

**BEFORE THE ENVIRONMENT COURT**

Decision No. [2015] NZEnvC 25

**IN THE MATTER** of the Resource Management Act 1991

**AND** of an appeal under clause 14 of the First  
Schedule to the Act

**BETWEEN** COOK ADAM TRUSTEES LIMITED & R  
MONK

(ENV-2011-CHC-6)

Appellants

**AND** QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

Court: Environment Judge J R Jackson  
Environment Commissioner J R Mills  
Environment Commissioner I Buchanan

Hearing: In Chambers at Christchurch

Date of Decision: 27 February 2015

Date of Issue: 27 February 2015

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**FINAL DECISION**

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A: Under section 290 of the Resource Management Act 1991, the Environment Court cancels the decision of the Queenstown Lakes District Council on Plan Change 39.

B: The Environment Court directs the Queenstown Lakes District Council to amend the Queenstown Lakes District Plan by adding the Arrowsouth Structure Plan,



dated 15 August 2014 (marked Schedule 1) and the amended zone provisions for Arrowtown South Special Zone (marked Schedule 2), attached to and forming part of this decision.

C: Any application for costs is to be lodged and served by 27 March 2015. Any reply is to be lodged and served by 17 April 2015.

## **REASONS**

### **Introduction**

[1] This proceeding concerns an appeal by Cook Adam Trustees Limited and R Monk against a decision of the Queenstown Lakes District Council to reject proposed Plan Change 39. The purpose of Plan Change 39 is to provide for a range of residential and community activities, including land for open spaces, residential development and childcare facilities by creating an Arrowtown South Special Zone in an area beyond the built edges of the south side of Arrowtown, named Arrowsouth.

[2] The purpose of this decision is to finalise the amendments to Plan Change 39 in the spirit of the court's substantive decision<sup>1</sup> dated 27 May 2014, in particular Order A.

### **Background**

[3] Plan Change 39 ("PC39") was affected by the *Monk*<sup>2</sup> decision, which amended some of the relevant Part 4 (district-wide) objectives and policies which affect urban growth around Arrowtown, excluding most of Arrowsouth from residential development.

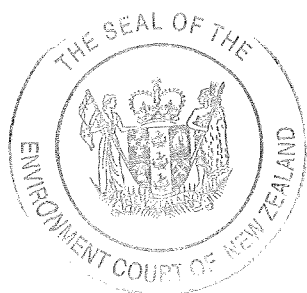
[4] Consequently Cook Adam Trustees Limited and R Monk ("the appellants") sought to amend the Arrowtown South Special Zone so that inside the new Urban Growth Boundary ("UGB") will be urban density housing and outside the UGB will be a type of rural living zone, in order not to offend chapter 4.9.3 of the district plan. The court found the amended application, with a much reduced intensity of residential development, was within jurisdiction<sup>3</sup>.

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<sup>1</sup> [2014] NZEnvC 117.

<sup>2</sup> *Monk v Queenstown Lakes District Council* [2013] NZEnvC 12.

<sup>3</sup> [2013] NZEnvC 156.



### The substantive decision

[5] After a hearing at Queenstown on 15 and 16 April 2014, the court issued its decision on 27 May 2014<sup>4</sup> (“the substantive decision”).

[6] Order A of that decision directed that PC39 be amended by:

- (1) amending policy (12.X.4) 2.2 to read along these lines:

To ensure that public trails are established and formed:

- to and along the stream, on its eastern side;
- connecting the stream trail with Advance Terrace, and with Centennial Avenue around the toe of the ridge, and to the Arrowtown golf course to the south; and
- where possible, using existing formed trails on the steeper faces.

- (2) lodging an amended Structure Plan with:

- (a) proposed Lots 7, 13 and 22 deleted;
- (b) the location and names of adjacent roads and streets identified;
- (c) amended and additional trails as required by the attached Reasons;

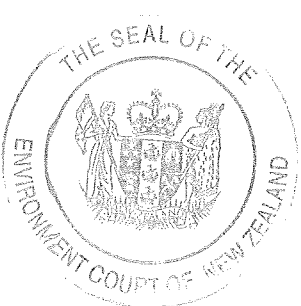
- (3) lodging amended rules which

- (a) provide for private open space (“POS”) management plans in a way which is *intra vires*;
- (b) provide for the Open Space Management plans;
- (c) keep POS-P2 and POS-P3 free of houses and other buildings and structures including fences.

[7] Orders B and C of the substantive decision concerned a potential application under section 293 of the Act which is not the subject of this decision.

[8] In response to Order A, the appellants and the Queenstown Lakes District Council (“the respondent”) lodged a joint memorandum, dated 18 September 2014, informing the court that amended zone provisions for the Arrowtown South Special Zone and Structure Plan (attached both to the memorandum and to this decision as Schedules 1 and 2 respectively) had been prepared and circulated to the parties for comment. The appellants and respondent are in agreement as to the content of the draft

<sup>4</sup> [2014] NZEnvC 117.



provisions and the amendments to the Structure Plan which are in accordance with the court's decision. The memorandum goes on to advise that just prior to circulation of the documents, Dame Elizabeth and Mr Murray Hanan informed the parties and the court by email that they would be overseas from 18 August "...for two months and will be unavailable for comment."

[9] By way of Minute, dated 23 September 2014, the court directed that the s274 parties — especially Dame Elizabeth and Mr John Hanan — should have a chance to respond before the court issues a final decision. Any s274 party wishing to comment on the draft provisions was directed to lodge and serve a memorandum no later than 7 November 2014, with any response from the respondent to be lodged by 21 November 2014.

[10] Mr John Murray Hanan<sup>5</sup>, Ms Judith Mary Hanan<sup>6</sup>, Dame Elizabeth Hanan<sup>7</sup> and Mr David Hanan<sup>8</sup> each lodged a memorandum by way of reply to the changes proposed by the appellants and the respondent.

### **Response from s274 parties**

[11] Mr John M Hanan's response to the joint memorandum of the appellants and respondent is summarised at paragraph [2] of his memorandum dated 25 October 2014:

As this case has since its inception gone over five and a quarter years and bearing in mind the Appellant has substantially reduced the number of dwellings and their location and have worked out a reasonable corporate structure we are not minded to press against the proposals now presented and to *reluctantly accept the same*.

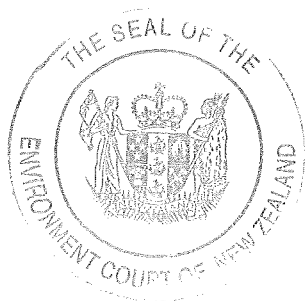
Mr J Hanan then expressed "certain reflections" arising from the hearing which amount to general comments about the workability of the Resource Management Act 1991 ("the RMA") and are not relevant from a legal standpoint for the purpose of this decision, since the court's role is not to formulate the legislation but to apply it.

<sup>5</sup> Memorandum of J M Hanan, dated 25 October 2014.

<sup>6</sup> Memorandum of J M Hanan, undated.

<sup>7</sup> Memorandum of Dame E Hanan, dated 27 October 2014.

<sup>8</sup> Memorandum of J Hanan, dated 4 November 2014.





[12] Ms J M Hanan and Dame Elizabeth Hanan similarly state that “with reluctance” they concede to the changes to the District Plan and the zoning as outlined in the memorandum, zone provisions and Structure Plan, dated 18 September 2014<sup>9</sup>.

[13] Mr David Hanan expresses his frustration with the process which has meant five years of involvement for him. He states that he opposes and will remain opposed to any further erosion of the values enshrined in the district plan. Nevertheless, he “concede(s) and agree(s) to discontinue action in line with their (other section 274 parties) similar reluctant acceptance of the proposals...”<sup>10</sup>

[14] Since there is no substantive opposition from the section 274 parties to any of the detail in the rules and Structure Plan, I go on to consider the changes proposed by the appellants and the respondent.

### **Consideration**

#### Order A(1)

[15] Policy (12.X.4)2.2 has been amended as directed in Order A(1) of the substantive decision.

