



QUEENSTOWN LAKES DISTRICT COUNCIL

PLAN CHANGE 46:

BALLANTYNE ROAD INDUSTRIAL AND RESIDENTIAL EXTENSION

**REPORT, REASONS, AND RECOMMENDATIONS OF A HENDERSON AND C MACLEOD,
ACTING AS INDEPENDENT COMMISSIONERS APPOINTED BY THE QUEENSTOWN LAKES
DISTRICT COUNCIL PURSUANT TO SECTION 34A OF THE RESOURCE MANAGEMENT ACT
1991**

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1. Introduction

We have been appointed by the Council as commissioners to hear the submissions and make a recommendation on Proposed Plan Change 46 to the Queenstown Lakes Operative District Plan. It is our role to recommend whether the Plan Change be accepted in its entirety, accepted with amendments or rejected in its entirety. It is the Council's role to then make the final decision as to whether the Plan Change should be accepted and, if so, in what form.

The hearing commenced on 18th August 2015, was adjourned on 19th August, and was closed on 11 December 2015 once we received final comments from the Requestor. We heard from six of the submitters at the hearing and found their personal insights and expert evidence extremely useful.

Four main issues emerged from the hearing, as follows:

- potential effects on neighbouring residents that may result from buildings on the land proposed to be rezoned for industrial purposes;
- potential effects on neighbouring residents that may result from buildings on the land proposed to be rezoned for residential purposes;
- whether the proposed plan change deals adequately with affordable housing; and
- Whether the Plan Change should also include adjacent land owned by the Gordon Family.

Our report deals with all of the issues that were outlined in the section 42A Report, and note that they largely fall within the ambit of the issues above.

During the hearing, we visited the Plan Change site (as notified). We also took care to view the Plan Change area from various vantage points, including from submitters' private properties as suggested to us by submitters.

At the hearing we heard concerns from various neighbours in regard to the effect that the rezoning would have on their visual amenity and quality of living as a result of industrial buildings being built on relatively elevated land, the construction of residential dwellings close to the top of the terrace and the possible noise and other effects that may result from activities within the zone.

We have carefully considered the concerns that were expressed by submitters relating to noise, dust, and general effects that may arise from industrial activities in the Industrial B part of the proposed Plan change. However, in our overall view the site is an appropriate location for the expansion of the Industrial B Zone. We are satisfied that the effects will be avoided or appropriately managed through the non-complying status of the heavier types of industrial uses and by requiring compliance with the various performance standards for the other uses.

A question arose as to whether adjacent land owned by the Gordon Family Trust should be included within the Plan change, a proposal supported by the Requestor. We acknowledge the submissions of Mr Todd in relation to this matter, but we do not consider that including this land in the Plan Change would be the most appropriate option of achieving the objectives of the District Plan. We address this later in this report.

We also considered the matter of affordable housing, noting that no explicit provision was made in this Plan Change towards voluntary retention mechanisms or other means by which to ensure a range of housing options was provided. While Mr Bryce's view was that some provision should be made in relation to voluntary retention mechanisms or some other tool to address the affordable housing issue, the Requestor's view was that their entire development portfolio was diverse, and that was a contribution in itself to the affordable housing issue given the range of sections and housing options available. We address this matter later in this decision, but in summary accept the Requestor's view in this regard.

The reasons for these recommendations and decisions are detailed later in this report.

2 The Proposed Plan Change

The background to Plan Change 46, a privately initiated Plan Change, is clearly established in the Plan Change documentation and in the 42A report, and we repeat the relevant parts of those descriptions in the following sections.

The Plan Change is advanced by Orchard Road Holdings Limited (ORHL) (the Requestor) and seeks to re-zone approximately 19ha of land from Rural General to a combination of Low Density Residential and Industrial B. The land subject to the Plan Change is legally described as Lot 99 DP445766 and part of Lot 3 DP374697 and is located to the south and west of the existing Ballantyne Road industrial area in Wanaka.

It is proposed that 13.3ha is proposed to be rezoned Low Density Residential, and 2.5ha is to be rezoned Industrial B (forming an 'industrial extension' to the Industrial B Zone, promoted through the now partly operative Plan Change 36). The Plan Change as notified included a structure plan (shown in Figure 2 below) that specifies areas of open space of 3.3ha to provide a buffer between the industrial and residential areas proposed under the Plan Change.

Three particular resource management issues relating to the Ballantyne Road industrial and future residential areas were identified and addressed in the section 32 evaluation supporting the Plan Change, as follows:

- *The Ballantyne Road industrial area is a focal point for industrial activity in Wanaka. A sufficient supply of land needs to be available to meet the demands of industrial activities at this location.*
- *The surrounding land is identified for future residential activity in the Wanaka Structure Plan. This needs to be implemented into the District Plan.*
- *The interface of industrial and residential activity has the potential to create reverse-sensitivity effects.*

We note that Plan Change 46 seeks to delete the existing 'Ballantyne Road Precinct Structure Plan' contained in section 11.6 of the Operative Plan and to replace this with a new Structure Plan that, in addition to the existing areas, incorporates the full extent of the industrial extension, the open space area, and the indicative road layout being advanced under the Plan Change.

Plan Change 46 also seeks to delete rule 22(ii), relating to the staging of building within the 'Industrial B Zone - Ballantyne Road Precinct' Structure Plan, within the Performance Standards table at 11.5.6 of the District Plan. The Requestor seeks that this staging mechanism be deleted outright.

We agree that a change to District Plan Map 23 will also be required under the Plan Change to show the land zoned as Industrial (B) Zone and Low Density Residential and replaces the existing Rural General Zone currently shown.

For the 13.3ha of land proposed to be rezoned Low Density Residential, the Plan Change proposes to apply the existing rules for the Low Density Residential Zone, contained in section 7 – *Residential Areas* of the District Plan.

A detailed explanation of the Plan Change is set out in the section 32 evaluation attached to the Plan Change documents.¹ As did the 42A report, in accordance with section 42A(1B)(b) of the Act, we adopt much of that detail for the purposes of this report. We note that the section 32 evaluation is also supported by a number of technical assessment reports, to which we refer where appropriate.

The general location and the extent of the requested plan change (as notified) is shown in **Figure 1** below.

¹ at section 3.2 of the section 32 report.

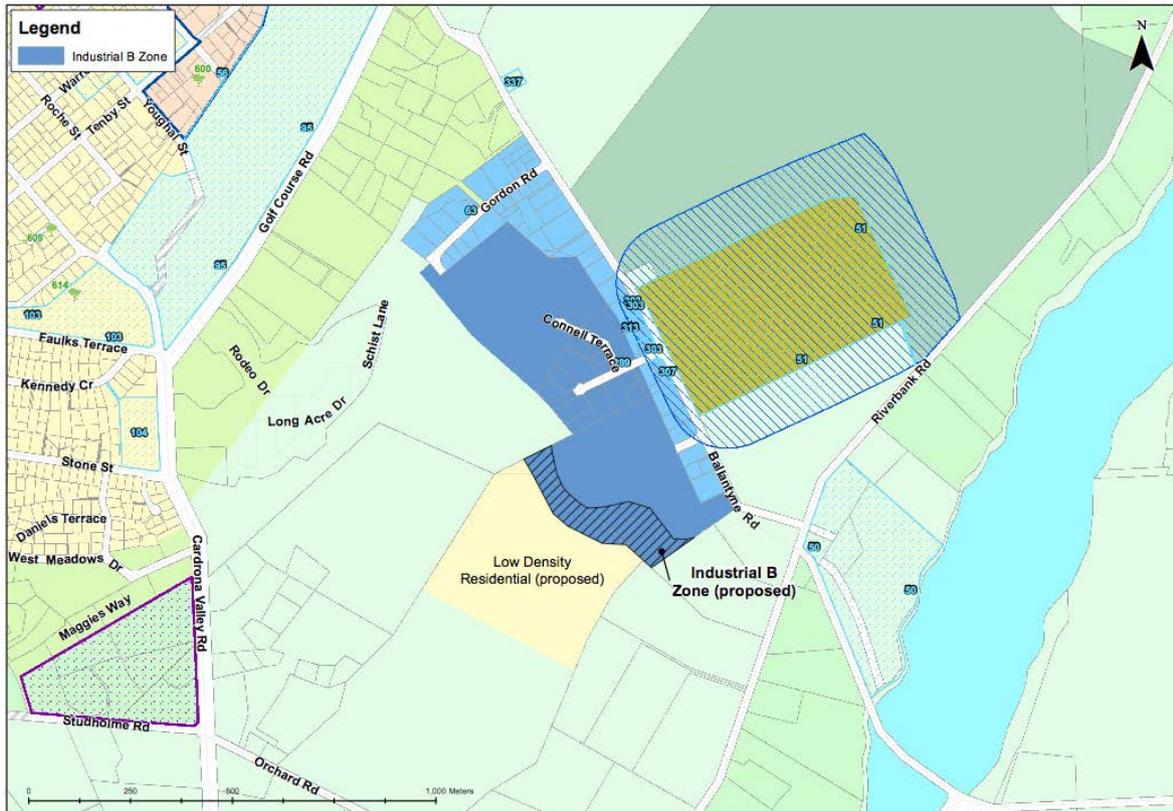


Figure 1 – Plan Change boundary (with Industrial B Zone extension shown hatched and proposed Low Density Residential Zone shown in yellow).

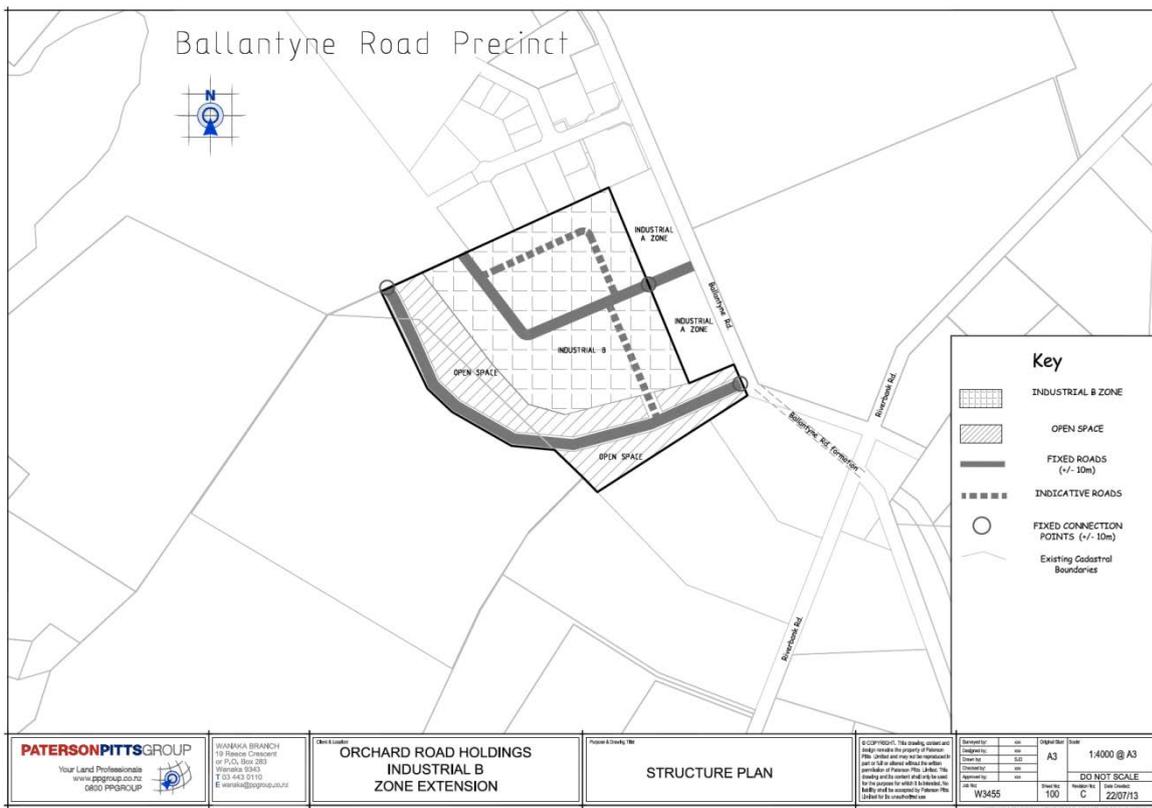


Figure 2 – Proposed Structure Plan as notified.

We note that the relevant provisions of the Queenstown Lakes District Plan² which are affected by Plan Change 46 are:

- Volume 1 - Section 7 – Residential Areas
- Volume 1 - Section 11 – Business and Industrial Areas
- Volume 3 - Planning Map 23 – Wanaka Rural

3 Relationship to Other Documents

3.1 Wanaka Structure Plan (2002)

The Wanaka 2020 community planning exercise provided a blueprint for where the Wanaka community wanted to be in 2020, and what the future of Wanaka might look like. Along with similar exercises in the other communities throughout the district, these plans formed the basis of the Community Outcomes listed in the Long Term Plan (LTP). Of particular relevance are those relating to enabling a diverse community, efficient infrastructure, and a strong and diverse economy.

3.2 Wanaka Structure Plan (2007)

The final Wanaka Structure Plan adopted in 2007 (see **Figure 3** below) identifies the Plan Change area within the Structure Plan ‘Inner Growth Boundary’.

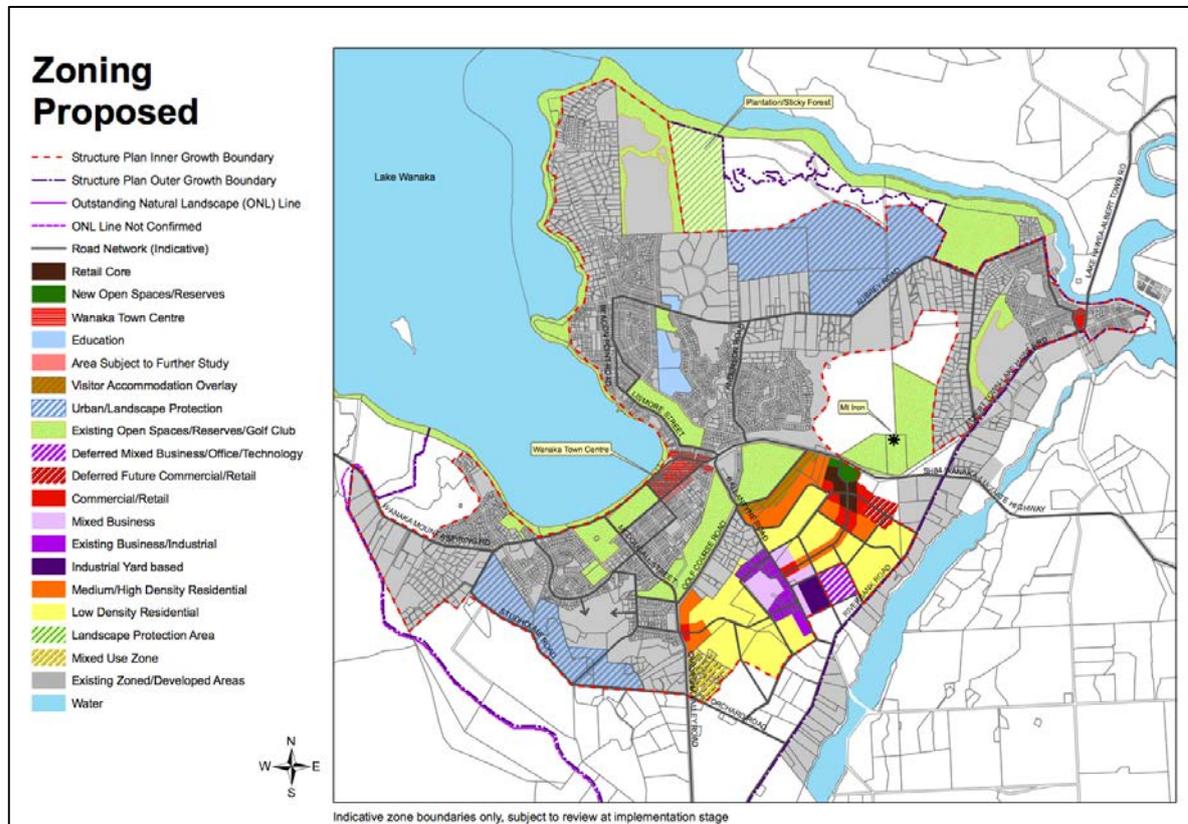


Figure 3 – Wanaka Structure Plan 2007

Section 3.2 of the section 32 evaluation supporting the Plan Change sets out the following overview and relevance of the WSP³.

3.2.1 The Wanaka Structure Plan (WSP) 2004 is a policy document consistent with the purpose of the Local Government Act 2002, which provides a framework for the future growth of Wanaka. The WSP was produced as a result of community involvement through the Wanaka 2020 community planning exercise and was adopted by Council as a working document. The plan is a high level, indicative document, and is not intended to be a detailed micro zoning tool. The plan is the first step in the zoning process.

² Hereafter referred to as ‘the District Plan’.

³ At pages 7 and 8.

- 3.2.2 *The WSP identifies the land subject to the plan change as future residential land within the Inner Growth Boundary. The Inner Growth Boundary is a short-term boundary put in place to prevent sprawl and keep Wanaka contained over the next few years.*
- 3.2.3 *It is intended by Council that the WSP will be implemented into appropriate statutory documents such as the District Plan and the Council Community Plan. A number of plan changes have already occurred, which implement the WSP and which are relevant to this plan change. These are described in section 3.4 of this report.*
- 3.2.4 *The WSP has been taken into consideration in drafting the plan change. Some of the future residential land has been provided for. The plan change seeks to rezone some land for industrial activity where the WSP anticipates residential activity. It was considered that this land would be more appropriately zoned as industrial land given:*
- *the demand for and suitability of land for industrial activity in this location;*
 - *the ability of the plan change to create a comprehensive industrial area with discrete road access and connectivity;*
 - *the ability of the plan change to manage the transition and buffer the reverse- sensitivity effects between residential and industrial land.*

We agree with the Requestor that the Plan Change is reflective of the Wanaka Structure Plan.

3.3 Growth Options Study (2004) and the Growth Management Strategy (2007)

The Growth Management Strategy is a non-statutory planning document that was prepared to help guide the District Council and the community in planning for the future growth and development of the District. Its main purposes are to:

- Guide Council's detailed planning for the urban settlements in the District;
- Provide a context for transportation planning and investment in infrastructure;
- Provide a context for land owners and developers, stating what type of growth is wanted and where;
- Help inform the community of likely changes to the District over the next 20 or so years and the steps Council will take to manage this growth; and
- Alert other infrastructure providers to the location and scale of growth to assist with their planning (for example, New Zealand Transport Agency, District Health Boards, and central government agencies such as Ministry of Education and Police).

In the Wanaka area the Growth Management Strategy identified that the number of permanent residents will grow from 6,600 in 2006 to over 14,500 by 2026, and identifies a number of relevant Growth Management Principles including:

Principle 1: Growth is located in the right places

This principle refers to the need to direct where growth should be located so that the natural environment is protected, and growth supports the economic and social wellbeing of the District and its settlements.

- 1a *All settlements are to be compact with distinct urban edges and defined urban growth boundaries.*
- 1b *Growth is to be accommodated mainly in the two urban centres (Queenstown/ Frankton and Wanaka), and existing special zones outside of these centres.*
- 1f *Greenfields development within the defined growth boundaries of the two main urban settlements (Queenstown and Wanaka), such as at Frankton Flats, is to be carefully managed to ensure that land is used to effectively promote the full range of desired community outcomes, and that a mix of activities can be accommodated.*

Principle 2: The type and mix of growth meets current and future needs

Getting the right mix of growth is critical to the long run economic and social wellbeing of the District.

- 2c *Affordable housing is to be actively pursued through regulatory and non regulatory means.*
- 2f *The diverse land needs of the business sector are to be understood and appropriate areas set aside for business uses, with more certainty about what types of activities can locate in the different business areas. In both Wanaka and Queenstown more space is to be*

provided for industrial and service activities, in separate areas..."

In Wanaka:

- 2n *The expansion of the new commercial area proposed by the Wanaka Structure Plan is to be carefully managed so that the viability and vitality of the existing centre is not undermined.*
- 2o *Land within the structure plan area is to be released for development in a staged manner, to help ensure efficient use of land, as well as to ensure infrastructure (particularly more land for business and community activities) is provided in-step with growth and the ensuring demand for goods and services."*

Mr Bryce explained that the Growth Management Strategy established policy on how the Council would manage anticipated ongoing growth in the District, and reaffirmed the need for structure planning (such as the Wanaka Structure Plan) and the importance of containing growth within the boundaries identified by Wanaka Structure Plan. He also noted that the Council is currently in the process of formalising growth boundaries for Queenstown and Wanaka as part of the District Plan Review, and that the Plan Change must ultimately be determined against the District Wide Objectives under Part 4 of the District Plan.

3.4 Commercial Land Needs Study (2006)

The Council produced a report entitled '*Commercial Land Needs – Queenstown Lakes District*' in 2006. The report summarises the likely needs of Wanaka in terms of business, industrial and retail uses and was used to inform the Wanaka Structure Plan in terms of the location and types of land.

3.5 Wanaka Transport and Parking Strategy (2008)

The Wanaka Transportation and Parking Strategy was developed alongside the Wanaka Structure Plan. The Strategy concludes that, whilst Wanaka is a relatively compact township and is well suited to cycling and walking, it faces considerable challenges due to the fact that it is not well connected and does not have a comprehensive public transport system. This Strategy was addressed in the planner's report which concluded that the Plan Change is broadly consistent with the Transportation Strategy. We accept this view.

4. Submissions received and the issues raised

A total of nine original submissions and four further submissions were received to the Plan Change, and the summary of decisions requested by the submitters is included in **Appendix A** to this report. The scope of the submissions lodged to Plan Change 46 range from requests to withdraw the entire Plan Change through to providing support for the Plan Change.

