deferment will be lifted at the point when a separate allotment for the Rural Lifestyle (Buffer) zone has been created. During the deferment, the rules of the Rural General zone shall apply, except that the creation of the allotment to form the buffer zone shown on the planning maps is a controlled activity.

Zone	Minimum Lot Area
The Townships: Kingston	800m <sup>2</sup>

Glenorchy	800m <sup>2</sup>
Lake Hawea	800m <sup>2</sup>
Luggate	800m <sup>2</sup>
Kinloch	800m <sup>2</sup>
Makarora	1000m <sup>2</sup>
Albert Town	800m <sup>2</sup>
Riverside Stage 6 Subzone A	<ul style="list-style-type: none"> <li>50-55% of lots will be developed to a minimum area of 400m<sup>2</sup></li> <li>Average lot size: 600m<sup>2</sup></li> <li>Maximum lot size: 800m<sup>2</sup></li> </ul>
Riverside Stage 6 Subzone B	<ul style="list-style-type: none"> <li>Average lot size: 800m<sup>2</sup> (minimum 700m<sup>2</sup>, maximum 1000m<sup>2</sup>)</li> </ul>
Riverside Stage 6 Subzone C	<ul style="list-style-type: none"> <li>Minimum 1,000m<sup>2</sup>, maximum 2000m<sup>2</sup></li> </ul>
Penrith Park	Activity Area 1 3000m <sup>2</sup> Activity Area 2 1000m <sup>2</sup>
Bendemeer	Activity Area 1 1500m <sup>2</sup> Activity Area 2 2000m <sup>2</sup> Activity Area 3 2500m <sup>2</sup> Activity Area 4 3000m <sup>2</sup> Activity Area 5 4000m <sup>2</sup> Activity Area 6 6000m <sup>2</sup> Activity Area 7 7000m <sup>2</sup> Activity Area 8 50000m <sup>2</sup> Activity Area 9 17500m <sup>2</sup> Activity Area 10 7500m <sup>2</sup> Activity Area 11 20 hectares
Queenstown Town Centre – including: <ul style="list-style-type: none"> <li>The Lakeview sub-zone;</li> <li>The Isle Street sub-zones (West and East)</li> </ul>	No Minimum – Controlled Activity

Zone	Minimum Lot Area
Arrowtown South Special Zone	Activity Area - Residential 600m <sup>2</sup>
	Activity Area – Rural Living 1,500 m <sup>2</sup> provided that the total lots to be

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

	created by subdivision for building platforms within the Arrowsmith South Special Zone shall not have an average less than 4,000m <sup>2</sup>
	Activity Area - No Minimum Open Space

Note: Also refer to Rules 12.32.3.2 (i), (ii) and (iii)

Zone	Minimum Lot Area
Quail Rise	Activity Area G,R, R1, R2 and R2 (Design Urban Edge) and R2 (A)-(D) – no minimum Activity Area RR 4000m <sup>2</sup>
Wanaka Town Centre	No Minimum – Controlled Activity
Arrowsmith Town Centre	No Minimum – Controlled Activity
Business	200m <sup>2</sup>
Industrial	200m <sup>2</sup>

Zone	Minimum Lot Area
<b>Three Parks</b>	
LDR (Three Parks)	No minimum – controlled activity
MDR subzone (Three Parks)	No minimum – controlled activity
Commercial Core (Three Parks) –	No minimum – controlled activity
Business (Three Parks) –	1000 m <sup>2</sup> ;  Except that the minimum lot size shall be 200m <sup>2</sup> where the subdivision is part of a complying combined land use/ subdivision consent application or where each lot to be created, and the original lot, all contain at least one business unit.

Tourism and Community Facilities subzone (Three Parks)	2000 m <sup>2</sup>  <i>The purpose of this rule is to encourage comprehensive, large lot developments.</i>
Shotover Country Special Zone	Activity Area 1a - 1e 500 m <sup>2</sup> Activity Area 2a 300 m <sup>2</sup> Activity Area 2b and 2c 450 m <sup>2</sup> Activity Area 3 450 m <sup>2</sup> Activity Area 4 2500 m <sup>2</sup> Activity Area 5a - 5e No minimum

No minimum allotment size shall apply in the Low and High Density Residential Zones and the Shotover Country Special Zone where each allotment to be created, and the original allotment, all contain at least one residential unit.

Zone	Minimum Lot Area
Ballantyne Road Mixed Use Zone	Activity Area C – 3000m <sup>2</sup> Activity Area D – 1000m <sup>2</sup> All other Activity Areas - No minimum lot size. All subdivision shall be in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i.

Subdivisions in all Activity Areas must result in lots capable of accommodating buildings and uses in accordance with the permitted and controlled activity rules and site and zone standards for the particular zone in which the site(s) is located, and the requirements of Section 14 – Transport.

The following minimum and maximum allotment sizes shall apply within the Kingston Village Special Zone:

Zone	Minimum Lot Area
Kingston Village Special Zone	Activity Area 1a: Minimum 350m <sup>2</sup> maximum 500m <sup>2</sup> Activity Area 1b: Minimum 450m <sup>2</sup> Maximum 700m <sup>2</sup> Activity Area 1c: Minimum 700m <sup>2</sup> Activity Area 2, 3 and 4: No minimum

Within the Kingston Village Special Zone all subdivision will be undertaken in general accordance with the Kingston Village Special Zone Structure Plan.

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (i) No minimum allotment size shall apply in Activity Area 1(a) of the Kingston Village Special Zone where the subdivision is lodged concurrently with and is for the purposes of comprehensive housing or a retirement village undertaken pursuant to discretionary activity 12.28.3.3(vi)
- (ii) Bulk Title  
Within the Kingston Village Special Zone, the maximum lot size shall not apply where:
- the proposed lot size is greater than 1000m<sup>2</sup>; and
  - the subdivision application identifies how it will achieve the lot sizes and framework of the Kingston Village Special Zone Structure Plan, in particular, how the above minimum and maximum lot sizes can be achieved at a later stage (i.e. the next subdivision; and
  - The road layout of the Road Layout Plan within the Kingston Village Special Zone Subdivision Guidelines (2010) is achieved.

Zone	Minimum Lot Area
Mount Cardrona Station Special Zone	Activity Area 1 - No minimum
	Activity Area 2a - 200m <sup>2</sup>
	Activity Area 2b - 250m <sup>2</sup>
	Activity Area 3 - 500m <sup>2</sup>
	Activity Area 4 - 1000m <sup>2</sup>
	Activity Area 5a and 5b- No minimum
	Activity Area 6 - No minimum
	Activity Area 7 - No minimum

Except:  
In the Mount Cardrona Station Special Zone:

- (i) No minimum allotment size shall apply in Activity Area 2a and 2b where each allotment to be created and the original allotment all contain at least one residential unit. This exclusion shall not apply where any of the lots to be created contains only a secondary unit.  
NB: For the purposes of this Rule, the term residential unit does not include secondary unit.

- (ii) Activity Area 3, 3a and 3b shall have a minimum allotment size of 500m<sup>2</sup>, except where a comprehensive subdivision plan creating more than 5 allotments is lodged, in which case the average allotment size shall be 500m<sup>2</sup>, with a minimum of 400m<sup>2</sup>.

Zone	Minimum Lot Area
Industrial B Zone	1000 m <sup>2</sup> ;  Except that the minimum lot size shall be 200m <sup>2</sup> where the subdivision is part of a complying combined land use/ subdivision consent application or where each lot to be created, and the original lot, all contain at least one business unit.

## (b) Boundary Adjustments

Where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:

- the building platform is retained.
- no additional separately saleable lots are created.
- the areas of the resultant lots comply with the minimum lot size requirement for the zone.

*Note: This standard does not apply to the Rural General zone. Refer to Rule (bb) below.*

## (bb) Boundary Adjustments - Rural General Zone

The standards for lot sizes for allotments created by boundary adjustment in the Rural General Zone are:

- each of the existing lots must have a separate Certificate of Title.
- Any approved residential building platform must be retained in its approved location; and

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (iii) No new residential building platforms shall be identified and approved as part of the boundary adjustment; and
- (iv) There must be no change in the number of residential building platforms or residential buildings per lot; and
- (v) There must be no change in the number of non-residential buildings per lot; and
- (vi) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards;
- (vii) No additional saleable lots shall be created.

**(c) The standards for lot sizes for allotments created by boundary adjustment in the Rural General Zone are:**

- (i) each of the existing lots must have a separate Certificate of Title.
- (ii) Any approved residential building platform must be retained in its approved location; and
- (iii) No new residential building platforms shall be identified and approved as part of the boundary adjustment; and
- (iv) There must be no change in the number of residential building platforms or residential buildings per lot; and
- (v) There must be no change in the number of non-residential buildings per lot; and
- (vi) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards;
- (vii) No additional saleable lots shall be created.

**(d) Access, Utilities, Roads and Reserves**

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above, there shall be no specified minimum lot sizes or dimensions in any zone for lots for access, utilities, roads and reserves.

**(e) Savings as to Previous Approvals (Existing Use Rights)**

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above:

there shall be no minimum lot sizes or dimensions in any zone, for vacant shares of fee simple titles over which there is/are existing cross leases or company leases or for unit titles where a proposed unit development plan has been granted subdivision consent, provided all relevant rules applicable within the zone are complied with by the building(s) erected or to be erected on the respective cross lease, company lease or unit title; where a certificate of compliance has been issued for a building and that certificate has not lapsed, and where a lot is to be created after the erection of that building, or the subdivision and building consents are issued in conjunction, the minimum area of the lot shall be the area of the site of the building as approved by the certificate of compliance.

**(f) Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites**

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above, there shall be no specified minimum lot sizes or dimensions in any zone for lots containing Areas of Outstanding Natural Conservation Value listed in Appendix 5 or Heritage Items or Archaeological Sites listed in Appendix 3, provided:

- (i) the area of the land contained within the lot shall only be that area sufficient for the protection of the listed area, site or item;
- (ii) any balance area of land, which does not conform with the requirements of 15.2.6.2 and 15.2.6.3 i(a) above, shall be amalgamated with land in an adjoining Certificate of Title;
- (iii) a certificate is provided to the Council from the Department of Conservation in the case of areas in Appendix 5 or the New Zealand Historic Places Trust in the case of sites or items in Appendix 3, certifying that the area, site or item is worthy of protection.

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

## (g) Riverside Stage 6 – Albert Town

Any subdivision of the Riverside Stage 6 site at Albert Town shall include consent notice on each resultant certificate of title that requires:

- (i) adherence to the built form guidelines;
- (ii) adherence to insulation requirements; and
- (iii) restrictions on the use of solid fuel burners;
- (iv) for any habitable room within 80m of the State Highway 6 carriageway either:
  - adherence to building standard AS/NZS2107:2000, and provision of a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level; or
  - adherence to the requirements set out in the Noise Insulation Construction Schedule, table 1 in part 15.2.6.3(i)(g)

as contained within the Riverside Stage 6 Outline Development Master Plan approved pursuant to Rule 9.2.5.2(viii).

For the purpose of providing secondary rear access lanes the minimum width of any secondary rear access lane shall be 5m (min) and 6m (max).

Any subdivision of the Riverside Stage 6 site at Albert Town shall include a covenant on each resultant certificate of title within Subzone 'C' that prevents the further subdivision of these allotments.

**Table 1: Noise insulation construction schedule**

Building element	Minimum construction requirement	
External walls of habitable rooms	Stud walls:	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm)*
	Exterior cladding	
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required in cavity for all external walls. Minimum 90mm wall cavity.

	Interior lining:	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m <sup>2</sup> (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plaster board.
	Combined superficial density:	Minimum of not less than 25kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m <sup>2</sup> on each side of structural elements.
	Mass walls	190mm concrete block, strapped and lined internally with 10mm gypsum plaster board, or 150mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6mm laminated glazing
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminium with compression seals	
Skillion Roof	Cladding:	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps)
	Frame:	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m <sup>3</sup> )
	Ceiling:	Two layers of 10mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) Combined mass of cladding and lining of not less than 25kg/m <sup>2</sup> with no less than



## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

	Combined superficial density:	10kg.m <sup>2</sup> on each side of structural elements.
Pitched Roof (all roofs other than skillion roofs)	Cladding:  Frame:  Ceiling: Combined superficial density:	0.5mm profiled steel or tiles, or membrane over 15mm thick ply. Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required for all ceilings. 12mm gypsum plaster board. Combined mass with cladding and lining of not less than 25kg/m <sup>2</sup>
Floor areas open to outside	Cladding:  Combined superficial density:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply. Floors to attain a combined mass not less than 25kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers)
External Door to Habitable Rooms	Solid core door (min 25kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	

### Notes:

- \* The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.
- In determining insulation performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the joining capping and guttering detail used in normal construction.

### (h) Mount Cardrona Station Special Zone

- (i) A covenant shall be registered on the title of each allotment within the Zone in favour of the Council that requires that any building shall be assessed by the Mount Cardrona Station Design Review Board, and

that the building shall be constructed in accordance with the terms of the Design Review Board's approval for that building.

### Note:

The Design Review Board shall comprise of at least four members agreed by the Council and the developer and shall include persons qualified in the following professions:

- landscape architect
- architect
- resource management planner
- urban designer

When assessing the design of any building the Design Review Board shall be guided by the Mount Cardrona Station Design Guidelines dated September 2008.

- (ii) No allotments shall be created that transect the boundary between Activity Areas 1, 1a, 1b, 2a, 2b, 3, 3a, 3b, 4, 5a or 5b and the adjacent Activity Area 6, 6a, 7 or 7a except those allotments created for the purposes of roads, access lots including driveways and walkways, reserves and or utilities.
- (iii) All subdivision shall be in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.
- (iv) Any subdivision consent creating an allotment or allotments within the MCSSZ shall include a condition or conditions providing for the following:
  - (a) All land shall be cleared of exotic weed species and animal pests, and maintained in that state. This shall require the submission of a Weed Management Plan.
  - (b) Clause (a) above shall be complied with on a continuing basis by the subdividing owner and subsequent owners and shall be the subject of consent notices to be registered under the Land Transfer Act 1952.
  - (c) This clause may be applied in stages as subdivision through the Zone proceeds.

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (v) Prior to certification under section 224(c) of the Act in respect of the 200<sup>th</sup> residential lot within the MCSSZ, at least 350m<sup>2</sup> of gross floor area suitable for use for commercial purposes shall be constructed within Activity Area 1a.