#### Order A(2)

[16] The Structure Plan has been amended so that proposed Lots 7, 13 and 22 are deleted. The location and names of adjacent roads and streets have been identified and the trails otherwise amended or added in accordance with the substantive decision.

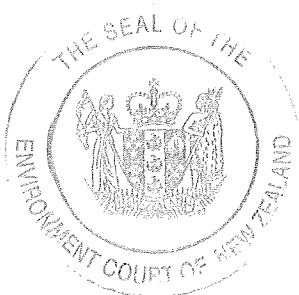
[17] At paragraph [68] of the substantive decision it was recorded that the appellants volunteered a connecting right of way close to its northern boundary, which would run from McDonnell Road over an existing culvert to the eastern side of the stream to connect with the streamside walk and cycle-way. This is now shown as a dotted line on the Structure Plan.

#### Order A(3)

#### *The vires of Private Open Space Management Plans*

<sup>9</sup> Memorandum of J M Hanan, undated, at [1]; Memorandum of Dame E Hanan, dated 27 October 2014, at [1].

<sup>10</sup> Memorandum of D Hanan, dated 4 November 2014, at penultimate paragraph.



[18] At paragraph [76] of our decision we commented that while the concepts of Overarching Open Space Management Plans (“OOSMP”) and future Open Space Management Plans (to be renamed Private Open Space Management Plans) are laudable, the mechanism for achieving them is flawed. That is because the rules as then proposed provided for an approval of the OOSMP as a controlled activity. However, a plan is not an “activity.” This issue was discussed in *Queenstown Airport Corporation Ltd v Queenstown Lakes District Council*<sup>11</sup>, where the court found the relevant rule to be *ultra vires* since it did not actually identify the activities for which resource consent was required.

[19] The joint memorandum lodged offers no explanation, but it appears — looking at the tracked changes in the schedules to this decision — that the parties have resolved the issue by making subdivision, which includes Overarching Private Open Space Management Plans and Private Open Space Management Plans, the activity for which resource consent is required as a controlled activity under rule 12.X.3.2. A subdivision activity indisputably requires a (survey) plan under section 218 of the RMA. Making a subdivision consent conditional upon other “Private Open Space Management Plans” seems to be both within the Council’s powers and appropriate.

### POS-P2 and POS-P3

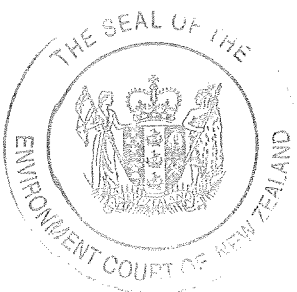
[20] The court asked that the rules be amended to keep POS-P2 and POS-P3 free of houses and other buildings and structures including fences. A rule to that effect has been included under Prohibited Activities (rule 12.X.3.6 iii) although it excludes fencing for pest-control that defines the boundary of an adjoining Activity Area. That change is accepted although we think the rule would be better worded as follows (changes tracked):

#### iii. Buildings — Private Open Space Activity Area — Pastoral (POS-P2 and POS-P3)

The erection of any building, structure or fence within the Private Open Space Activity Area — Pastoral 3(POS-P2 and POS-P3), except for pest-control fencing that defines the boundary of an adjoining Activity Area.

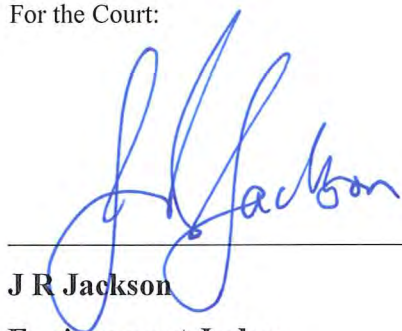
### Outcome

<sup>11</sup> *Queenstown Airport Corporation Limited v Queenstown Lakes District Council* [2014] NZEnvC 93.



[21] The decision of the Council on PC39 should be cancelled; the appeal allowed and the Council directed to include the Arrowsouth Structure Plan and the amended objectives, policies and rules for the Arrowtown South Special Zone in the district plan.

For the Court:



**J R Jackson**  
**Environment Judge**



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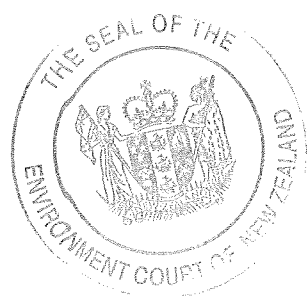
**Attachments:**

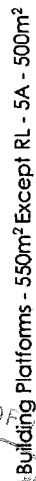
Schedule 1: Changes to the Queenstown Lakes District Lakes district plan:  
Arrowtown South Special Zone provisions and consequential change.

Schedule 2: Arrowtown South Structure Plan.

## **Schedule 1**

Arrowsouth Structure Plan, dated 20 February 2015





Building Platforms - 550m<sup>2</sup> Except RL - 5A - 500m<sup>2</sup>

Rural Living Activity Area

Residential Activity Area

Residential Activity Area - Roadside Planting Strip

Private Open Space Activity Area

E = Escarpment. P = Pastoral. W = Watercourse.

### Roads - Indicative

Walkway/cycleway - Indicative

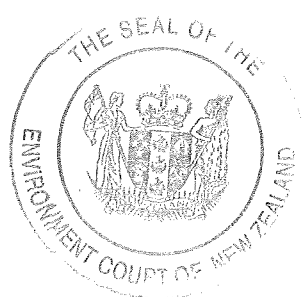
### Boundary Between Activity Area Sub-Areas



## ARROWSOUTH - STRUCTURE PLAN

## **Schedule 2**

Arrowtown South Special Zone: Rules package







## 12.X Arrowtown South Special Zone

### 12.X.1 Issues, Objectives and Policies

### 12.X.2 Resources and Activities

The Arrowtown South Special Zone applies to 30 hectares of land that adjoins the established southern residential area of Arrowtown. The zoned area is bound by Centennial Avenue, McDonnell Road and the Arrowtown Golf course.

The zone is comprised of two distinct areas as a result of a steep escarpment that runs through the zone on a north – south alignment. An un-named stream, a tributary to the Arrow River, generally flows along the toe of this escarpment. Properties in this zone share a relationship to these features, with the escarpment and stream traversing several ownerships. Because of the need for development in this area to maintain and enhance these ecological and landscape values, a special zone has been deemed appropriate for this area.

To ensure that the Zone develops in a comprehensive manner, and to achieve an integrated high quality addition to the Arrowtown community; all development is required to comply with a Structure Plan (Figure 1). Minor amendments and alterations may be considered by the Council through the resource consent procedure. The Structure Plan is divided into three broad areas; a residential area, rural living areas and areas of open space. Each of these areas is separately identified as Activity Areas:

The Residential Activity Area (R) applies to 1.5 hectares area of land adjacent to McDonnell Road. An urban outcome, similar to the adjoining Low Density Residential zoning is anticipated.

The Rural Living Activity Area (RL) – which are labelled RL-1 to RL-7, provide for a number of rural living building platforms that are linked to the detailed Structure Plan. The location, density and clustering of platforms seeks to achieve a special rural character that provides an attractive edge to Arrowtown.

The Private Open Space Activity Area (POS) is comprised of three components; the Escarpment (POS-E – further divided into POS-E1 to POS-E56), the Watercourse and margins (POS-W – further divided into POS-W1 to POS-W3) and the Pastoral areas (POS-P – further divided into POS-P1 to POS-P3).

The Structure Plan identifies each of these Activity Areas, including the sub-Activity Areas (such as RL-1 or POS-E3).

The areas of particular ecological and landscape value within the zone have been included within the Private Open Space Activity Area. These values are to be enhanced and maintained in conjunction with the development of the Residential and Rural Living Activity Areas.

The rules use a two-step Open Space Management Plan process at the time of subdivision to ensure a comprehensive approach is adopted.

The first step is an 'Overarching Management Plan' which provides an outline of how the various areas of open space within the zone will be established, re-vegetated and managed, while also providing a comprehensive structural tree planting plan. Structural trees are trees of significant stature in strategic locations important for creating and maintaining the desired amenity outcomes for the zone.