4.1 Late Submission

The further submission of Stuart and Melanie Pinfold was received on the 15th of June 2015, some two weeks after the close of the further submission period (28th of May 2015).

We are able to waive timeframes under Section 37(1)(b) of the RMA, and are guided by the following requirements of Section 37A when determining whether these late submissions should be accepted:

- (a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver;*
- (b) *the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- (c) *its duty to avoid unreasonable delay.*

Although the further submission of Stuart and Melanie Pinfold was received two weeks late, we are satisfied that they have an interest greater than the public generally on the basis that the submission by the Gordon Family Trust, which seeks to extend the zoning of the land beyond the plan change boundary, has the potential to adversely affect the submitters' property and that no consultation has been undertaken with the submitter. We agree with Mr Bryce's view on this matter and accordingly accept the late submission.

4.2 The Hearing process

We set out below a summary of the evidence we heard at the hearing, as well as supplementary evidence and submissions we received following the hearing. It is not a full record of the evidence, but captures the key elements of each party. We consider it appropriate to include as it sets out the evolution of the form of the Structure Plan and District Plan provisions that we have agreed are appropriate.

The Requestor:

Mr Graeme Todd provided legal submissions for Orchard Road Holdings Limited, and considered that it is appropriate that the plan change proceed at this time. He indicated that Changes can be made to the Plan Change as notified to deal with interface issues between the Rural and Residential Land to the South. With such changes the amenity of the neighbouring properties will be maintained. Mr Todd also noted that neighbouring landowners who claim they will be affected by future development have known of the potential for development for some time given the Wanaka Growth Boundary. He concluded that the Plan Change is consistent with the purposes of the Act and with the relevant provisions of the District Plan.

Mr Allan Dippie is a Director of ORHL and provided evidence addressing a number of matters. He noted that Plan Change 36 was a catalyst to Plan Change 46, and that the Commissioners in Plan Change 36 agreed that the scheme in PC46 would be a good planning outcome. He considered that the driver of the good planning outcome is that ORHL is committed to establishing a roadway and open space network that separates existing and future industrial activities from future residential activities. The alternative would be accessing residential activities from industrial activities and not being able to manage reverse sensitivity effects as well.

With respect to demand, Mr Dippie noted that there is significant demand for industrial land in the Enterprise Drive industrial development. ORHL has recently received Outline Development Approval for the Ballantyne Road Precinct which was the land rezoned through Plan Change 36. The subdivision for stage 1 of the Ballantyne precinct is being progressed, and Mr Dippie had no doubt that the Stage 1 Ballantyne Precinct land will be taken up relatively quickly and there will be need to move towards stage 2 which will ideally include the additional land that forms part of PC46.

In relation to affordable housing, ORHL provides affordable housing options in Hawea and Luggate for first home buyers. Mr Dippie believes that voluntary retention mechanisms are counterproductive to affordability as it is a cross-subsidisation of pricing from some residents in a subdivision whom must pay more so other residents can pay less. He considered that a more efficient option is by providing plenty of housing options in a competitive marketplace. The current project combined with Hawea and Luggate will ensure on-going affordable options for a cross section of the community and a greater choice in location.

Mr Paddy Baxter provided landscape evidence for ORHL, and agreed with the section 42A report in that some form of buffer with the ORHL land would be more effective than reliance on existing vegetation outside of the site, especially in regards to long term mitigation of effects proposed between the Low Density housing area and Rural General land. He noted that the buffer proposed is 2 metres in width and the planting up and over the summit could be 8-10 metres. A buffer of this scale would create considerable shade effects which may extend some distance over residential areas and the adjoining rural areas. Mr Baxter also noted that visual character could be adversely affected from the intrusion of a large mound into the landscape. The proposed planting would also adversely affect the resident's view from the Low Density Zone, and his recommendation is a 10 metre setback that adjoins the SW and SE boundaries with 5 metres of planting adjacent to the boundary undertaken by the landowner or developer to a density and type specified in an agreed set of controls. The planting should be evergreen shrub species of a mature height of approximately 3-4 metres. Indigenous planting would be most suitable. He also considered that the visual character arising from the recommendation would be practical and achievable. An 8 metre dwelling along the edges would require mitigation of a scale that would lose more than it gained in regards to natural character. Constructing a buffer would be expensive to both construct and maintain.

Ms Alison Devlin is a professional; planner employed by ORHL, and she provided evidence addressing a number of points. In relation to affordable housing projects contained in section 4.10.1 of the District Plan, she noted that the objective is for access to Community Housing or the provision

of a range of Residential Activity that contributes to affordability in the District. ORHL have various residential land developments and these range from sections available at Timmsfield in Hawea from \$110,000 to West Meadows in Wanaka starting from \$225,000. Residential sections created on PC46 land will be in the lower price range for Wanaka and many of the company's sections are purchased by first home buyers. Ms Devlin therefore considered that objective 4.10.1 is met as a range of residential activity is provided that contributes to housing affordability.

Ms Devlin considered that Plan Change 46 largely accords with the Wanaka Structure plan and therefore reflects the pattern of urban growth anticipated by the community. Plan Change 46 is not heavily reliant on the Wanaka Structure plan and instead represents a logical development of land where there is high demand for additional land adjacent to an existing industrial area. She also noted that the plan change was lodged in April 2013, well in advance of the District Plan Review. The plan change is now significantly down the line of processing that considering it is part of the District Plan Review would be inefficient use of resources. There would be significant disadvantages for ORHL in terms of costs by going through the hearing process again and the time delays would be extensive. The plan change process should be advanced independently of the District Plan Review.

In respect of the demand for residential and industrial land, Ms Devlin considered that the additional industrial land proposed will ensure the continuity of supply at an appropriate location in the medium term. There is the opportunity to create residential lots in close proximity to employment land, giving people the choice of living close to work and having the options of walking or cycling the work. An increase in the supply of residentially zoned land will not create an over-supply and instead there will be better pricing and greater choice for the community.

Ms Devlin noted that the only outstanding issue in regards to transportation relates to Road 2, and she noted that the link between Road 2 and Road 3 had been removed in order to assist in separating the industrial activity from residential.

Both Ms Devlin⁴ and Mr Baxter⁵ identified in their evidence that the Requestor was happy to offer a 5.5m height restriction on the first row of houses adjacent to the Rural General zone.

Mr Todd also provided legal submissions on behalf of the Gordon Family Trust in relation to their request to include the adjacent land within the Plan Change, and considered that the inclusion of the adjacent land was within the scope of the plan change.

Submitters

Ms Jan Caunter provided legal submissions on behalf of Ian Percy and Fiona Aitken, Ian Percy and Fiona Aitken Family Trust and Aitken Folly Vineyard Limited, and noted that the submitters' primary concerns are:

- a) The Plan Change preceding the district plan review
- b) There is an Insufficient need for this land at be rezoned at the present time
- c) The location of Road 3
- d) Impact on amenity values and on the submitters' vineyard business

Ms Caunter also considered that the question of demand was critical to the assessment. She drew our attention to the part 4.9 provisions, which implement in part the Growth Management Strategy for the Queenstown Lakes District (April 2007) and the Wanaka Structure Plan 2007. The key elements of Objectives 3 and 7 of part 4.9 are:

- a) Greenfields land for new urban development will be identified within the Urban Growth Boundary.
- b) Within the Urban Growth Boundary, the supply of new urban-zoned land will be limited only to that which can be demonstrated to be sufficient to meet the identified needs.
- c) The purpose of controlling the supply of land within an Urban Growth Boundary is to achieve a compact urban form and the efficient utilisation of land.

⁴ A Devlin, Primary Evidence para 3.22

⁵ P Baxter, Primary para 11.

Mr Ian Percy noted that his primary concern was the impact of Plan Change 46 on land activities and amenity values. He noted that the proposed road access enters the PC46 land at an elevation above their property and any traffic coming down the driveway from Ballantyne Road will have its lights directly at their house for 300 metres. He considered that road access represents a loss of rural amenity value due to street lighting, large volumes of noise and glare from headlights, among other things, and is opposed to Road 3 on traffic safety grounds. He also considered that an encroachment of industrial land closer to the property will only increase noise levels and dominate what should be a rural outlook. He considered that the Baxter Design Group landscape reports are wrong and believes that the presence of a terrace makes the development stand out more against the skyline. He was also concerned that reverse sensitivity issues may restrict the frost fan use and affect the viability of the business, and a buffer zone of at least 50 metres should be put in place to mitigate these issues. This could be achieved by providing a transition zone of larger lot size properties on the South Eastern boundary with building platforms to the North of the lots to provide a standoff from their property and aid in softening the hard urban edge. Mr Percy seeks a restriction on further subdivision, maximum building height of 6 metres, a colour scheme fitting for a rural environment and noise limitation to be enforced potentially through restriction of allowed activities in the industrial area. Earthworks and planting should also be provided to screen the Percy's property.

Mrs Raelene Shanks spoke to her submission, and considered that the proposed development will be highly visible and future views from Riverbank Road will be dominated by built form rather than the existing pastoral landscape. She considered that Road 2 on the plan will increase noise and lights and be of nuisance to the property owner. Heavy traffic in and out of Roads 2 and 3 will result in a high increase of motor and gear change noise, and she believed the road should be a Ring Road. She also considered that Road 3 should be deleted and the land should be bunded and landscaped instead. Access to the proposed development should be from proposed road 4. Mrs Shanks considered that conditions need to be imposed to ensure buildings were lower than 7 metres, and to address the colour of buildings and expected combined height of mounding and plants. She accepts that the green buffer space would provide a degree of mitigation. She also agreed that a 5.5 metre height limit proposed in the first row of houses along the Rural General Zone boundary and the standard building boundary sets backs would offer sufficient mitigation.

Mrs Shanks also requested that Ms J Hall speak in support of her submission, although she was not a submitter herself. We agreed to hear from Ms Hall the basis that she was limited to the matters in Mrs Shanks' submission. The points she raised were similar in respect to the concerns relating to amenity values and other potential adverse effects.

Mr Ian Greaves provided resource management evidence for the submitters, and considered the Plan Change should form part of the District Plan Review. He also considered that the Wanaka Structure Plan should not be relied upon exclusively in the determination of Plan Change 46 as it is not a binding statutory document, although the plan should be given some consideration as it is an important guide for identifying future issues for Wanaka. The legal process to test rezoning is prescribed under the Resource Management Act. Mr Greaves considered that the Requestor had not addressed how sustainable management has been promoted by enabling the new residential and industrial land, and that the need for further industrial land appears to be overstated. To ensure that the proposed Industrial B Zone is developed in an orderly and logical manner staging development is supported based on the uptake of existing zoning. However, analysis on the potential uptake of the proposed zone based on the availability of existing industrial land should be provided before any new industrial land is determined.

Mr Greaves noted that the Low Density residential rules would enable dwellings up to 7 metres in height up to 2 metres from the south-east boundary, which would create a range of amenity effects on the Rural general sites to the south east from the loss of privacy, building dominance, lighting and noise which will be exacerbated due to the higher elevation of Plan Change 46 land. He considered that the plan change creates a 'hard' edge of residential zoning with no transition into the rural environment, and he confirmed that this interface should be 'softened'. He also noted that careful consideration at consent stage is required to ensure that industrial activities along the boundaries of the zone do not infringe District Plan noise rules.

Mr Greaves also considered that other primary factor that will create amenity effects onto the Rural General land to the south east is the proposed road through the open space area (Road 3) which

may serve as a feeder to further residential development within the Gordon land to the north-west. This road will result in traffic noise and glare from both vehicles and streetlights that will affect the amenity values of the Rural General land to the south east. The location of Road 3 is not fixed and Mr Greaves recommended that the position of the road is fixed on the proposed structure plan with a minimum 20 metres setback from the south eastern boundary. He considered that if Road 3 is to remain further consideration of landscape outcomes required by Assessment Matter 11.6.2(ii)(x)(e) of the District Plan needs to be addressed and extended to open green space area associated with ORHL land. He considered that the current Outline Plan approved by QLDC for ORHL's existing Industrial B zone places a stormwater detention pond within the open green space. Extending the requirements of Assessment Matter 11.6.2(ii)(x)(e) would require the pond to be relocated.

Mr Greaves also raised reverse sensitivity concerns regarding the frost fan at 246 Riverbank Road, noting it has the potential to impact upon amenity values in the proposed residential zoning, although agreed that with mitigating measures that any sleep disturbance from the frost fan is unlikely to occur, and he considered a 50 metre setback would be necessary.

Mr Greaves also considered that the plan change does not align with the relevant objectives and policies of the Otago Operative RPS and Proposed RPS. For example, the Proposed Otago Regional Policy Statement, Policy 3.8.2 encourages controlled release of land for new development that ensures logical spatial development and efficient use of existing land and infrastructure before new land is released. Mr Greaves believes that matter has not been addressed by the Requestor. To be consistent with Policy 3.8.3, reverse sensitivity issues would need to be addressed and the residential development should be set back beyond the south eastern boundary. He also believes that the proposal is inconsistent with some objectives and policies of the Queenstown Lakes Operative District Plan due to no affordable housing mechanisms being provided, there not being any evidence of the proposal meeting the community needs, and there being sufficient existing land to cater for future residential growth. The amenity of the proposed urban environment could also be compromised by the proposal.

Adjournment

Subsequent to the hearing being adjourned, we sought further information from the Requestor in relation to a number of matters, as follows:

- Whether there should be boundary treatment on the Orchard Road facing boundary of the site. The Requestor responded noting that there are existing trees between the site and Orchard Road, and the boundary of the site is 0.5km from Orchard Road and the speed limit on Orchard Road is 70kph. ORHL did not consider that landscaping on the Orchard Road boundary is necessary as views towards the sites are not lingering. Creating screen planting plan provisions could adversely affect the ability to create a cohesive residential development in the future.
- Whether a 20m buffer between the residential area and the Rural General zone was more appropriate. In response, ORHL offered a 15 metre buffer which will incorporate landscaping and mounding per the cross section prepared by Baxter Design Group. ORHL had undertaken discussions with Queenstown Lakes District Council who have stated they are unlikely to accept the strip as reserve. ORHL acknowledged that they will need to plan for the possibility that this land will be in private ownership and therefore it is not appropriate to show the land as a cycle/walking link as part of the plan change.
- Further clarification on the screening to be undertaken around the stormwater pond. The Requestor responded that screening and appropriate treatment of the stormwater detention pond located in the open green space is considered to be a detailed design matter not relevant to a plan change.
- Whether additional provisions were required to require screening for properties adjacent to the Industrial B Zone. The Requestor responded that details of other controls necessary to ensure activities on the future industrial lots are screened from properties on the south eastern boundary will be provided pursuant to Rule 11.5.6 Ref 20.

The Requestors responses were circulated for comment to all parties, and the responses received are summarised below.

Ms Jan Caunter provided supplementary legal submissions on behalf of Mr Percy and Ms Aitken, and noted overall that Mr Percy is critical of Mr Baxter's landscape evidence, and considers the photographs are misleading. He believes that there is no evidence before the Commission confirming that planting will mitigate the noise effect from future industrial units. She indicated that Mr Greaves supports a 20m minimum buffer in combination with building controls to provide visual mitigation between Plan Change 46 land and the adjacent Rural Zone. Mr Greaves believes that planting mitigation should be undertaken by the developer in advance and a minimum planting height of 5.5 metres. In relation to the industrial buffer, the requirements of Assessment Matter 11.6.2(ii)(x)(e) should be extended to the green open space adjoining the proposed Industrial Zone.

Ms Caunter indicated that concerns remain over the Requestor's lack of response to matters raised and unwillingness to put forward sensible mitigation. She reiterated that the submitters seek a final outcome that makes it very clear what mitigation is proposed and why, who should pay for it and when the mitigation should occur. She noted that the overlap between the location of the stormwater pond and proposed Road 3 remains unclear. If the pond is to remain in the location suggested, Road 3 must be deleted.

Mr Percy provided a supplementary statement of evidence in which he requested that the 20 metre buffer zone not be reduced and that responsibility for planting and maintenance rests with the Requestor. He also considered that the stormwater detention pond needs to be moved due to its impact on the location of the road. An alternative location needs to be provided, and if it cannot then the proposed road should be deleted entirely. He also considered that the photographs provided by Mr Baxter were misleading, and suggested the contentious ridgeline has been faded in some of his figures. He also considered that the certainty of visual and noise mitigation should be given at the plan change stage rather than at subdivision stage.

Mrs Shanks provided a supplementary statement in which she considered the entrance should be on Orchard Road as ORHL had indicated that development would extend to Orchard Road. She agreed a 20m setback with a 5.5 m height restriction on the first row of houses would be appropriate. She considered that it is difficult to accept that sufficient mitigation will be provided without being shown a professional proposed landscaping and roading plan. Mrs Shanks requested that Assessment Matter (11.6.2(ii)(xv) and the associated Figure 1) relating to a restricted discretionary landscape plan (as part of an ODP) be reworded as to require a combination of naturalistic mounding of 2-3 metres in height, and predominantly evergreen planting of around 5-6 metres in height or, in the absence of any mounding, a 30 metre strip of dense predominantly evergreen planting of at least 8 metres in height is required in order to provide effective mitigation, and a staging rule relating to the volume of landscaping to be completed before further development could proceed.

Mr Greaves provided a supplementary brief of evidence, in which he supported the recommendation for a 20 metre buffer at a minimum, in combination with building height controls to provide visual mitigation between Plan Change 46 land and Rural General Zone. He considered that 15 metres failed to achieve the potential for the scope for sound attenuation. He did not support the zone standard in Ms Devlin's planning evidence as the buffer planting and mounding will be tied to individual lot owners and form a requirement at the time a dwelling is established which will result in piecemeal planting. He considered that the no-build buffer should be undertaken by the developer as early as possible and that the appropriate screening and treatment controls for the open green space are included in the District Plan to screen industrial development from the properties on the south eastern boundary. The mounding requirement of Assessment Matter 11.6.2 (i)(x)(e) should be extended to open green space area.

Following receipt of the responses from submitters, **Mr Todd** filed supplementary legal submissions in closing on behalf of ORHL. He expressed concern that the supplementary submission and evidence filed on behalf of Ian Percy and Fiona Aitken, Ian Percy and Fiona Aitken Family Trust and Aitken's Folly Vineyard Limited was new evidence. Matters which related Mr Baxter's evidence were

produced at the hearing so appear to be a form of rebuttal. Mr Baxter's professional character was raised in the evidence and Mr Baxter has provided a memorandum which addresses these allegations.

Mr Todd noted that the stormwater pond is already in-situ as it services the existing industrial premises so the location will not change. The road shown on the road corridor is the road corridor rather than the road as constructed. The road can be moved pursuant to Rule 11.5.6.16 from the location shown on the structure plan. Mr Todd noted there is insufficient land between the detention pond and ORHL land boundary to move the road towards Riverbank Road. There is no issue in relation to the detention pond. Mr Todd also confirmed the Requestor's position that a 15 metre buffer with a planted mound will be sufficient mitigation between the proposed Residential Zone and Riverbank Road properties. He concluded that the proposed structure plan and rules provides Riverbank Road residents with the confidence that there will be a planted buffer and no-build area. It would be impractical to retain the open space if it cannot be vested with Council.

Mr Paddy Baxter provided a memorandum in response to Mr Percy's supplementary evidence and noted that he had visited the site on many occasions and is very familiar with it. Photographs were included in the original section 32 report of 2013 but did not form part of his evidence. He confirmed that the contentious ridgeline has not been faded out as suggested by the submitter, and noted that the only Photoshop work undertaken was for labelling purposes which was for the section 32 report in 2013. Mr Baxter made a minor correction to the section 32 report on page 7 on Sec B.2.1 where it should read – "View 1 is from Ballantyne Road, just southeast of the intersection with Riverbank Road", and confirmed that this does not affect the wider conclusions of the section 32 report. Overall Mr Baxter stood by his evidence presented at the hearing and considered it credible and professional.

At this point we consider it appropriate to acknowledge the expert landscape advice of Mr Baxter. We have no concern as to the credibility or professional standard of his evidence. We also note that no other party provided any expert landscape assessment. His view was that with mitigation, the site could absorb the type of development envisaged by the plan change. While we understand and accept the concerns expressed by the submitters in relation to the visibility of development and potential for adverse amenity effects arising from activity generally on the site, we accept that Mr Baxter's proposed buffer and landscape treatment as appropriate for the reasons we discuss in this decision. As such, we accept the 15 metre no build area and 5.5m height restriction on the first row of houses adjoining the Rural General Zone. We are satisfied that the effect of this, in tandem with the reduced building heights and elevated terrace upon which the residential activity is to be located, will address the concerns of submitters.

We also record that the Council's Consultant planner, Mr Bryce, prepared a Section 42A Report (hereafter referred to as the 42A Report) and was in attendance at the hearing. We have also considered the Section 32 documentation and all other documents referred to and/ or relied upon in those reports.

5. The Structure of this Report

In this report, we first clarify our over-arching recommendation to the Council (i.e. whether to accept the Plan Change in its entirety, in part, or reject it).

Then, in accordance with the recent amendments to the Resource Management Act (RMA) the substance of the submissions are addressed by grouping them according to the matters to which they relate. The individual submission points are not specifically addressed or responded to in this report but, rather, the following issues are considered and recommendations are made, addressing the issues in the order in which they appeared in the 42A report:

1. Consistency with objectives and policies of the District Plan;
2. Consistency with Part 2 of the Act;
3. Weight to be Applied to the Wanaka Structure Plan;
4. Adequacy of the Section 32 Evaluation and Consideration of Alternatives;
5. Expansion of Plan Change Boundary;
6. Consideration of Plan Change as part of the District Plan Review;
7. Need for Plan Change;

8. Effects on Landscape and Visual Amenity Values;
9. Effects on Amenity Values;
10. Reverse Sensitivity Effects;
11. Transportation Effects; and
12. Infrastructure Effects.