## (i) Frankton Flats Special Zone (B)

- (i) Subdivisions must be in accordance with the Structure Plan.
- (ii) All subdivision shall ensure that those Required Roads that will provide access to and within the subdivision are created in accordance with the Structure Plan.

For the purposes of this rule "created" means:

- (a) That the road will be shown as a separate allotment on the subdivision plan and either vest in the Council or will be retained in private ownership with public access secured by an appropriate legal agreement between the Council and the owners of the road; and
- (b) Formed in accordance with the conditions of Council consent.
- (iii) Subdivisions in Activity Areas E1 and E2 must result in an arrangement of lots, unit titles, cross leases and company leases capable of accommodating buildings and uses in accordance with the permitted and controlled activity rules and Site and Zone standards for the particular Activity Area in which the site(s) is located and the requirements of Section 14 – Transport.

## ii Lot Averages

- (a) The total lots to be created by subdivision(s), including balance lots, shall not be less than the average specified for each zone:

Zone	Average
Rural Residential at Bob's Cove sub-zone	4000m <sup>2</sup>
Rural Lifestyle	2ha

- (b) For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, in the Rural Lifestyle Zone is deemed to be 4 hectares.

## iii Building Platforms - Rural-General, Rural-Lifestyle, Gibbston Character, Bendemeer (Activity Areas 1-8 only).

### (a) In the Rural Lifestyle and Bendemeer

every allotment created shall have **one** Residential Building Platform approved at the time of subdivision of not less than 70 m<sup>2</sup> in area and not greater than 1000 m<sup>2</sup> in area.

### (b) In the Rural General (and Gibbston Character) Zones

Every allotment created shall have **one** Residential Building Platform approved at the time of the subdivision of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area, **excluding lots created for the following purposes:**

- (i) access lots, including driveways and walkways;
- (ii) land subject to restrictive covenant, consent notice or other legal instrument that:
- (a) prohibits buildings in the future; or
  - (b) protects nature conservation values; or
  - (c) maintains and enhances open space;
- (iii) esplanade strips or reserves;
- (iv) utilities;
- (v) boundary adjustments.
- (vi) any allotment created pursuant to a subdivision under Rule 15.2.3.3
- (vii)

## iv Development Areas and Undomesticated Areas within the Rural Residential sub-zone at Bob's Cove

- (a) Within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

registered against the title of the lots created, to the benefit of all lot holders and the Council;

- (b) At least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.
- (c) The remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council;
- (d) The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and

This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots.

- (e) Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.

### v Building Platforms - Quail Rise Zone R2 (Design Urban Edge) and R2(D) Activity Areas

Every allotment created for residential purposes shall have one Residential Building Platform approved at the time of subdivision. That Residential Building Platform shall be no greater than 30% of the net site area.

### vi The Ferry Hill Rural Residential Sub-Zone

- (a) Notwithstanding 15.2.6.3i(a) above, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in Figure 15.1 the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- (b) Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on Figure 15.1 the Concept Development Plan.
- (c) Any application for subdivision consent shall:
  - (i) Provide for the creation of the landscape allotments(s) referred to in (b) above;
  - (ii) Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in (b) above;
  - (iii) Be accompanied by a Landscape Plan which shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme.  
The landscape Plan shall ensure:
    - That the escarpment within Lots 18 and 19 as shown on Figure 15.1 the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and
    - That residential development is subject to screening along Tucker Beach Road,
- (d) Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on Figure 15.1 the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

Plantings elsewhere may include Lombardy poplar, willow, larch, maple as well as indigenous species.

- (e) The on-going maintenance of plantings established in terms of (c) above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.
- (f) Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on Figure 15.1 the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.
- (g) Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General as shown as "NO BUILD ZONE" on Paterson Pitts Partners Ltd Building Platform Locations Plan No Q.4700.04-3C, which plan is reproduced as Figure 15.1 of the District Plan. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.

### vii The creation of rear sites in the Three Parks Zone

- (a) In any subzone other than the MDR subzone, no more than 10% of all sites shown on a subdivision scheme plan may be "rear sites"; and
- (b) In the MDR subzone, there shall be no rear sites shown on a subdivision scheme plan; provided that
- (c) Any rear sites resulting from the subdivision of an existing building shall not be deemed to be 'rear sites' for the purpose of either standard 15.2.6.3 (vii)(a) or 15.2.6.3 (vii)(b).

Note: Refer Section D for a definition of 'rear site'.

### viii The creation of rear sites in the Industrial B Zone

No more than 10% of all sites shown on a subdivision scheme plan may be "rear sites"; except that

- (a) Any rear sites resulting from the subdivision of an existing building shall not be deemed to be 'rear sites' for the purpose of standard 15.2.6.3.

Note: Refer Section D for a definition of 'rear site'.

### ix In the Industrial B Zone, any application for subdivision within the fixed open space areas identified on the Connell Terrace Precinct Structure Plan prior to 70% of the western boundary planting in combination with the mounding having reached a minimum combined height of 6 metres and a continuous screen in the horizontal plane

### x Within the Connell Terrace Precinct of the Industrial B Zone, any application for subdivision of the Special Use Area A from the adjoining open space area.

### xi Within the Northlake Special Zone Activity Area E1 shall be held in not more than one allotment.

### xii Subdivision within the Ballantyne Road Low Density Residential Zone

- a) Any subdivision of land contained within **Figure 15.2 Ballantyne Road Low Density Residential Zone Structure Plan** shall be subject to the following conditions of resource consent for those titles that extend along the south eastern boundary and which include or adjoin the '15 metre wide No Build Area' identified on Planning Map 23 and Figure 15.2 Ballantyne Road Low Density Residential Zone Structure Plan:
  - i. All buildings shall be subject to a 5.5 metre maximum height limit taken from existing ground level.
  - ii. No buildings are permitted within the '15 metre wide No Build Area' identified on the Structure Plan.
  - iii. All planting and mounding established within the '15 metre wide No Build Area' identified on Figure 15.2. Ballantyne

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

Road Low Density Residential Zone Structure Plan shall be maintained by the landowner of each lot once a Code of Compliance certificate is issued under the Building Act for each dwelling on site.

- b) The conditions set out in a) (i) to (iii) shall be subject to the consent notice that is registered on the respective titles and is deemed to be a covenant pursuant to section 221(4) of the Act.

### xiii Subdivision within the Peninsula Bay North Low Density Residential Zone. As shown in Figure 15.5 Peninsula Bay North Structure Plan.

- (a) Subdivision and development shall be undertaken in general accordance with the Peninsula Bay North Structure Plan shown in Figure 15.5.
- (b) The maximum area of residential allotments shall be 4700m<sup>2</sup>, excluding the access lot.
- (c) There shall be a maximum of four residential allotments, excluding the access lot.
- (d) There shall not be more than one Residential Unit on each residential allotment, excluding the access lot upon which no buildings shall be constructed.
- (e) Buildings and structures shall not exceed the following heights above ground level as at 14 August 2017, as shown in the following locations on the Peninsula Bay North Structure Plan:
  - i. 5.5 metres on area 1 (ground level RL330.35 + building height of 5.5 metres = total RL 335.85);
  - ii. 5 metres on area 2 (ground level RL 330.65 + building height of 5 metres = total RL 335.65) and area 3 (ground level RL 330.45 + building height of 5 metres = total RL 335.45);
  - iii. 4.5 metres on area 4 (ground level RL 329.95 + building height of 4.5 metres = total RL 334.45).
- (f) No buildings shall be visible from Lake Wanaka.

- (g) All existing Kanuka shown on the Peninsula Bay North Structure Plan shall be retained.
- (h) Any boundaries that adjoin the Open Space Zone shall be fenced with a macrocarpa post and single rail fence, which shall be maintained and kept in good order. There shall be no other fencing along the boundary of the Open Space Zone with the exception of rabbit proof netting, including wire to facilitate the rabbit proof netting.
- (i) Within Area 4 as shown on the Peninsula Bay North Structure Plan:
  - i. all exterior surfaces of buildings shall be coloured in the range of greens, browns and greys and shall not have a reflectance value greater than 36%;
  - ii. exotic vegetation species shall be maintained to not exceed a height of more than 2m.
- (j) In addition to being addressed at the time of subdivision, the conditions set out in xiii (d) to (i) above shall be contained in a consent notice registered on the resultant computer freehold registers of the four residential allotments. The consent notice shall also state the following:
  - i. There shall be no further subdivision of any of the four residential allotments.

### 15.2.6.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to lot sizes and dimensions, the Council shall have regard to, but not be limited by, the following assessment matters:

#### i Lot Size and Dimensions

- (a) Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone;

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (b) Whether the lot is of sufficient size, given the nature of the intended development and site factors and characteristics, for on-site disposal of sewage, stormwater or other wastes to avoid adverse environmental effects beyond the boundaries of the lot.
- (c) Whether the proposed lot is of a suitable slope to enable its safe and effective use for its anticipated purpose or land use, having regard to the relevant standards for land uses in the Zone.
- (d) The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access.
- (e) Whether the lot is to be amalgamated and included in the same Certificate of Title with an adjoining parcel of land.
- (f) Whether there is the opportunity to enable the protection or restoration of a listed or non-listed heritage item or site which is considered to be of sufficient merit for its preservation or protection to be promoted in the context of a particular development.
- (g) In the Rural Residential zone at the north of Lake Hayes, whether and to what extent there is the opportunity to protect or restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes.
- (h) Within the Shotover Country Special Zone, whether and the extent to which the lot size:
  - (i) Can be achieved without undermining or adversely affecting desirable urban outcomes promoted by the relevant Outline Development Plan.
  - (ii) Will achieve greater efficiency in the development and use of the land resource.
  - (iii) Will assist in achieving affordable or community housing.
  - (iv) Can be adequately serviced without adverse effect on infrastructural capacity.
- (v) Will achieve residential amenities such as privacy and good solar orientation.
- (i) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.
- (j) Subdivisions of Land in the Arrowtown South Special Zone
 

Subdivision in the Arrowtown South Special Zone shall be assessed against the applicable assessment matters set out in Section 12 of the District Plan.
- (k) Within the Northlake Special Zone, whether and the extent to which the lot size:
  - (i) Can be achieved without undermining or adversely affecting desirable outcomes promoted by any relevant consent with an Outline Development Plan.
  - (ii) Will achieve greater efficiency in the development and use of the land resource.
  - (iii) Will assist in achieving affordable or community housing.
  - (iv) Can be adequately serviced without adverse effect on infrastructural capacity.
  - (v) Will achieve residential amenities such as privacy and good solar orientation.
- (l) In the **R(HD) and R(HD-SH) Activity Areas of the** Hanley Downs area of the Jacks Point Zone, where subdivision of land within any Residential (Hanley Downs) Activity Area (R(HD) and R(HD-SH)) results in allotments less than 550m<sup>2</sup> in area –
  - i. The extent to which such sites are configured:
    - a. with good street frontage
    - b. to enable sunlight to existing and future residential units
    - c. to achieve an appropriate level of privacy between residential units.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- ii. The extent to which parking, access and landscaping are configured in a manner which:
  - a. minimises the dominance of parking areas (including garages) and driveways at the street edge
  - b. provides for efficient use of the land
  - c. maximises pedestrian and vehicular safety
  - d. addresses nuisance effects such as from vehicle lights.
- iii. The extent to which:
  - (a) Public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
  - (b) Design parameters are to be secured through an appropriate legal mechanism, with respect to:
    - i. height
    - ii. building mass
    - iii. window sizes and locations
    - iv. building setbacks
    - v. fence heights, locations and transparency
    - vi. building materials and
    - vii. landscaping
 in order to address:
    - i. Solar access
    - ii. Coherence with the character of the neighbourhood or other parts of Jacks Point
    - iii. Quality of private open space
    - iv. Privacy
    - v. Controls to avoid bland, monotonous or excessively repetitious built forms
    - vi. Passive surveillance of public spaces
  - vii. The visual impression of buildings when viewed from the street
  - viii. Waste management arrangements
  - ix. Potential effects on the cost of building
- (c) A design review process is necessary or appropriate and, if proposed, the robustness of this process.

### 15.2.7 Subdivision Design

#### 15.2.7.1 Controlled Subdivision Activities - Subdivision Design

**Except** where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following matters:

- The location of pedestrian access;
- The location of building platforms;
- The provision and/or use of open stormwater channels and wetland areas;
- Orientation of lots to optimise solar gain for buildings and developments;
- The effect of potential development within the subdivision on views from surrounding properties;
- The design, dimensions and location of, and access to, lots in Residential or Rural-Residential Zones, which adjoin Rural Zones;
- The scale and nature of earthworks and the disposal of excess material.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- The concentration or clustering of built form in the Makarora Rural Lifestyle Zone to areas with high potential to absorb development while retaining areas which are more sensitive in their natural state.

In addition to the above, the following matters with respect to the Kingston Village Special Zone

- The consistency of the subdivision plan with the Kingston Village Special Zone Structure Plan.

In the Deferred Rural Lifestyle (A) and (B) and Deferred Rural Lifestyle (Buffer) zones, the Council reserves control over the following matters:

- lot boundaries;
- planting and fencing;
- the visibility of development from public places;
- the provision of services;
- the maintenance of visual access across Arcadian pastoral landscapes from public places;
- the relationship of buildings to the roading pattern of the area.

The purpose of these additional controls is:

- the protection of the natural quality of the landscape;
- the avoidance of arbitrary lines and patterns in the landscape;
- the reduction of the visibility of developments;
- the retention of more sensitive areas of the landscape in a natural or pastoral state;
- the protection of views from public places.

Within the Mount Cardrona Station Special Zone, the Council reserves control over the following matters:

- Whether the subdivision design is in general accordance with Structure Plan A- Mount Cardrona Station Structure Plan.
- Whether the subdivision has been approved by the Design Review Board and is consistent with the Mount Cardrona Station Design Guidelines (2008).
- Location and form of pedestrian access.

- Provision for stormwater management.
- Orientation of lots to maximise solar gain.
- The scale and nature of earthworks and the disposal of excess material.
- Design of roads to provide a rural character and pedestrian friendly environment.
- The allotment created can be adequately accessed and serviced (including for bulk reticulation) to provide for the maximum capacity of that allotment for subdivision and/or land use.