The second step is to link the development of particular Residential and Rural Living Activity Areas with re-vegetation and/ or enhancement of particular areas of the Private Open Space Activity Area, through the use of more detailed Private Open Space Management Plans. These plans will include more detail on matters such as plant species, planting





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schedules, irrigation, maintenance, rabbit control, weed management and fencing. The specified works will need to be certified by the Council as having been or being undertaken prior to the release of separate certificates of title.

The rules have been structured in this manner to acknowledge multiple land ownership within the zone.

Ongoing maintenance and management of revegetated Private Open Space Activity areas will remain the responsibility of landowners (except where the Council accepts land and/or works in lieu of development contributions). Applications for subdivision to create either Residential or Rural Living lots will have conditions imposed that obligate the subdivider to form an appropriate body corporate entity (the final form to be approved by the Council) and for that entity to have included within its constitution rules that apply to all future lot owners. Those rules must ensure the ongoing maintenance of the Private Open Space Activity Areas, including for the necessary monies to be set aside to achieve ongoing compliance with any approved Private Open Space Management Plan.

The Private Open Space – Pastoral Activity Area is managed through rules that ensure the land is kept in a non-urbanised form.

New residential buildings in the Residential Activity Area are subject to a controlled activity resource consent. In the Rural Living Activity Areas new residential buildings are to be assessed under a controlled activity status if they are located within a residential building platform. The exception to this is RL-3, where due to the particular visual sensitivity of this setting, buildings within a residential building platform are to be assessed on a restricted discretionary basis. In RL 3 and some residential building platforms in RL -6, there are specified building height limits reflecting the visual sensitivity of those locations.

Residential building platforms are identified on the Structure Plan in areas RL-1, RL-3, RL-4, RL-6 and RL7. There is provision to apply to alter the dimensions of these building platforms, or to apply for a discretionary

resource consent for a residential unit outside of a residential building platform. Additional residential building platforms in these Rural Activity Areas are not anticipated and are to be assessed as non-complying activities.

## 12.X.3 Resource Management Issues

Discussion of additional relevant issues is found in the following Parts of the District Plan:

- |                                   |            |
|-----------------------------------|------------|
| (i) Natural Environment           | Part 4.1   |
| (ii) Landscape and Visual Amenity | Part 4.2   |
| (iii) Open Space and Recreation   | Part 4.4   |
| (iv) Waste Management             | Part 4.7   |
| (v) District Wide Residential     | Part 7.1.1 |
| (vi) Subdivision                  | Part 15    |
| (vii) Transport                   | Part 14    |

### i Retention and enhancement of the visual amenity qualities of the Zone.

The settlement of Arrowtown is contained and defined by topography and landuse, being surrounded by a mixture of golf courses (Arrowtown, Millbrook, the Hills), the Arrow River, the mountains to the north and east, and by McDonnell Road to the west. The zone provides an opportunity to establish a soft urban edge at the southern entrance to the township that will enhance the arrival experience when approaching or departing the settlement to the south.

### ii A high quality urban environment that reflects the key characteristics of Arrowtown and protects recognised landscape features.





# ARROWTOWN SOUTH SPECIAL ZONE X

Arrowtown is renowned for its concentration of heritage buildings within a relatively small area. The townscape is characterised by relatively large section sizes, narrow formed roads with generous berms, abundant planting both in the public realm and on private properties, informal pedestrian access along road verges, generous building setbacks from boundaries, and single residential unit occupancy.

The escarpment that extends parallel to McDonnell Road is the key defining landscape feature on the southern and western edges of Arrowtown. Residential development has already occurred along and over the northern end of this escarpment. The escarpment face of this landscape feature is very steep and is currently covered in a range of weed species. There is the potential to remove the weeds and progressively re-plant to encourage and enhance biodiversity.

The roadside margins of this land provide a transition to and from the visual amenity landscapes of the Wakatipu Basin. The retention of a pastoral edge to this zone contributes to the setting of Arrowtown.

## iii An integrated and well connected neighbourhood with good pedestrian connections and walk-ability.

A network of trails is being developed throughout the District that allows for non-motorised transport linkages between communities. The Zone allows for the creation of a public walkway and cycleway (trails) that connects between McDonnell Road and Centennial Avenue, and alongside the stream and the escarpment.

The escarpment creates a topographical barrier that has inhibited easy connections between McDonnell Road and Centennial Avenue to the north of the Zone. Pedestrian/ cycling connection between these roads is provided in the Structure Plan.

The Zone is in close proximity (walking and riding distance) to the primary school, the golf course and other residences within Arrowtown.

## iv Enhancement of Ecological Values

The Escarpment and the unnamed stream that runs through the Zone provide opportunities for improved biodiversity by enhancing and establishing habitats that link into broader biodiversity networks. To enhance these values, a long term programme of planting and weed management is necessary.

## v Heritage Values

The Zone includes the listed Muter Farm Homestead heritage building, the Doctor's House, the unlisted stone barn (located nearby) and a heritage tree (Wellingtonia) that is located at the Centennial Avenue level. All four features are identified in Appendix 3 of the District Plan, and separate rules relating to their protection and management are included in Chapter 13 of the Plan.

## 12.X.4 Objectives and Policies

In addition to Part 7.1.2 District Residential Objectives and Policies the following objectives apply to the zone:

### Objective 1:

To provide for a range of residential and rural living activities in a way and at a rate that ensures a comprehensive and sustainable pattern of development is achieved.





# ARROWTOWN SOUTH SPECIAL ZONE X

## Policies:

- 1.1 To provide for development within the Arrowtown South Special Zone that is based upon a Structure Plan that:
  - identifies a number of different Activity Areas, enabling a varied residential density across the zone, and ensuring development occurs in accordance with that Structure Plan;
  - integrates with the existing character and sense of place in Arrowtown;
  - creates a network of private open spaces that contribute to the amenity and distinctiveness of neighbourhoods and identify areas for ecological restoration;
  - demonstrates high quality urban and rural residential design;
  - implements the Urban Growth Boundary of Arrowtown.
- 1.2 To minimise the number of road crossings directly accessing Centennial Avenue and McDonnell Road.
- 1.3 To ensure that the rural amenity of the Rural Living Activity Areas is maintained and enhanced through managing the location and height of buildings, their colour and the materials used.

## Objective 2:

To manage and enhance the biodiversity values, physical features, landscape and amenity values of the Zone.

## Policies:

- 2.1 To ensure that development within the Arrowtown South Special Zone:

- recognises and responds to the landscape features of the Zone including avoiding development on the escarpment face;
- protects and enhances biodiversity and natural values; harmonises with the shape of the underlying landform;
- promotes sustainable stormwater design to ensure maximum discharge to ground through the use of swales edges and soak pits;
- avoids over-domestication of the Rural Living Activity Areas.

2.2 To ensure that a public trail is established within the Private Open Space Activity Areas, on a route similar to that shown on the Structure Plan

- To ensure that public trails are established and formed:
- To and along the stream, on its eastern side;
  - Connecting the stream trail with Advance Terrace, and with Centennial Avenue around the toe of the ridge; and to the Arrowtown golf course to the south; and
  - Where possible, using existing formed trails on the steeper faces.

2.3 To require that land development and associated revegetation and enhancement of open space to occurs cohesively and in coordinated stages.

2.4 To ensure the pattern of subdivision does not result in development at residential densities within the Rural Living Activity areas.

2.5 To ensure new subdivision and development within the Residential Activity Area and Rural Living Activity Areas includes tree planting to mitigate the visual effects resulting from domestication of the landscape.





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2.6 To protect, restore and enhance the natural and ecological values associated with the escarpment and watercourses that traverse the Zone.

2.7 To ensure that an appropriate body corporate is established to provide for ongoing revegetation, enhancement and maintenance of the [Private Open Space Areas](#) as a condition precedent of any certificate being granted under section 224(c) of the Act.