Expert planning evidence addressing these issues was provided by Mr Bryce, in the form of the section 42A report, Ms Devlin for the Requestor, and Mr Greaves for Mr Percy and Ms Aitken. Having considered the evidence, we prefer that of Mr Bryce, and to the extent that it is consistent with Mr Bryce's view, Ms Devlin's. Our consideration of each issue is structured in a similar manner to the 42A report, as follows:

- The Issue;
- Discussion of the points raised in submissions and our consideration of those;
- Recommendation and reasons, where we set out our recommendation on then submissions; and the reason why the recommended approach is considered appropriate in relation to the RMA.

5.1 Summary of our Recommendations and Reasons

We recommend that the Queenstown Lakes District Council **accept in part** proposed Plan Change 46, subject to the amendments discussed in the following sections of this report.

We recommend this because we agree it will help achieve sustainable management of the district's resources by providing a consolidated industrial area which will meet long term demand for industrial activities in a convenient location, within the urban growth boundary designated in the Wanaka Structure Plan. We also consider that the residential area proposed will assist in providing for the ongoing residential needs of the Wanaka community. The quantum of residential and industrial zoned land provided by the Plan Change will enable the community to provide for its ongoing economic and social wellbeing by enabling a more diverse economy and community.

Appendix **B** contains the proposed set of amended District Plan provisions which include an amended Structure Plan for the newly zoned areas. Where there is any inconsistency between the provisions contained in Appendix **B** and any reference made in the body of this report, then the form of the provisions in this report Appendix **B** shall take precedence. We also note that no changes were sought to the text of some parts of the Plan Change provisions, and they have therefore been retained as notified.

6.0 Consideration of the issues raised by Submitters

Mr Bryce's view, as expressed in the section 42A report, was that subject to the resolution of a number of matters including the maintenance of landscape, visual amenity values and rural amenity values of adjoining rural lifestyle properties along Riverbank Road, the Plan Change is the most appropriate means of achieving the purpose of the Act. Having considered the evidence received, we agree with this view. The changes made to the Plan Change proposal are sufficient in our view to address these matters, as we discuss throughout this report.

Having determined that the Plan Change is the most appropriate means of achieving the Act's purpose, it follows that we do not accept the submissions seeking the withdrawal of Plan Change 46, and recommend that they be rejected. Our view is that retaining the 'status quo' would not address the following key resource management issues that Plan Change 46 seeks to address, as set out in Mr Bryce's recommending report:

- (i) the Ballantyne Road industrial area is a focal point for industrial activity in Wanaka and a sufficient supply of land needs to be available to meet the demands of industrial activities at this location;
- (ii) the surrounding land is identified for future residential activity in the Wanaka Structure Plan and needs to be implemented by way of the District Plan; and
- (iii) the interface of industrial and residential activity has the potential to create reverse-sensitivity effects.

We note, for completeness, that two submissions⁶ have also identified that there is a the need for the Plan Change Site, particularly the proposed Low Density Residential Zone, to more appropriately integrate with the adjoining Rural General Zone. We have recommend amendments to directly respond to this issue, where appropriate.

6.1 Issue: Consistency with Objectives and Policies of the District Plan

One Original submitter raises matters relating to the consistency of Plan Change 46 with the RMA and seeks the Plan Change be rejected on the basis that it is inconsistent with the objectives and policies of the Operative District Plan and does not achieve the purpose of the Act.⁷

Consideration

The section 42A report identifies that section 74 of the RMA provides the basis for the discussion of whether the Plan Change is consistent with the District Plan, requiring that the District Plan and changes thereto must

- (i) be in accordance with Part 2 of the RMA;
- (ii) be accompanied by a Section 32 report;
- (iii) have regard to regional policies and plans and the extent to which it needs to be consistent with the plans or proposed plans of adjacent territorial authorities; and
- (iv) must take into account any planning documents recognised by iwi authorities and lodged with the territorial authority.

Sections 6.3⁸ and 6.4⁹ of the section 32 evaluation provided with the Plan Change request address the relevant policies and plans and other regulations as set out in section 74 of the RMA.¹⁰ Having reviewed the Plan Change, the submissions and the evidence provided at the hearing, we are satisfied, that the Plan Change accords with the majority of objectives and policies of the District Plan.

We note specifically that Part 10.4 (Affordable and Community Housing) under Part 4 of the District Plan was not addressed within the section 32 evaluation, and that the affordable housing issue was discussed in depth at the hearing. We understand the Requestor's position to be that the Plan Change does not seek to deliver community housing (as defined), but instead seeks to promote outcomes whereby the needs of the community are recognised through a broader range of housing stock provided by the proposed Low Density Residential Zone and by the Requestor's wider portfolio. We accept Mr Dippie's evidence in this regard, and also note that since the Hearing the Environment Court's interim decision on the Northlake Plan Change has been issued, which confirms that Plan Change and will result in some 1,500 additional sections being introduced over time to the Wanaka market.

A number of submitters raised concerns relating to the need for the Plan Change to more effectively respond to zone interface issues in order to maintain amenity values of adjoining rural property owners. Having reviewed the evidence, and received further information from the Requestor on this matter, we are satisfied that our recommendations, and particularly those in relation to the creation of an appropriate buffer along the interface between the proposed Low Density Residential area and the Rural General Zone appropriately respond to these matters and overall we are satisfied that they accord with the policy direction of the District Plan.

6.2 Issue: Achieving the Purpose of the RMA

One Original submitter raises matters relating to the consistency of Plan Change 46 with the RMA and states that:

⁶ By Ian Percy and Fiona Aitken (46/5) and Peter and Raelene Shanks (46/6)

⁷ 46/5/01

⁸ At page 24.

⁹ At pages 25 and 26.

¹⁰ Section 74 of the RMA requires consideration to be given to whether the plan change is consistent with the District Plan and whether the changes accord with Part 2 of the RMA, having regard to regional policies and plans and the extent to which it needs to be consistent with the plans or proposed plans of adjacent territorial authorities; and must take into account any planning documents recognised by iwi authorities and lodged with the territorial authority.

- The Plan Change is inconsistent with the objectives and policies of the Operative District Plan and does not achieve the purpose of the Act;¹¹
- The Plan Change is not the most appropriate way of achieving the purpose of the RMA and that the Plan Change fails to consider the alternative option of extending the Plan Change boundary to include the Submitter's land which would better achieve the purpose of the RMA.
- The Plan Change is not the most appropriate way of achieving the purpose of the RMA.¹²

Consideration

We have had regard to whether the Plan Change seeks to achieve the purpose of the RMA, set out in section 5, and informed by relevant matters set out under Part 2 of the Act.

Having considered the substantive issues raised within the section 32 evaluation and those identified through this submission process, we conclude that the purpose of this plan change is not contrary to the purpose of the Act. We are satisfied that the change to the zoning to Industrial B Zone and Low Density Residential Zone and associated supporting provisions, including as amended as a consequence of this report, are appropriate and will provide for the sustainable management of natural and physical resources within this part of the Queenstown District.

We do not agree that the adjoining land should be included within this Plan change, for reasons we address later.

Recommendations

We recommend that the Plan Change be confirmed, subject to the amendments contained within this report in order to ensure that it is consistent with and will contribute to the purpose and principles of the Act, and to ensure that the Plan Change better achieves the operative objectives and policies of the District Plan.

6.3 Issue: Weight to be applied to the Wanaka Structure Plan

A number of original submitters addressed the Wanaka Structure Plan, noting that:

- The proposed residential development is consistent with the Wanaka Structure Plan and will provide for future housing needs of the community;¹³
- The Plan Change places excessive weight upon the Wanaka Structure Plan, which (i) is a non-RMA document that has been prepared without the rigour of a section 32 analysis; and (ii) has not been fully incorporated into the Operative District Plan;¹⁴
- The urban growth boundary (inner and outer), identified through the WSP process, has not been incorporated into the Operative District Plan.¹⁵

Consideration

We accept that the Wanaka Structure Plan is a policy document consistent with the purpose of the Local Government Act 2002, that it is intended to provide a framework in order to guide future growth in Wanaka, and is an expression of the Wanaka community's aspirations and direction for future growth. Mr Bryce addressed the Wanaka Structure Plan in detail in the section 42A report, and we accept his view, noting in particular that the Structure Plan is an expression of the strategic intent of Council, and it is intended that it be incorporated within and given effect to by including its boundaries and growth areas into the District Plan by way of Plan Changes. We note in particular that all of the land subject to Plan Change 46 is within the Inner Growth Boundary as identified on the Wanaka Structure Plan, meaning that it forms part of the Wanaka urban growth area for which re-zoning has been identified.

The Wanaka Structure Plan provides well-founded principles in terms of a sustainable settlement pattern for Wanaka and is an important consideration in shaping the development of Wanaka. We

¹¹ 46/5/01

¹² 46/7/01

¹³ 46/1/1, 46/4/1

¹⁴ 46/5/3

¹⁵ 46/5/3

rely on Mr Bryce's view that it is a document regularly recognised by Council in assessing and determining resource consents and Plan Changes.

Notwithstanding the relevance of the Wanaka Structure Plan, this Plan Change must be considered primarily in terms of the objectives stated in Part 4 of the District Plan, which are addressed in section 6.1 above.

Recommendations

- (i) That the submission by *Ian Percy and Fiona Aitkin (46/5/3)* be **rejected** on the basis that appropriate weight has been placed upon the relevant Part 4 District Wide Objectives of the District Plan.
- (ii) That the submissions of *Daphne and Jim Ledgerwood (46/4/1)*, *Grandview Developments Limited (46/1/1)*, and *Wanaka Hardware and Building Supplies Limited (46/2/4)* be **accepted** on the basis that they consider the Plan Change is consistent with the Wanaka Structure Plan.

6.4 Issue: Adequacy of the Section 32 Evaluation and consideration of alternatives

The Gordon Family Trust (submitter 46/7) seeks that the Plan Change boundary be expanded to include the land shown on their attached plan, and to rezone this land from Rural General to Low Density Residential and to provide the associated road network. The submission raises the following matters:

- The Plan Change fails to consider the alternative option of extending the Plan Change boundary to include the submitter's land, which would better achieve the purpose of the RMA;¹⁶ and
- The section 32 evaluation must consider the extent to which policies, rules or other methods proposed in a plan change are the most appropriate means to meet the objectives of the District Plan. The submitter considers that the proposed extension of the Low Density Residential Zone to incorporate their property is a more appropriate extent than that proposed under Plan Change 46.¹⁷

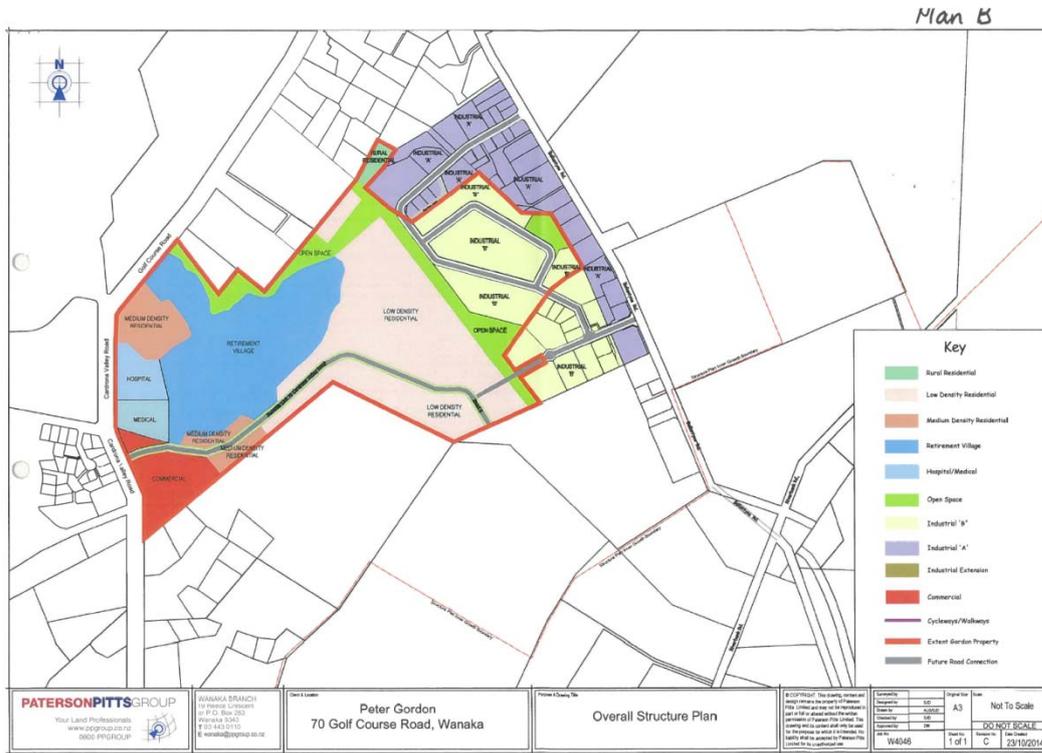
In the alternative, the submitter seeks that the Plan Change be rejected in its entirety on the grounds that it is not the most appropriate way to achieve the purpose of the RMA.

Consideration

The submitter considers that the Plan Change fails to consider the alternative option of extending the Plan Change boundary to include the Trust's land, which the submitter considers would better achieve the purpose of the RMA. The submitter seeks that the boundary of the Plan Change be expanded to include their land (Figure 3 on the following page), that the land be zoned Low Density Residential and that the associated road network over the submitter's land be provided for.

¹⁶ 46/7/01

¹⁷ 46/7/05



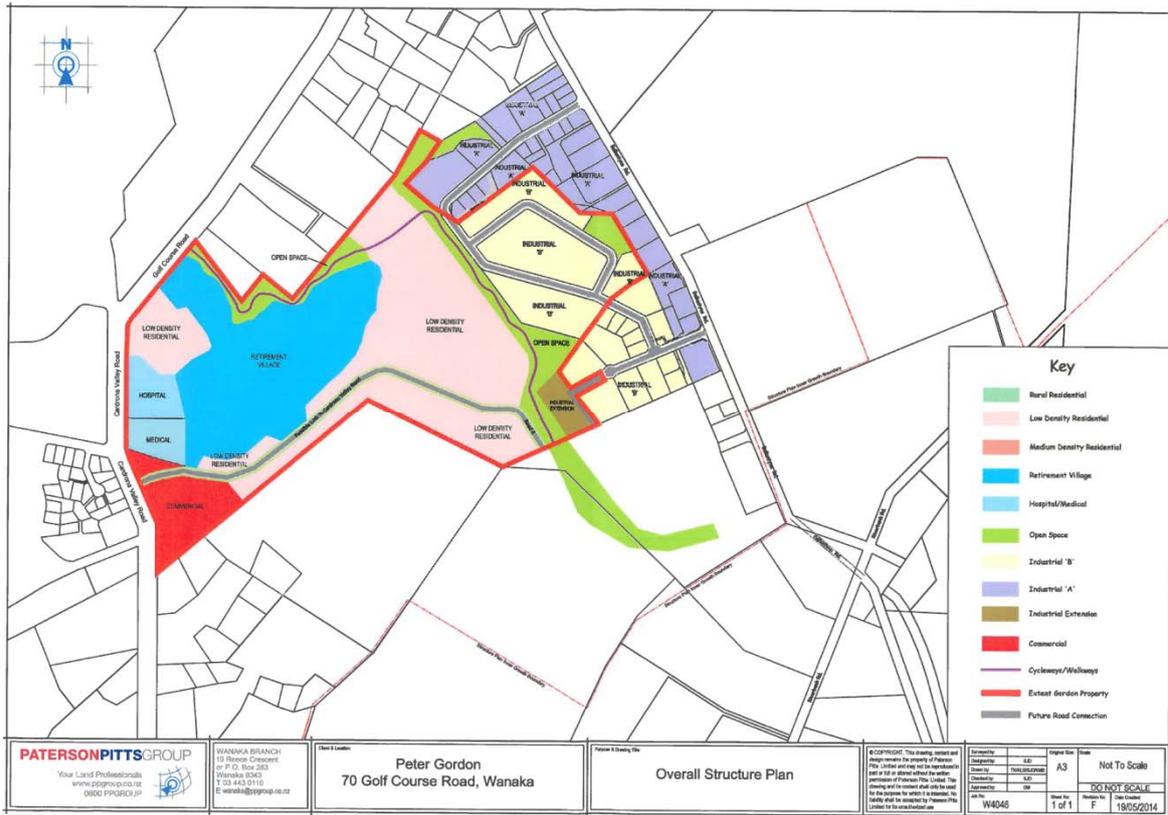


Figure 4 – Plan lodged with Gordon Family Trust Further Submission

Two separate issues are raised in the Gordon Family Trust submission, as follows:

- (i) the appropriateness of the section 32 evaluation, and in particular the consideration of alternatives.
- (ii) the question of scope and whether the submission is 'on plan change'.

We have elected to address these matters in the same order as the section 42A report and therefore address the first of these issues in this section, and the scope issue under section 6.5.

The Resource Management Amendment Act 2013 changes the requirements for, and implications of, section 32 evaluations. In particular, a new provision has been included requiring that in examining whether the provisions are the most appropriate way to achieve the objectives, an evaluation report must identify reasonably practicable options for achieving those objectives.

Referring us to section 32(1)(b)(i), Mr Bryce noted that all that is required is the identification of other reasonably practicable options, and that there is no corresponding explicit requirement that the efficiency and effectiveness of those other options be examined and compared. We agree and note that this view is consistent with the interim guidance prepared by the Ministry for the Environment on evaluations undertaken in accordance with section 32¹⁸.

We have read the section 32 evaluation supporting Plan Change 46. It addressed Section 32 of the Act and addresses the following alternative zoning options for achieving the objectives as part of the Plan Change:

- retain the status quo i.e. no plan change;
- rezone the industrial portion of the land as Industrial (A) Zone;
- rezone the land as Three Parks Special Zone;
- rezone land at a different location; or

¹⁸ Ministry for the Environment, 2013, *A guide to s 32 of the RMA 1991; Incorporating changes as a result of the Resource Management Amendment Act 2013, Interim Guidance*, Wellington, p33.

- rezone land as Industrial (B) and Low Density Residential.

As identified by Mr Bryce, the section 32 evaluation considers an alternative option involving land available along Ballantyne Road and, in particular, considers the merits of rezoning land on the opposite side of Ballantyne Road from the land subject to the Plan Change (and south of the Three Parks/Ponds area). We consider it appropriate to discount this option on the basis it sits outside the Inner Growth Boundary at the expense of other more suitable areas within this boundary, and as such would not be consistent with the purposes of the Wanaka Structure Plan.

We note that no other options, including the inclusion of the Gordon Family trust land, were identified in the section 32 analysis.

We consider that the location of the Gordon Land within the Inner Growth Boundary, and its ability to provide an efficient linkage with the Low Density Residential zoning advanced by Plan Change 46, provide some efficiencies in including the Gordon Family Trust land in this Plan Change. Despite some of these merits, however, we are concerned that there are procedural matters that will preclude the inclusion of this land, which we address below.

In relation to the consideration of the section 32 evaluation, however, we are satisfied that the requirement of the consideration of all *reasonably practicable* or alternative options has been satisfied and we do not accept the submission of the Gordon Family Trust in this regard.

Recommendation

That the submission by the Gordon Family Trust 46/7/2 and further submission F46/10/09 be **rejected** as the section 32 evaluation adequately addresses the requirement under section 32(i) for the consideration of all *reasonably practicable* or alternative options.

6.5 Expansion of the Plan Change Boundary

As identified above, the Gordon Family Trust has requested that its land, lying adjacent to the Plan Change site, be included within Plan Change 46. The issues we consider requiring addressing from this submission are:

- Whether this submission is within the scope of the plan change; and
- If it is within the scope / "on" the Plan Change, then whether such rezoning is appropriate.

Consideration

The submitter (46/7/2) considers that clause 6 of Schedule 1 of the RMA provides jurisdiction to seek that a portion of their land be included in the Plan Change as they consider that the extension of the boundary of a plan change is "on" plan change, and that providing for additional land to be included within the Plan Change is both logical and anticipated given the recent history of development of the surrounding Gordon land, the surrounding land and its changed zoning. The submitter's position was that it is unlikely that there will be any additional persons who are not already affected by the Plan Change who would become involved as a consequence of extending the boundary of the Plan Change as proposed.¹⁹

The Further Submission of Percy & Aitken (F46/05/06) raised a neutral submission to submission 46/7/2 and highlights the need for further expansion of residential zoning to be advanced as part of the District Plan Review.

The further submission of ORHL (F46/10/09) considered that the inclusion of the Gordon land will enable the comprehensive development of the area in terms of land use, road network and open space network, subject to an appropriate layout being shown on the structure plan, but sought that the submission be accepted subject to the structure plan being revised to better integrate with the PC46 structure plan.

The further submission of Stuart and Melanie Pinfold (F46/11/01) supports (in part) submission

¹⁹ 46/7/2

46/07/04 and 46/07/05. The Pinfolds have an interest in land at Heritage Park and have raised concerns regarding the extent of the zoning significantly beyond the area originally identified in Plan Change 46 as notified, on the basis that the extension of the zoning promoted in the Gordon Family Trust submission has the potential to adversely affect their properties and raise concerns that no consultation has been undertaken with them.

A review of the further submission indicates that the further submitter's concerns relate to the area of land identified as 'commercial' on the plan supporting the Gordon Family Trust submission. The further submitter requests that consultation be undertaken with the regarding the proposed extension of the zoning so that they can better understand the potential effects to their properties.