### 15.2.7.2 Site Subdivision Standards – Subdivision Design

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all the Zone Subdivision Standards, but does not comply with one or more of the following Site Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion being limited to the matter(s) subject to that standard(s).

### 15.2.7.3 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to subdivision design, the Council shall have regard to, but not be limited by, the following assessment matters:

- (i) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.
- (ii) The provision for, and safety and practicality of, pedestrian access including unsealed walking tracks, the relationship of these to reserves (existing or proposed); access to the lakes and rivers, and the opportunities for enhancing a rural walkways network in the Wakatipu Basin.
- (iii) The provision for, safety and practicality of, using open stormwater channels and wetland areas.
- (iv) The relationship and orientation of lots, particularly in respect of land in adjoining zones, and the ability to create an attractive and interesting edge between development in the Residential and Rural-Residential Zones and



## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

adjoining Rural Zones and at the edges of the urban parts of Hanley Downs;

- (v) The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).
- (vi) The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.
- (vii) The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.
- (viii) In the Jacks Point Zone, within any Residential (State Highway) Activity Area R(SH), the council shall consider the extent to which subdivision, the location of building platforms and proposed development and landscaping.
  - (a) Ensures that buildings and other structures are not readily visible from State Highway 6;
  - (b) Maintains and enhances the important landscape values associated with the southern entrance to Queenstown.
  - (c) Maintains and enhances the landscape and visual amenity values of the Jacks Point Zone and surrounding environment, particularly when viewed from State Highway 6; and
  - (d) Maintains and enhances any significant view corridors from State Highway 6 through and beyond the Jacks Point Zone.
- (ix) In the Bob's Cove rural Residential Zone (excluding the Bob's Cove Sub-zone) the need to provide for street lighting in the proposed subdivision. If street lighting is required in the proposed subdivision to satisfy the councils standards, then in order to maintain the rural character of the zone, the street lighting shall be low in height from the ground, of reduced lux spill and preferably pointing down.
- (x) In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:
  - (a) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
  - (b) whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.

In addition to the above, the following matters with respect to the Kingston Village Special Zone:

- (xi) The consistency of the subdivision with the Structure Plan for Kingston, including:
  - (a) Consistency with the Road Layout Plan and Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010);
  - (b) Providing open space and recreation areas as the development progresses;
  - (c) Achieving the range of section sizes, concentrating highest density within Activity Area 1a;
  - (d) Providing for rear access lanes;
  - (e) Avoiding sections that result in garages and backs of houses facing the street;
  - (f) Achieving section layout that provides maximum solar access for future dwellings;
  - (g) Landscaping of the street and open spaces that reflects the character of the existing Kingston Township;
  - (h) Avoidance of cul-de-sacs unless they are short and completely visible from its intersection with a through street.
- (xii) In addition to the above, within the Mount Cardrona Station Special Zone the extent to which:

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (a) The subdivision design is in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.
  - (b) The subdivision is consistent with the Mount Cardrona Station Design Guidelines (2008) and the recommendations of the Design Review Board.
  - (c) The objectives and principles of SNZ: HB 44:2001 have been achieved.
  - (d) The development is staged in a logical manner, ensuring that adverse effects on amenity values of the site and its surrounds are as far as possible retained throughout the construction phase.
  - (e) Roads are designed in accordance with the Rooding Schedule contained in the Mount Cardrona Station Design Guidelines (2008) and contribute to a 'rural' character, avoiding kerb and channelling and wide road widths, and creating a pedestrian friendly environment.
  - (f) Road widths and other traffic calming measures are utilised within the Village Precinct to enable the creation of a pedestrian friendly environment.
  - (g) Ford crossings within Activity Area 6 are encouraged in order to maintain a rural character.
  - (h) Pedestrian footpaths and trails to be in accordance with the Mount Cardrona Station Design Guidelines (2008) and any relevant engineering standards.
- (xiii) In addition to the above, within the Residential (Hanley Downs) Activity Area (R(HD) and R(HD-SH)) of the Jacks Point Resort Zone, the extent to which:
- (a) Street blocks are designed and sized to be walkable.
  - (b) Subdivision layout, in so far as is practical, minimises the numbers of rear sites.
  - (c) Street and lot configuration is likely to encourage building designs with visual connections from habitable rooms to the street.
  - (d) Within R(HD)-A to E connectivity is promoted with unnecessarily meandering roads avoided.
  - (e) Where employed, cul-de-sacs should be short and straight if practical.
  - (f) A range of housing choice may be promoted through some diversity in section sizes.
  - (g) Small lot and medium density housing located in a manner which readily provides for access to public accessible open space
  - (h) The Primary Access Route shown on the Structure Plan is designed in a way to facilitate future public transport
  - (i) Appropriate road designs are employed to accommodate all users, including cyclists and pedestrians, accounting for safety, amenity and efficiency. Road cross sections may need to be submitted to allow this matter to be assessed.
  - (j) Proposed open spaces and walkways are likely to feel safe, including through benefiting from passive surveillance from surrounding uses.
  - (k) Public open spaces are provided in locations that maximise benefits to the wider community.
  - (l) Safety and amenity values have been appropriately accounted for in relationships between open spaces, roads and developable lots. This includes attention to passive surveillance of open spaces.
  - (m) In order to ensure buildings are not highly visible from State Highway 6, landscaping such as planting or mounding is proposed.
  - (n) Proposed landscaping utilises native species or species in keeping with the historical character of the site.
  - (o) Landscape planting and street materials in the open spaces between the Hanley Downs Residential Activity Area and the balance of Jacks Point promotes a coherent or graduated transition in character
  - (p) Public safety and convenience is not unduly compromised and best practice in street lighting is utilized to mitigate the effects of light spill
  - (q) In order to ensure buildings are not highly visible from State Highway 6:
    - a. specific height or colour controls for buildings are necessary for parts of the zone.
    - b. conditions are necessary to prescribe that development not occur until landscaping has been undertaken, existing vegetative screening secured and/or a succession plan for existing vegetation put in place.
  - (r) Detailed design has occurred at the interface with development that exists in the Jacks Point Resort Zone outside the Hanley Downs area.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

### 15.2.8 Property Access

#### 15.2.8.1 Controlled Subdivision Activities - Property Access

**Except** where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency.
- The number, location, provision and gradients of access from roads to lots for vehicles, cycles and pedestrians, their safety and efficiency.
- The standards of construction and formation of roads, private access, service lanes, pedestrian access, accessways and cycle ways.
- The provision and vesting of corner splays or rounding at road intersections.
- The naming of roads and private access.
- The provision for and standard of street lighting.
- Any provisions for tree planting within roads.
- Any requirements for widening, formation or upgrading of existing roads.
- Any provisions relating to access for future subdivision on adjoining land.

In addition to the above, in the Kingston Village Special Zone;

- Consistency of the road layout and design with the Road Layout Plan and associated cross sections contained within the Kingston Village Special Zone Subdivision Guidelines (2010).
- The provision of rear access lanes, which shall be between 4m and 5m in width.
- The provision of walkways and cycleways in association with the provision of open swales.
- Management of access across the Kingston Flyer Railway line between the existing Kingston Township and the Kingston Village Special Zone.
- Within the Shotover Country Special Zone, whether and the extent to which methods are proposed to:
  - (a) Establish a vehicle link between Stalker Road and Howards Drive
  - (b) Enable public transport
  - (c) Integrate facilities for cycle and pedestrian access
  - (d) Provide on-street parking
  - (e) Direct light spill from street lighting downwards
  - (f) Align vehicle access in accordance within the Structure Plan, with a maximum variation allowed of 30 metres from the centreline of primary roads and 20 metres from the centreline of secondary roads.
  - (g) Provide intersection points located within 20 metres of that shown on the Structure Plan.
  - (h) Ensure that adequate and appropriate bus stops are provided for when the roading network is designed and constructed.
  - (i) Mitigate the landscape and visual impacts of road construction down terrace slopes.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (j) Maintain the functionality of roadside swales at the time shared roads or individual driveways are being constructed, including the extent to which a consent notice is necessary to ensure future owners are made aware of this obligation (where vehicle crossing places are not being formed at the time of subdivision).
- (k) Provide for appropriate installation, maintenance and uniform design (including materials) of temporary and permanent vehicle crossing places.

### 15.2.8.2 Site Subdivision Standards - Landscaping and Recreational Access

- (i) This Rule shall only apply to subdivision of land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes which is zoned Low Density Residential or Rural Residential as shown on Planning Map 30.
- (ii) The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.
- (iii) No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.

### 15.2.8.2A Zone Subdivision Standards – Northlake Special Zone – Access onto Aubrey Road

- (i) No additional vehicle access shall be created from Activity Area A onto Aubrey Road.

### 15.2.8.3 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to property access, the Council shall have regard to, but not be limited by, the following assessment matters:

- (i) The safety and efficiency of the roading network and the proposed roading pattern, having regard to the roading hierarchy, standards of design, construction for roads and private access.
- (ii) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
- (iii) The provisions of the Council's Code of Practice for Subdivision in respect of the design and construction of roads and private access, with the exception of the Mount Cardrona Station Special Zone, where roads and private access shall be designed and constructed in accordance with the Roding Schedule contained within the Mount Cardrona Station Design Guidelines (2008).
- (iv) The account taken of safe, pleasant and efficient pedestrian movement, provision of space for cyclists, amenity values of the street and opportunities for tree planting in the open space of the road way to enhance the character and amenity of the neighbourhood.
- (v) The need to provide pedestrian accessway facilities in circumstances where the roading network does not provide sufficient or direct access or easy walking access to facilities in the vicinity.
- (vi) The need to provide cycle ways in circumstances where the roading network does not enable sufficient or direct cycle routes through the locality.
- (vii) The need to provide alternative access for car parking and vehicle loading in the Business, Town Centre, Corner Shopping Centre or Industrial Zones by way of vested service lanes at the rear of properties.
- (viii) Any impact of roading and access on lakes and rivers, ecosystems, drainage patterns and the amenities of adjoining properties.
- (ix) The need to provide for appropriate standards of street lighting or private access lighting having regard to the classification of the road or the access.

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

(x) The need to provide distinctive names for roads and private vehicular access. The name to be agreed by the Council.

(xi) Any need to make provision for future roads to serve surrounding land or for road links that need to pass through the subdivision.

(xii) In the Ferry Hill Rural Residential sub-zone the extent to which:

- the number of accesses to roads is minimised
- the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access.

(xiii) Within the Mount Cardrona Station Special Zone, the extent to which:

- (a) Rooding location and design is in general accordance with the Structure Plan A - Mount Cardrona Station Structure Plan.
- (b) Rooding is designed in a manner reflecting a rural environment, avoiding the use of kerb and channelling, and instead using techniques such as planted swales.

(ix) Within the Northlake Special Zone:

- (a) The extent to which additional development will adversely affect the operation of the Outlet Road/Aubrey Road intersection (including walkway/cycleway crossing paths).
- (b) The number and design of vehicle accesses from Activity Area C4 onto Aubrey Road.

## 15.2.8.4 Zone Subdivision Standards – Shotover Country Special Zone – Access onto State Highway 6

(i) This rule applies to subdivision of land situated south of State Highway 6 which is zoned Shotover Country Special Zone as shown on Planning

Map 30 ("Shotover Country") in addition to any other applicable subdivision rules.

(ii) Subject to subclause (iii) below, there shall be no restriction under this rule on the subdivision or subdivisions of land within Shotover Country which, when taken cumulatively, results in up to 450 lots being made available for residential development and use.

iii) No resource consent shall be granted for subdivision or subdivisions of land within Shotover Country which, when taken cumulatively, results in more than 450 lots ("SH6 Roundabout Trigger Land") being made available for residential development and use unless:

- (a) The SH6 Roundabout Works have been completed and are available for public use; or
- (b) Any such resource consent includes a condition requiring that the SH6 Roundabout Works must be completed prior to the issuing of a s224 certificate for any SH6 Roundabout Trigger Land.

## 15.2.9 Esplanade Provision

### 15.2.9.1 Exemptions from Provision of Esplanade Reserves or Strips

#### i Minor Adjustments

Where a proposed subdivision is either:

- (a) a boundary adjustment in accordance with Rules 15.2.6.2 i or 15.2.6.3 i(a); or
- (b) a minor adjustment to an existing cross lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the addition of an accessory building, or the relocation of accessory buildings; then section 230 of the Act shall not apply to the subdivision consent.

#### ii Road Designations, Utilities and Reserves

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

Where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve, then section 230 of the Act shall not apply to the subdivision consent.

### 15.2.9.2 Controlled Subdivision Activities - Esplanade Provision

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- i The provision of easements to provide access to and from a lake or river.
- ii The location of the boundaries of esplanade reserves, esplanade strips and/or access strips.
- iii The terms and conditions of instruments creating esplanade strips or access strips.

### 15.2.9.3 Site Subdivision Standards - Esplanade Provision

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all of the Zone Subdivision Standards, but does not comply with any one or more of the following Site Subdivision Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

#### i Esplanade Reserves

When considering creation of an esplanade reserve or strip the Council will consider the following criteria.  
Whether the area:

- (a) has high actual or potential value as habitat for or associated with native species (section 6(c) Resource Management Act 1991);

- (b) comprises significant indigenous vegetation;
- (c) is considered to comprise an integral part of an outstanding natural feature or landscape;
- (d) must be protected, as a reserve, in order to safeguard the life supporting capacity of the adjacent lake and river (which must be of high conservation value for its habitat and/or landscape/natural character values);
- (e) is important for public access/recreation.

### 15.2.9.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to esplanade provision, the Council shall have regard to, but not be limited by, the following assessment matters:

- (i) The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act.
- (ii) The appropriateness of creating an esplanade reserve or strip in relation to security or public safety concerns.
- (iii) The extent of the public's ability to obtain access to and along the margin of the water body.
- (iv) The extent that recreational use will be assisted or hindered.
- (v) The compatibility of the proposed reserve or strip with physical characteristics of the land.
- (vi) The extent to which the natural character and visual quality of the area will be preserved.
- (vii) The extent to which natural hazards will be mitigated.
- (viii) The future use and purpose of any existing building that would otherwise encroach on, or be within, a reserve or strip.