## Implementation Methods

The objectives and associated policies will be implemented through number of methods, including:

### i District Plan

- (a) The inclusion of a Structure Plan in the District Plan.
- (b) The adoption of Zone-specific rules relating to the subdivision and development of Activity Areas R and RL.
- (c) A range of building heights and densities that respond to location and topography.
- (d) Rules to ensure the protection and the enhancement of the biodiversity of the [POS Activity Area](#), including the Escarpment and the Watercourse, while also providing as public access to and along the margins of these features.

(e) The adoption and implementation of [Private Open Space Management Plans as conditions of subdivision consents](#).

### ii Other Methods

- (a) The creation of an appropriate body corporate and associated rules to ensure that revegetation and on-going maintenance of the Escarpment and Watercourse occur.

## Explanation and Principal Reasons for Adoption

Arrowtown is a historic settlement with a distinctive character. This is in part created by its natural setting that visually contains the settlement, and the cultural response to that setting.

The southern edge of the settlement is part of the wider visual amenity setting of the Wakatipu Basin; however there is an opportunity to create a cluster of special living environments that have high amenity and that contribute to the overall character of the settlement. It is important that development occurs in conjunction with the protection and enhancement of the natural features (the Escarpment and Watercourse).

The Zone seeks to provide for limited residential and rural living expansion of the Arrowtown settlement, creating a logical and clear edge, defined by the adjoining golf course open spaces and existing roads.

## 12.X.5 Environmental Results Anticipated

The following environmental results are anticipated in the Arrowtown South Special Zone:

- (a) Creation of a defined southern edge to the Arrowtown settlement.
- (b) Public walkways and cycling connections between Centennial Avenue, McDonnell Road and along the escarpment.



# ARROWTOWN SOUTH SPECIAL ZONE

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(c) A low density neighbourhood at the northern end of the zone (Activity Area R) – with a similar urban form to the adjoining Low Density Residential zone.

- (d) Development occurring in accordance with the Structure Plan.
- (e) Riparian revegetation and enhancement of the stream condition within the Zone.
- (f) Protection and enhancement of the escarpment that traverses the zone through weed removal and suppression and revegetation.
- (g) Buildings within Activity Area RL-3 on the escarpment are excavated into the terrace.
- (h) Buildings within the south-western end of Activity Area RL-6 are set 1.5m below the adjoining open space to the west.
- (hi) A structural tree planting pattern throughout the Zone that establishes a particular character.
- (i) Generous building setbacks from Centennial Avenue and McDonnell Road, and the creation of an area of private open space alongside these roads.
- (j) Buildings are located within the building platforms in the Rural Living Activity Area.
- (k) The retention of the geological features in Activity Area – E5 and E6





## 12.X Arrowtown South Zone Rules

- |       |  |                 |
|-------|--|-----------------|
| (v)   | Utilities                                    | - Refer Part 17 |
| (vi)  | Signs  | - Refer Part 18 |
| (vii) | Relocated Buildings and Temporary Activities | - Refer Part 19 |

### 12.X.3 Activities

#### 12.X.3.1 Permitted Activities

- i Any Activity which complies with all the relevant Site and Zone Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.

#### 12.X.3.2 Controlled Activities

The following shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying, Discretionary Activity** or **Limited 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. **Subdivision Including Overarching Open Space Management Plan:**

Prior to any ~~subdivision or~~ development a subdivision which includes an Overarching Open Space Management Plan in respect of:

- a. The appropriateness of the overarching vision statement for, and proposed methods to ensure, ecological restoration of all Private Open Space (POS) Activity Areas within the Arrowtown South Special Zone, including:

#### 12.X.1 Zone Purpose

The purpose of the Zone is to enable a comprehensively planned residential living environment, that:

- o clearly defines the southern edge of the township
- o provides connection between Centennial Ave and McDonnell Road
- o ensures protection of the escarpment and watercourse and creates a network of walking trails
- o maintains a predominantly low density residential character
- o provides consistent landscape treatment of open space areas

This is achieved by adopting a Structure Plan that defines three different Activity Areas with particular rules and standards.

#### 12.X.2 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 |





# ARROWTOWN SOUTH SPECIAL ZONE

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1. The identification of key issues and target species for weed management
2. The types of habitat and species envisaged to be restored.
3. The appropriateness of the proposed rabbit control programme.
4. Evidence of the establishment of a body corporate appropriate for governing the ongoing programmes of revegetation, rabbit control and weed and management throughout the Zone.
5. The appropriateness of a structural tree planting plan which covers Activity Areas R, RL-1, RL-3, RL-4, RL-6, RL-7, POS-E1, POS-E2, POS-E3, POS-E4, POS-E5, POS-E6 and POS-P1, POS-P2 and POS-P3
6. The location of a proposed trail as shown indicatively on the Structure Plan.

ii

Subdivision Including Private Open Space Management Plans  
Subdivision including An-Private Open Space Management Plans  
for a combination of, or an entire Private Open Space Activity Area POS-E1, POS-E2, POS-E3, POS-E4, POS-E5, POS-E6, POS-W1, POS-W2 and POS-W3 in respect of:

- a. Consistency with the approved Overarching Open Space Management Plan (as approved under rule 12.X.3.2 (i))
- b. The protection and enhancement of visual amenity values of the adjoining Private Open Space, Residential and Rural Living Activity Areas, including through the integration of landscaping and natural character.
- c. A programme of revegetation including:
  1. Species to be planted and where,
  2. Planting densities,
  3. Timeframes and sequencing of works including ongoing tasks
  4. Allocation of responsibility for undertaking the work;
  5. Indicative costs and budgets

d. A programme for weed control including:

1. Target weed species
2. Methods of control
3. Timeframes for work to be undertaken and regularity of ongoing weed control
4. Allocation of responsibility for undertaking the work
5. Indicative costs and budgets
- e. Integration of revegetation and weed management programmes with programmes approved for other Private Open Space Activity Areas and with the vision statement approved in the Overarching Open Space Management Plan.
- f. The implementation of the trail shown on the structure plan and confirmed through the Overarching Open Space Management Plan, and provision for public access through an easement in gross.
- g. Landscaping proposed to mitigate the visual effects arising from earthworks associated with the trail shown on the Structure Plan.
- h. Consistency of format with other Private Open Space Management Plans in the zone
- i. A fencing plan for Private Open Space Watercourse areas to separate stock from the stream.
- j. the provision for the on-going protection of the features in E5 and E6
- k. provision and retention of a viewshaft to the Muter Homestead from McDonnell Road.

iii

Subdivision Including Private Open Space Management Plans  
–Roadside Planting Strip  
An-Subdivision including Open Space Management Plan for the Residential Activity Area – Roadside Planting Strip, with respect to:

- a. Appropriateness of species,
- b. The location, density and consistency of planting





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- Effectiveness in mitigating the visibility of development when viewed from sites to the south of MacDonnell Road
- c. The location of driveways
  - d. Controls to limit fencing

## 12.X.3.3 Restricted Discretionary Activities

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

- iv **Buildings – Residential and Rural Living Activity Area**  
The erection or alteration of any building with respect to:
- a. External appearance of buildings
  - b. Provision and location of car parking
  - c. Landscaping and tree planting
  - d. Access
- Except where identified as a Restricted Discretionary or Discretionary Activity

- i **Building Platforms – Rural Living Activity Areas**  
Any amendment to the location or shape of any Building Platform shown on the Structure Plan. Discretion shall be limited to:
- a. Effects on the landscape and visual amenity values
  - b. The effects on privacy and amenity enjoyed by neighbouring properties
  - c. Effects on the safe operation of roads and accessways
  - d. the degree of variation from the Structure Plan.

- v **Residential Flat – Rural Living Activity Areas**
- vi **Garages – Residential Activity Area**  
Garages within the minimum setback from road boundaries, in respect of:
- a. Location
  - b. External appearance
  - c. Height
  - d. Materials
  - e. Landscaping
  - f. Screening
  - g. Vehicle access
- (Note: this rule does not apply to sites that adjoin McDonnell Road)

- ii **Buildings in Rural Living Activity Area RL-3**  
The erection or alteration of the external appearance of any building in Activity Area RL-3 with respect to:
- a. External appearance of buildings
  - b. Provision and location of car parking
  - c. Landscaping and tree planting
  - d. Earthworks
  - e. Access

- iii 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 Restricted Discretionary Activity with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.