We agree with Mr Bryce that there are scope issues arising from the Gordon Family Trust submission. Notably, the Gordon Land, while immediately adjoining the Plan Change Site, did not form part of the Plan Change as notified. The requested re-zoning was not addressed within the section 32 evaluation supporting the Plan Change, and neither was it addressed in a subsequent re-evaluation as part of the submission.

Mr Bryce's report identified that a letter highlighting that Council had prepared a summary of submissions on the Plan Change was sent to all adjoining landowners bordering the Plan Change Site. He advised that this consultation process did not extend to cover properties further to the north west located closer to the Gordon Family Land. We agree with his concern that additional landowners may not be satisfied and challenge this process should the Council accept the outcome of this submission. We also note in this regard that the further submission lodged by Stuart and Melanie Pinfold (F46/11/01) raised specific concern about the extension proposed to the Plan Change and the need for further consultation.

The section 42A report drew our attention to relevant case law on the issue of whether something is consistent with the scope of a Plan Change. We also had the benefit of submissions from Ms Caunter and Mr Todd on this matter.

We consider the cautious approach in Mr Bryce's evidence to be appropriate. He referred us to '*Palmerston North City Council v Motor Machinists Ltd*' (HC, 31/05/13), which in essence requires consideration of the approach taken in an earlier case (*Clearwater v Christchurch City Council*) – specifically, whether the submission addresses the change to the status quo advanced by the proposed plan change and, secondly, whether there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process.

Having considered the legal submissions of both parties, we are of the view that:

- The Plan Change as notified does not address the re-zoning of the Gordon Land and, as a consequence, the submission is not 'on' plan change; rather, it is beyond the scope of the Plan change;
- The submission raises matters that should have been considered in the Section 32 analysis if the land was to become part of the Plan change, and no further assessment has been undertaken. The change promoted in the submission would significantly increase the extent of the Low Density Residential rezoning proposed under the Plan Change. However, there has been no associated assessment of any additional transportation or infrastructure related issues that may be generated by the extension.
- There is a risk that persons directly or potentially affected could be denied the opportunity to submit on the proposed change. Although the Gordon Family Trust highlights that "*it is unlikely that there will be any additional persons who are not already affected by the Plan Change who would become involved as a consequence of solely extending the boundary of the Plan Change as proposed*", we do not agree. The extent and nature of the additional changes sought are such that we cannot be satisfied that no other person would have made a submission or further submission had they known of the nature of the changes proposed.
- The further submission by Stuart and Melanie Pinfold (F46/11/01) requests that more detailed consultation is undertaken with them to address their concerns. We consider that this further submission reinforces the potential for persons directly or potentially affected by

changes to a plan change proposed by way of submission, to be denied an effective response to those changes.

In summary, we do not agree that the Gordon Family Trust submission is 'on' Plan Change, and instead falls well beyond the scope of Plan Change 46. We are concerned that it would significantly increase the nature of Low Density Residential zoning being advanced under Plan Change 46, and that the change sought is neither backed by a full assessment of the potential effects nor properly evaluated in terms of section 32. Fundamentally, we consider that the extension sought in the submission is not underpinned by a process that has provided for an appropriate opportunity for public participation.

Recommendation

- (i) That the submissions of the Gordon Family Trust (46/7/1 to 46/7/6) and further submission F46/10/09 be rejected on the basis that they are beyond the scope of Plan Change 46. We consider that accepting these submissions could raise natural justice issues, as other parties could conceivably have submitted had they known this area and the proposed provisions were to be included. We also note that the relief sought by the Gordon Family Trust includes a small commercial component, whereas Plan Change 46 as notified and the associated section 32 analysis neither provide for nor address commercial activities, and we consider this element to also be outside the scope of the Plan Change.
- (ii) That the Further submission by Percy & Aitkin (F46/05/06) **be accepted** on the basis that the re-zoning extension sought by the Gordon Family Trust is more appropriately considered as part of the District Plan Review.

6.6 Issue: Consideration of Plan Change as part of District Plan Review

Whether the Plan Change should be considered as part of the District Plan Review is an issue raised in the submissions of Ian Percy & Fiona Aitken (46/5/2), where they consider it is inappropriate for the Council to be considering the Plan Change when it is close to notifying its proposed District Plan review. The submitter considers that the effects of any rezoning of this land must be considered in the wider District Plan review, which will consider all development for Wanaka in the whole, including the location of the Wanaka urban boundary, all zoning, whether residential, industrial or otherwise, infrastructure and roading.²⁰

Consideration

The Percy and Aitken submission considers it is inappropriate for the Council to be considering Plan Change 46 when it is close to notifying its proposed District Plan Review. This view was supported by Mr Greaves in his evidence. The submitter considers that the Plan Change in its present form has the potential to create an island of Low Density Residential land sitting within an area of Rural, Industrial and Large Lot Urban Zones. As a consequence, the submitter considers that this does not represent sustainable management, or a logical zoning approach, to this land or the development of this part of Wanaka.

ORHL through its further submission F46/10/06 opposed Original submission 46/5/2 and contended that waiting for the District Plan review to finally become operative may take a number of years and will not provide for short-term demand for industrial land at this location. ORHL submitted that there is no provision in the RMA that suggests parties promoting Private Plan changes should await notification of a review of a plan to seek a zone change for their land.

We prefer Mr Bryce's view on this point and note that both the Requestor and the Council officers had the same view. In short, the Council has accepted this privately-initiated plan change for processing and, as a consequence, it should be determined on its merits as part of this private initiated Plan Change process. We consider the fact that the Plan Change is supported with a Scheme Plan (attached as Appendix B to the section 32 evaluation) and Structure Plan (attached as Appendix C to the section 32 evaluation) that identify how the proposed Low Density Residential and Industrial B Zones and associated road connections advanced under this plan change can be

²⁰ 46/5/2

appropriately integrated with broader zone outcomes that the Council is considering as part of the current District Plan Review provides sufficient certainty that this Plan Change is not being considered in isolation of broader zoning outcomes that are to be advanced as part of the District Plan Review.

Overall, we are satisfied that it is acceptable for the proposed Plan Change to be advanced independently of the Council's District Plan Review and that it is appropriate for the Plan Change to be considered on its merits under the operative District Plan.

Recommendations

That the submission by Ian Percy & Fiona Aitkin (46/5/2) be **rejected** as it is appropriate and acceptable for the Plan Change to be advanced independently of the Council's District Plan Review process.

6.7 Issue: Need for the Plan Change

Whether the additional Low Density Residential and Industrial B zoning is 'needed' in Wanaka is one of the issues raised in submissions with one submission specifically addressing this matter,²¹ while two other submissions reinforce the merits of the Industrial B Zone extension.²² The section 42A report identifies that the points raised include:

- In order to perform its functions under section 31 in a way that achieves the purpose of the Act, Council must consider whether there is a present need to apply a particular method (in this case a new special zone) to land;²³
- The section 32 report lodged with Plan Change 46 seeks to justify the plan change on the basis of the need to meet the demands of industrial and residential activities. There is no demonstrated demand for industrially-zoned land or residentially-zoned land identified in the section 32 report, either now or in the foreseeable future;²⁴ and
- The submitter seeks that the re-zoning of the land through the Plan Change be deferred until existing industrial and low-density residential land is utilised for zoned and other use. The submitter requests that the District Plan incorporate performance standards to assess the uptake of that land. Until performance standards are met, the current rural zoning should be retained;²⁵
- The industrial rezoning will consolidate an existing industrial area and provide for and encourage new businesses, which will benefit the local economy;²⁶
- In addition to meeting existing demand, the creation of new industrial space will encourage new businesses to locate in Wanaka, which will result in positive economic benefits for the local community;²⁷

The relief sought by these submitters range from the rejection of the plan change through to it being approved subject to revisions to address the concerns raised by submitters.

Discussion

At the outset of this part of the assessment, we note that the RMA no longer requires that the need for a Plan Change be demonstrated.

The submission of Ian Percy & Fiona Aitken (46/5/4) raises specific concerns that the section 32 report lodged with Plan Change 46 seeks to justify the plan change on the basis of the need to meet the demands of industrial and residential activities, and considers that there is no demonstrated demand for industrially or residentially zoned land identified in the section 32 report, either now or in the foreseeable future. The submission also sought that the re-zoning of the land through the Plan

²¹ 45/5/4

²² 46/1/3

²³ 45/5/4

²⁴ 45/5/4

²⁵ 45/5/4

²⁶ 46/1/3, 46/3/1, 46/9/1

²⁷ 46/2/1

Change be deferred until existing industrial and low-density residential land is utilised for zoned and other use and requests that the District Plan incorporate performance standards to assess the uptake of that land.

Industrial Land

Mr Bryce drew our attention to the current staging mechanism within table at 11.5.6 Performance Standards ref 22ii, which directs that *there shall be no building on Stage 2 of the Industrial B zone at Ballantyne Road until 75% of stage 1 has been subdivided, the titles issued, and the sites sold*". It is this mechanism that the submitters wished to be carried over into Plan Change 46, and opposed by the Requestor.

We note that the only evidence we received in terms of demand was from Mr Dippie. Mr Dippie is an experienced land developer who has been involved in land development in and around Wanaka for many years, and we consider that this experience in the marketplace adds weight to his evidence. We also note the support of Morgan Engineering Ltd (46/9), Grandview Developments Limited (46/1), Wanaka Hardware and Building Supplies Limited (46/2) and Claas Harvest Centre – Otago (46/3) who have all reinforced that the consolidation of the existing industrial area will encourage business growth and will have direct benefit for the local economy.

Based upon the evidence of Mr Dippie, and the support from the local business community, we are satisfied that the additional Industrial B zoned land advanced under this plan change will accommodate the supply of additional land to meet the growing market demand in this locality. Ms Devlin noted that the additional industrial land proposed will ensure the continuity of supply at an appropriate location in the medium term, and we agree. We consider that the proposal to increase the Industrial B zoning is an efficient use of this land, given it is adjacent to an existing industrial B area and is within the Inner Growth Boundary, the latter signalling that then site is anticipated to be developed.

We have also considered whether the staging mechanism needs to be carried over and whether deleting it as sought by the Requestor would result in an inefficient use of the land or result in adverse effects. Given the demand identified by Mr Dippie, and the relatively small scale of the Zone extension, we do not consider this mechanism to be necessary in relation to Plan Change 46. We also accept Ms Devlin's evidence on this matter where she noted that

Deleting the requirement for staging (Rule 11.5.6 re 22ii) would be advantageous as it is important to have some flexibility in the location of industrial activities to ensure the activity locates on the most accessible sits in terms of size, location neighbours etc. Enterprise Drive is not particularly large in scale and therefore there is no real advantage in staging.

However, in order to ensure that the amenity of the zone and, more importantly, for the surrounding sites, we consider it appropriate that the performance standard be amended to preclude development on any of the Stage 2 Industrial B land (the PC 46 area) until 100% of the planting and mounding has been implemented within the Open Space Area identified within the Structure Plan.

We have formed the view that the proposed Industrial B extension as sought in Plan change 46 is appropriate, and will reflect the existing pattern of development provided for under Plan Change 36. It is consistent with the broader growth objectives of the Wanaka Structure Plan (encouraging gradual outward expansion in a manner which encourages cost effective servicing and results in sensible land use patterns).

In light of the above, we recommend that the following amendment be made to 11.5.6 Performance Standards ref 22ii as follows:

- (ii) ~~Within the Structure Plan entitled "Industrial B Zone – Ballantyne Road Precinct" there shall be no building on Stage 2 until 75% of Stage 1 has been subdivided, the titles issued, and the sites sold.~~
Within the Industrial B zoned land shown on the Structure Plan entitled "Structure Plan Industrial B Zone and Open Space - Revision D and dated 13/8/15", there shall be no building on land until 100 per cent of the planting in combination with the mounding has

been implemented within the Open Space Area identified within the Structure Plan.

Existing Supply of Low Density Residential Land

Mr Bryce's report set out in detail the Council's projections around current demand and supply of residential allotments, and noted that the Dwelling Capacity Model indicates a total capacity of some 8,545 dwellings around Wanaka. It was on this basis that Mr Bryce considered that the Plan Change documents provided limited justification for advancing the Low Density Residential zoned element of the Plan Change, other than reinforcing that (i) the surrounding land is identified for future residential activity in the Wanaka Structure Plan, (ii) is appropriately located within the Inner Growth Boundary identified by the Wanaka Structure Plan and (iii) the re-zoning needs to be implemented into the District Plan.

We agree that there is an extensive supply of low density residentially zoned land that is already available to meet current and future demand. Equally, however, we consider that there is merit in the plan change, for reasons including its location within the Inner Growth Boundary and its proximity to existing employment areas. We also consider that the fact it is located within the Inner Growth Boundary indicates that development of the Plan is anticipated. We therefore consider that the Plan Change has merit, especially given that it promotes a pattern of land use that establishes a close relationship and a good access between living and working environments. Overall we consider that the proposed structure plan advanced as part of the Industrial B Zone component of the Plan Change is appropriate.

We accept Mr Bryce's view that it is likely that the Requestor will bring the residential land to the market over time on a rational basis, where efficiencies are introduced through future redevelopment of both zones and where there is an acceptable level of market demand. The time and cost associated with bringing sections to the market also form part of this release. Given the proximity of the existing Ballantyne Road Industrial Zone, we agree with Mr Bryce's assessment, and the advice of the Council's engineering consultants, that there will not be any infrastructure related concerns given the existing level of servicing and infrastructure that is readily available.

We agree that the Plan Change Site forms a natural extension to the Wanaka urban area (being immediately sited to the Ballantyne Industrial Area and is within close proximity to wider plan change areas such as Three Parks). We are mindful, however, that the amenity expectations of the Industrial B and Residential zones differ, and care must be taken to ensure that development of the zones proceeds in the right manner in order to avoid resulting in adverse effects. We therefore agree with Mr Bryce that it is appropriate that the Industrial B Zone (and associated mitigation responses proposed within Industrial B Zone - Ballantyne Road Precinct Structure Plan) are implemented before the Low Density Residential Zone subdivision is completed and titles are issued.

To that end, we recommend that the staging of the Low Density Residential Zone should only be linked to the completion of landscaping and mounding within the Open Space Area identified within the Industrial B Zone - Ballantyne Road Precinct Structure Plan, as recommended by Mr Bryce. We therefore recommend that any subdivision of the Open Space Area before planting and mounding is implemented within this area requires a non-complying activity resource consent.

Overall, we support the merits of advancing this plan change and consider that it represents an efficient and effective response to the re-zoning of the land resource involved.

We therefore recommend the following amendments be provided that seeks to ensure that planting and mounding within the open space areas within the Ballantyne Road Precinct Structure Plan are fully implemented before subdivision of the open space area can occur, including access roads servicing the Low Density Residential Zone. This directs that the open space areas that form part of the new Ballantyne Road Precinct Structure Plan are completed before access to the Low Density Residential Zone can be secured.

- Add a new rule under Part 15 **15.2.3.4 Non-Complying Subdivision Activities (xviii)**
Industrial B Zone - Any subdivision of the open space areas, including for the creation of Road 3, shown on the Structure Plan entitled Structure Plan Industrial B Zone and Open Space – Revision D” dated 13/8/15 prior to 100 per cent of the planting in combination with the mounding having been implemented.

- Add a new rule under Part 15 **15.2.3.4 Non-Complying Subdivision Activities (xix)** *Any subdivision of the land contained within the Ballantyne Road Low Density Residential Zone Structure Plan (Revision E, dated 28/1015) 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.*

Recommendations

- (i) That the submission of Ian Percy & Fiona Aitkin (46/5/4) be **rejected** on the basis that while there is an extensive supply of low density residentially zoned land that is already available to meet current and future demand, the Plan Change Site's location within the Inner Growth Boundary and its proximate location to existing employment areas, promotes a pattern of land use that establishes a close relationship and a good access between living and working environments. The Requestor has identified that in this locality there is also a strong demand for Industrial B Zoned land and that the existing Industrial B zoned land is unlikely to meet medium or long term demand.
- (ii) That the submissions of Morgan Engineering Ltd (46/9), Grandview Developments Limited (46/1), Wanaka Hardware and Building Supplies Limited (46/2), Claas Harvest Centre – Otago (46/3) be **accepted** on the basis that they reinforce that the consolidation of an existing industrial area will encourage business growth and will have direct benefit for the local economy.

6.8 Issue: Effects on Landscape and Visual Amenity Values

Two Original Submitters²⁸ have raised concerns about the effects on landscape and visual amenity values. Their concerns were summarised as follows in the section 42a report:

- The land that is subject to the Plan Change forms part of a 'Visual Amenity Landscape' and the Plan Change fails to have particular regard to the amenity values associated with the landscape;
- The land that is subject to the Plan Change is located at the top of a ridgeline making the land easily visible from the surrounding Rural General and Rural Lifestyle Zones, along with Riverbank Road. The change in elevation increases the prominence of built form on the skyline in this environment and exacerbates adverse effects; and
- The establishment of Industrial activities allowing buildings as high as seven metres on the land that is already more than four metres higher than the Submitter's property will completely obliterate the view the site presently enjoys of the mountains and surrounds beyond Wanaka. There will be a visual Impact and a loss of rural amenity associated with the establishment of more Industrial zoning. This will significantly affect the amenity value of the submitters' present rural outlook within the Rural General Zone.²⁹

The submitters seek a range of relief including rejection of the plan change through to additional mitigation to respond to their concerns.

Consideration

All parties agreed that the site is located within a visual amenity landscape, and we note that landscape values and potential effects on amenity were a significant matter raised at the hearing. With respect to the concerns regarding the loss of the existing 'rural outlook', however, we note that while the Plan Change 46 site is presently Rural, it is located within the Inner Growth Boundary of the Wanaka Structure Plan. We consider this clearly signals the Council's intent that over time this area will be given over to development, and therefore there can be no expectation that the present rural amenity of the site will endure. We accept Mr Baxter's evidence, noting that there was no expert landscape evidence taking a contrary view, and are satisfied that the mitigation measures including appropriate separation distances and the requirement for landscaping to be completed

²⁸ 46/5/6 and 46/6/1

²⁹ 46/6/1

prior to development are appropriate to ensure that future developments within the zone are appropriately absorbed into the landscape.

The submissions of Ian Percy and Fiona Aitken (46/5) and Peter and Raelene Shanks (46/6/1 and 46/6/2) both raise concerns relating to the loss of visual amenity and landscape values as a consequence of both the proposed Industrial and Low Density Residential Zones. Their concerns are summarised earlier in this report where we summarise the evidence presented, and their concerns were comprehensively addressed in the section 42A report and in the evidence of Mr Greaves. Overall, as we have indicated, we prefer the evidence of Mr Bryce and, to the extent she agrees with Mr Bryce, the evidence of Ms Devlin.

In a general sense, we consider the principal landscape and amenity issues are as follows:

- a) The interface between the proposed Industrial B and Rural General zone, including the stormwater pond;
- b) The interface between the proposed residential area and the Rural General zone;
- c) The 'rural outlook' referred to by submitters; and
- d) The appropriateness of controls within the proposed Industrial B zone to mitigate effects; and
- e) Road 3.

We address these issues generally below.

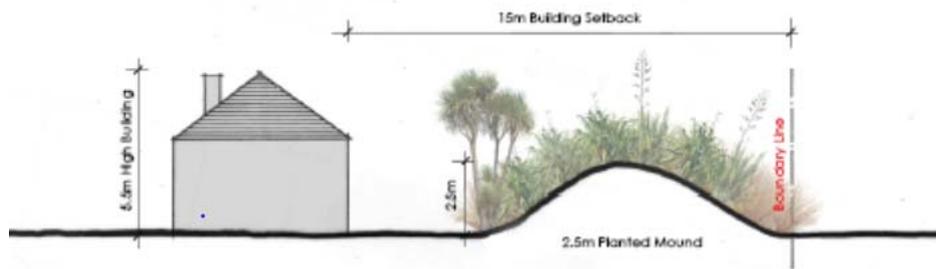
Industrial B/Rural General Zone interface

We have considered the issue of the interface between these two zones carefully. We note in particular that there is a wide open space area located between the Rural General properties and the Industrial B zoned area (some 80 – 100 metres). This open space contains the access road and the existing stormwater pond, and as Mr Todd noted, the pond area already exist. As identified above, we consider the protection afforded by the open space and the landscaping and mounding to be completed will provide an appropriate buffer. We also consider that the performance standard of the Industrial B zone, including those relating to noise and building colour and form will ensure that adverse effects of industrial development will be contained within the zone. In this regard, we consider that the changes made to the Plan Change, including the amendments to the Rules identified in section 6.7 above, will assist in ensuring that the Industrial Zone is developed in an efficient manner. We therefore agree with the Requestor's further submission opposing the original submission of Peter and Raelene Shanks (46/6/1 and 46/6/2) that the 80-100 metre buffer between the submitter's property and the industrial area will safeguard the amenity of the submitter's property and provide some mitigation of the visual effects of the industrial area.

We also note that there was some discussion as to whether there should be a requirement for additional screening on the boundary between the Low Density Residential Zone and the Rural General Zone extending to Orchard Road. We agree with the Requestor's view that as the boundary of the site is 0.5km from Orchard Road and the speed limit on Orchard Road is 70kph, the landscaping is not necessary as views towards the sites are not lingering. We also agree that as this land is also within the Inner Growth Boundary, requiring screen planting could adversely affect the ability to create a cohesive residential development in the future.

Low Density Residential/Rural General Zone interface

There was considerable discussion over the appropriateness of a buffer or setback between the Low Density Residential Zone and the Rural General properties. Mr Bryce's report included a detailed assessment of the visual and landscape effects of the plan change, and we do not consider it necessary to repeat that assessment. We note that generally Mr Bryce was satisfied, subject to some refinements of the Plan Change provisions, that the Plan Change was appropriate. Mr Greaves' position, on the other hand, was that a 50m buffer was necessary. Mr Baxter's final position as identified in his supplementary statement was that the combination of the 15 metre setback/no build area, incorporating a 2.5 metre mound and a 5.5 metre height restriction on houses adjoining the No Build Area (as shown in the diagram below) would be sufficient to provide visual screening and assist in noise attenuation to avoid any reverse sensitivity effects.