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (ix) The need for and practicality of easements being created to provide public access to lakes and rivers, where appropriate, through consultation and negotiation with the landowner.
- (x) The safety of any access point to the esplanade reserve, esplanade strip or access strip from arterial roads.
- (xi) The provisions of relevant foreshore management plans and in the case of the Rural Residential zone at the North end of Lake Hayes, the Lake Hayes Management Strategy (1995) and any amendments thereto.

### 15.2.10 Natural and Other Hazards

#### 15.2.10.1 Controlled Subdivision Activities - Natural and Other Hazards

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of:

- (i) The effect of the following natural and other hazards on the land within the subdivision;
  - (a) Erosion
  - (b) Flooding and Inundation
  - (c) Landslip
  - (d) Rockfall
  - (e) Alluvion
  - (f) Avulsion
- (ii) The effect of the subdivision on the impact of the following natural and other hazards on the site or on other land in the vicinity.

- (g) Unconsolidated Fill
- (h) Soil Contamination
- (i) Subsidence.

#### 15.2.10.2 Site Subdivision Standard – Natural and Other Hazards

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land (including the identification of any building platforms) which complies with all of the Zone Subdivision Standards, but does not comply with any one or more of the following Site Subdivision Standards shall be a Discretionary Subdivision Activity, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

- (i) Natural Hazards within the Makarora Rural Lifestyle Zone

No building platform shall be identified within any area identified on the QLDC Hazards Register as being an area subject to any natural hazards including erosion, flooding and inundation, landslip, rockfall, alluvion, avulsion or subsidence. Council's control shall be limited the assessment matters detailed in 15.2.10.3 below.

- (ii) Natural Hazards in the R2(D) Activity Area of the Quail Rise Zone

No building platform shall be identified within any R2(D) Activity Area of the Quail Rise Zone being an area subject to natural hazards including uncertified fill, erosion and possible debris flow from Ferry Hill to the north west. Council's control shall be limited to the relevant assessment matters detailed in 15.2.10.3 below.

- (iii) Within the R(HD-SH) – 2 Activity Area of the Jacks Point Resort Zone, any subdivision activity shall provide for flood hazard mitigation through the formation of a bund (flood bank) alongside the boundary with the State Highway, as shown on the Structure Plan.

#### 15.2.10.3 Zone Subdivision Standard - Natural and Other Hazards

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

Any subdivision of land that does not comply with any one or more of the following Zone Standards shall be a Non-Complying Subdivision Activity:

- (i) No subdivision of any part of Activity Area 1f of the Shotover Country Special Zone shall occur until fill works have been constructed in accordance with the plans contained in Appendix 3 to the Shotover Country Special Zone. The fill works shall be:
  - (a) located within the Fill Area shown on the Fill Area Plan in Appendix 3 to the Shotover Country Special Zone.
  - (b) constructed to achieve a height throughout the Fill Area no lower than the Minimum Required Ground Level shown on the Fill Area Plan and the Fill Area Cross Sections Plan in Appendix 3 to the Shotover Country Special Zone, assuming that the ground levels detailed in the Fill Area Plan are extrapolated across the Fill Area to achieve a plane surface.
- (ii) No works of any nature shall interfere with, damage or otherwise adversely affect the fill works constructed under subclause (i) of this rule so that those fill works shall be maintained permanently. A consent notice or other legal mechanism shall be registered against any title containing land located within the Fill Area referred to in subclause (i) of this rule requiring the fill works constructed under subclause (i) of this rule to be maintained permanently.
- (iii) No subdivision of any part of Activity Area 1f shall occur until the outer batter (facing the Shotover River) of the fill works required to be implemented under subclause (i) of this rule has been topsoiled and planted to achieve a permanent vegetative cover.
- (iv) No works of any nature (excluding mowing or other plant maintenance works) shall interfere with, damage or otherwise adversely affect the vegetative cover on the outer batter implemented under subclause (iii) of this rule so that that vegetative cover shall be maintained permanently. A consent notice or other legal mechanism shall be registered against any title containing any part of the outer batter referred to in subclause (iii) of this rule requiring the vegetative cover on that part of the outer batter implemented under subclause (iii) of this rule to be maintained permanently.

## 15.2.10.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to natural and other hazards, the Council shall have regard to, but not be limited by, the following:

- (i) The likelihood of the lots and infrastructure in the subdivision, and any anticipated use or development of the lots, being subject to the effects of any natural or other hazard, the degree to which the hazard could result in damage, destruction and/or loss of life, and the need to avoid or mitigate any potential damage or danger from the hazard.
- (ii) Any potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities as a result of the effects of natural or other hazards.
- (iii) Any need for conditions to avoid or mitigate potential damage or danger from the hazard, such as the provision of works, location and type of services, minimum floor heights and locations for buildings, and location and quantity of fill or earthworks.
- (iv) Whether a lot should be restricted from development on parts or all of the site, as a result of the effects of natural or other hazards.
- (v) Whether a minimum floor height should be specified for buildings in situations where inundation is likely and damage to structures could occur, but the land may not be suitable for filling.
- (vi) In relation to flooding and inundation from any source, the Council shall have regard to the following:
  - (a) The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
  - (b) Any proposed boundary drainage to protect surrounding properties;
  - (c) Any effect of such filling or boundary drainage on the natural character or hydrological functions of wetlands;
  - (d) The adequacy of existing outfalls and any need for upgrading;



## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (e) Any need for retention basins to regulate the rate and volume of surface run-off.
- (vii) In relation to erosion, falling debris, slope instability or slippage:
  - (a) The need for certification by a Registered Engineer that each lot is suitable for the erection of buildings designed in accordance with NZS 3604;
  - (b) Any need for registration of consent notices on the Certificate of Title;
  - (c) Any need for conditions relating to physical works to limit the instability potential.
- (viii) In relation to landfill and subsidence, the need for the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title of the lots in the subdivision.
- (ix) In relation to contaminated sites, the need for conditions to avoid, mitigate or remedy the effects of the land contamination, including removal to approved disposal points.
- (x) In relation to any land filling or excavation, the following factors:
  - (a) The effects on the infrastructure of surrounding properties;
  - (b) The effects on the natural pattern of surface drainage;
  - (c) The effects on stormwater drainage systems;
  - (d) The type of and placement of fill material;
  - (e) Mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
  - (f) Remedies necessary during emergencies.

### 15.2.11 Water Supply

#### 15.2.11.1 Controlled Subdivision Activities - Water Supply

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- The availability, quantity, quality and security of the supply of water to the lots being created;
- Water supplies for fire fighting purposes;
- The standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- Within the Mount Cardrona Station Special Zone, the initiatives proposed to reduce water demand and water use.

#### 15.2.11.2 Discretionary Activity - Water Supply

Water supply to lots outside the special rating areas will be a discretionary activity with the Council's discretion limited to lot size, location, soil quality, the source of the water and the location of adjacent effluent disposal points.

#### 15.2.11.3 Zone Subdivision Standards - Water Supply

Any subdivision of land which does not comply with any one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**.

- (i) All lots, other than lots for access, roads, utilities and reserves, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:
  - (a) To a Council or community owned and operated reticulated water supply:

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- i All Residential, Industrial, Business, Town Centre Corner Shopping Centre, Remarkables Park and Airport Mixed Use Zone;
  - ii Township Zones at Lake Hawea, Albert Town, Luggate, Glenorchy and Kingston;
  - iii Rural-Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes.
  - iv Rural Visitor Zone at Arthurs Point;
  - v Resort Zone, Millbrook and Waterfall Park.
  - vi Kingston Village Special Zone
- (ii) Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.
- (iii) Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.
- (a) Except within the Mount Cardrona Station Special Zone where:
- i every allotment, other than allotments for access, roads, reserves, open space or utilities, shall be connected to the one reticulated restricted potable water supply.
  - ii the reticulated restricted potable water supply shall be capable of meeting fire fighting requirements, including provision for 24 hour storage at average levels of demand; and
  - iii where bulk water meters are not provided every allotment connected to the reticulated restricted water supply shall be provided with a water meter at the frontage to the allotment to measure the consumption of water on that allotment.

- iv A consent notice shall be placed on each certificate of title restricting the use of reticulated restricted water supply for potable use; any water used for irrigation must be sourced from a separate supply (for example rain water or recycled greywater).

### 15.2.11.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to water supply the Council shall have regard to, but not be limited by, the following:

- (i) The need to ensure the availability of a secure supply of potable water of adequate quantity to provide for the needs of the anticipated land uses on all of the lots within the subdivision.
- (ii) The suitability of the proposed water supply for the needs of the land uses anticipated.
- (iii) The provisions of the Council's Code of Practice for Subdivision in respect of the construction and installation of the water supply system.
- (iv) The suitability of the proposed water supply for fire fighting purposes having regard to the density and nature of development anticipated and the availability of a public reticulated water supply system.
- (v) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public water supply utility.
- (vi) The requirements of any Regional Rules or the need to obtain water permits from the Otago Regional Council.
- (vii) Any need to make provision for future water supply systems to serve surrounding land.
- (viii) In addition to the above, within the Kingston Village Special Zone, the ability to stage subdivision and development in order to ensure water supply can be provided efficiently and effectively.
- (ix) Within the Mount Cardrona Station Special Zone, the extent to which:

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- Initiatives to reduce water use, including education of future landowners and restrictions on irrigation, have been proposed.
- Techniques to reuse and recycle water, including the recycling of greywater, have been proposed.
- The collection of rainwater and its use for household water supply and irrigation is provided.

### 15.2.12 Stormwater Disposal

#### 15.2.12.1 Controlled Subdivision Activities - Stormwater Disposal

Except where specified as Discretionary or Non-Complying Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control of the following matters:

- The capacity of existing and proposed stormwater systems;
- The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- The location, scale and construction of stormwater infrastructure;
- The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including the control of water-borne contaminants, litter and sediments, and the control of peak flow;

In addition to the above, within the Kingston Village Special Zone:

- The use of open swales throughout the Kingston Village Special Zone, in accordance with the Structure Plan and the Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010).

#### 15.2.12.2 Zone Subdivision Standard – Stormwater

Any subdivision of land which does not comply with one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**.

A catchment stormwater management plan for the Shotover Country Zone shall be lodged for approval by the Council within 12 months after the zone becomes operative and shall be approved by Council prior to any development in the zone. For the purposes of this Rule the required catchment stormwater management plan:

- (a) Shall include:
  - (i) identification of the catchment area boundary;
  - (ii) anticipated stormwater runoff volume at maximum development potential;
  - (iii) indicative secondary overflow paths for a 100 year ARI event or a 1% AEP event;
  - (iv) proposed stormwater management options which are to be adopted at the time of subdivision, such as piping, open swales, etc;
  - (v) proposed stormwater treatment and disposal options, including treatment facility options for roading, public carparking areas and commercial carparking areas;
  - (vi) flexibility to enable alternative options to be explored prior to obtaining engineering approval required for subsequent subdivision consents;
- (b) Shall not be required to include:
  - (i) detailed engineering design;
  - (ii) investigation into individual lot onsite stormwater disposal;

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (c) Shall be approved by the Council subject to a condition that the consent applicant obtain any required discharge permit from the Otago Regional Council.

### 15.2.12.3 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to stormwater disposal, the Council shall have regard to, but not be limited by the following:

- (i) The adequacy of the proposed means of collecting and disposing of stormwater from the roof of all existing or potential buildings and hard surfacing, in terms of the avoidance or mitigation of adverse effects on the site, other properties in the vicinity, or the receiving environment, whether land or water;
- (ii) The appropriateness of requiring a piped connection from each lot to a public stormwater reticulation system, or of requiring piped outfalls to be provided to each lot to be connected to a public reticulation system at a later date;
- (iii) Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse affects;
- (iv) The provisions of the Council's Code of Practice in respect to the construction and installation of the stormwater disposal system;
- (v) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containing of contamination from roads and paved areas and of siltation;
- (vi) The practicality of retaining open natural lake or river systems for stormwater disposal in preference to piped or canal systems and any impacts of stormwater disposal on existing lakes and rivers;
- (vii) The requirements of any Regional Rules or the need to obtain discharge permits from the Otago Regional Council;

- (viii) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes;

- (ix) Any need for conditions relating to ongoing maintenance of stormwater infrastructure;

- (x) Any need to make provision for future stormwater disposal systems to serve surrounding land

In addition to the above, within the Kingston Village Special Zone:

- (xi) Consistency with the Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010).

- (xii) The ability to stage development to ensure the efficient and effective management of stormwater systems during development.

- (xiii) Within the Mount Cardrona Station Special Zone, the extent to which:

- Natural flow paths have been used in the design of stormwater management systems.
- Techniques have been adopted to ensure that
  - (i) The rate of stormwater discharge remains equal to or less than that of pre-development; and
  - (ii) The quality of water in that discharge remains equal to or better than that of pre-development.

In addition to the above, within the Shotover Country Special Zone:

- (xiv) Any potential adverse effects of future accesses (from the road carriageway into a lot) on the efficiency and effectiveness of stormwater swales.

- (xv) An evaluation of long term maintenance costs of low impact design stormwater disposal solutions compared to standard kerb and channel solutions

### 15.2.13 Sewage Treatment and Disposal

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

### 15.2.13.1 Controlled Subdivision Activities - Sewage Treatment and Disposal

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- The method of sewage treatment and disposal;
- The capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;
- The location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system;
- Easements over private land for access to the nearest public or community owned point or disposal.

### 15.2.13.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to sewage treatment and disposal, the Council shall have regard to, but not be limited by, the following:

- (i) The capacity, availability, and accessibility of the Council's reticulated sewage treatment and disposal system to serve the proposed subdivision;
- (ii) Where a Council reticulated system is not available, or a connection is impractical, the adequacy of proposals and solutions for treating and disposing of sewage;
- (iii) The provisions of the Council's Code of Practice in respect to the construction and installation of the sewage treatment and disposal system;
- (iv) The requirements of any Regional Rules or the need to obtain a discharge permit from the Otago Regional Council;

- (v) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sewage treatment and disposal purposes;
- (vi) Any need to make provision for future sewage reticulation, treatment and disposal to serve surrounding land.
- (vii) In addition to the above, within the Kinston Village Special Zone;  
  
the ability to stage subdivision and development in order to ensure efficient and effective provision of a reticulated sewage treatment and disposal system that serves the proposed subdivision, the Kingston Village Special Zone, and the existing Kingston Township.
- (viii) In the case of the Mount Cardrona Station Special Zone:
  - The need to adopt sustainable solutions to sewage treatment and disposal.
  - Whether alternative methods based on sustainable design solutions have been considered.