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## 12.X.3.4

### Discretionary Activities

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

- i **Buildings – Rural Living Activity Areas**  
The erection or alteration of any residential building in the Rural Living Activity Areas partially outside a Residential Building Platform as shown on the Structure Plan or as amended by 12.X.3.3 (i).  
(Note: refer to Rule 12.X.5.2 (ix))
- ii **Farm Buildings – Private Open Space Activity Area – Pastoral (POS-P1)**
  - a. Private Open Space Activity Area – Pastoral (POS-P1, POS-P2, POS-P3)
  - b. The alteration of any non-farming building approved under rule 12.X.3.5 (vi).

## 12.X.3.5

### 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 **Airports**
- v **Buildings – Open Space Activity Area – Escarpment (POS-E1, POS-E2, POS-E3, POS-E4, POS-E5, E6) and Open Space Activity Area – Watercourse (POS-W1, POS-W2, POS-W3)**  
The erection or alteration of any building within the Open Space Activity Area – Escarpment and the Open Space Activity Area – Watercourse.
- vi **Buildings – Private Open Space Activity Area – Pastoral (POS-P1)**  
The erection of any non-farming building within the Private Open Space Activity Area – Pastoral 1.
- vii **Buildings – Residential Activity Area – Roadside Planting Strip**





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The erection of any building in the Residential Activity Area – Roadside Planting Strip.

viii

## **Building Platforms – Rural Living Activity Area**

- a. The creation of a new Residential Building Platform additional to those identified on the Structure Plan.
- b. Any building located entirely outside of a Residential Building Platform shown on the Structure Plan.

ix

## **Earthworks in Activity Areas E5 and E6**

Add to Rule 12.X.3.5-x (Non-Complying Activities)

- x. 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.X.3.6 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, or any activity requiring an Offensive Trade License under the Health Act 1956.
- ii It is a prohibited activity to plant the following trees:
  - Contorta or lodgepole pine (*Pinus contorta*)
  - Scots pine (*Pinus sylvestris*)

- Douglas fir (*Pseudotsuga menziesii*)
- European larch (*Larix decidua*)
- Corsican pine (*Pinus nigra*)
- Radiata Pine (*Pinus radiata*)
- Bishops pine (*Pinus muricata*)
- Ponderosa pine (*Pinus ponderosa*)
- Mountain Pine/Dwarf Mountain pine (*Pinus mugo*)
- Maritime pine (*Pinus pinaster*)
- Sycamore (*Acer pseudoplatanus*)
- Boxthorn (*Lycium ferocissimum*)
- Silver Birch (*Betula Pendula*)

iii. **Buildings – Private Open Space Activity Area – Pastoral (POS-P2 and P3)**

The erection of any building, structure or fence within the Private Open Space Activity Area – Pastoral 3, except for pest-control fencing that defines the boundary of an adjoining Activity Area.

## **12.X.4 Non-Notification of Applications**

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

- i All applications for **Controlled Activities**.
- ii Applications for the exercise of the Council's discretion in respect of the **Site Standards**:
  - Outdoor Living Space - 12.X.5.1 (iv)





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External Appearance of Buildings - 12.X.5.1 (vi)  
Earthworks - 12.X.5.1 (vii)

## 12.X.5 Standards

### 12.X.5.1 Site Standards

#### i Setback from Internal Boundaries – Residential Activity Area

- a. Front Sites  
One setback of 4.5m and all other setbacks 2m.
- b. Rear Sites  
Two setbacks of 4.5m and all remaining setbacks to be 2m.
- 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.

#### ii Setback from Internal Boundaries – [Private](#) Open Space Activity Area – Pastoral

The minimum setback from internal boundaries is 10m.

#### iii Setback from Internal Boundaries – Rural Living Activity Areas (RL-2 and RL-5)

The minimum setback from internal boundaries is 6m

#### iv Outdoor Living Space – Residential Activity Area

The minimum provision of outdoor living space for each residential unit and residential flat contained within the net area of the site shall be 36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m at the ground floor level and 8m<sup>2</sup> contained in one area with a minimum dimension of 2m at any above ground floor level.





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- vii
- Earthworks – All Activity Areas**  
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.
  - Earthworks in Activity Areas E5 and E6
1. Earthworks
- 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.
  - The maximum area of bare soil exposed from any earthworks where the average cut depth is greater than 0.5m shall not exceed **200m<sup>2</sup>** in area within that site (within a 12 month period).
  - 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).
  - No earthworks shall:
    - expose any groundwater aquifer;
    - cause artificial drainage of any groundwater aquifer;
    - cause temporary ponding of any surface water.
2. Height of Cut and Fill and Slope
- 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
- v
- The outdoor living space shall be readily accessible from a living area.
- No outdoor living space shall be occupied by any building, other than an outdoor swimming pool, accessory building of less than 8m<sup>2</sup> gross floor area, driveway or parking space.
- Continuous Building Length – Residential Activity Area**  
Where the aggregate length along one elevation of buildings measured parallel to any internal boundary or internal boundaries exceeds 16 m; either:
- The entire building(s) shall be set back an additional 0.5 m for every 6 m of additional length or part thereof from the minimum yard setback (continuous façades) at the same distances from the boundary;
- or
- That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5 m for every 6 m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary).
- Refer Appendix 4
- vi
- External Appearance of Buildings – All Activity Areas**  
All metal cladding, roofing or fences shall be painted or otherwise coated with-to ensure a Light Reflectivity Value (LRV) of no more than 36%.





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fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

- b. The maximum height of any cut shall not exceed 2.4 metres.
- c. The maximum height of any fill shall not exceed 2 metres.

## 3. Environmental Protection Measures

- a. 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.

- b. Any person carrying out earthworks shall:

- (i) 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.

- (ii) 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. Any person carrying out earthworks shall 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.

## 4. Protection of Archaeological Sites and Sites of Cultural Heritage

- a. The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

- b. The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.

## viii Nature and Scale of Activities – Rural Living and Residential Activity Areas

- a. No more than one full-time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity on the site.

- b. 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.

- c. No goods, materials or equipment shall be stored outside a building

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

## ix Nature and Scale of Activities – Private Open Space Activity Areas

~~The use of any~~Private Open Space Activity Areas shall not be used for –the purpose of domestic curtilage activities, including





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gardens, paved areas, structures, parking (except for the purpose of a vehicle driveway)

Plan and subsequent [Private](#) Open Space Management Plans.

x

## Fencing of Waterways

Fencing to remove stock from the stream which follows the Open Space Watercourse Activity Areas (as required under rule 12.X.3.2 (ii)) shall be set back at least 15 metres from the stream edge.

ii

## Staging – Residential Activity Area

An approved [Private](#) Open Space Management Plan(s) for [Private](#) Open Space Activity Areas E1, E5 and W1 and the Roadside Planting Strip, in accordance with 12.X.3.2 (ii) and (iii), shall be implemented prior to subdivision in the Residential Activity Area receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit.

i

## Staging – Arrowtown South Special Zone

a. No new residential unit ~~or subdivision~~ shall be granted resource consent in the Arrowtown South Special Zone prior to the approval of ~~an subdivision including an~~ Overarching Open Space Management Plan in accordance with rule 12.X.3.2 (ii).

Note: For the avoidance of doubt, this rule does not preclude resource consents for the alteration or addition to residential units existing prior to the operative date of the Zone.

b.