As we have identified, we do not accept that the 50 metre setback suggested by Mr Greaves is appropriate, and we prefer Mr Bryce's evidence that a lesser setback is appropriate. We note that the terrace upon which the Low density residential part of the Plan Change is to sit is elevated above the Rural General Zone, and the dwellings in the Rural General Zone are set back some distance from the toe of the terrace. The effect of a 50 metre setback, in an area that is identified with the Wanaka Structure Plan as being appropriate for development, will result in an inefficient use of land.

We do not consider it necessary or appropriate that all development on the site be screened such that it becomes invisible. The area has been included in the Inner Growth Boundary for some time, and development is anticipated within it. We are satisfied that the setback and the mounding proposed, and the 5.5 metre restriction volunteered by the Requestor, are sufficient to ensure that development of the Low density residential area is appropriately integrated into the landscape. We also consider that the reliance upon the No Build Area, mounding and landscaping and the height restriction appropriately address the submitters' concerns that the Requestor was relying upon the trees that are not located within the Plan Change area for mitigation purposes.

From further afield, such as from public viewpoints along Riverbank Road, we consider that these controls will also be sufficient. We accept Mr Baxter's landscape opinion in this regard.

Mr Bryce identified that for that part of the Low Density Residential Zone that immediately adjoins the Rural General Zone, the Requestor was originally reliant upon the existing Low Density Residential Zone policy and rule frameworks, as well as the subdivision standards within Section 15 – *Subdivision, Development and Financial Contributions* of the District Plan to manage landscape effects. This has been overtaken by the changes including the 'No Build Area' and the mounding and building height restrictions, and as we noted we are satisfied these controls are appropriate to ensure that the interface is appropriately managed. Nonetheless, we agree with Mr Bryce that the District Wide Residential objectives and policies in section 7.1.2 of the Operative Plan are relevant to the Low Density Residential Zone. Having considered the Plan Change and the proposed interface restrictions, we are satisfied that the Plan Change is consistent with this Policy framework.

In responding to the relief sought by Ian Percy and Fiona Aitkin (46/5/8), and as advanced in the evidence of Mr Greaves, we do not support an open space area comprising a minimum of 50 metres in width. We do not consider such a width is necessary or appropriate in order to achieve an effective landscape screening response for this Plan Change. We consider that a 50 metre landscape width is unreasonable in the circumstances and would significantly reduce the amount of land available for future development within the proposed Low Density Residential Zone. We consider such a large setback would constitute an inefficient use of this land resource.

Overall, to ensure that these controls are appropriately reflected in the Plan, we recommend the inclusion of a new Rule 15.2.6.3(xi) in Chapter 15 of the Plan, as follows:

- xi** ***Subdivision within the Ballantyne Road Low Density Residential Zone***
- (a) *Any subdivision of land contained within the Ballantyne Road Low Density Residential Zone Structure Plan (Revision E, dated 28/11/15) in section xx 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 the 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) *That all planting and mounding established within the '15 metre wide No Build Area' identified on the Structure Plan in section x-x 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 the site.*
- (b) *The conditions set out in (a)(i) to (iii) shall be subject to a consent notice that is registered on the respective Certificate of Title and is deemed to be a covenant pursuant to section 221(4) of the Act.*

Recommendation

- (i) That the submissions of Ian Percy and Fiona Aitken (46/5/6) and Peter and Raelene Shanks (46/6/1) be **accepted in part** to the extent they support the creation of appropriate buffers and controls to ensure the adverse effects of development within the Plan Change 46 area are appropriately managed.

6.9 Issue: Reverse Sensitivity Effects

Reverse sensitivity effects are a key issue raised by three submitters, who have identified the following:

- The Plan Change fails to consider and manage the interface, relationship and transition from the proposed Plan Change 46 land to the Submitters' property.
- Given the topography of the land subject to Plan Change 46, the amenity of the Submitters' property and the adjacent Rural Zone generally will be adversely affected in a way that is not anticipated by the relevant objectives and policies of the Operative District Plan. Those adverse effects include (without limitation): glare from vehicle lights; noise; street lighting; loss of rural amenity due to roading and adjacent and relatively dense built form; loss of privacy; loss of rural outlook; and reverse sensitivity.
- The large area of open space area proposed between the industrial and residential zones will enable the visual and noise effects of the industrial activities to be largely contained and screened from the residential land beyond.³⁰
- Concern about reverse sensitivity effects of future residential development occurring in proximity to industrial areas and is concerned that industrial operations could be adversely affected if nearby residential development is not carefully planned.³¹ and
- Support for the significant open space buffer between the proposed industrial and residential land as promoted through Plan Change 46. This will ensure the future residential development does not give rise to reverse sensitivity effects in terms of the industrial activities.³²

Consideration

Neighbouring Rural Activities in the Rural General Zone

We consider that the section 32 evaluation appropriately addresses reverse sensitivity effects³³ and specifically responds to the potential noise effects generated by frost fighting fans located at the Percy and Aitken property at 246 Riverbank Road. We note that the Marshall Day Acoustics assessment that was lodged with the resource consent application for the fan sets out that the land subject to the Plan Change is located in an area that would experience a noise level of between 50 and 55dBA from the frost fighting fan. We also note that that the Marshall Day report identifies an outdoor limit of 56dB for sleep disturbance, and that the Plan Change area is located in an area that

³⁰ 46/2/3

³¹ 46/3/2

³² 46/9/2

³³ At Section 5.5, page 22.

is not subject to the limit of 56dB for sleep disturbance. As a consequence, the section 32 evaluation concludes that the frost fighting fan is unlikely to cause sleep disturbance to the future residents of the land subject to the plan change. We note no party provided noise evidence to contradict this assessment, and we therefore accept and rely upon the section 32 assessment in coming to the view that there will be no reverse sensitivity effects associated with the use of the frost fan. We also consider that Mr Baxter's suggested 15 metre setback with a 2.5m high mound is an appropriate response to address the submitters' concerns.

Open Space Buffer within Industrial and Low Density Residential Zones

We acknowledge the concerns about the potential for the proposed Low Density Residential Zone to generate reverse sensitivity effects on the existing and proposed Industrial Zones. However, we are satisfied that Plan Change 46 has been carefully planned to mitigate the potential effects between the residential and industrial activity, and we note in particular that at its closest point, the Low Density Residential Zone is separated by the open space buffer by approximately 50 metres. We agree that this separation distance, combined with an appropriate landscape response, will safeguard the ability of the industrial area to operate without potential reverse sensitivity effects from future residential development. We also note that in the main, Industrial activity does not occur at night, assisting in reducing the potential risk of reverse sensitivity effects.

Recommendations

- (i) That the submissions by Wanaka Hardware and Building Supplies Limited (46/2/3), Claas Harvest Centre – Otago (46/3/2), Morgan Engineering Ltd (46/9/2) **be accepted** on the basis that the open space buffer will be effective in managing reverse sensitivity effects between the proposed Low Density Residential Zone and the existing and proposed Industrial Zones.
- (ii) That the submission by Ian Percy and Fiona Aitkin (submission 46/5/5) be **accepted in part** on the basis amendments proposed to the policy and rule framework seek to respond to reverse sensitivity effects issues raised by the submitter through promoting a 15 metre open space buffer and associated landscaping responses (including mounding) to more effectively buffer the proposed Low Density Residential and adjoining Rural General Zones.

6.10 Issue: Transportation Effects

As identified in the evidence, and as detailed in the section 42A report, various transportation related matters were raised in submissions, relating to traffic safety with the intersection with Ballantyne Road and internal safety with the connections with the internal roads. The submitters seek a range of relief including the rejection of the Plan Change through to Road 3 being deleted from the plan change and an alternative access point be confirmed.

Consideration

Mr Bryce traversed the development of the Ballantyne Road access and the various reviews that had been undertaken. The outcome of these assessments and reviews was that the final design offered with the Plan Change of T-intersection design with a right turn bay and a channelized auxiliary left turn lane on Ballantyne Road is appropriate for meeting the demands of traffic generated by the plan change. No parties provided any traffic evidence to refute this design or the view of the Council's traffic consultants in this regard, and we are satisfied on that basis that the location and design are appropriate. We accept that should an alternative intersection design be required at some stage in the future as all of the surrounding operative plan changes are advanced, then there may be a requirement to upgrade this intersection. We agree with Mr Bryce that any future upgrade would not be ultimately triggered by this Plan Change but moreover the broader development that has been historically approved in this locality, and which is still to be implemented. We therefore agree with Mr Bryce's view that the Plan Change is supported with an appropriate intersection design that demonstrates that it will, subject to more detailed design and auditing, effectively mitigate any traffic safety concerns raised by submitters.

Internal Road Design

Ian Percy and Fiona Aitkin (46/5/7) consider that Proposed Road 3 is unnecessary and that there are existing access points via Frederick Street, Road 1 (shown on the PC46 Concept Structure Plan) and Gordon Road that provide safe access to Ballantyne Road and could be used to access any new industrial or residential area. The submitter considers that Road 3 would lead to a significant loss of rural amenity in the Rural General Zone and on the Submitters' property due to (among other things) noise and street lighting. We are of the view that any adverse effects can be adequately avoided, remedied or mitigated at subdivision and development stage, and we also note that the landscaping between the submitters' boundary and the road will assist in mitigating any potential effects.

In the Plan Change as notified, Road 2 servicing the existing and proposed Industrial B Zone was to be accessed via Road 3, and concerns were raised that this would result a mixture of residential and industrial related traffic using the same access point, giving rise to concerns over the potential for conflict between pedestrians and cyclists and large heavy goods vehicles once the Low Density Residential Zone becomes fully occupied.

We note that Wanaka Hardware and Building Supplies Limited (46/2/2) and Claas Harvest Centre – Otago (46/3/2) have supported the Plan Change on the basis that the proposed roading shown on the structure plan will enable industrial vehicles to be separated from residential vehicles, which they consider to be positive effect in terms of traffic safety.

Mr Bryce considered a more appropriate design outcome to avoid any potential traffic safety concerns would be to remove the linkage between Road 2 and Road 3 and redesign Road 2 as a cul-de-sac, a recommendation the Requestor has adopted and shown in the amended Structure Plan appended to this report. While we accept this may promote a less efficient roading network, we consider this is outweighed by the benefits of avoiding the potential future pedestrian/cyclist and large heavy goods vehicle conflicts. We also consider that this is consistent with Policy 1.8.3 within the Industrial B Zone, which requires, among other things, that street layouts and design should be safe for vehicles, cyclists, and pedestrians.

Recommendations and Reasons

- (i) That the submissions of Queenstown Lakes District Council (48/8/1), and Ian Percy and Fiona Aitken (46/5/7) be **accepted in part** on the basis that further detailed assessment work undertaken by Traffic Design Group has confirmed the overall acceptability of the proposed intersection design.
- (ii) That the submission of Wanaka Hardware and Building Supplies Limited (46/2/2) and Claas Harvest Centre – Otago (46/3/2) be **accepted** on the basis that the Plan change provides for the separation of industrial and residential vehicles.

6.11 Effects on Infrastructure

Two submissions have been raised that raise issues relevant to infrastructure and servicing of the plan change and include:

- The services required are already in place in this part of town;³⁴ and
- The effects of any rezoning of this land must be considered in the wider District Plan review, which will consider all development for Wanaka in the whole, including the location of the Wanaka urban boundary, all zoning, whether residential, industrial or otherwise, infrastructure and roading.³⁵

Consideration

Mr Bryce's section 42A report addressed the infrastructure matters related to this Plan Change. No submitters presented any evidence that challenged his view or the availability of the services). We

³⁴ 46/4/4

³⁵ 46/5/2

rely on and accept Mr Bryce's conclusion that the plan change can be readily serviced by existing infrastructure or require upgrading of existing infrastructure that exists within the immediate vicinity of the Plan Change Site. We agree that there are opportunities through the plan change proposed for service infrastructure to interconnect with adjoining development land once this is advanced in the future. We consider it appropriate that the normal process of specific design of water, stormwater and sewerage infrastructure be done at the time of subdivision.

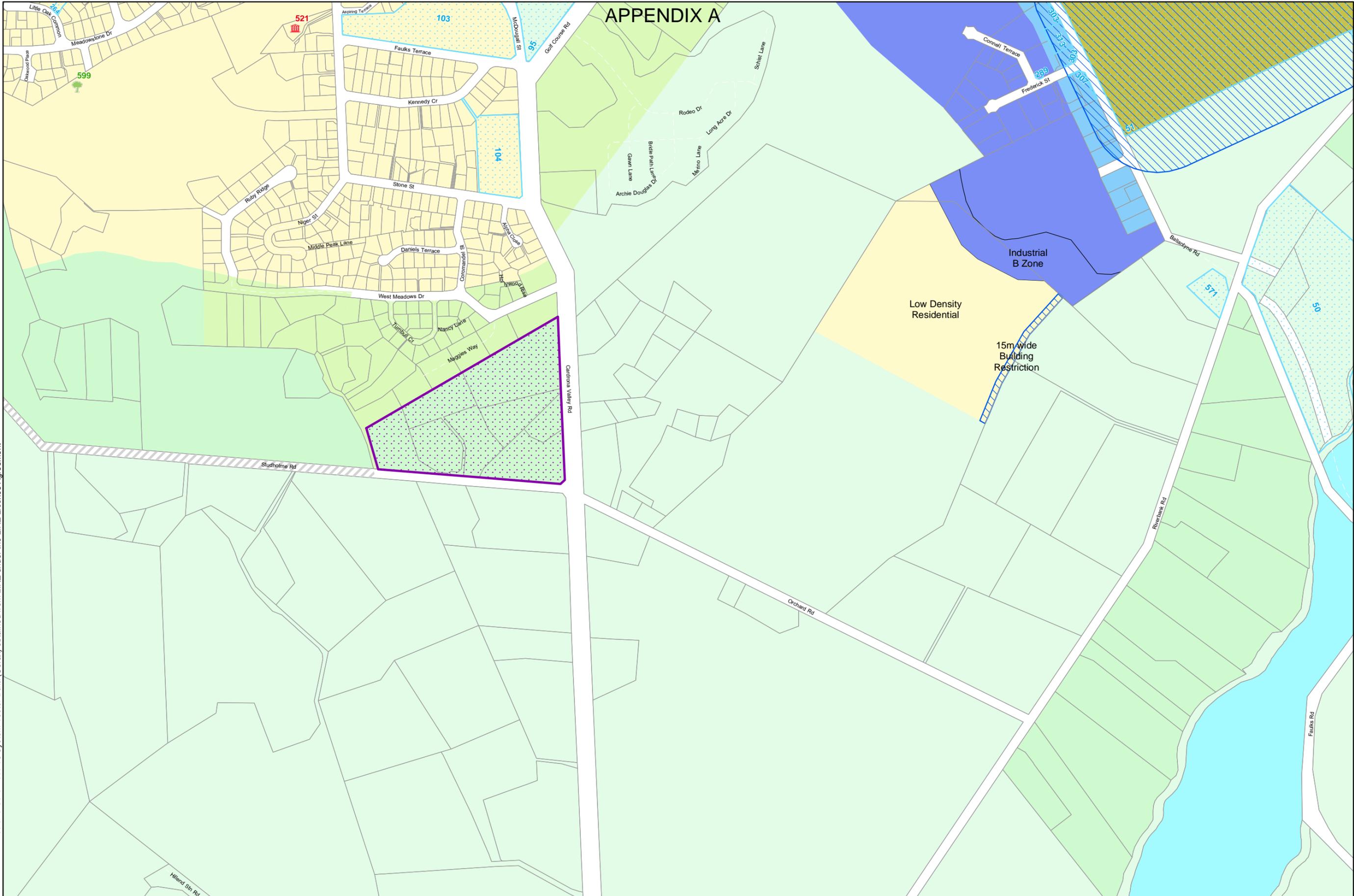
Recommendations and Reasons

- (i) That submission 46/4/4 be **accepted** on the basis that the required infrastructure exists in this part of Wanaka to service the Plan Change area; and
- (ii) That submission 46/5/2 be **rejected** as this Plan Change is being considered outside of the District Plan review.

APPENDIX A

RECOMMENDED AMENDED DISTRICT PLAN MAP 23

APPENDIX A



Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement

APPENDIX B

REVISED PLAN CHANGE PROVISIONS

11.2 Business Zone Rules

11.2.1 Zone Purpose

The purpose of the zone is to provide for the continued viability of light industrial, processing, storage and retailing of bulky or larger goods plus the opportunity for vehicle orientated service and retail uses.

11.2.2 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 |
| (v) Utilities | - Refer Part 17 |
| (vi) Signs | - Refer Part 18 |
| (vii) Relocated Buildings and Temporary Activities | - Refer Part 19 |

11.2.3 Activities

11.2.3.1 Permitted Activities

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**.

11.2.3.2 Controlled Activities

The following shall be **Controlled 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 reserved control are listed with each **Controlled Activity**.

- i **Buildings**
Buildings in respect of landscaping, external appearance, and visual impact on the streetscape.
- ii **Outdoor Storage Areas**
Outdoor storage areas located within any street scene setback in respect of landscaping, screening, appearance and visual impact.
- iii **Supermarket Retailing**
Supermarket retailing on Lots 13-17 DP 19259

11.2.3.3 Discretionary Activities

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

- i **Retail Sales**
Any goods displayed for sale and retailing undertaken from a site containing in excess of 500m² net floor area, except:
 - (a) Goods manufactured on site, and ancillary products up to 20% of the gross floor area; or
 - (b) Goods stored permanently outdoors.
- ii Any Activity which is not listed as a **Non-Complying** 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.

11.2.3.4 Non-Complying Activities

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

- i **Retail Sales**
Any goods displayed for sale and retailing undertaken from a site less than 500m² net floor area including restaurants.
- ii **Airports**
Airports **other than** the use of land and water for emergency landings, rescues and fire fighting or for activities ancillary to farming activities.
- iii **Any Activity which requires an Offensive Trade Licence under the Health Act 1956.**
- iv **Residential Flat**
- v **Any Activity** which is not listed as a **Prohibited Activity** and does not comply with one or more of the **Zone Standards**.

11.2.4 Non-Notification of Applications

An 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 with Section 93 of the Resource Management Act 1991, 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 following **Site Standards**:
 - **Visual Amenity**
 - **Building Height where the site does not adjoin a High Density Residential, Low Density Residential, Township, Rural Lifestyle or Rural-Residential Zone.**

11.2.5 Standards - All Activities

11.2.5.1 Site Standards

- i **Residential Accommodation**
One residential unit per site for the purpose of on-site custodial management.
- ii **Street Scene**
The minimum building setback from road boundaries shall be:
 - Anderson Road - 6m
 - Gorge Road - 6m
 - Bowen Street, Sawmill Road, Hallenstein Street - 4m
 - Plantation Road - 8m
 - All Other Roads - 2m
- iii **Building Coverage**
Maximum site coverage - 75%
- iv **Setback from Internal Boundaries**
The minimum building setback from a Residential Low Density, Residential High Density, Township, Rural Lifestyle or Rural-Residential Zone boundary shall be 4.5m.
- v **Visual Amenity**
 - (a) **Storage of Waste**
No outdoor waste storage area shall be located in any street scene setback area. Any outdoor type area shall be sited behind any street scene setback and screened from road frontages by either a solid fence of at least 2m minimum height, or dense planting of the same height.
 - (b) **Residential Zone Boundary Fencing**
A solid fence of at least 1.8m height shall be erected on the boundary of any residential zone.
- vi **Building Height**
Maximum building height - 7m.

vii 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.

1. Earthworks

- (a) The total volume of earthworks does not exceed **100m³** per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site (within a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
 - (i) expose any groundwater aquifer;
 - (ii) cause artificial drainage of any groundwater aquifer;
 - (iii) cause temporary ponding of any surface water.

2. Height of cut and fill and slope

- (a) 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.
- (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.

11.2.5.2 Zone Standards

i Building Line Restriction

Where a building line restriction is shown on District Plan Maps, no building shall be located within the restricted area as identified on District Plan Maps.

ii 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 site outside this zone:

- | | | | |
|-------|------------|--------------------|---------------------------------|
| (i) | daytime | (0800 to 2000 hrs) | 60 dB $L_{Aeq(15 \text{ min})}$ |
| (ii) | night-time | (2000 to 0800 hrs) | 50 dB $L_{Aeq(15 \text{ min})}$ |
| (iii) | night-time | (2000 to 0800 hrs) | 70 dB L_{AFmax} |

(b) Sound from non-residential activities which is received in another zone shall also 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.

iii Glare

(a) Exterior lighting installed on sites or buildings shall be directed away from adjacent sites, roads and public places.

(b) Roofs of buildings shall be finished to avoid glare when viewed from any public place.

(c) No activity shall result in a greater than 10 lux spill, horizontal or vertical, of light onto any adjoining property within the zone, measured 2m inside the boundary of any adjoining property.

(d) No activity shall result in a greater than 3 lux spill, horizontal or vertical, of light onto any adjoining zone, measured at any point more than 2m inside the boundary of the adjoining property.

11.2.6 Resource Consents - Assessment Matters

The Assessment Matters, which apply to the consideration of resource consent in the Business Zone, are specified in Rule 11.4.

11.3 Industrial Zone Rules

11.3.1 Zone Purpose

The purpose of the zone is to provide for the continued viability of industrial activities and the services they provide for the social and economic well being of the community.

11.3.2 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 |

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

11.3.3 Activities

11.3.3.1 Permitted Activities

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**.