### 15.2.14 Trade Waste Disposal

#### 15.2.14.1 Controlled Subdivision Activity - Trade Waste Disposal

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in the Business, Industrial, Town Centre and Corner Shopping Centre Zones, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of trade waste disposal.

#### 15.2.14.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to trade waste disposal, the Council shall have regard to, but not be limited by, the following:

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (i) Whether any proposal to create lots for any business or other activity generating trade wastes will have the potential to discharge wastes to a disposal system;
- (ii) Whether the volume or type of trade waste generates a need for appropriate pre-treatment and/or disposal systems to be provided;
- (iii) Any consents required for discharge of contaminants from the Otago Regional Council in conjunction with the subdivision consent;
- (iv) The provisions of the Council's Code of Practice for Subdivision in respect of the installation of trade waste sewers;
- (v) Any need for conditions relating to ongoing maintenance of trade waste disposal infrastructure.

### 15.2.15 Energy Supply and Telecommunications

#### 15.2.15.1 Controlled Subdivision Activity - Energy Supply and Telecommunications

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of:

- The adequacy and installation of any electrical supply system, gas supply systems and telecommunications system;
- Connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.
- Within the Mount Cardrona Station Special Zone, the provision for alternative energy sources.

#### Notes:

- (1) *In the event that a gas network operator ceases the supply of gas, all installations shall be removed from the bulk supply site and pipelines securely sealed.*

(2) *Where a gas supply is proposed as an alternative form of energy, the necessary land use consent for a bulk gas supply tank on a separate lot, shall be obtained.*

(3) *A consent notice may be registered on the Certificate of Title to a bulk gas supply site requiring that in the event the operator ceases supply the bulk supply site be amalgamated with an adjoining lot, unless it is a fully complying lot for the respective zone.*

#### 15.2.15.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to energy supply and telecommunications, the Council shall have regard to, but not be limited by, the following:

- (i) Where the subdivision involves construction of new roads or formed private access, the installation of an extended reticulation system, at the subdividers' cost, having regard to the Council's Code of Practice;
- (ii) The adequacy and proximity of the proposed reticulated system to be installed by the subdivider;
- (iii) Any need for a lot as a site for a public utility for electricity or gas supply or telecommunications;
- (iv) Alternative systems available and acceptable where other systems are not available or practical;
- (v) Adequacy and proximity to reticulated services.
- (vi) Within the Mount Cardrona Station Special Zone, the extent to which:
  - Subdivision design and layout assists in lot layout and configuration that achieves good solar gain for each dwelling.
  - Adequate energy supply is provided to the site, but opportunities to reduce energy use throughout the site and use alternative energy sources are encouraged.

#### 15.2.16 Open Space and Recreation

# SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

## 15.2.16.1 Controlled Subdivision Activities - Open Space and Recreation

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone which complies with all of the Zone and Site Standards, is a **Controlled Subdivision Activity** with the Council reserving control in respect of the provision of land and/or facilities for open space and recreation.

## 15.2.16.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to open space and recreation, the Council shall have regard to, but not be limited by, the following:

- (i) The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;
- (ii) Within the Shotover Country Special Zone, whether and the extent to which methods have been proposed to establish trails through the development generally as shown on the Structure Plan which connect to existing and planned trail links to Lake Hayes Estate and Old School Road
- (iii) Within the Shotover Country Special Zone, whether and extent to which reserves to be provided assist to achieve appropriate provision of local and neighbourhood reserves throughout the zone.
- (iv) Within the Arrowtown South Special Zone, whether subdivision of the Private Open Space – Pastoral Activity Area which results in parts of that Activity Area being held within the ownership of adjoining lots in a Rural Living Activity Areas or Residential Activity Area is accompanied by management proposals that promote the consistent or complimentary use of land so as to avoid, remedy or mitigate the adverse visual effects that may result from fragmented ownership and varying land management approaches.

## ~~15.2.16.3 Zone Subdivision Standard – Northlake Special Zone – Community Facilities~~

- ~~(i) This rule applies to subdivision of land situated north of Aubrey Road, Wanaka, which is zoned Northlake Special Zone (“Northlake”) (excluding Activity Area A) as shown on Planning Maps 18, 19 and 20 in addition to any other applicable subdivision rules.~~
- ~~(ii) There shall be no restriction under this rule on the first stage(s) of subdivision which create a total of up to 50 individual residential lots within Northlake (excluding Activity Area A). This rule only applies to any subsequent subdivision that creates a total of more than 50 residential lots within Northlake.~~
- ~~(iii) No resource consent shall be granted for any subdivision that will result in the cumulative total creation of more than 50 residential lots within Northlake unless the community facilities detailed in subclause (iv) below have been constructed and are operational and available to the public, or any such resource consent includes a condition requiring that the community facilities detailed in subclause (iv) below must be completed, operational and available to the public prior to the issuing of any s224c certificate in respect of such subdivision (excluding Activity Area A).~~
- ~~(iv) For the purposes of this rule:~~
  - ~~(a) Community facilities' means an indoor 20m – 25m lap pool, a fitness/gym facility, a children's play area, and at least one tennis court.~~
  - ~~(b) Operational' includes operating on a commercial basis requiring payment of commercial user charges as determined by the commercial operator.~~
  - ~~(c) Available to the public' means open and available for use by any member of the public willing to pay the relevant user charges for such facilities (excluding the play area which is likely to be free).~~
  - ~~(d) The Council shall impose a condition on any resource consent enabling the construction and operation of the community facilities requiring them to be available to the public as detailed in this rule.~~

Commented [CB1]: Requested change. Recommended to be accepted

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

### 15.2.17 Protection of Vegetation and Landscape

#### 15.2.17.1 Controlled Subdivision Activities - Vegetation and Landscape

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of:

- The protection of vegetation and landscape features;
- Provision for street scape planting within the road and public spaces;
- The preservation and enhancement of the indigenous vegetation, within the 'Forest Hill' Rural Residential zone, and the removal and control of wilding pines.
- Within the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone, measures to provide for the establishment and management of open space, including native vegetation, within the open space areas shown on the Hanley Downs Structure Plan.

#### 15.2.17.2 Site Standard – Vegetation

- (i) Within the Shotover Country Special Zone, a consent notice or other legal mechanism shall be registered against the relevant certificate(s) of title to ensure that future landowners are made aware of the following obligations and restrictions:
  - (a) With respect to any site containing land within a Terrace Buffer Area identified on the Structure Plan, the requirement to establish and maintain landscape planting in accordance with Rule 12.30.5.1.vii.
  - (b) With respect to any site containing land within the Wetland Setback identified on the Structure Plan, Rule 12.30.5.2.xiii provides that no buildings shall be constructed within the Wetland Setback.

- c) Indigenous vegetation established within Area 5b shall not be removed.
- (d) With respect to any site containing land within the Riverside Protection Area, the requirement to keep that land free of certain plant pest species in accordance with Rule 12.30.5.2.xii.
- (e) With respect to any site containing land within Activity Area 5b (Open Space - Escarpment), the requirement to keep that land free of certain plant pest species and to select plants from a specified plant list in accordance with Rule 12.30.5.2.xi.
- (f) With respect to any site within Activity Area 5d (Wetland), the requirement to keep that land free of certain plant pest species and to select plants from a specified plant list in accordance with Rule 12.30.5.2.xi.

#### 15.2.17.3 Zone Subdivision Standard – Vegetation

Any subdivision of land within the Shotover Country Special Zone that does not comply with any one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**:

- (i) Prior to any subdivision (excluding boundary adjustments) of any land containing part of Activity Area 5b, the Riverside Protection Area and/or 5d, all plant pests shall be removed from the relevant part of Activity Area 5b, the Riverside Protection Area and/or 5d, being gorse, broom, briar, tree lupin, hawthorn, crack willow, buddleia, Californian thistle, and any other Pest Plant as specified in the Regional Pest Management Strategy for Otago except crack willow along the edge of the Shotover River.
- (ii) Prior to subdivision (excluding boundary adjustments) where the site to be subdivided includes part of Activity Area 5b, planting shall take place within the relevant part of Activity Area 5b which:
  - (a) Comprises the species detailed in Appendix 1 – Plant List, Part 1: Terrace Escarpment/Grey Shrubland Areas (Activity Area 5b); and



## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (b) Will achieve 25% site coverage (canopy closure) once the planting reaches maturity.
- (iii) Prior to any subdivision within the zone (excluding boundary adjustments), methods shall be implemented to exclude stock from Activity Area 5d.
- (iv) A consent notice or other legal mechanism shall be registered against the relevant certificate(s) of title to any applicable lot to achieve the following ongoing obligations:
  - (a) Any planting required to be implemented under this rule shall be maintained for a period of 5 years during which time any plant which dies, is removed, or becomes diseased shall be replaced by the subdivider responsible for creating the relevant lot and by the lot owner.
- (vi) Prior to any subdivision within the zone (excluding boundary adjustments):
  - (a) A qualified heritage consultant shall detail steps required to stabilise the Hicks Cottage in Activity Area 4, in order to prevent further deterioration pending long term restoration; and
  - (b) Those steps shall be implemented.
- (iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetative cover;
- (iv) The extent of any earthworks or roading within the subdivision and the need for additional planting or landscaping;
- (v) Any need to provide continual protection for vegetation and or landscape features within the subdivision, including protection of Heritage Trees listed in Appendix 5.
- (vi) The preservation and enhancement of the indigenous vegetation, over 70 per cent of the net site area within the "Forest Hill" Rural Residential zone, and the removal and control of wilding pines within the zone. For the purpose of this matter net area shall exclude access to sites and the building restriction area within the zone.
- (vii) Within the Bob's Cove sub-zone, whether and the extent to which:
  - (a) Consent notices have been entered into to ensure the effective and permanent protection of the open space and areas of indigenous vegetation; and
  - (b) Methods have been proposed to prevent stock from browsing and otherwise damaging areas of indigenous vegetation by fencing.
- (viii) The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- (ix) The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.
- (x) Within the R(HD) - E Activity Area of the Hanley Downs area of the Jacks Point Resort Zone, whether and the extent to which any subdivision adjacent to or including the wetland shown as W on the Hanley Downs

### 15.2.17.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to the protection of vegetation and landscape the Council shall have regard to, but not be limited by the following:

- (i) Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;
- (ii) Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes;

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

Structure Plan makes provision via a Biodiversity Management and Restoration Plan or otherwise for:

1. Methods to control the further spread of willows within the wetland;
2. A programme of progressive limbing and potentially the removal of crack and grey willows from the margins, particularly from the shallow northern end;
3. A programme to kill in-situ willows within the shallow open water to facilitate the natural expansion of Carex sedgeland and Raupo beds and maintenance of open water;
4. Methods to protect the wetland from further unmitigated loss or drainage if disturbed by development; and
5. Reinstating indigenous diversity along the margins of the wetland in order to:
  - a) Bolster feeding and breeding habitats through ensuring and securing in perpetuity an appropriately designed buffer (of at least 20 metres) around the wetland; providing for small clearings enabling a view of the water; providing screening of residential activity; providing a variation in wetland habitat and open roosting and foraging areas;
  - b) Reinstating diversity lost from the terrestrial and aquatic communities associated with the wetland
  - c) Avoiding or minimising the discharge of contaminants into the wetland through appropriately designed storm water treatment and buffer planting.

### 15.2.18 Easements

#### 15.2.18.1 Controlled Subdivision Activity – Easements

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity** with the Council reserving control in respect of the creation or cancellation of easements for any purpose.

Mount Cardrona Station Special Zone– matters over which control is reserved:

*Queenstown-Lakes District Council – DISTRICT PLAN (November 2017)*

- The provision of public access through Activity Areas 6, 6a, 7 and 7a of the Mount Cardrona Station Special Zone in general accordance with the Mount Cardrona Station Walkways Plan (Structure Plan C).

#### 15.2.18.2 Assessment Matters for Resource Consent

In considering whether or not to grant consent or impose conditions in respect to easements the Council shall have regard to, but not be limited by the following:

- (i) The need for easements:
  - (a) where a service or access is required by the Council;
  - (b) for stormwater passing through esplanade reserves where drainage will be to the wetland, lake or river;
  - (c) to meet network utility operator requirements;
  - (d) in respect of other parties in favour of nominated lots or adjoining Certificates of Title;
  - (e) for private ways and other private access;
  - (f) for stormwater treatment and disposal, sewage treatment and disposal, water supply, electricity reticulation, gas reticulation, telecommunications;
  - (g) for party walls and floors/ceilings;
  - (h) for reticulation servicing with sufficient width to permit maintenance, repair or replacement;
    - (i) for walkways and cycle ways, including access to water bodies.
    - (ii) The need for the cancellation of easements.
- (i) for the provision of public access throughout the Open Space Zone within Peninsula Bay.
- (j) within the Mount Cardrona Station Special Zone the extent to which:

## SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

- (i) public access easements through Activity Area 7 provide access to the historic water races, while ensuring their protection.
- (ii) access easements provide potential linkages between the site and surrounding walkways, enabling connection between Mount Cardrona Station and the existing Cardrona village.
- (iii) access easements and easements in gross are in general accordance with the Mount Cardrona Station Walkways Plan (Structure Plan C).
- (b) A residential lot used for retirement village purposes shall not be deemed to meet this requirement.
- (c) A legal method must be implemented which will ensure that each of the required 20 affordable lots are delivered to the market. That legal method must include a three month option in favour of the Queenstown Lakes Community Housing Trust whereby the Trust may purchase the lot or nominate the purchaser of the lot.

### 15.2.19

On any boundary adjustment in the Rural General Zone which meets the zone standards the matters in respect of which the Council has reserved control are:

- the location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and existing vegetation patterns and existing or proposed accesses;
- boundary treatment;
- easements for access and services.

### 15.2.20 Affordable Residential Lots

#### 15.2.20.1 Zone Subdivision Standard – Northlake Special Zone

- (i) The development of Activity Area D1 shall result in 20 affordable lots. For the purpose of this rule:
  - (a) 'affordable lots' means a residential lot, capable of accommodating a 3 bedroom residential unit, which is marketed for sale at a maximum price of \$160,000.00 adjusted annually to account for inflation in accordance with the Consumer Price Index from an initial date of 1 January 2014.