A condition precedent to any certificate being granted under section 224(c) of the Act shall require owners of all new residential lots and units in R, RL-1, RL-3, RL-4, RL-6, RL-7 to belong to a body corporate or similar structure approved by Council responsible for providing ongoing revegetation, enhancement, maintenance and rabbit and weed control in applicable [Private](#) Open Space Areas as approved via an Overarching Open Space Management

Note: refer to the 'note' at the end of this rule for the definition of 'implemented'.

iii

## Staging – Rural Living Activity Areas

a. Rural Living Activity Area 1 (RL-1)  
No Staging rules apply

b. Rural Living Activity Area 2 (RL-2)  
No Staging rules apply

c. Rural Living Activity Area 3 (RL-3)

An approved Management Plan for [Private](#) Open Space Activity Area E2, in accordance with 12.X.3.2 (ii), shall be implemented prior to subdivision in the Rural Living 3 Activity Area (RL-3) receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit.

d. Rural Living Activity Area 4 (RL-4)





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An approved Management Plan for Private Open Space Activity Area E3, in accordance with 12.X.3.2 (ii), shall be implemented prior to subdivision in the Rural Living 4 Activity Area (RL-4) receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit.

e. **Rural Living Activity Area 5 (RL-5)**  
No Staging rules apply

f. **Rural Living Activity Area 6 (RL-6)**  
An approved Management Plan(s) for Private Open Space Activity Area W3, in accordance with 12.X.3.2 (ii), shall be implemented prior to subdivision in the Rural Living 6 Activity Area (RL-6) receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit.

g. **Rural Living Activity Area 7 (RL-7)**  
An approved Management Plan for Private Open Space Activity Area W2, in accordance with 12.X.3.2 (ii) shall be implemented prior to subdivision in the Rural Living 7 Activity Area (RL-7) receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit.

Note – for the purposes of interpreting 12.X.5.2 ii and iii c, d, f and g above, ‘implemented’ shall be deemed to be when:

- Planting identified within the relevant Private Open Space Management Plan has occurred

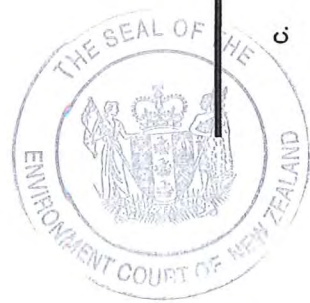
- Fencing identified within the relevant Private Open Space Management Plan of waterways has occurred (if relevant)
- A body corporate with the means in which to tend to revegetation and weed management identified within the relevant Private Open Space Management Plan is established, or transitional methods are in place to ensure these occur until such time as the body corporate is able to assume responsibility
- The trail which traverses any part of the Activity Area or the corresponding Private Open Space Activity Area referred to in the staging rules above is completed to a suitable standard for public use and its ongoing access for public use is legally secured.

iv **Fencing – Rural Living –and Private Open Space Activity Areas**  
Fences shall be traditional post and wire stock fences or hedges.

v **Building Setback from Roads**  
a. Residential Activity Area \_\_\_\_\_ 4.5m  
(other than garages)  
b. Rural Living Activity Areas \_\_\_\_\_ 10m  
c. Private Open Space Activity Areas 20m

vi **Building Height**  
a. Residential Activity Area 6m  
b. Rural Living Activity Areas 7m  
(except as set out in (c) (d) and (e) below)





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- c. Rural Living Activity Area 3A 4.5m above 426 MASL
- d. Rural Living Activity Area 3B 4.5m above 418 MASL
- e. Rural Living Activity Area 6A and 6B 6m above 392.5 MASL

RL-2	2
RL - 3	2
RL - 4	4
RL-5	6
RL - 6	54
RL - 7	54

## x Noise - Rural Living and Residential Activity Areas

- 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(15 min)</sub> (ii) night-time (2000 to 0800 hrs) 40 dB L<sub>Aeq(15 min)</sub> (iii) night-time (2000 to 0800 hrs) 70 dB L<sub>AFmax</sub>

## vii Building Coverage – Residential Activity Area

The maximum building coverage for all activities on any site shall be 40%.

This rule does not apply to underground structures which are not visible from the ground level.

## viii Density - Residential Activity Area

- a. The minimum net area for any site shall be 450m² for each residential unit contained within the site.
- b. The maximum number of residential units within the Residential Activity Area shall be 20.

## ix Density - Rural Living Activity Area

- a. There shall be no more than one residential unit per building platform.
- b. There shall be no more than 2825 residential units located within the Rural Living Activity Area as follows:

Rural Living Activity Area	Maximum number of residential units
RL - 1	43

- 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) 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.





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- The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.
- e.
- xi Lighting and Glare - All Activity Areas**
- a. All fixed exterior lighting shall be directed away from the 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.
- d. Rural Living Activity Areas RL-1, RL, 2, RL-3, and RL-4 shall gain access from Centennial Avenue from an internal road identified on the Structure Plan.
- e. Road intersection and crossing locations may be within 25m of the locations shown on the Structure Plan.
- f. Internal roads shown indicatively on the Structure Plan must achieve the access principles shown in the Structure Plan although the alignment of routes may be altered from those shown.

## 12.X.6 Assessment Matters

### xii Heavy Vehicle Storage - All Activity Areas

No more than one heavy vehicle shall be stored or parked overnight on any site for any activity. This standard applies to residential and non-residential activities cumulatively and only one heavy vehicle in total shall be stored or parked overnight on any site.

### xiii

#### Access - Rural Living and Residential Activity Areas

- a. Each residential unit shall have legal access to a formed road.
- b. Within the Residential Activity Area no more than 8 residential units shall obtain direct access on to McDonnell Road via a maximum of four crossing locations. All other vehicle access shall be via the internal road identified on the Structure Plan.
- c. Within the Rural Living Activity Areas (RL-6 and RL-7) access from McDonnell Road shall be via the internal roads identified on the Structure Plan.
- (i) The following Assessment Matters are methods 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 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 Clause 12.X.6.2 below.
- (iii) In the case of *Controlled 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).
- (iv) In the case of *Controlled Activities*, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.

### 12.X.6.1 General





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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.X.6.2 Assessment Matters

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

### i Controlled Activity – Subdivision Including Overarching Open Space Management Plan

- a. The appropriateness and effectiveness of the methods and proposed timeframes for the removal of weeds, enhancement of riparian margins, replanting and rabbit management as included in the vision statement.
- b. The robustness of the proposed body corporate arrangement and associated mechanisms for ensuring that sufficient revenue will be raised and necessary works committed to over the long term to implement the subsequent requirements of open space management plans and in a manner that will be transparent to future property purchasers, and the means in which creation of the body corporate shall be ensured.
- c. The effectiveness of the proposed rabbit control programme so as to enable the successful establishment of plants and ecological restoration.

- d. The appropriateness and effectiveness of the locations and planting density of significant trees as shown in the structural tree planting plan in softening the visual effects resulting from domestication of the landscape and in creating a coherent character in keeping with the wider Arrowtown and rural context.
- e. The extent to which the species of trees proposed contribute to a coherent character in keeping with the wider context of the site and/or contribute to the restoration of ecological values.
- f. Whether the Overarching Open Space Management Plan identifies an appropriate location for the proposed trail, taking account of and if necessary achieving a balance between the following:
  - the guidance provided by the Structure Plan as to the general route;
  - the desirability and safety of the proposed route for mountain biking and pedestrian use, meeting national standards in terms of grade and condition;
  - the need to minimise adverse effects resulting from earthworks and other modifications to the escarpment that traverses the Zone.
  - adjacent landowner privacy
  - the provision of panoramic views available for public enjoyment

### ii Controlled Activity – Subdivision Including Private Open Space Management Plans

- a. The extent to which a revegetation programme:
  - Sets out the goals of the programme





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- Contains an appropriate planting schedule outlining the species, number and grade for each area to be planted
  - Sets out the proposed timeframes or staging for the component tasks required to achieve the Plan's goals, including those associated with the on-going maintenance of enhancements
  - Outlines ongoing tasks necessary to ensure the success of the revegetation programme such as irrigation, monitoring and staking of trees
  - Proposes a realistic programme including the identification of responsible parties (such as a body corporate) and accounting for costs and practical challenges such as steep terrain
  - Integrates with the vision statement of the Overarching Open Space Management Plan and the approved Private Open Space Management plans of other Activity Areas in matters such as timing and prioritisation
- b. The extent to which the weed programme(s):
- Set out the goals of the programme(s)
  - Identifies priorities for control and eradication on scientifically sound and practical bases
  - Proposes the progressive containment, removal and on-going suppression of weed species (including but not limited to broom, gorse, hawthorn and wilding conifers listed in 12.X.3.6 (ii) above).
  - Set out the proposed timeframes or staging for the component tasks required to achieve the Plan's goals
  - Propose a realistic programme including the identification of responsible parties (such as a body corporate) and accounting for costs and practical challenges such as steep terrain.
  - Integrates with the vision statement of the Overarching Open Space Management Plan and the

approved Open Space Management plans of other Activity Areas in matters such as timing and prioritisation