11.3.3.2 Controlled Activities

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

- i Buildings**
Buildings in respect of landscaping, external appearance, location of offices and showrooms, and visual impact.
- ii Outdoor Storage Areas**
Outdoor storage areas located within any street scene setback in respect of landscaping, screening, appearance and visual impact.
- iii Additions and Alterations to Buildings within the Outer Control Boundary - Queenstown Airport**
Any alteration or addition to a building or part of the building to be used for residential activities, visitor accommodation or community activities on any site located within the Outer Control Boundary as indicated on the District Plan Maps, in respect of the design, construction, orientation and location of the building to achieve adequate indoor sound insulation from aircraft noise.

11.3.3.3 Discretionary Activities

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

i Commercial Recreation Activities in the Industrial Zone

- ii Any Activity** which is not listed as a **Non-Complying** 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.

11.3.3.4 Non-Complying Activities

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

- i Retail Sales**
Any goods displayed for sale and retailing undertaken from a site, except for:
 - (a) Goods manufactured on the site, and ancillary products up to 20% of the gross floor area.
- ii Airport**
Take-off or landing of any motorised aircraft other than for emergency rescue or fire-fighting purposes.
- iii Any Activity which requires an Offensive Trade Licence under the Health Act 1956.**
- iv Visitor Accommodation**
- v Factory Farming**
Any Activity which is not listed as a **Prohibited Activity** and does not comply with one or more of the **Zone** Standards.

11.3.3.5 Prohibited Activities

i Activities within the Outer Control Boundary - Queenstown Airport

On any site located within the Outer Control Boundary as indicated on the District Plan Maps, any new Residential Activities, Visitor Accommodation of Community Activities shall be Prohibited Activities.

11.3.4 Non-Notification of Applications

An 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 with Section 93 of the Resource Management Act 1991, 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 following **Site** Standards:
 - Visual Amenity
 - Building Height where the site does not adjoin a High Density Residential, Low Density Residential, Township, Rural Lifestyle or Rural-Residential Zone

11.3.5 Standards - All Activities

11.3.5.1 Site Standards

i Residential Accommodation

One residential unit per site for the purpose of on-site custodial management.

ii Street Scene Setbacks

The minimum building setback from road boundaries shall be:

- sites opposite any Residential High Density or Residential Low Density Zone
- 10m
- sites fronting a State Highway
- 10m
- sites fronting Ballantyne Road, Wanaka or Manse Road, Arrowtown
- 5m
- all other road boundaries
- 2m

iii Building Coverage

Maximum Site Coverage - 75%

iv Setback from Internal Boundaries

The minimum building setback from High Density Residential, Low Density Residential, Township, Rural Lifestyle or Rural-Residential Zone boundary shall be 7m.

v Visual Amenity

(a) Storage of Waste

No outdoor waste storage shall be located in any street scene setback area. Any outdoor storage area shall be sited behind any setback and be screened by either a solid fence of at least 2m height or dense planting of the same height.

(b) Residential Zone Boundary Fencing

A solid fence of at least 2m height shall be erected on the boundary.

vi Building Height

Maximum building height - 6m.

vii 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.

1. Earthworks

- (a) The total volume of earthworks does not exceed **100m³** per site (within a 12 month period). For clarification of “volume”, see interpretive diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site (with in a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
 - (i) expose any groundwater;
 - (ii) cause artificial drainage of any groundwater aquifer;
 - (iii) cause temporary ponding of any surface water.

2. Height of cut and fill and slope

- (a) The height of any cut or fill shall not be greater than the distance of the cut or 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.
- (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.

11.3.5.2 Zone Standards

i 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 site outside this zone:

- (i) daytime (0800 to 2000 hrs) 60 dB $L_{Aeq(15 \text{ min})}$
- (ii) night-time (2000 to 0800 hrs) 50 dB $L_{Aeq(15 \text{ min})}$
- (iii) night-time (2000 to 0800 hrs) 70 dB L_{AFmax}

- (b) Sound from non-residential activities which is received in another zone shall also 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.
- (e) The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.

ii Glare

- (a) Fixed exterior lighting shall be directed away from adjacent sites, roads and public places.
- (b) Roofs of buildings shall be finished to avoid glare when viewed from any public place.
- (c) No activity shall result in a greater than 10 lux spill, horizontal and vertical, of light onto any adjoining property within the zone, measured 2m inside the boundary of any adjoining property.

- (d) No activity shall result in a greater than 3 lux spill, horizontal and vertical, of light onto any adjoining zone measured at any point inside the boundary of the adjoining property.

iii Queenstown Airport

Airport Noise - Alteration or Addition to Existing Buildings within the Outer Control Boundary

On any site located within the Outer Control Boundary as indicated on the District Plan Maps, any alteration or addition to a building or part of a building to be used for residential activities, visitor accommodation or community activities shall be insulated from aircraft noise so as to meet an indoor design sound level of 40dBA Ldn, except for non-critical listening environments where no special sound insulation is required.

11.3.6 Resource Consent - Assessment Matters

The Assessment Matters, which apply to the consideration of resource consents in the Industrial Zone, are specified in Rule 11.4.

11.4 Resource Consents - Assessment Matters – The Business and Industrial (A) Zones

11.4.1 General

- (i) The following Assessment Matters are other 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 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 11.4.2 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.
- (v) 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.

11.4.2 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 - Buildings

Conditions may be imposed in respect of:

- (a) The nature of the business activity, and any particular adverse visual impacts.
- (b) The external appearance, height and location, to avoid or mitigate adverse effects on:
 - street scene;
 - adjoining or surrounding buildings;
 - privacy of adjoining residential properties.
- (c) Any relevant factors in respect to the undesirability of siting offices or showrooms away from the front of buildings or facing the road.

- (d) The relative importance of landscaping on the particular site concerned, taking account of the nature of planting or materials to be used, the location of parking manoeuvring or storage areas, and the visual quality of the surrounding environment, particularly where a low standard of visual quality exists and improvement is necessary.
- (e) The extent to which developments detract from the visual approach to Queenstown, Arrowtown, Frankton and Wanaka.
- (f) The extent to which the development is visible from adjoining sites, particularly those in residential zones.

ii Controlled Activity - Outdoor Storage Areas

Conditions may be imposed in respect of:

- (a) The nature of the business activity itself, and any particular adverse visual impacts.
- (b) The type and volume of materials to be stored on the frontage of the site.
- (c) The relative importance of landscaping on the particular site concerned, taking account of the nature of planting or materials to be used, the location of parking manoeuvring or storage areas, and the visual quality of the surrounding environment, particularly where a low standard of visual quality exists and improvement is necessary.
- (d) The extent to which developments detract from the visual approach to Queenstown, Arrowtown, Frankton and Wanaka.
- (e) The extent to which the site is visible for adjoining sites, particularly those in residential zones.

iii Retail Sales - Discretionary and Non-Complying Activity

- (a) The likely impact of additional retailing on town centres and amenity thereof.
- (b) The likely effect of additional retailing on pedestrian activity, traffic congestion, access, road network and amenities of adjoining activities and properties.

iv Residential Accommodation

- (a) The ability of existing or future business and service activities to operate without constraint as a result of residential activity.

v Street Scene

- (a) The ability of office, showroom, and landscaping to mitigate adverse visual effects.
- (b) The effect on the overall appearance of the street scene, having regard to existing landscaping, road widths, and the general amenity.
- (c) The effect on any adjoining or adjacent residential or open space areas.

vi Open Space

- (a) The ability to mitigate the effects of increased coverage by additional landscaping and screening in respect of the impact of increased coverage on neighbours.
- (b) The ability to satisfy the requirements in respect of parking, manoeuvring and access.

vii Setback from Roads and Internal Boundaries

- (a) The extent to which a limited building setback from a road or neighbours is necessary in order to allow more efficient or practical use of the remainder of the site.

- (b) The extent to which alternative practical locations are available for the building or structure.
- (c) The degree to which the proposed building enhances the visual amenity of the site as viewed from the road and adjoining sites.
- (d) The degree to which the proposed building will detract from the outlook and privacy of people on adjoining sites.
- (e) The degree to which proposed landscaping, including plantings, will mitigate the effects of limited building setback from a road or neighbours.
- (f) The extent to which the proposed building, will be compatible 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.
- (g) The extent to which the proposed building will have a size, form, and external appearance which is sympathetic to, and in visual harmony with the surrounding environment.
- (h) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of noise, smell, dust, glare or vibration.

viii Height of Buildings

- (a) Whether any earthworks have been carried out on the site, prior to the date of notification, 10 October 1995, that have lowered the ground level.
- (b) Whether there are rules requiring the site to be built up.
- (c) The extent to which the proposed buildings will be compatible with the character of the local environment, including the scale of other buildings in the surrounding area.

- (d) The extent to which the height of the building would impact on the street scene, including having regard to the matters specified in Assessment Matter (i).
- (e) The degree to which the increased building height will adversely affect views from properties in the vicinity, or from roads or public open space in the surrounding area.
- (f) The extent to which the building will have an adverse effect on other sites in the surrounding area.
- (g) Whether the adverse effects of height could be mitigated through site layout, increased separation or by screening.

ix Visual Amenity

- (a) The nature of the use of the site.
- (b) The type and volume of materials to be stored on the frontage of the site.
- (c) The extent, appearance and type of screening or landscaping proposed.
- (d) Any relevant factors in respect to the undesirability of storage in a non-complying position.

x Controlled Activity - Addition or Alteration to Buildings within the Outer Control Boundary - Queenstown Airport

Conditions may be imposed to ensure the design, construction, orientation and location of alterations or additions to an existing building or part of a building used for residential activities, visitor accommodation or community activities within Queenstown Airport's Outer Control Boundary is such to ensure the indoor design sound levels specified in Zone Standard 11.3.5.2(iii) are met.

xi Earthworks

1. Environmental Protection Measures

- (a) The 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.
- (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 Acknowledgment 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.

11.5 Industrial B Zone

11.5.1 Zone Purpose

The **Industrial B Zone** provides for industrial and service activities. Conversely, offices, residential and almost all retail uses are avoided in the zone in order to ensure that it does not become a mixed use zone where reverse sensitivity issues and land values make industrial and some business uses unviable within the zone.

11.5.2 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
- (v) Utilities - Refer Part 17
- (vi) Signs - Refer Part 18
- (vii) Relocated Buildings and Temporary Activities - Refer Part 19

11.5.3 Non-Notification of Applications

- i Except as provided for by the Act, all applications for **controlled activities** will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.
- ii Except as provided for by the Act, the following restricted discretionary activities will be considered without public notification or the need to obtain the written approval of, or serve notice on affected persons:
 - (a) All restricted discretionary applications for **Outline Development Plans** in this subzone.

11.5.5 Activity table

Key and notes

CON	Controlled Activity	N-C	Non-Complying Activity
PERM	Permitted Activity	DIS	Discretionary Activity
RDIS	Restricted discretionary Activity		
PRO	Prohibited Activity		

Note: Where a proposed activity could possibly be captured by more than one activity/ classification, the most specifically defined activity shall override any other. For example: Where both retail and commercial are both listed the classification for retail over-rides that for commercial as it is more specifically defined. The following activities are listed generally in alphabetical order.

Ref	Activity	Activity status (subject to meeting the performance standards in the following table)
1	Any Activity (including buildings) which meets the performance standards and is not listed in this table as a Controlled, Discretionary, Non-Complying or Prohibited Activity.	PERM
2	Any activity other than car parking (which excludes the storage of cars for sale or rent) within the Special Use Area B shown on the Structure Plan entitled Industrial B Zone - Connell Terrace Precinct.	PRO
3	Airports/ take-off or landing of aircraft other than the use of land and water for emergency landings, rescues and fire fighting.	N-C
4	Buildings , except any building located on the fixed open space areas or on the Special Use Area B identified on the Structure Plan to which the application relates. Note: Buildings within the open space areas are prohibited	CON
5	Buildings within the fixed open space areas	PRO
6	Buildings within Special Use Area B or Special Use Area C shown on the Structure Plan entitled Industrial B Zone - Connell Terrace Precinct.	PRO
7	Commercial activities, excluding those which are more specifically provided for elsewhere in this table (i.e. those which	N-C

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Ref	Activity	Activity status (subject to meeting the performance standards in the following table)
	also meet the definition of an industrial, service, or retail activity).	
8	Community activities, places of assembly, places of entertainment, recreational activity, educational facilities, health care and day care facilities	N-C
9	Factory farming	N-C
10	Food and beverage outlets within Special Use Area A identified on the Open Spaces on the Structure Plan entitled Industrial B Zone - Connell Terrace Precinct	PERM
11	Garden and patio suppliers within Special Use Area A identified on the Structure Plan entitled Industrial B Zone - Connell Terrace Precinct.	PERM
12	Industrial activities, including but not limited to panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, and motorbody building.	PERM
13	<p>Landscaping of the fixed open spaces shown on the Structure Plan to which the application relates, unless such landscaping has been approved as part of an approved ODP.</p> <p>Note: The intent of this rule is that a consent can be sought for the landscaping of the open spaces either as part of the ODP application or as a separate individual application prior to applying for the ODP; thus enabling the planting to mature ahead of development.</p>	RDIS
14	Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” (as listed in that Act).	N-C
15	Offices ancillary to any permitted activity	PERM
16	Offices , other than those ancillary to a permitted use	PRO
17	Outdoor Storage Areas, except for outdoor storage on the fixed open spaces	CON

BUSINESS & INDUSTRIAL AREAS - RULES

11

Ref	Activity	Activity status (subject to meeting the performance standards in the following table)
18	<p>Outline Development Plan (ODP) or variation to an approved ODP</p> <p>Note: Where any element of an application for an Outline Development Plan is a non-complying activity then the Outline Development Plan application becomes non-complying.</p>	RDIS
19	<p>Planting of any wilding species (as identified in Part 5 of the District Plan).</p>	PRO
20	<p>Residential activities, including elderly persons units and retirement villages.</p>	PRO
21	<p>The display and retailing of goods produced, processed, or stored on the site, provided the retail area does not exceed 20% of the net floor area (NFA) used to produce, process, or store those goods, or 100m²; whichever is the lesser.</p>	PERM
22	<p>All retail activities other than those provided for elsewhere in this table</p>	PRO
23	<p>Except as specifically provided for in this table, the following types of retail activity shall be non complying:</p> <ul style="list-style-type: none"> a) Automotive and marine suppliers b) Building suppliers c) Catering equipment suppliers d) Garden and patio suppliers e) Hire services (except hire/ loan of books, videos, DVDs, and other similar home entertainment items) f) Industrial clothing and safety equipment suppliers g) Office furniture, equipment, and systems suppliers h) Second hand goods outlets i) Service stations, including ancillary retail j) Wholesaling k) Yard-based suppliers l) Food and beverage outlet 	N-C
24	<p>The sale of liquor for consumption on the premises</p> <p>Note; The sale of liquor is not covered by "Food & Beverage Outlets" so where the latter are provided for in this table, that does not include an allowance for the sale of liquor.</p>	N-C

Ref	Activity	Activity status (subject to meeting the performance standards in the following table)
25	Service activities	PERM
26	Visitor accommodation,	PRO

11.5.6 Performance Standards

Failure to comply with a performance standard results in the need to obtain either a restricted discretionary or non complying resource consent, as specified in this table. Where failure to comply with a performance standard results in a restricted discretionary consent being required, the Council's discretion is restricted only to that or those standards that are not complied with. The following activities are listed generally in alphabetical order.

Ref	Standards	Resource consent status if standard not met
1	Onsite location of office(s) or retail space(s) All office(s) and retail space(s) shall be located at the front of the building(s) and facing the street; except that this does not apply to those on rear sites.	RDIS
2	All buildings shall be set back at least 15 m from the boundary of any Residential Zone	RDIS
3	Outdoor waste storage areas: i Shall not be located within the building setbacks and ii Shall be screened from the road and neighbouring properties by either a solid fence and/ or dense planting of at least 1.8 m in height. Note: The only building setbacks in this zone are setbacks from residential zones.	RDIS
4	Fencing along any boundary with any Residential or Town Centre Zone A solid fence and/ or dense planting of at least 1.8 m in height shall be erected on the boundary of any Residential or Town Centre Zone unless the zones are separated by a road or an open space area. In the case of the latter, performance	RDIS

Ref	Standards	Resource consent status if standard not met
	Standard 11.5.5.1(Ref 8) applies.	
5	<p>Hours of operation</p> <p>The hours of operation for any activity on a site which adjoins a Residential zone shall be limited to between: 0730 – 2000.</p> <p>Note: A site shall still be deemed to be “adjoining” where a road separates the site from the Residential Zone but shall not be deemed to be “adjoining” where an open space of at least 15 metres in width separates the two zones. The open space must either be shown on the relevant Structure Plan or approved as part of an approved ODP.</p>	RDIS
6	<p>Earthworks</p> <p>The following limitations apply to all earthworks (as defined in this Plan); except for earthworks associated with a subdivision or Outline Development Plan that has both resource consent and engineering approval.</p> <p>1. Earthworks</p> <p>(a) The total volume of earthworks does not exceed 100m³ per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.</p> <p>(b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 200m² in area within that site (within a 12 month period).</p> <p>(c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m³ (notwithstanding provision 17.2.2).</p> <p>(d) No earthworks shall:</p> <p>(i) expose any groundwater aquifer;</p> <p>(ii) cause artificial drainage of any groundwater aquifer;</p> <p>(iii) cause temporary ponding of any surface water.</p> <p>2. Height of cut and fill and slope</p> <p>(a) 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.</p>	RDIS

Ref	Standards	Resource consent status if standard not met
	<p>(b) The maximum height of any cut shall not exceed 2.4 metres.</p> <p>(c) The maximum height of any fill shall not exceed 2 metres.</p> <p>3. Environmental Protection Measures</p> <p>(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.</p> <p>(c) Any person carrying out earthworks shall:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>4. Protection of Archaeological sites and sites of cultural heritage</p> <p>(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.</p> <p>(b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.</p> <p>Note: Earthworks in the open space areas shown on the Structure Plan are also subject to an additional performance standard in this table.</p>	
7	<p>Lighting and Glare</p> <p>‡ All lighting shall comply with the following standards:</p>	RDIS

Ref	Standards	Resource consent status if standard not met										
	<ul style="list-style-type: none"> i All fixed exterior lighting shall be directed away from adjacent sites and roads; and ii 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. iii There should be no upward light spill <p>Note: You are also referred to Part 18 of the District Plan relating to the lighting of signage.</p>											
8	<p>Fence Heights in relation to open space areas</p> <ul style="list-style-type: none"> i. Fences, excluding post and wire fences, within any fixed open space area shown on the relevant Structure Plan or an open space approved as part of an Outline Development Plan shall be no higher than 1.2m in height. ii Fences, excluding post and wire fences, located on or within 4 m of the boundary of an open space area identified on the Structure Plan or approved as part of an Outline Development Plan shall be no higher than 1.2m in height. This excludes fences which are at right angles to the boundary between the subject site and the open space. 	RDIS										
9	<p>The provision of end-destination facilities to encourage people to travel to work using modes other than cars</p> <p>All buildings shall provide the following:</p> <ul style="list-style-type: none"> i Lockers – where the building design occupancy is for more than 4 on-site workers, individual clothes lockers shall be provided for 20% of all on-site workers, rounded up to the nearest whole number. These shall be located convenient to any showers that exist and bicycle parking facilities. ii Showers - Showers shall be provided at the following ratios and these shall be located close to the bicycle parking and lockers and at least one shower shall be a wheelchair accessible shower compartment: <table border="1" data-bbox="257 1204 1317 1364"> <thead> <tr> <th>Number of on-site workers (building design occupancy)</th> <th>Number of Showers</th> </tr> </thead> <tbody> <tr> <td>1-9</td> <td>Nil</td> </tr> <tr> <td>10 - 39</td> <td>1</td> </tr> <tr> <td>40-100</td> <td>2</td> </tr> <tr> <td>>100</td> <td>3 and add 1 per 100</td> </tr> </tbody> </table> <p>Notes for (i) and (ii) above</p>	Number of on-site workers (building design occupancy)	Number of Showers	1-9	Nil	10 - 39	1	40-100	2	>100	3 and add 1 per 100	RDIS
Number of on-site workers (building design occupancy)	Number of Showers											
1-9	Nil											
10 - 39	1											
40-100	2											
>100	3 and add 1 per 100											

Ref	Standards	Resource consent status if standard not met
	<ul style="list-style-type: none"> • The “building design occupancy “ calculation is based on the entire building, building complex, or multiple buildings on a site which the Resource Consent is being applied for, rather than for individual office spaces/ tenancies within a larger building. This may mean that there is one shower provided within a communal space which can be shared by a number of small individual tenancies or shared by a number of separate buildings provided they are located on the same site. • These shower ratios do not supersede the requirements of the Building Code. 	
10	<p>Building Height</p> <p>i. Within the Structure Plan entitled “Industrial B Zone - Connell Terrace Precinct”, the maximum height of any building shall be 7 metres above ground level, except that:</p> <p style="padding-left: 40px;">a) The maximum height of any building within the Special Use Area A identified on the Connell Terrace Precinct Structure Plan shall be 3.5 metres above ground level.</p> <p style="padding-left: 80px;">Note 1: For the Industrial B Zone (Connell Terrace Precinct) the ground level is as shown on the contour plan entitled the “Industrial B Zone Contour and Zone Plan for Connell Terrace Precinct” Rev C and dated 8 October 2012.</p> <p>ii. The height of buildings upon any land which is not within the Connell Terrace Precinct boundary shown on the relevant Structure Plan shall be 7 metres above ground level.</p> <p>iii. Within the Structure Plan entitled “Industrial B Zone – Ballantyne Road Precinct”, the maximum height of any building shall be 7 metres above ground level.</p>	N-C
11	<p>Noise</p> <p>i. 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 site outside this zone (other than the business or industrial (A) zones):</p> <p style="padding-left: 40px;">a) daytime (0800 to 2000 hrs) 60 dB L_{Aeq(15 min)}</p> <p style="padding-left: 40px;">b) night-time (2000 to 0800 hrs) 50 dB L_{Aeq(15 min)}</p>	N-C