### 15.2.21 Earthworks

#### 15.2.21.1 Controlled Subdivision Activity – Earthworks

Earthworks associated with any subdivision of land in any zone except for any of the Special Zones that are listed in Section 12 of the District Plan other than the Rural Visitor Zone and any of the Ski Area Sub-Zones are a **Controlled Activity** with the Council reserving control in respect to the matters listed in Rule 22.3.2.2(a)(i)-(ix) in Section 22.

#### 15.2.21.2 Assessment Matters for Resource Consent

In considering whether or not to impose conditions in respect of Earthworks associated with any subdivision the Council may consider the Resource Consents - Assessment Matters 22.4i-viii in Section 22.

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

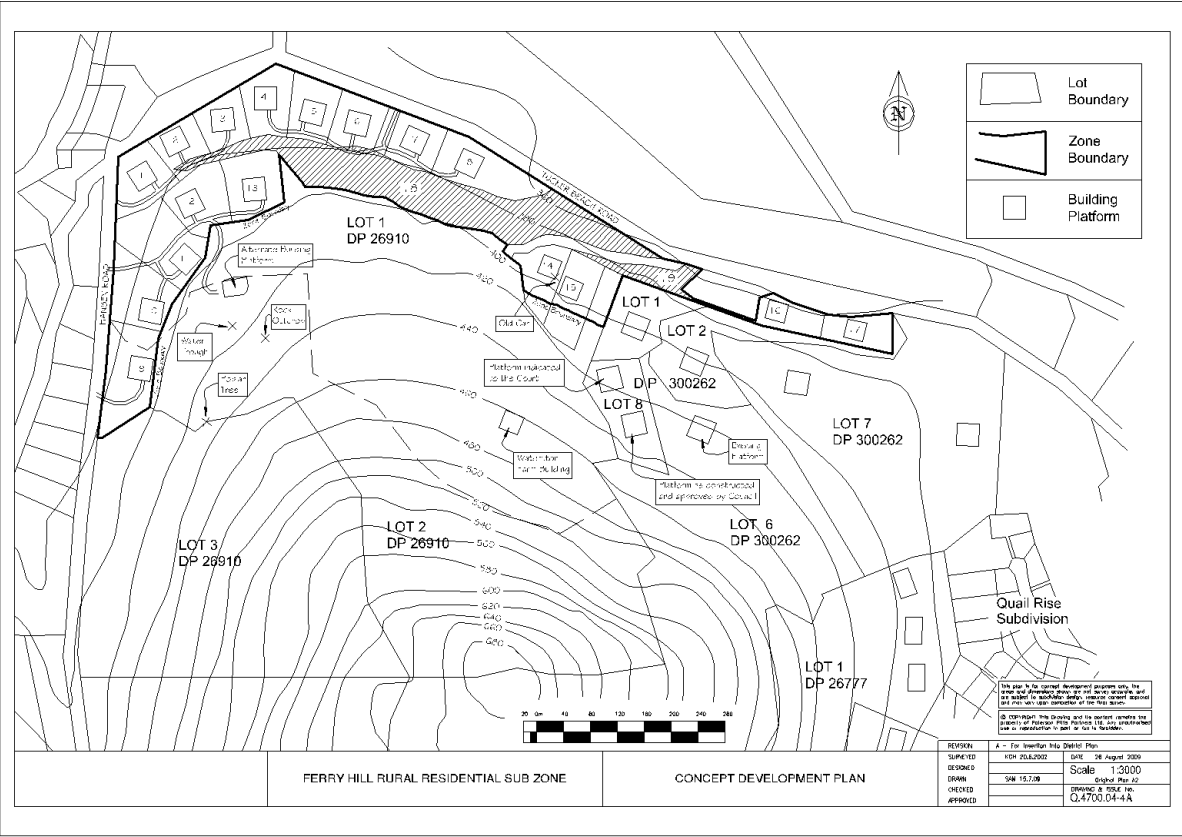




Figure 15.2. Ballantyne Road Low Density Residential Zone Structure Plan

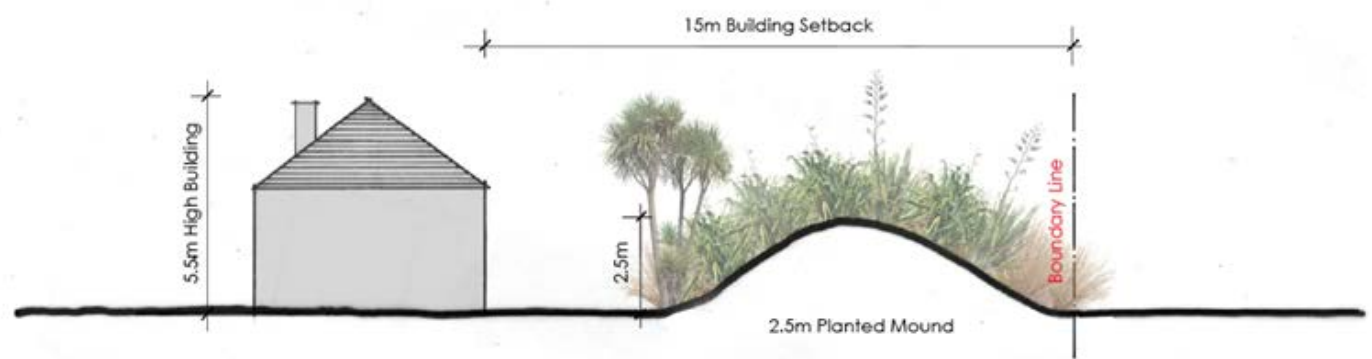


Figure 15. 3. Ballantyne Road Low Density Residential Zone Mounding Plan Cross Section

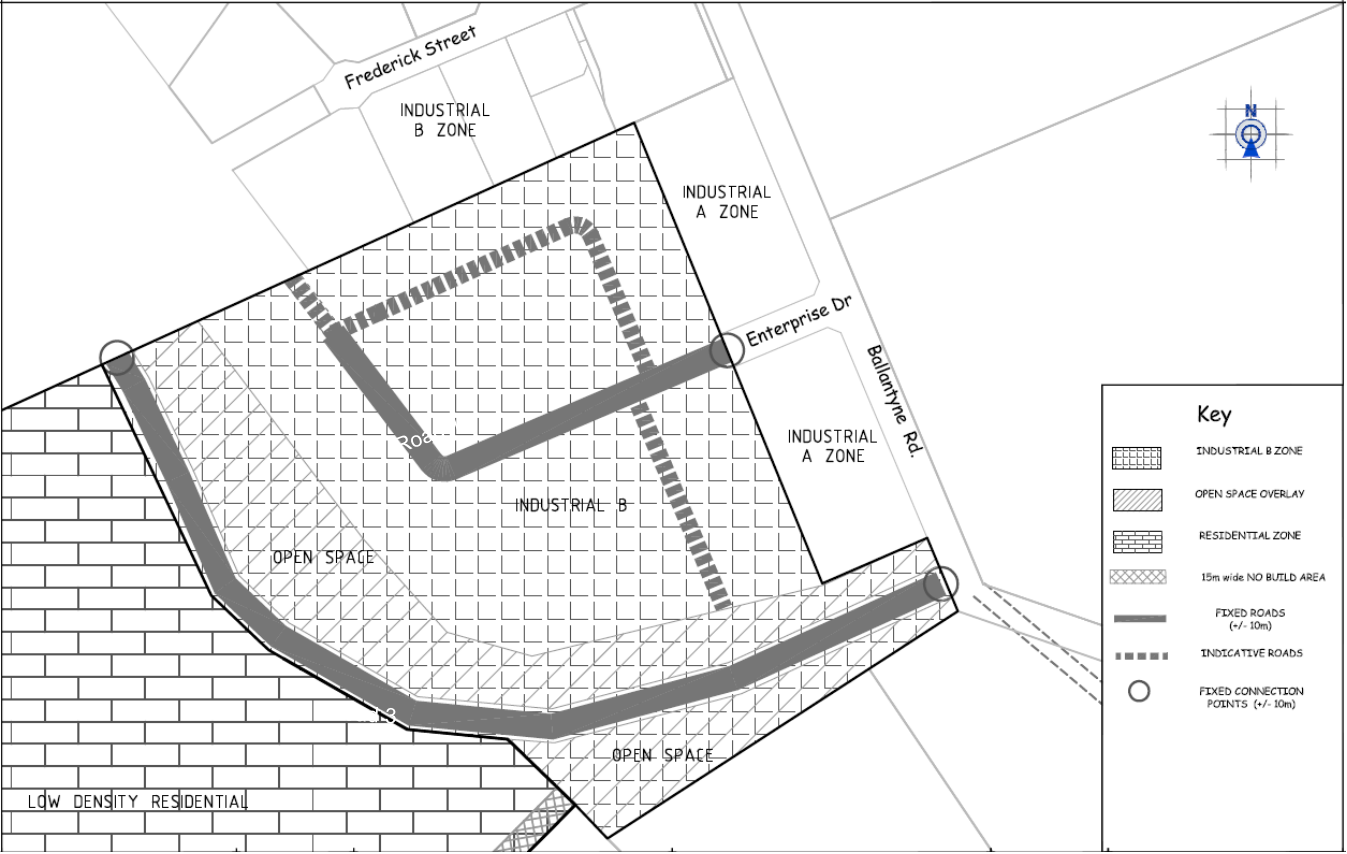


Figure 15.4 Ballantyne Road Industrial B Zone and Open Space Structure Plan





## 18.2 Signs - Rules

### 18.2.1 Structure of the Rules

Three Activity Tables 'Commercial Areas', 'Residential Areas' and 'Other Areas' group the District Plan zones. Each Activity Table contains rules relevant to the listed zones, and establishes the activity status for signs in each zone. In addition, Activity Table 4 contains District Wide rules that apply to all signs.

Signs must not breach standards in Activity Tables 1 – 4, if they are to be considered a Permitted Activity under Rule 18.2.3.

Freestanding signs, sandwich boards, flat board signs, under verandah signs, flags and banners may be double sided, with only one side being counted towards the sign area. All other signs will be assessed on a single sided basis.

### 18.2.2 Activities

#### 18.2.3 Permitted Activities

Any activity which is listed as a **Permitted** Activity (PER) in Activity Tables 1 – 4 or is not listed as a Controlled Activity (CON), Discretionary Activity (DIS) or Prohibited Activity (PRO) in Activity Tables 1- 4.

#### 18.2.4 Controlled Activities

Any activity which is listed as a **Controlled** Activity (CON) in Activity Tables 1 - 4

The exercise of Council's control shall be limited to:

- Colour and materials
- Design and content
- Location
- Access and safety
- Compliance with any relevant design guidelines

### 18.2.5 Discretionary Activities

Any activity which is listed as a **Discretionary** Activity (DIS) in Activity Tables 1 – 4, or signage that is not specifically covered in Activity Tables 1 - 4.

Any activity that does not comply with a Permitted or Controlled Activity.

### 18.2.6 Prohibited Activities

Any activity which is listed as **Prohibited** (PRO) in any of Activity Tables 1 – 4.

### 18.2.7 Non-Notification

Any application for resource consent for the following matters shall not require the written approval of other persons and shall not be notified or limited-notified:

- Controlled Activities

**ACTIVITY TABLE 1 – COMMERCIAL AREAS**

		Commercial Precincts within the Township Zone	Town Centre Zone (including Town Centre Transition Sub-Zone)	Frankton Flats Special Zone A and Special Zone B Areas C1, D, E1 – E2	Queenstown Airport Mixed Use Zone	Corner Shopping Centre Zone and Northlake Special Zone – Activity Area D1	Business & Industrial Zone	Three Parks Zone (Business & Commercial Core Sub-Zones)	Remarkables Park Zone (Activity Areas 3, 5 and 8)	Ballantyne Road Mixed Use Zone (Activity Areas B and C)	Kingston Village Special Zone (Activity Area 2)
1.	Identification of Signage Platforms that comply with the size requirements for 3-6 below.	CON	CON	CON	CON	CON	CON	CON	CON	CON	CON
2.	All new and replacement signs located within an approved Signage Platform.	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER
3.	Arcade Directory Signs that do not exceed 3m <sup>2</sup> in area limited to one per arcade.	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER
4.	Upstairs Entrance Signs that do not exceed 1.5m <sup>2</sup> in area per building.	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER
5.	<p>All signs located within the Ground Floor Area of a building which do not cumulatively exceed a total area of 15% of the Ground Floor Area provided that:</p> <p>(i) Where a building contains more than one commercial tenancy on the ground floor each commercial tenancy shall not display signs larger than 15% of the Ground Floor Area that tenancy occupies, and,</p> <p>(ii) Signs attached to glazing shall not exceed 50% coverage of that glazing. This applies to individual or partitioned glazed areas located within the Ground Floor Area. Signs not attached to glazing, or sited anywhere within the enclosed interior of a building, and visible or not, are not subject to this rule.</p> <p>Note: Arcade Directory and Upstairs Entrance Signs are not included within the Ground Floor Area signage allowance.</p>	CON	CON	PER	PER	CON	PER	PER	PER	PER	CON

Commented [CB1]: Requested change. Recommended to be accepted

ACTIVITY TABLE 1 – COMMERCIAL AREAS (continued)

		Commercial Precincts within the Township Zone	Town Centre Zone (including Town Centre Transition Sub-Zone)	Frankton Flats Special Zone A and Special Zone B Areas C1, D, E1 – E2	Queenstown Airport Mixed Use Zone	Corner Shopping Centre Zone and Northlake Special Zone – Activity Area D1	Business & Industrial Zone	Three Parks Zone (Business & Commercial Core Sub-Zones)	Remarkables Park Zone (Activity Areas 3, 5 and 8)	Ballantyne Road Mixed Use Zone (Activity Areas B and C)	Kingston Village Special Zone (Activity Area 2)
6.	Above Ground Floor Signs that cumulatively do not exceed 2m <sup>2</sup> in area per building or 1m <sup>2</sup> per tenancy up to a maximum of 3m <sup>2</sup> per floor	CON	CON	PER	PER	CON	PER	PER	PER	PER	CON
7.	Any sign or sign platform that does not comply with any of 1 - 6 above.	DIS	DIS	DIS	DIS	DIS	DIS	DIS	DIS	DIS	DIS