- c. Whether any proposed planting contributes to softening the effects of domestication of the land, including through the avoidance of formal planting arrangements and the avoidance of stark transitions in character at the boundaries of activity areas.
- d. Whether the stock fencing plan proposes locating fences in a practical location which minimises effluent runoff and prevents erosion of stream banks and grazing of ecologically sensitive species.
- Note: for the avoidance of doubt, stock fences can be located beyond the Private Open Space - Watercourse Activity Area.
- e. Whether the trail as confirmed by the Overarching Open Space Management Plan is to be secured through appropriate legal means, such as an easement.
- f. Whether the statement of when works shall be deemed 'implemented' will ensure that critical works have commenced and will continue to be progressed, while providing for the development and sale of residential properties within reasonable timeframes.

## iii

**Controlled Activity – Subdivision Including Private Open Space Management Plan for the Residential Activity Area – Roadside Planting Strip**

- a. The extent to which the species of trees proposed contribute to a coherent character in keeping with the wider context of the site, utilising a contiguous range of tree species.





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- b. The extent to which fencing is avoided where practical and, if needed, limited to post and wire fencing.
- c. The extent to which the long term effect of planting will be the reduction of the visibility of residential development from sites south of MacDonnell Road.
- d. The extent to which practical means, such as the implementation of domestic curtilage areas, are to be employed to limit the domestication of the Roadside Planting Strip resulting from the likes of trampolines, vehicle planting and animal houses,
- e. The extent to which practical methods are employed to limit the number of direct vehicle accesses on to MacDonnell Road.
- f. Whether the statement of when the Landscaping—Private Open Space Management Plan is deemed implemented will ensure that necessary works and planting will be undertaken in reasonable timeframes.
- iv **Controlled Activity – Buildings in the Residential Activity Area, Rural Living Activity Areas RL-1, RL-2, RL-4, RL-5, RL-6 RL-7**
- a. The extent to which building cladding is predominantly local stone, plaster, timber or weatherboards.
- b. The extent to which predominant wall and roof colours are to be, within the natural range of greys greens and browns, while (a variety of trim colours may be considered):
- c. The extent to which the risk of glare and visually prominent buildings is avoided, remedied or mitigated through the use of exterior building colours with low reflectance values.
- d. Whether and The identification of extent to which a curtilage area is identified near the dwelling in the Rural Living Activity Area.
- e. The extent to which accessways are designed and located in such a way as to minimise adverse effects resulting from earthworks and the domestication of the landscape while providing for a practical and affordable access to dwellings.
- f. The extent to which landscaping and tree planting can soften the extent of domestication on the landscape.
- v **Controlled Activity - Garages within road setback within the Residential Activity Area**  
Conditions may be imposed to ensure that:
- a. The garage is sited and designed to mitigate against any adverse effects on the visual values of the streetscape and views.
- b. The location and design of vehicle access is such to protect the safe and efficient movement of vehicles.
- vi **Restricted Discretionary Activities – Alteration to the Location or Shape of a Building Platform**





# ARROWTOWN SOUTH SPECIAL ZONE

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vii	<b>Restricted Discretionary Activity – Buildings within Activity Area – RL3</b>	The extent to which the change is location or shape is inconsistent with the Structure Plan, and whether a notably different pattern of development may result.	<b>Discretionary Activity – Residential Units outside of an identified building platform</b>
		<p>a. The extent to which the change in location or shape of the platform facilitates a more appropriate design outcome</p> <p>b. Whether and the extent to which the amended building platform position or shape will result in adverse effects upon the landscape values of the site</p>	
viii			<p>a. Whether the building and associated residential activities, taking account of the visual appearance and associated mitigation, can be accommodated in such a way as to avoid, remedy or mitigate adverse effects resulting from the over-domestication of the landscape and visual amenity values, when enjoyed from public places and places frequented by the public generally.</p> <p>b. Whether adverse effects on neighbouring properties such as those resulting from noise, shadowing, loss of privacy, interruption of views, glare or light spill are appropriately avoided, remedied or mitigated.</p> <p>c. Whether the building and associated mitigation such as landscape planting, compliments the wider character of the surrounding area and/or proposed ecological restoration.</p> <p>d. Whether appropriate servicing of infrastructure shall be provided, including access to potable water, reticulated sewerage or appropriate on-site effluent disposal.</p> <p>e. Whether the accessways are located and designed so as to minimise adverse visual effects and provide safe access to and from properties, while avoiding, remedying or mitigating any traffic safety issues associated with access to public roads.</p> <p>f. Whether the identification of a curtilage area to limit the area in which domestic activities are enabled may be appropriate.</p>
ix			<b>Discretionary Activity - Visitor Accommodation</b>





# ARROWTOWN SOUTH SPECIAL ZONE

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a.	Compatibility with amenity values of the surrounding environment considering the visual amenity of the street and neighbouring properties; and	(viii)	The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
	(i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods		
b.	(ii) The nature of the development in the context of the permitted future uses on nearby sites	c.	Mitigation of noise emissions beyond the property boundary considering:
	(iii) Loss of privacy		(i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.
c.	(iv) The proximity of outdoor facilities to residential neighbours	x	(ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.
	(v) Hours of operation		
d.	(vi) The ability to landscape/plant to mitigate visual effects	Site Standard - Setback from Internal Boundaries	
	(vii) Whether the external appearance of the buildings complements the surrounding landscape and urban or rural character.		
e.	Any adverse effects in terms of:	a.	The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical use of the remainder of the site.
	(i) The adequacy and location of car parking for the site		
f.	(ii) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.	b.	Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.
	(iii) Loss of privacy.		
g.	(iv) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.	c.	Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy through being overlooked from or being in close proximity to
	(v) Pedestrian safety in the vicinity of the activity.		
h.	(vi) Any cumulative effect of traffic generation from other activities in the vicinity.		
	(vii) Provision for coaches to be parked off-site		





# ARROWTOWN SOUTH SPECIAL ZONE X

neighbouring buildings, to and extent which is inconsistent with the suburban living environment.

- d. Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.
- e. The ability to provide adequate opportunities for landscaping around buildings.
- f. Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
- g. Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.
- h. The ability to mitigate adverse effects of the proposal on adjoining sites.

**xi**

## **Site Standard – Outdoor Living Space**

- a. The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of the site 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 ample sunlight and fresh air.

**xii**

## **Site Standard – Continuous Building Length**

- 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 extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining site.
- c. The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

**xiii**

## **Site Standard – Earthworks**

- 1. Environmental Protection Measures
  - a. Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
  - b. Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
  - c. Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
  - d. 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.





# ARROWTOWN SOUTH SPECIAL ZONE X

- e. Whether appropriate measures to control dust emissions are proposed.
- f. 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.
2. Effects on landscape and visual amenity values
- a. 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
- b. Whether the earthworks will take into account the sensitivity of the landscape.
- c. The potential for cumulative effects on the natural form of existing landscapes.
- d. The proposed rehabilitation of the site.
3. Effects on adjacent sites
- a. Whether the earthworks will adversely affect the stability of neighbouring sites.
- b. 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.
- c. Whether cut, fill and retaining are done in accordance with engineering standards.
4. General amenity values
- a. 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.
- b. Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- c. Whether natural ground levels will be altered.
5. Impacts on sites of cultural heritage value
- a. 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.
- b. Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

## xiv

### Site Standard - Nature and Scale of Activities

- 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.