Ref	Standards	Resource consent status if standard not met
	<p>c) night-time (2000 to 0800 hrs) 70 dB L_{AFmax}</p> <p>ii Sound from non-residential activities which is received in another zone shall also comply with the noise limits set in the zone standards for that zone.</p> <p>iii The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance with NZS 6803:1999.</p> <p>iv The noise limits in (a) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992, NZS 6807:1994 or NZS 6808:1998.</p> <p>Note: For the purpose of this rule, a road that is located outside this zone is not deemed to be a “site outside this zone” and, as such, the noise levels specified in (i) above may be exceeded on road reserves adjacent to this zone.</p>	
12	<p>Rear Sites shown on an Outline Development Plan</p> <p>No more than 10% of all sites shown on the indicative subdivision layout provided as part of an Outline Development Plan may be “rear sites”.</p> <p>Note: Refer Section D for a definition of ‘rear site’.</p>	N-C
13	<p>Outline Development Plans</p> <p>All activities and development shall be in accordance with an approved Outline Development Plan; except that:</p> <p>i. The Outline Development Plan need not include any land outside the Connell Terrace Precinct boundary shown on the Structure Plan entitled “Industrial B Zone - Connell Terrace Precinct”</p> <p>ii. Landscaping of the open spaces identified on the Structure Plan may occur prior to the approval of an ODP provided it is in accordance with an approved resource consent for that landscaping.</p> <p>Note: The intent of this rule is ensure that an Outline Development Plan has been submitted and approved prior to any other resource consent being applied for.</p>	N-C
14	<p>Extent of the Outline Development Plan</p>	N-C

Ref	Standards	Resource consent status if standard not met
	<p>An Outline Development Plan shall include at least all that land contained within the relevant Structure Plan, as follows.</p> <ul style="list-style-type: none"> i. The Industrial B Zone - Connell Terrace Precinct Structure Plan, except that the Outline Development Plan need not include any land outside the Connell Terrace Precinct boundary shown on the Structure Plan entitled "Industrial B Zone - Connell Terrace Precinct. ii. The Industrial B Zone – Ballantyne Road Precinct Structure Plan. 	
15	<p>The creation of fixed roads as shown on the relevant Structure Plan</p> <p>No Outline Development Plan, subdivision, or development shall prevent the creation of any fixed road shown on the relevant Structure Plan</p>	N-C
16	<p>Structure Plan</p> <p>All activities and development (including buildings and applications for ODP's) shall be in accordance with the relevant Structure Plan, except that:</p> <ul style="list-style-type: none"> i Any fixed connection points shown on the relevant Structure Plan may be moved up to 20 metres ii 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. iii The boundaries of any fixed open spaces shown on the relevant Structure Plan may be moved up to 5 metres. iv 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. v 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. 	N-C
17	<p>Access</p> <p>Each lot shall have legal access to a formed road.</p>	N-C
18	<p>Building coverage within the Special Use Area A identified on the Structure Plan entitled 'Industrial B Zone - Connell Terrace Precinct';</p> <p>The maximum building coverage shall be 30%</p>	N-C
19	<p>Earthworks in the fixed open space areas</p>	N-C

Ref	Standards	Resource consent status if standard not met
	<p>i. There shall be no excavation within the fixed open space areas identified on the Structure Plan entitled 'Industrial B Zone - Connell Terrace Precinct';</p> <p>Note: Any ODP or Landscape Plan which proposes excavation will become non complying.</p> <p>ii. All earthworks within the fixed open space areas identified on the relevant Structure Plan shall be in accordance with an approved ODP or Landscape Plan.</p>	
20	<p>Landscaping within areas shown as fixed open space areas</p> <p>Landscaping within areas shown as 'fixed open space' on the relevant Structure Plan shall be in accordance with an approved landscape plan</p>	N-C
21	<p>Outdoor storage of any goods within the open space areas or Special Use Area C</p> <p>There shall be no outdoor storage of any goods within the open space areas or Special Use Area C identified on the relevant Structure Plan.</p>	N-C
22	<p>Staging of building:</p> <p>i Within the Connell Terrace Precinct boundary shown on the Structure Plan entitled "Industrial B Zone - Connell Terrace Precinct", there shall be no building on land with a finished ground level higher than 323.5 mamsl until 70% of the western boundary planting in combination with the mounding has reached a minimum combined height of 6 metres and a continuous screen in the horizontal plane'.</p> <p>i Within the Structure Plan entitled "Industrial B Zone - Ballantyne Road Precinct" there shall be no building on Stage 2 until 75% of stage 1 has been subdivided, the titles issued, and the sites sold.</p> <p>(ii) Within the Industrial B Zoned land shown on the Structure Plan entitled "Structure Plan Industrial B Zone and Open Space – Revision D and dated 13/8/15", there shall be no building on land until 100 per cent of the planting in combination with the mounding has been implemented within the Open Space Area identified within the Structure Plan'.</p>	N-C

11.6 Resource Consents - Assessment Matters - Industrial B Zone

11.6.1 Controlled Activities – Matters over which control is reserved and Assessment Matters

i Controlled buildings – conditions may be imposed in respect of:

- (a) Landscaping,
- (b) External appearance (including signage, the colour of the building and, in particular, the extent of corporate colours used),
- (c) The ability to service the building(s), in terms of roading, water supply, and waste water.
- (d) The inclusion of initiatives which help reduce private car use and encourage alternative modes of transport (i.e. this is typically referred to as “Travel Demand Management”).
- (e) Waste and recycling storage space
- (f) The extent to which stormwater is proposed to be treated at each site, in order to improve the quality of stormwater being disposed of.

ii Controlled Buildings – Assessment matters

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

- (a) Whether and to what extent the external appearance (including the colour of the building (including that of the roof) and, in particular, the extent of corporate colours used, lighting and signage) avoids or mitigates adverse effects on:

- (i) The street scene and the views from private residential properties and public places beyond the zone.

The council expects colours to be recessive and to have low reflectivity

- (b) Whether the landscaping will improve the visual appearance of the site, buildings, outdoor storage areas, and carparking areas, taking account of:
 - (i) The nature of planting or materials to be used,
 - (ii) The ease of maintenance, and
 - (iii) The size of the plants and/ or the time it will take for the plants to mature.
- (c) Whether, in the Connell Terrace Precinct, tree planting has been proposed along the rear boundary of those sites which adjoin the northern, eastern and southern boundaries of the zone in a manner that will effectively ‘break up’ the built form within the zone.
- (d) Whether and to what extent initiatives are proposed, which help reduce private car use and encourage alternative modes of transport (i.e. Travel Demand Management). The Council would normally expect the following to have been provided:
 - (i) Cycle and motorcycle parking in a manner which encourages people to travel by these modes.
 - (ii) Shower and locker facilities for work places, so employees who choose to walk, run, or cycle to work can shower and store clothing.
 - (iii) Effective lighting and signage aimed at assisting someone entering the site or building by foot or bike.

- (e) Whether adequate space has been provided either within or outside the building(s) in order to enable the separation and storage of waste for recycling

iii Outdoor Storage Areas

Conditions may be imposed in respect of landscaping, screening, appearance, and visual impact.

iv Outdoor storage – Assessment matters

In considering whether or not to impose conditions, the Council shall have regard to, but not be limited by, the assessment matters listed in 11.4.2(ii) for the Business and Industrial (A) zones.

11.6.2 Restricted discretionary Activities – Matters over which discretion is reserved and Assessment Matters

i Matters of discretion – For any Outline Development Plan, discretion is reserved in respect of:

- (a) The indicative subdivision/ development layout, including roading design details.
- (b) Open space areas and pedestrian and cycle links
- (c) Earthworks,
- (d) Landscaping and streetscape design
- (e) Any proposed design guidelines.
- (f) Initiatives which help reduce private car use and encourage alternative modes of transport (i.e. Travel Demand Management).
- (g) The provision of public transport facilities and/or infrastructure or space to enable its future development.

- (h) The location and indicative design of carparking and manoeuvring areas, acknowledging that this will need to be further refined as part of subsequent land use consents once exact requirements are known.

- (i) The provision of infrastructure to service the development such as water, sewage treatment, stormwater, lighting, power and telecommunications facilities.

- (j) Measures to address any adverse effects resulting from any contaminated sites.

ii Outline Development Plan - 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:

- (a) In regard to the indicative **subdivision/ development layout**:
 - (i) Whether the road layout is efficient, legible, and pedestrian-friendly. The Council expects roading layouts and hierarchies (ranging from collector roads to service lanes) to be easy to navigate. The Council expects roading cross sections to be provided, which illustrate the width, character, landscaping, anticipated speed environment.
 - (ii) With regard to the location of fixed roads, the Council will only allow these to move more than 50 metres provided the integrity of the Structure Plan is not compromised and only for the following specific reasons:
 - Where there are key infrastructure matters that make the indicated path of the roads impracticable (for example land needed for stormwater management); and/ or

- More appropriate subdivision patterns and street layouts will result from the movement of the collector road.
- (iii) Whether the urban structure is well-connected and cul de sacs avoided
- (iv) Whether the number of rear sites has been minimised. The Council will expect to see rear sites avoided unless alternative street layouts would result in a worse outcome in terms of traffic congestion, connectivity/ walk-ability, or safety.
- (v) Whether the lot configuration, dimensions, and orientation will result in lots that maximise solar gain and have logical boundary lines.

The Council will not normally approve designs that result in awkward, irregular boundaries and which do not achieve the above outcomes.
- (vi) Whether and to what extent the Outline Development Plan incorporates the various open spaces identified on the Structure Plan. The Council will expect the Outline Development Plan to include all the open spaces shown on the Structure Plan.
- (vii) Whether open spaces and the urban form are designed in accordance with principles of Crime Prevention through Environmental Design (CPTED).
- (viii) Whether the public open spaces (if any) form part of an open space network which provides pedestrian and cycle linkages to other open space, community facilities, and other zones
- (ix) Whether and to what extent dedicated, direct and safe **pedestrian and cycle links** are provided. The council will expect footpaths to be provided along fixed roads and other roads where people are expected to walk (e.g. to/ from any foot-related retail such as a café, to/ from bus

stops and to/ from off-street pedestrian connections). Where off-street links are proposed these should be straight, well lit, and at least 4 metres in width. Where the link runs along a narrow strip of land between private property/ buildings, then it should also be straight and no more than 75 m long.

- (x) Whether a detailed **Landscape Plan** has been provided for **all open space areas** and proposed road reserves with the Outline Development Plan, unless previously approved as part of a resource consent for landscaping. The Council will expect the landscape plan to:
 - 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. Maintain important viewshafts, where they exist
 - e. In respect of the western buffer shown on the Connell Terrace Precinct Structure Plan, the Council expects the mounding and planting to provide effective mitigation in respect of noise attenuation and visual amenity. To achieve this the Council expects either a combination of naturalistic mounding of 3-5 metres in height and 15-20m in width, and predominantly evergreen planting of around 5-6 metres in height or, in the absence of any mounding, a 30 metre strip of dense predominantly evergreen planting of at least 8 metres in height is required in order to provide effective mitigation.

Note: Any change to the landscape plan will require a Variation to the Outline Development Plan.

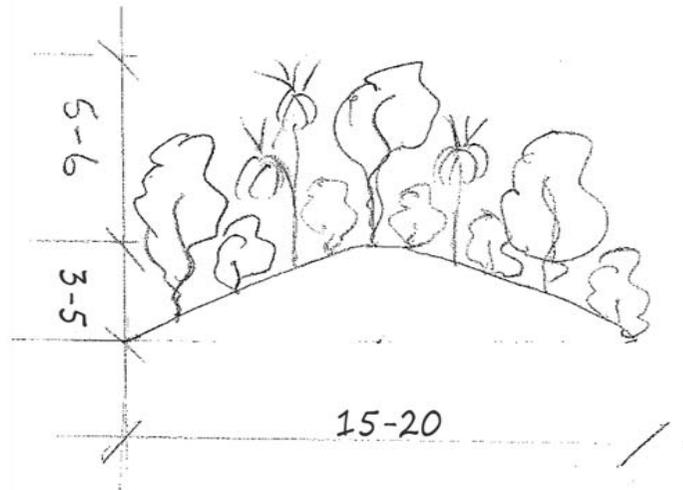


Fig 1: 15-20m buffer with 3-5m mound and dense planting to 5 or 6m.

(b) Regarding **transportation and reducing car trips/ trip distances**, the Council will consider:

- (i) Whether an Integrated Transport Assessment (ITA) has been provided which outlines how the proposed land use/urban design will affect the sustainability of transportation. The Integrated Transport Assessment should cover all those matters listed in the Council's guide on the subject. Refer to Council guidelines relating to ITA.

Note: Any ODP application which will enable over 5,000m² GFA of industrial or service space or over 10,000m² GFA of warehousing or storage space to be developed, shall include an Integrated Transport Assessment (ITA).

- (ii) Whether adequate space has been provided in the road reserve for a bus stop to be located every 400 m along any bus route that has been identified by the Council.
- (c) Regarding the **management of stormwater**, the ODP is expected to identify stormwater collection and reticulation methods and the area(s) that will be developed as stormwater treatment and disposal facilities, which will be capable of:
 - (i) Collecting all stormwater runoff from the land included within the ODP application including roads, berms, reserves, and private properties; and
 - (ii) Ensuring that the rate of stormwater discharge remains equal to or less than that of pre-development up to the 1 in 100 year average recurrence interval event; and
 - (iii) Ensuring that the quality of stormwater discharge shall remain equal to or better than that of pre-development; and
 - (iv) Ensuring that the disposal of stormwater is managed to avoid erosion, land instability and property damage; and
 - (v) Reticulating all the collected stormwater runoff from the area covered by the ODP to the designated stormwater treatment and disposal areas; and
 - (vi) Ensuring that all stormwater runoff flows from the area covered by the ODP, will be treated and disposed to ground in a long term sustainable manner; and
 - (vii) Managing stormwater runoff flows generated by a 100 year average return interval; and
 - (viii) Managing the anticipated increase in flows arising from climate change; and
 - (ix) Being practically and efficiently maintained. The design is expected to enable efficient remediation of treatment

facilities, efficient maintenance of the treatment and disposal facilities, appropriate landscaping of the area and facilities, and efficient and practical maintenance and remediation of such landscaping (be it planted areas, grassed areas, or wetlands).

- (d) Regarding **earthworks** and whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the assessment matters contained in Section 11.4.2(xi) of the District Plan and, in addition:

- (i) With regard to impacts on sites of cultural heritage value, whether the applicant has committed to complying with the Accidental Discovery Protocol, as outlined in Appendix 6 of the Ngai tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008.
- (ii) Whether and to what extent the earthworks on the open space areas will, together with landscaping, contribute to effective noise attenuation and the screening of development within the zone from surrounding existing and future residential zones.

iii Matters of discretion – For a Landscape Plan, discretion is reserved in respect of:

- (a) The plant species proposed,
- (b) The management and maintenance regime
- (c) The maintenance of any important viewshafts,
- (d) The requirements of the government Emissions Trading Scheme (ETS) criteria, where relevant
- (e) The extent and nature of the proposed earthworks

iv Landscape Plan - 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 assessment matters listed in 11.6.2(ii)(x) and 11.6.2(ii)(d) above, relating to the landscape plan and earthworks required as part of the ODP.

11.6.3 Assessment matters relating to performance standards

i Building setbacks from Residential zones – 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:

- (a) The extent to which the building encroaches into the building setback.
- (b) Whether an acoustic assessment has been provided, which concludes that the setback is not required for noise mitigation purposes due to, for example, the specific topographical characteristics of the site, the design of the building, noise attenuation measures proposed, or covenants on the title limiting the noise able to be generated from the site and/ or the type of uses that may operate from the site.
- (c) Whether the topography or other site characteristics are such that the building will not be visible from the Residential Zone. The Council will carefully consider the degree to which the visibility is reliant on vegetation being established/ retained/ maintained and the measures proposed to ensure that such mitigation occurs and is maintained.
- (d) Whether the scale and external appearance of the building is compatible with the residential neighbourhood.

ii Outdoor Storage Areas – Assessment Matters

Refer to those assessment matters listed for the Business and Industrial (A) zones in 11.4.2(ix) entitled Visual Amenity.

iii Hours of operation

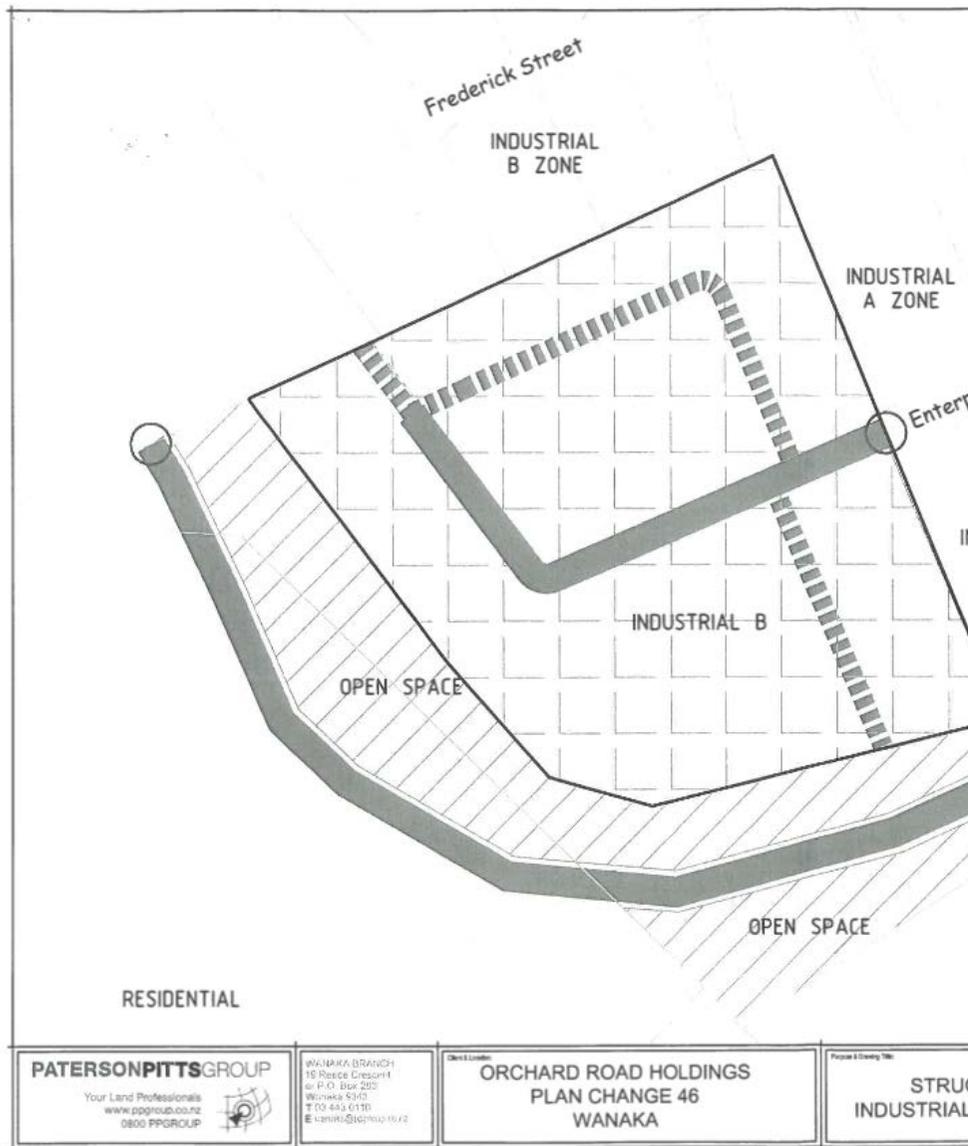
In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by:

- (a) The size of the site and the distance between the activity and residential properties.
- (b) Whether a road separates the site from Residential zone properties, thereby potentially reducing the effect of the activity operating outside the permitted hours.
- (c) The extent of proposed traffic to and from the site outside the permitted hours, the type of vehicles, and the location of the manoeuvring and loading areas, and site access.

iv Earthworks – 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 assessment matters contained in Section 11.4.2(xi) of the District Plan and, in addition:

- (a) With regard to impacts on sites of cultural heritage value, whether the applicant has committed to complying with the Accidental Discovery Protocol, as outlined in Appendix 6 of the Ngai tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008.



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15. Subdivision, Development and Financial Contributions

15.1 Issues, Objectives and Policies

15.1.1 Introduction

The Act distinguishes subdivision as a category of activity distinct from land use activities. The control of subdivision is a specific matter of relevance to District Plans. The principal feature of subdivision is that it produces a framework of land ownership which provides the basis for land use development, activities and conservation. Subdivision and land use are, therefore, closely related.

Subdivision provides the framework of service provision for land use including roading, water supply, sewage treatment and disposal, energy, telecommunication, stormwater and trade waste. Subdivision is the mechanism for the provision of esplanade reserves, esplanade strips and access strips and is therefore significant in the context of providing public access to lakes and rivers. Subdivision is also a means by which provision is made for additional land and facilities to meet the open space and recreation needs of the District's residents and visitors.