Commented [CB2]: Requested change. Recommended to be accepted

**ACTIVITY TABLE 2 – RESIDENTIAL AREAS**

		Low & High Density Residential Zones	Three Parks Zone (Low and Medium Density Residential Sub-Zones)	Township Zones (excluding Commercial Precincts)	Quail Rise, Meadow Park, Northlake <del>except AA-D1</del> & Shotover Country	Residential Arrowtown Historic Management Zone	Rural Residential Zones	Remarkables Park Zone (excluding Activity Areas 3, 5 & 8)	Ballantyne Road Mixed Use Zone (activity Areas D & E)	Kingston Village Special Zone (Activity Areas 1, 3 and 4)	Penrith Park Zone & Arrowtown South Special Zone	Frankton Flats Special Zone B Area C2
1	One sign per site with a maximum area of 0.5m <sup>2</sup>	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER
2	Signs for recreation grounds, churches, medical facilities, nursing homes, educational institutions and community buildings with a maximum area of 2m <sup>2</sup> per site and which are attached to a building or free standing.	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER
3	Signs for Visitor Accommodation comprising no more than two signs, one identifying the Visitor accommodation and measuring no more than 2m <sup>2</sup> in area and the other containing only the words 'No' and 'Vacancy' and measure no more than 0.15m <sup>2</sup> in area.	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER	PER
4	Any sign that does not comply with 1-3 above.	DIS	DIS	DIS	DIS	DIS	DIS	DIS	DIS	DIS	DIS	DIS

Commented [CB3]: Requested change. Recommended to be accepted

**ACTIVITY TABLE 3 – OTHER AREAS**

		Rural General & Gibbston Character Zone	Rural Lifestyle Zone	Hydro Generation Zone	Rural Visitor Zones	Bendemeer Zone	Three Parks Zone (Tourism and Community Facilities Sub-Zone	Open Space Zone, Frankton Flats Special Zone B Area A	Jacks Point & Henley Downs	Mt Cardrona Station Special Zone
1.	Up to 2m <sup>2</sup> of signage per site with no internal or external illumination of the sign.	PER	PER	PER	PER	PER	PER			
2.	Up to 1m <sup>2</sup> of signage per site with no internal or external illumination of the sign.							CON		
3.	Signage that complies with the relevant design guidelines for the specific Zone.								CON	CON
4.	Signage that does not comply with the relevant design guidelines for the specific Zone.								DIS	DIS
5.	Any sign that does not comply with 1 or 2 above.	DIS	DIS	DIS	DIS	DIS	DIS	DIS		

## ACTIVITY TABLE 4 – DISTRICT WIDE

1.	Flags – provided that: a) There is only 1 per site depicting corporate colours or logo of the business provided it does not exceed 1.8m x 0.9m in size; and, b) Any number of flags depicting national colours and logos provided that each flag does not exceed 1.8m x 0.9m in dimension; and, c) Only one flag of each nationality is erected.	PER
2.	Temporary Event Signs provided that: a) They are established no more than two months prior to the date of the event; and, b) They have an area no greater than 2m <sup>2</sup> , or 3m <sup>2</sup> if a Banner; and, c) Are removed within 24 hours of completion of the event; and, d) Are limited to two signs fronting any State Highway and two signs fronting other roads.	PER
3.	Signs in Reserves provided that: a) They have an area no greater than 1m <sup>2</sup> ; and b) Only relate to businesses operating in the reserve; and c) They are located where the business operates from; and d) They are limited to one sign per business.	PER
4.	Real Estate Signs (including Auction Signs) provided that: a) They are located on the site to which they relate; and, b) They have an area no greater than 1.62m <sup>2</sup> ; and, c) No more than 1 sign per agency is erected; and, d) The sign is removed within 14 days of an unconditional agreement for sale and purchase being made by the vendor provided that any Auction Sign is to be removed within 7 days of the auction whether the site is sold or not.	PER
4A.	Land Development Sign provided that: a) There is only one sign per site; and b) It is located on the site of the development to which it relates; and c) It has a maximum area of 8.64m <sup>2</sup> ; and d) It relates to a land development that involves a minimum of 6 allotments or units; and e) The sign is removed within 7 days of unconditional agreements for sale and purchase being made by the vendor with respect to all allotments or units in the development.	PER
5.	Temporary Sale Signs provided that they are erected or displayed for no more than 14 days, provided that there are no more than 4 occurrences per site, per year.	PER
6.	Construction Signs provided that: a) There are no more than four signs per site; and b) They each have an area no greater than 1.62m <sup>2</sup> ; and c) They are erected for no more than 30 days prior to works commencing; and d) They are removed within 14 days of completion of the work; and e) Safety and hazard signs are exempt.	PER
7.	Any sign which does not comply with the requirements of 1 - 6 above (including 4A).	DIS

8.	Free Standing Signs a) That exceed 3.5m in height; and/or b) That are less than 2.5m above the footpath; and/or c) That extend more than 1 metre over any footpath d) That have an area greater than 2m <sup>2</sup>	DIS
9.	Sandwich or Flat Board Signs a) That have an area greater than 1m <sup>2</sup> ; and/or b) That are not located on private land.	DIS
10.	Under Verandah Signs that are less than 2.5m above the footpath.	DIS
11.	Signs on Wharves and Jetties (including on buildings established on wharves and jetties).	DIS
12.	Off-Site Signs.	DIS
12 A	Hoardings.	NON
13.	Signs exceeding 150cd/m <sup>2</sup> of illumination.	DIS
14.	Flashing, moving, animated signs and signs that create an optical illusion.	PRO
15.	Roof Signs.	PRO
16.	Signs displaying sexually explicit, lewd or otherwise offensive content.	PRO
17.	Any sign-written trailer, vehicle or permanently moored vessel or sign attached to any trailer, vehicle or permanently moored vessel which is parked or moored on or is visible from any road or public place for the sole purpose of advertising.	PRO
18.	Signs imitating any traffic direction and safety sign as required by New Zealand Transport Agency.	PRO
19	Signs required by acts of Parliament, legislation or statutory requirements.	PER
20	Electioneering Signs a) That have an area no greater than 3m <sup>2</sup> ; and, b) That are displayed no more than 2 months prior to the election/referendum date; and, c) That are removed before the election/referendum day.	PER
21.	Signs on any Category 1, 2 or 3 item in the Inventory of Protected Features	DIS

**NOTE – For assistance refer to Interpretative Diagrams at the end of the Chapter**

## 18.3 Signs - Assessment Matters

### 18.3.1 Assessment Matters

In considering whether or not to grant consent or impose conditions on a resource consent, the Council shall have regard to, but not be limited by, the following assessment matters.

#### (i) Controlled Activity – Signs in All Zones

Whether the proposed sign or signage platform:

##### *Colour and materials*

- (a) Incorporates colours and materials that complement the external appearance of the building and/or surrounding buildings.
- (b) Incorporates colours and materials that are sympathetic to the surrounding landscape.

##### *Design and content*

- (c) Design, including lighting, is consistent with and sympathetic to the surrounding environment.
- (d) Whether there are any effects on heritage buildings, or on buildings and structures in heritage precincts, and whether any conservation advice has been obtained.
- (e) When considering signage platforms, the extent that the signage platforms have been considered within the overall design of the building and specifically the architectural features of the building.

##### *Location*

- (f) Has been located to integrate with the design of the building and does not obscure the architectural features of the building.
- (g) The requirements of multiple tenants within a building have been provided for.

##### *Access and safety*

- (h) Adversely affects public pedestrian access through inappropriate location, design or type of sign.

##### *Compliance with the design guidelines*

- (i) The level of compliance with any relevant specific zone design guidelines

##### *Arrowtown Town Centre Zone*

In addition to (a) – (i) above for any sign or signage platform in the Arrowtown Town Centre Zone:

- (j) Whether sign design and placement respects historic buildings and the character of the Arrowtown Town Centre Zone having regard to the following guidelines:
  - (i) Signs must not obscure historic building details or important vistas.
  - (ii) Reduce the number of signs used in a single location by the use of directory or finger signs.
  - (iii) Signs hand written on the building in the traditional way are best, provided they do not alter or obscure part of the building.



- (iv) Small scale signs, either mounted on to buildings or free standing, are appropriate.
- (v) Sign materials shall be similar to those used traditionally. Painted wood and metal are appropriate. Plastic and highly reflective materials are inappropriate.
- (vi) Illuminated, neon or flashing signs are not appropriate and must not be used if heritage character is to be protected.
- (k) Whether the application is accompanied by a report from the Arrowtown Planning Advisory Group; and whether that report approves the nature of, the form of, the size of, the content of and the positioning of, the sign or signage platform.

**(ii) Discretionary Activity – Signs within Commercial Areas (Activity Table 1)**

(a) The extent to which:

- (i) The size of the signage is visually compatible with the scale and character of the building to which it relates and the surrounding environment.
- (ii) The design, location and size of the proposed signage complements the surrounding built environment and does not dominate built form;
- (iii) The design is consistent with other signs in the vicinity;
- (iv) The size, colour and location do not adversely affect traffic and/or pedestrian safety;
- (v) The placement, size and choice of materials has considered the architectural features of the building on which the sign is to be erected; and

- (vi) Any signage on windows will retain the function of the window to provide interest, activity and passive surveillance on the street.

- (b) Whether the cumulative effects of the proposed signage (and all that which can be anticipated to be established on the same building) will adversely affect the streetscape and visual amenity of the surrounding environment.

In addition to (a) & (b) above for any sign or signage platform in the Arrowtown Town Centre Zone:

- (c) Whether sign design and placement respects historic buildings and the character of the Arrowtown Town Centre Zone having regard to the following guidelines:
  - (i) Signs must not obscure historic building details or important vistas.
  - (ii) Reduce the number of signs used in a single location by the use of directory or finger signs.
  - (iii) Signs hand written on the building in the traditional way are best, provided they do not alter or obscure part of the building.
  - (iv) Small scale signs, either mounted on to buildings or free standing, are appropriate.
  - (v) Sign materials shall be similar to those used traditionally. Painted wood and metal are appropriate. Plastic and highly reflective materials are inappropriate.
  - (vi) Illuminated, neon or flashing signs are not appropriate and must not be used if heritage character is to be protected.
- (d) Whether the application is accompanied by a report from the Arrowtown Planning Advisory Group; and whether that report

approves the nature of, the form of, the size of, the content of and the positioning of, the sign or signage platform.

## (iii) Discretionary Activity – Signs within Residential Areas (Activity Table 2)

- (a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street and neighbouring properties and:
  - (i) Whether the design, location and size of the proposed signage will detract from the residential character of the site and/or building on which it is situated.
  - (ii) Whether the proposed signage dominates the streetscape and wider residential character of the area in which it is located.
  - (iii) The size, colour and location of the signage do not adversely affect traffic and/or pedestrian safety.

## (iv) Discretionary Activity – Signs within Other Areas (Activity Table 3)

- (a) The extent to which:
  - (i) The design, colours and materials of the proposed signage are appropriate within the rural context.
  - (ii) The extent to which the proposed signage is compatible with the character of the surrounding environment.
- (b) Any adverse effects of the proposed signage in terms of:
  - (i) Lighting;
  - (ii) The extent to which the proposed signage may cause a visual distraction to drivers;

- (iii) Location with special regard to skylines, ridges, hills and prominent slopes.

## (v) Discretionary Activity – District Wide Signs (Activity Table 4)

- (a) Whether the period the signage is to be erected is necessary for the event being advertised.
- (b) Whether the size of the sign and/or number of signs are compatible with the size of the site on which they are located.
- (c) The extent to which the proposed signage is compatible with the character of the surrounding environment.
- (d) Whether signs located on wharves and jetties (including buildings on wharves and jetties):
  - (i) are directly related to commercial activities and services that operate from, adjacent to or on the wharf, jetty or water front on which the sign is located;
  - (ii) detract from the views and amenity of the surrounding environment through inappropriate placement, size and colour of signage
  - (iii) are of a design, colour and material base appropriate to the specific location of the wharf or jetty to which it is attached.
  - (iv) Whether the design, colours and materials of the proposed signage, including any lighting, are consistent with and sympathetic to the surrounding environment.
  - (v) Whether the size, colour and location adversely affect traffic and/or pedestrian safety.
- (e) Whether the design, location and size of the proposed signage will detract from the heritage values of any item in the Inventory of Protected Features.

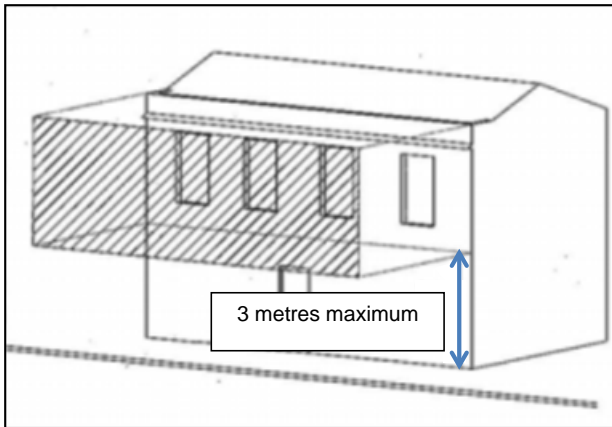
- (f) Whether the method of attachment of the proposed sign or sign platform will damage heritage fabric of any item in the Inventory of Protected Features.

In addition to (a) – (f) above for any sign in the Arrowtown Town Centre Zone:

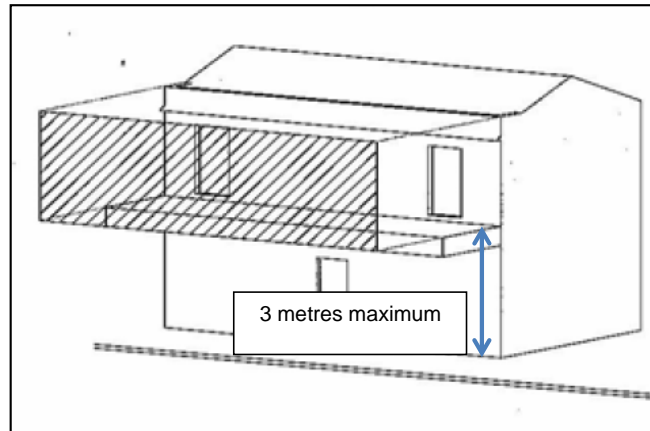
- (g) Whether sign design and placement respects historic buildings and the character of the Arrowtown Town Centre Zone having regard to the following guidelines:
  - (i) Signs must not obscure historic building details or important vistas.
  - (ii) Reduce the number of signs used in a single location by the use of directory or finger signs.
  - (iii) Signs hand written on the building in the traditional way are best, provided they do not alter or obscure part of the building.
  - (iv) Small scale signs, either mounted on to buildings or free standing, are appropriate.
  - (v) Sign materials shall be similar to those used traditionally. Painted wood and metal are appropriate. Plastic and highly reflective materials are inappropriate.
  - (vi) Illuminated, neon or flashing signs are not appropriate and must not be used if heritage character is to be protected.
- (h) Whether the application is accompanied by a report from the Arrowtown Planning Advisory Group; and whether that report approves the nature of, the form of, the size of, the content of and the positioning of, the sign or signage platform.