# ARROWTOWN SOUTH SPECIAL ZONE X

		xv	Zone Standard – Access
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.	a.	The extent to which alternative formed access can be assured to the activity in the long-term.
e.	Any adverse effects of the activity in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.	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.
f.	The extent to which the activity provides a local function by meeting the needs of residents principally within the surrounding residential environment.	c.	The extent to which any additional crossing points onto either Centennial Avenue or McDonnell Road will compromise the Pastoral setting of the road frontage.
g.	The ability to mitigate any adverse effects of the increased scale of activity.	d.	Whether any additional crossing points on to the road will compromise traffic safety.
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 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.		





# ARROWTOWN SOUTH SPECIAL ZONE X

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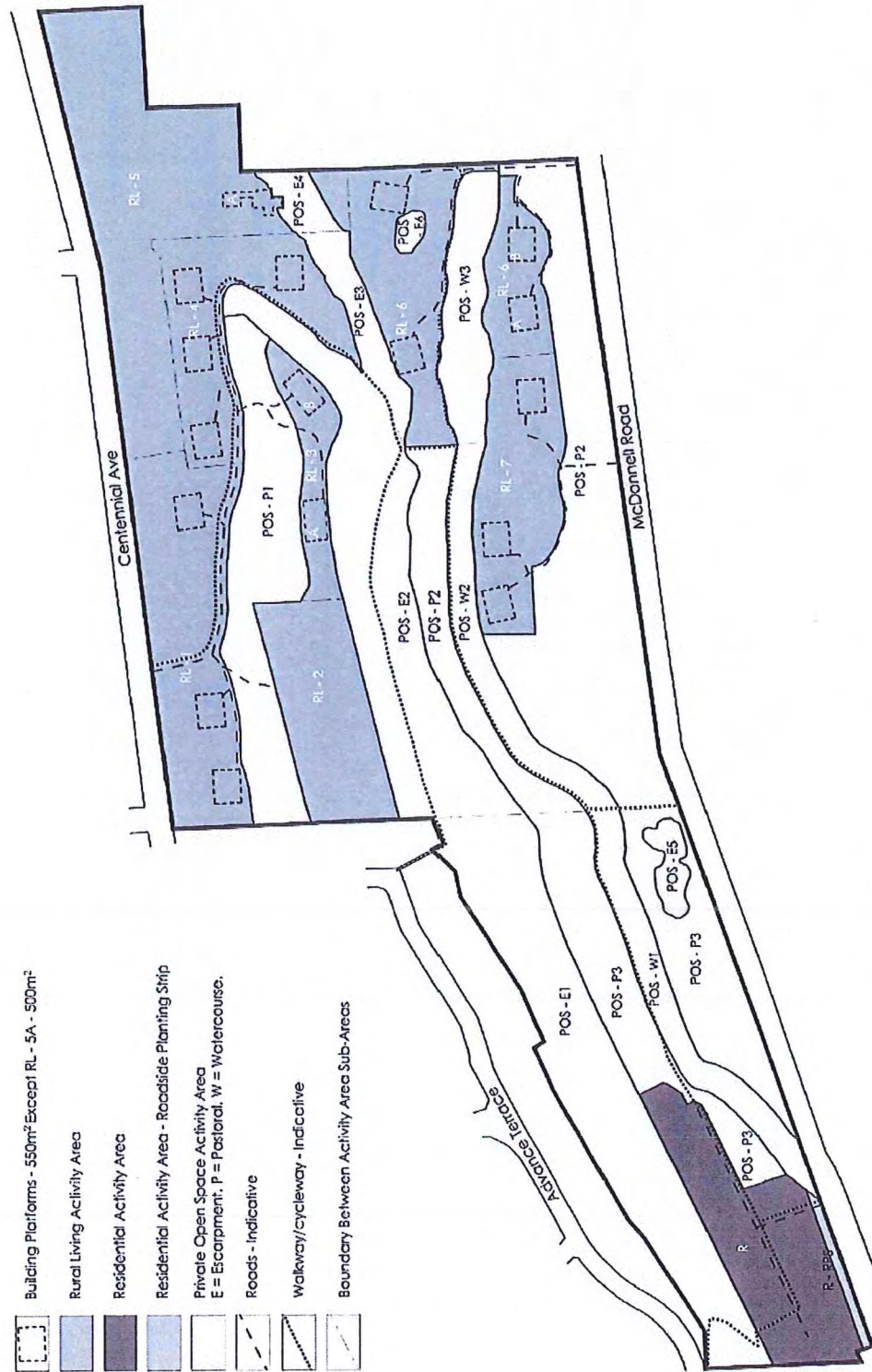
Queenstown-Lakes District Council – PARTIALLY OPERATIVE DISTRICT PLAN



# ARROWTOWN SOUTH SPECIAL ZONE X

## LEGEND

- Building Platforms - 550m<sup>2</sup> Except RL - 5A - 500m<sup>2</sup>
- Rural Living Activity Area
- Residential Activity Area
- Residential Activity Area - Roadside Planting Strip
- Private Open Space Activity Area
- E = Escarpment, P = Pastoral, W = Watercourse.
- Roads - Indicative
- Walkway/cycleway - Indicative
- Boundary Between Activity Area Sub-Areas



## ARROWSOUTH - STRUCTURE PLAN

Date: 15 August 2014  
Scale: 1:3000 @ A3

MAR-382654-23-266-V1:LN

Queenstown Lakes District Council - PARTIALLY-OPERATIVE-DISTRICT PLAN



# ARROWTOWN SOUTH SPECIAL ZONE X

## Chapter 13 – Heritage

Ref No	Map Ref	Description	Legal Description	NZHPT Ref	Valuation Ref	NZHPT Category	QLDC Category
364	26	The Stone Barn, McDonnell Road	Part Section 104, Block VII Shotover Survey District	-	2907129600	-	2





# ARROWTOWN SOUTH SPECIAL ZONE X

## Chapter 15 – Subdivision

### 15.2.3.4 Non-Complying Subdivision Activities

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

### 4215.2.6.3 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
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 created by

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

Note: Also refer to Rules 12.X.3.2 (i), (ii) and (iii)

(Format Note: insert below 'Queenstown Town Centre Zone' page 15-27)

### INSERT NEW ASSESSMENT MATTER

#### 15.2.6.4 Assessment Matters for Resource Consents

(\*\*) (i) Subdivisions of Land in the Arrowtown South Special Zone

(i) Subdivision in the Arrowtown South Special Zone shall be assessed against the applicable assessment matters set out in Section 12 of the District Plan.

### 15.2.16 Open Space and Recreation

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#### 15.2.16.2 Assessment Matters for Resource Consents



# ARROWTOWN SOUTH SPECIAL ZONE

X

- (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.





# ARROWTOWN SOUTH SPECIAL ZONE

X

## Chapter 16 – Hazardous Substances

TABLE 1 – QUANTITY OF LIMITS FOR HAZARDOUS SUBSTANCES IDENTIFIED IN SCHEDULE 1

RESIDENTIAL, RURAL LIFESTYLE, RURAL RESIDENTIAL ZONES, ACTIVITY AREAS 1, 2A, 2B, 2C, 4, 6 AND 7 OF THE REMARKABLES PARK ZONE AND ARROWTOWN SOUTH SPECIAL ZONE.



# ARROWTOWN SOUTH SPECIAL ZONE

X

## Chapter 18 – Signs

### 18.2.5 Zone Standards

LOW DENSITY RESIDENTIAL, LOW DENSITY AND MEDIUM DENSITY RESIDENTIAL SUBZONES (THREE PARKS ZONE), HIGH DENSITY RESIDENTIAL, THE TOWN CENTRE TRANSITION SUB-ZONE, RESIDENTIAL ARROWTOWN HISTORIC MANAGEMENT, RURAL RESIDENTIAL ZONES, REMARKABLES PARK ZONE (except Activity Areas 3, 5 and 8), BALLANTYNE ROAD MIXED USE ZONE ACTIVITY AREAS D AND E, ACTIVITY AREAS 1, 3 AND 4 OF THE KINGSTON VILLAGE SPECIAL ZONE AND THE ARROWTOWN SPECIAL ZONE.