### Interpretative Diagrams

#### a) Above Ground Floor Signs

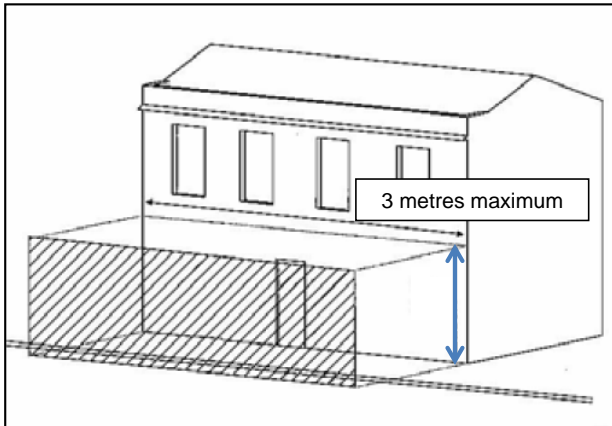


For buildings without a verandah

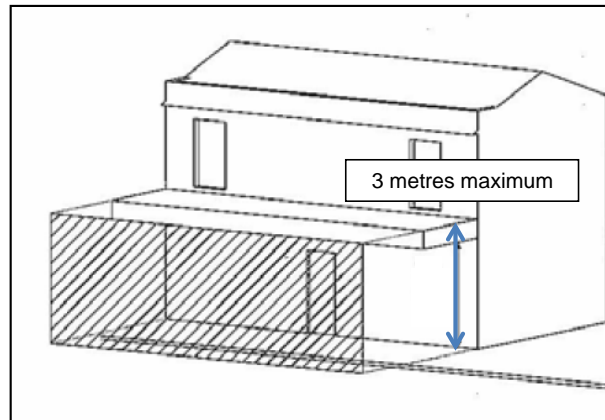


For buildings with a verandah

b) Ground Floor Area (For Signs)

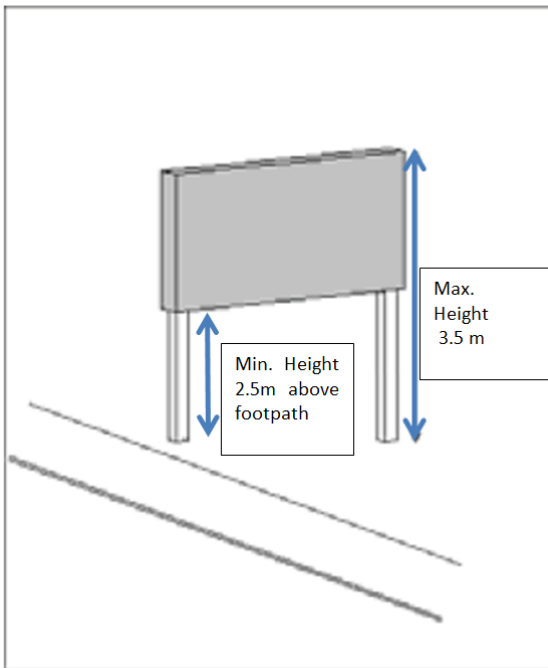


For buildings without a verandah



For buildings with a verandah

### c) Freestanding Signs

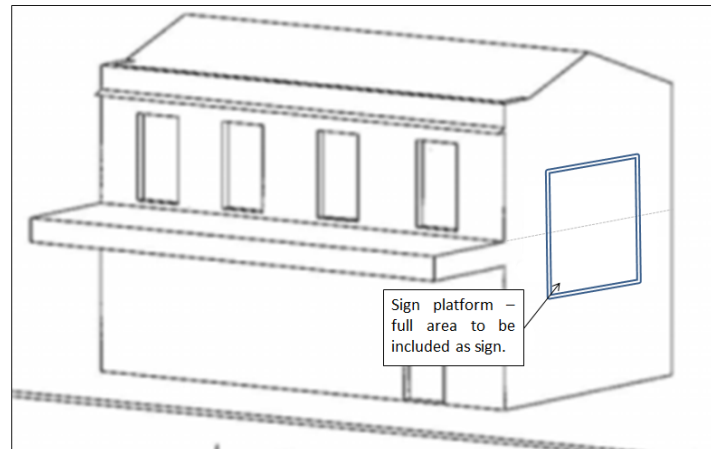
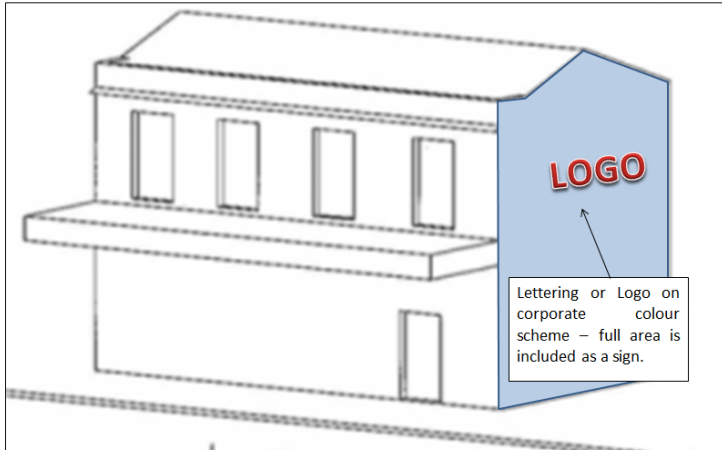


Maximum of 2m<sup>2</sup> in area and minimum 2.5m in height above any footpath

## SIGNS – INTERPRETATIVE DIAGRAMS

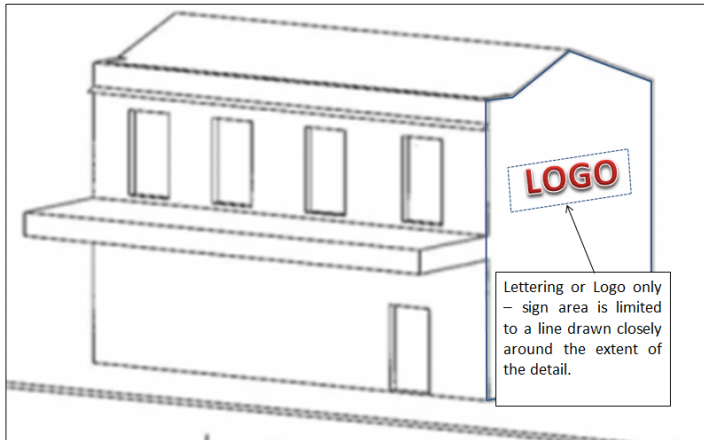
18

### d) Sign Area

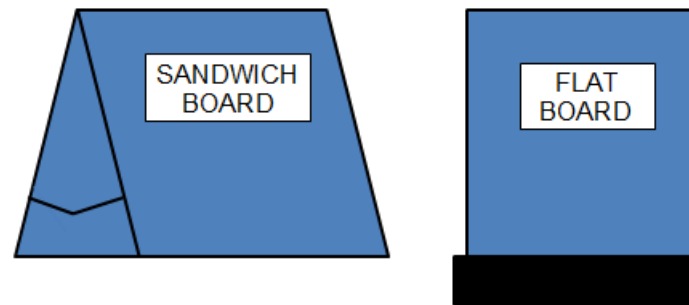


## SIGNS – INTERPRETATIVE DIAGRAMS

18



### e) Flat Boards and Sandwich Boards

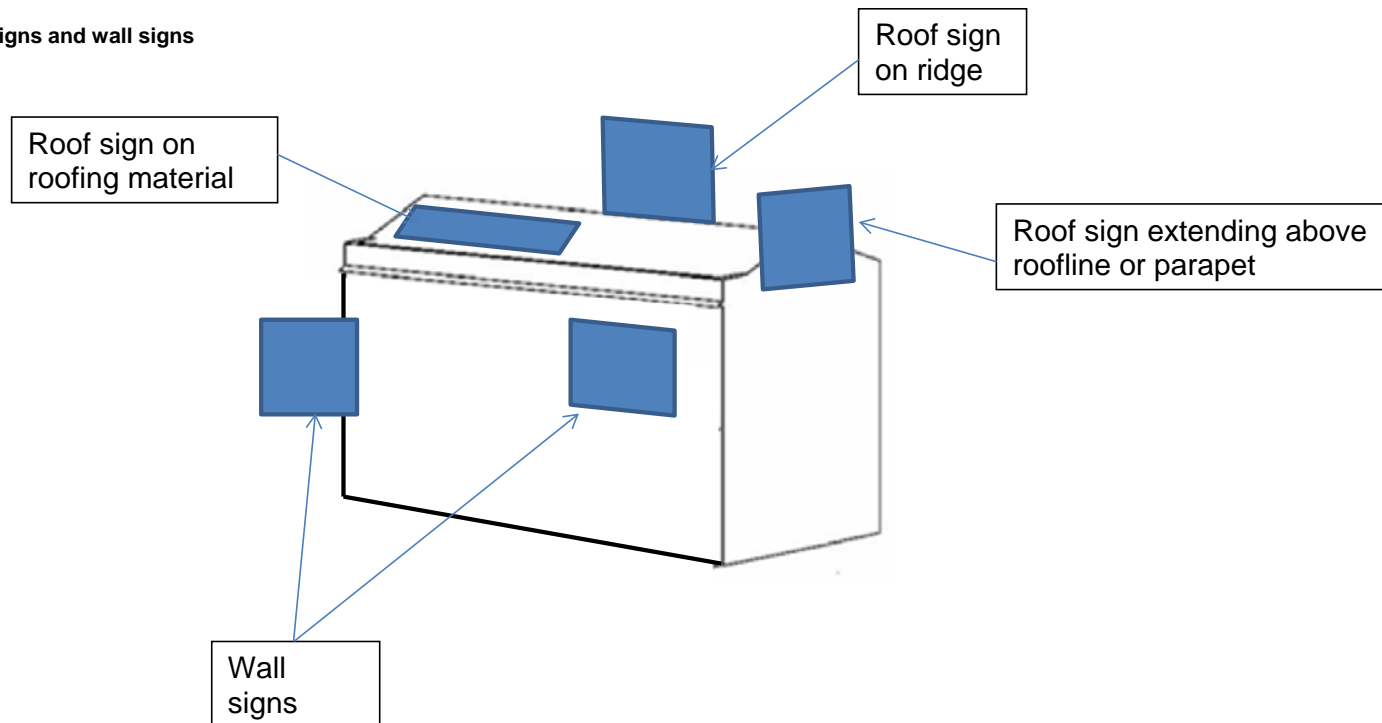


Maximum of 1m<sup>2</sup> in area; and

Maximum of 2 flat boards or 1 sandwich board per site



f) Roof signs and wall signs



## SIGNS – INTERPRETATIVE DIAGRAMS

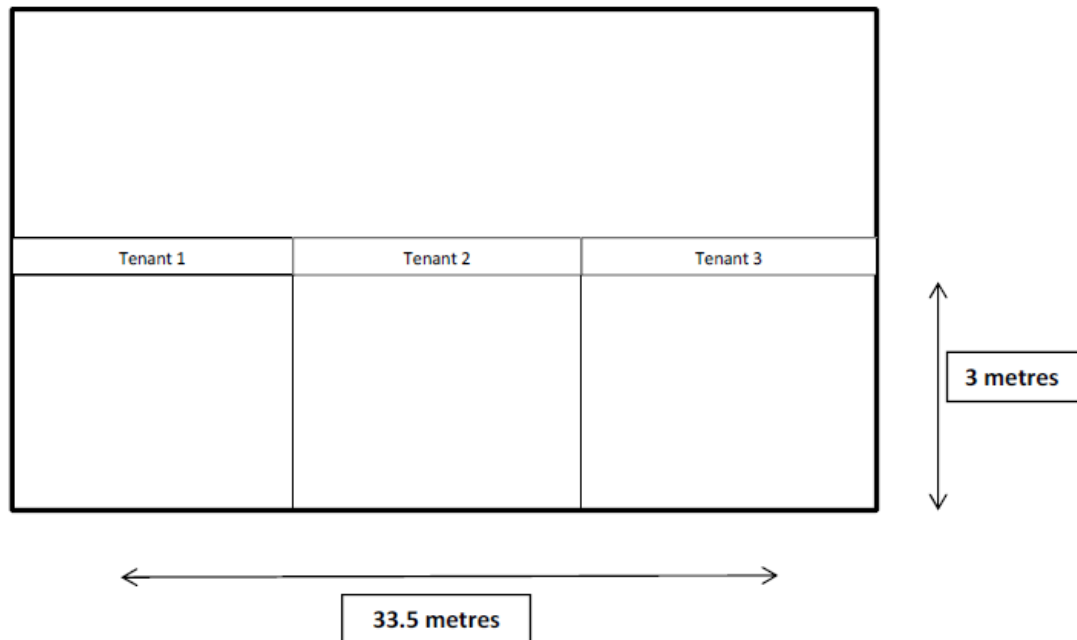
18

### Example 1.

Total Ground Floor Area =  $100.5\text{m}^2$

Maximum 15% Sign Area =  $15\text{m}^2$

Divided by number of  
Tenancies =  $5\text{m}^2$  / tenant



## SIGNS – INTERPRETATIVE DIAGRAMS

18

### Example 2.

Total Ground Floor Area	= 90m <sup>2</sup>
Maximum Building Signage Area	= 13.5m <sup>2</sup>
Tenancy 1	= 2.25m <sup>2</sup>
Tenancy 2	= 11.25m <sup>2</sup>