15.1.2 Issues

i Site Suitability

The underlying objective is to ensure that the lots created by subdivision are suitable for the anticipated use, that the land is of a suitable size and shape, is able to be serviced and developed and it is not subject to any unacceptable man-made or natural hazard.

ii Future Land Uses

There is an expectation by land purchasers that many of the effects of anticipated land uses will have been examined before a new land parcel is allowed to be created by way of subdivision. This includes the framework of services, reserves, access, water supply, stormwater disposal and sewage treatment and disposal. It also includes the effects on landscape, cultural or amenity values of the density and character of development that is likely to result from the subdivision pattern.

iii Costs of Infrastructure

Development facilitated by subdivision increases demands on the infrastructure of the District. New development will be subject to assessment in accordance with Council's Long Term Community Plan Development Contributions Policy to ensure that developments contribute to the cost of infrastructure associated with that demand.

iv Land subject to Natural Hazards

The opportunity may arise to subdivide and develop land which may be subject to natural hazards. This may require significant infrastructure works. Where land, or any structure on that land, is likely to be subject to damage by erosion, subsidence, or inundation from any source, the Act provides that the Council shall not grant a subdivision consent unless the effects can be avoided, remedied or mitigated. The suitability of land for future development in terms of susceptibility to natural hazards needs to be considered at the stage of subdivision.

The Council has identified the Makarora Rural Lifestyle Zone as one such area where development may occur at low densities subject to avoiding, remedying or mitigating the effect of natural hazards.

v Environmental Considerations

Where appropriate, the Council can secure the protection of environmentally sensitive sites, sites of significance to all cultures, or the margins of lakes and rivers, by way of esplanade reserves or conservation covenants, bonds or other such effective techniques at the time of subdivision. Subdivision also provides the opportunity to provide public access to and along lakes and rivers, and to obtain areas of land for public open space and recreation.

vi Special Lots

Provision needs to be made for special sites for activities such as utilities, roads, access lots to landlocked land or land with no practical access, recreation land or land of cultural or heritage significance including archaeological sites. The area of these lots may need to be less than the minimum otherwise permitted.

vii Public Access – Peninsula Bay Wanaka

There is a clear community desire to establish and maintain public access throughout the open space zone within Peninsula Bay, providing linkages throughout the site, and connections to the Lake. Where land is not vested in the Council as a reserve, public access needs to be established through the creation of easements at the time of subdivision. To ensure that the community's desires are met, it is important that the public access easements are established prior to any other development occurring within the site.

viii Appropriate Subdivision – Kirimoko Block, Wanaka

The Kirimoko Block is predominantly undulating topography and inappropriate subdivision and development has the potential to require significant earthworks and may compromise elevated, more visually sensitive spurs surrounding the block.

15.1.3 Objectives and Policies

Objective 1 – Servicing

The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.

Policies:

1.1 *To integrate subdivision roading with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.*

1.2 *To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.*

1.3 *To achieve provision of pedestrian, cycle and amenity linkages, where useful linkages can be developed.*

1.4 *To avoid or mitigate any adverse visual and physical effects of subdivision and development roading on the environment.*

1.5 *To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.*

1.6 *To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.*

1.7 *To ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy.*

1.8 *To encourage the retention of natural open lakes and rivers for stormwater disposal, where safe and practical, and to ensure disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.*

1.9 *To ensure, upon subdivision or development, that anticipated land uses are provided with means of treating and disposing of sewage in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.*

1.10 *To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.*

- 1.11 *To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.*
- 1.12 *To ensure the requirements of other relevant agencies are fully integrated into the subdivision/development process.*

Explanation and Principle Reasons for Adoption

High vehicle ownership necessitates the provision of vehicular access to newly created lots. Rooding and access standards must be a reflection of anticipated traffic, be it volume or type, and must integrate into the existing rooding system to provide safe, convenient and efficient access. Subdivision provisions for rooding and access need to reflect the opportunities to create a variety of vehicle and access systems, for the benefit of both vehicular transport, cyclists and pedestrians. Rooding and access can also have a major visual impact and as such both the location in terms of the topography and landscape, and the design of access routes, should enhance the natural environment and minimise any visual intrusion.

The subdivision of land is often followed by intensification or changes in land use that subsequently increase the demand for water usage. Where the proposed subdivision creates new lots and where the users will require water for human consumption, then that supply must be potable and reliable in the long-term. In addition, as life and property needs to be protected, ready access to sufficient water supplies must be available for fire fighting purposes. Unless the water supply system has an excess of capacity, subdivision and development will lead to the need for the water supply system to be upgraded. Some land use activities may place heavy demands upon a water supply system and consideration must be given to their location to ensure the sustainability of the water resource.

Notwithstanding regular monitoring and testing programmes, individual wells run the risk of contamination, variable quantity and inadequate levels of supply at some times of the year. Connections to a public supply provide much greater certainty as to the adequacy of the water quality and the reliability of the supply.

The design of stormwater systems and the capacity of existing systems must be adequate to achieve satisfactory disposal. It is the responsibility of the person who changes the existing land and water surfaces to investigate the effects of the proposal. If any adverse effects on the surrounding or receiving environment will, or could, result from the subdivision or development of land, then mitigating measures must be carried out by the subdivider or developer.

Recognition and enhancement of the values of natural lakes and rivers and receiving waters is a necessary part of planning subdivision and subsequent land use developments. Lakes and rivers can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. Preservation of the catchment is ecologically more acceptable and can assist in avoiding contamination of surface waters from stormwater run-off. These benefits need to be balanced by safety and practicality considerations in urban areas.

Proper treatment and disposal of sewage is a matter of importance. This is significant in terms of the protection of the quality of the surface and groundwaters and in the protection of public health.

Treatment of sewage effluent requires adequate provision for treatment systems and a means of disposal for the waste generated by the subdivision. In the existing urban areas where the Council provides or intends to provide for public sewage reticulation, treatment and disposal, there is a greater assurance that public health risks and adverse effects on the environment will be avoided.

In rural areas and townships, where connection to public reticulated systems is impracticable, care must be exercised to ensure the individual treatment and disposal system does not cause contamination of any adjoining lakes and rivers or groundwater, particularly if that could affect public health and the quality of a locality's water supply.

The taking of water and the discharge of the contaminants in stormwater and sewage are also the responsibility of the Otago Regional Council and consents may also be required from this Council in conjunction with a subdivision consent from the District Council.

The supply of electric power and telecommunications to all sectors of the community can be regarded as an essential service. It includes any upgrading or establishment of a system to service an area, and supply to individual users of sites created upon subdivision. The widespread use of electric power means a provision of power lines and their associated structures. With appropriate planning, the adverse effects of overhead lines can be mitigated to a certain degree in some locations, however, for most properties in the residential areas, townships, and town centres, provision of new reticulation is more appropriate underground.

Objective 2 - Cost of Services to be Met by Subdividers

The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.

Policies:

2.1 *To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:*

- *roading and access;*
- *water supply;*
- *sewage collection, treatment and disposal;*
- *stormwater collection, treatment and disposal;*
- *trade waste disposal;*
- *provision of energy;*
- *provision of telecommunications.*

2.2 *Contributions will be in accordance with Council's Long Term Community Plan Development Contributions Policy.*

Explanation and Principle Reasons for Adoption

Subdivision of land provides a framework of services for subsequent purchasers of new lots who have an expectation that services will be available. New subdivision may also give rise to demands for extending or upgrading of existing services.

The provision of services to, and within the subdivision, is a cost recoverable from the sale of lots and can be imposed on a subdivider via Council's Long Term Community Plan Development Contributions Policy at the time resource consent for subdivision/development is issued.

Contributions are set according to methods of determination provided in Council's Long Term Community Plan Development Contributions Policy to ensure a reasonable degree of certainty for developers.

Objective 3 - Reserve Contributions (Hydro Generation Zone only)

Refer: Open Space and Recreation, Part 4.4

Objective 4 – Outstanding Natural Features, Landscape and Nature Conservation Values

The recognition and protection of outstanding natural features, landscapes and nature conservation values.

Policies:

4.1 *To take the opportunity to protect outstanding natural landscapes and features, nature conservation values and ecosystems through the subdivision process.*

4.2 *To ensure works associated with land subdivision and development avoid or mitigate the adverse effects on the natural character and qualities of the environment and on areas of significant conservation value.*

4.3 *To avoid any adverse effects on the landscape and visual amenity values, as a direct result of land subdivision and development.*

4.4 *To use opportunities through the subdivision/development process to improve the level of protection for the natural character and nature conservation values of the lakes and rivers with reference to section 230 of the Resource Management Act 1991.*

Explanation and Principle Reasons for Adoption

It is important to ensure, where possible, the subdivision pattern does not artificially divide and create difficult management circumstances for areas of land forming part of outstanding natural landscape or natural features, habitats or river and stream environments which often have a natural and irregular pattern. Accordingly, the subdivision of land should be undertaken in a way which specifically identifies, and where necessary excludes, such areas from parcels of land that are intended for more intensive land use practices. Conditions attached to subdivisions may be imposed in situations where they can achieve the protection of outstanding natural landscapes and features as part of the subdivision process.

The Plan recognises the importance of access to and from the rivers and lakes according to the value of these areas for public access, their ability to provide walkway and other linkages across various parts of the District, both urban and rural, and their natural values. The safety of access points to esplanade reserves and strips from arterial roads also requires assessment.

Subdivision approvals frequently involve proposals or conditions involving earthworks, which can significantly alter vegetation or the surface of the land and cause erosion and sedimentation.

It is important to ensure earthworks do not unnecessarily affect adjoining land, lakes and rivers, outstanding natural features and in particular the natural and physical qualities of the hill areas.

Subdivision of land generally results in changed or intensified patterns of land use which can have significant adverse effects on landscape and visual amenity values.

Objective 5 - Amenity Protection

The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

Policies:

- 5.1 *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*
- 5.2 *To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*
- 5.3 *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.*
- 5.4 *To encourage the protection of significant trees or areas of vegetation, upon the subdivision of land.*
- 5.5 *To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.*
- 5.6 *To encourage the identification of archaeological sites and sites of cultural significance.*
- 5.7 *To minimise street lighting in the Rural Residential area at the north of Lake Hayes in order to retain the rural amenity values of the area.*
- 5.8 *To promote the use of stormwater management methods which involve the use of pervious surfaces such as open swales in the Rural Residential area at the north of Lake Hayes, in order to retain the rural amenity values of the area.*

Explanation and Principle Reasons for Adoption

Subdivision of larger parcels of land provides the opportunity for developers to express innovation in such matters as roading design and layout, the shape

and size of lots, orientation of lots and energy efficiency, protection of views, open space networks, the rural-urban interface, protection of nature conservation values and the amenity values of the lakeshores and rivers.

It is desirable to maintain and enhance the amenity values of areas, regardless of their land use, when subdivision takes place. This applies to the levels and patterns of open space, plantings and built density desired in all areas of the District. This can be influenced by the pattern of subdivision, which leads to land-use activities such as the location of fencelines, shelterbelts, access roading and buildings.

The potential for subdivision patterns to influence the land use patterns should be considered at the time of subdivision consent, particularly in rural areas. Significant trees can also make an important contribution to the amenities of an area, especially residential environments.

The pattern of subdivision can affect the safety, efficiency and cost of provision of roading facilities, as well as services such as water supply and sewerage. The number and location of subdivisional roads and access points onto the roading network can be a factor in determining the safety and efficiency of those roads, particularly arterial roads. Patterns of subdivision development can minimise the numbers of new intersections or access onto roads. New subdivisional roads also need to be designed to accommodate safely the number and nature of vehicles using the network.

Implementation Methods

- a. The objectives and associated policies will be implemented through the rules, standards and assessment matters in the Subdivision Development and Financial Contribution Rules.

Objective 6

To ensure effective public access is provided throughout the Peninsula Bay land.

Policies:

- 6.1 *To ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.*
- 6.2 *Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.*
- 6.3 *To ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.*

In addition to the above, refer: Open Space Zone Objective 2, Part 20.

Explanation and Principle Reasons for Adoption

It is important that amenity values are maintained, or where possible, enhanced, through the provision of public access. The use of easements for the purposes of ensuring public access enables the bulk of the land to remain in private ownership, with the cost associated with maintenance of that land borne by the landowner/s.

The policies establish that the public access easements must be created prior to any other subdivision or development within the Peninsula Bay Low Density Residential Zone.

Objective 7 – Kirimoko Block, Wanaka

To create a liveable urban environment which achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.

Policies:

- 7.1 *To protect the landscape quality and visual amenity of the Kirimoko Block and to preserve sightlines to local natural landforms.*

- 7.2. *To require that the walkway from Scur Heights across the Kirimoko Block to Peninsula Bay is completed before any subdivision is applied for.*
- 7.3 *To protect the natural topography of the Kirimoko Block and to incorporate existing environmental features into the design of the site.*
- 7.4 *To ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies (all zoned Low Density Residential) and that visually sensitive areas such as the spurs are left undeveloped (building line restriction area).*
- 7.5 *To ensure the provision of open space and community facilities that are suitable for the whole community and which are located in safe and accessible areas.*
- 7.6 *To develop an interconnected network of streets, footpaths, walkways and open space linkages which facilitate a safe, attractive and pleasant walking, cycling and driving environment.*
- 7.7 *To provide for road and walkway linkages to neighbouring developments*
- 7.8 *To ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.*
- 7.9 *To minimise disturbance of existing native plant remnants and to enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.*
- 7.10 *To design for stormwater management which minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.*
- 7.11 *To require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.*

Three Parks zone objectives and policies

Objective 8

Three Parks Zone - A layout and design of development that demonstrates best practice in terms of achieving environmental sustainability

- 8.1 *To ensure, through well-planned layouts, that buildings and open spaces are located and orientated in a way that achieves good solar access*
- 8.2 *To encourage energy efficiency in the design, location, and orientation of buildings.*
- 8.3 *To require development and subdivision to demonstrate best practice in regard to managing the quantity and quality of stormwater runoff.*
- 8.4 *To encourage the creation or restoration of wetlands where opportunities exist*

Objective 9

Three Parks Zone - An urban structure, well-considered building design, and other initiatives which, together, help to reduce car use and provide practical alternatives.

Policies

- 9.1 *To require that the urban structure (including road layout, cycle and walking networks, land use densities, and block sizes) is well-connected and specifically designed to:*
 - 9.1.1 *Enable public transport to efficiently service the area, now or in the future (which may, in the future, also include the provision of a transport node); and*
 - 9.1.2 *Ensure that on-street carparking is provided; and*

9.1.3 *Reduce travel distances through well-connected streets; and*

9.1.4 *Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and local facilities and amenities within the zone, and which are well-connected to other areas beyond the zone, particularly the Wanaka Town Centre.*

Objective 10

Three Parks Zone - Staged development which keeps pace with the growth of Wanaka and results in a high quality urban area containing a network of open spaces and a mix of compatible uses.

Policies

- 10.1 *To ensure that development is consistent with the Wanaka Structure Plan (2007) and the Wanaka Transport Study (2007).*
- 10.2 *To avoid development that is not in accordance with the Three Parks Structure Plan or approved Outline Development Plans or Comprehensive Development Plans.*
- 10.3 *To ensure development is staged in a manner which results in a logical progression of development, the cost effective provision of infrastructure, an appropriate mix of uses, and a consolidated urban form.*
- 10.4 *To ensure that development and subdivision does not occur unless appropriate infrastructure is in place to service it.*
- 10.5 *To ensure that the open space network includes those open spaces shown on the Three Parks Structure Plan in order to provide landscaped buffers along SH84 and Riverbank Rd , to protect key landscape features, and to provide for passive and active outdoor recreation activities.*

10.6 *To avoid buildings within the fixed open space areas shown on the Three Parks Structure Plan, other than small buildings that are ancillary to the infrastructure or recreation function of the area.*

10.7 *To require high quality landscape design of the Open Space areas*

10.8 *To recognise that pastoral and arable farming may be suitable in early stages of development while also acknowledging that it may become unsuitable as surrounding areas become more urbanised.*

10.9 *To avoid any subdivision or development of the Deferred Urban Zone in order to preserve it for future urban use and so as to not pre-empt what that use may be.*

Objective 11

Three Parks Zone - A high level of residential amenity and a range of housing types which promote strong, healthy, and inclusive communities.

Policies

- 11.1 *A mixture of residential densities is encouraged in order to provide greater housing choice, a greater range of affordability, and a more diverse resident community.*
- 11.2 *Residential densities are required to be consistent with those specified in the assessment matters for Outline Development Plans in order to ensure that the various subzones are distinctly different from one another and that desired level of consolidation and open space is achieved in the respective areas.*
- 11.3 *Neighbourhoods are required to be laid out in a manner which encourages residences to address the street by avoiding long, thin lots with narrow frontages.*

- 11.4 *Small clusters of higher density housing is appropriate in the Low Density Residential subzone provided it is identified in an approved Outline Development Plan, is well designed, and is located such that it provides a high level of residential amenity.*
- 11.5 *Some variation in densities is required in the Low Density Residential subzone in order to achieve a more diverse streetscape and resident community.*
- 11.6 *The multi unit developments within the LDR subzone are comprehensively designed to ensure a quality residential living environment and attractive streetscape.*

Objective 12

Three Parks Zone - Establishment of a high quality, functional business area which provides for a wide range of light industrial, service and trade-related activities whilst protecting it from residential and inappropriate retail uses.

Policies

- 12.1 *Small lot subdivision shall be avoided unless combined with a land use Resource Consent, which illustrates how a complying business development can occur on the site(s).*

Objective 13

Three Parks Zone - A high quality urban fabric, which is consistent with the vision set out in the Wanaka Structure Plan and the subsequent Structure Plan for the Three Parks Zone.

Policies

- 13.1 *To require street layouts and design to:*
 - 13.1.1 *Have an informal character in the Low Density residential subzone, including elements such as open swales where appropriate.*

- 13.1.2 *Be well-connected, with cul-de-sacs being avoided wherever connected streets would offer greater efficiency and amenity*
- 13.1.3 *Minimise the creation of rear sites.*
- 13.1.4 *Be safe for vehicles, cyclists, and pedestrians.*
- 13.1.5 *Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways, landscaping, and the location of compatible uses.*

- 13.2 *To encourage pedestrian and cycle links to be located within the public street, whilst acknowledging that off-street links are also appropriate provided they offer a good level of safety and amenity for users.*
- 13.3 *To encourage pedestrian and cycle links to provide for both the commuter and recreational needs of residents within the zone and the wider community.*
- 13.4 *To require well-located and well-designed open spaces that encourage high levels of usage and which are generally consistent with the Indicative Open Space Plan which forms part of the Three Parks Structure Plan*
- 13.5 *To require a number of public spaces to be developed in the Commercial Core; the scale and purpose of which shall be commensurate with the design capacity of the ODP (in terms of the GFA proposed and the number of employees and residents), including:*
 - 13.5.1 *An appropriately scaled public square in the Commercial Core, which provides a focal point for social interaction and contributes to a sense of place;*

13.5.2 *An appropriately scaled village green, which provides a relaxed distinctly non- commercial atmosphere*

13.5.3 *A number of small public spaces, which provide a range of different environments in which to congregate and/ or relax, such that there is one within a 5 minute walk from all parts of the Commercial Core.*

13.6 *To require a network of well connected, usable, and safe open spaces.*

13.7 *To encourage, where feasible, local reserves to be located and designed such that they can provide for stormwater disposal as well as providing for open space and/ or recreational needs.*

13.8 *To recognise that the relocation of a collector road by more than 50 metres (from that shown on the Three Parks Structure Plan) is likely to significantly affect the integrity of the Three Parks Structure Plan and should be avoided.*

Objective 14 **Deferred Urban Subzone**

The preservation of an area of land adjacent to the Commercial Core for future urban development once those zoned areas within 3 Parks have been largely developed and there is a clear need for more land to be released.

14.1 *To prevent development and subdivision of the deferred subzone until a future plan change demonstrates a need and purpose for the urban development of the land*

14.2 *To acknowledge that the Deferred Urban Zone may be suitable for either commercial, business, or residential use or a combination of these but that this decision is best deferred until the existing zoned areas have been developed.*

14.3 *To enable this area to continue to be farmed or to be used as open space and outdoor recreation until such a time as it is required for urban growth.*

Objective 15

The establishment of a green network including parks, areas for community facilities, cycleways, and pedestrian linkages that permeate all parts of the zone and links seamlessly into the more urbanised public realm in the commercial core.

15.1 *To ensure open space is created as part of a comprehensively planned hierarchy of spaces (including those for ecological and nature conservation purposes, active and passive recreation, soft and hard surface spaces, and those which contribute to the cycle and walking network).*

15.2 *To encourage community reserves and facilities to be in easily accessible, sunny, and flat locations.*

15.3 *To encourage spaces to be provided in the Commercial Core where the public can congregate.*

15.4 *To avoid residential development in close proximity to Riverbank Road.*

15.5 *To consider the possibility of providing additional playing fields that service the wider Wanaka catchment as part of assessing each Outline Development Plan.*

15.6 *To ensure good visual connection between the private and public realm by avoiding high fences and walls between the private allotment and public open space.*

Objective 16

Shotover Country Special Zone – Transport infrastructure design which minimises car use and achieves efficient transport connections.

Policies

16.1 *To ensure that the transport infrastructure (including road layout, cycle and walking networks) is well-connected and designed to:*

- 16.1.1 Enable public transport to efficiently service the area, now or in the future (which may, in the future, also include the provision of a park and ride facility);
- 16.1.2 Ensure that on-street car parking is provided;
- 16.1.3 Reduce travel distances through well-connected streets;
- 16.1.4 Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and local facilities and amenities within the zone, and which are well-connected to other areas beyond the zone, particularly Old School Road and Lake Hayes Estate.

Objective 17

Shotover Country Special Zone – To recognise the importance of the National Grid to the district’s, region’s and nation’s social and economic wellbeing and take into account the benefits derived from that infrastructure at a local, regional and national level.

Policy

- 17.1 The reverse sensitivity effects generated by subdivision and land development within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line shall be managed in order to avoid, remedy or mitigate adverse effects on both the safe, secure and efficient use and development of the transmission network and the safety and amenity values of the community.

Objective 18 Industrial B Zone

In the Industrial B zone, a high quality, functional area that provides for a wide range of business, industrial, service and trade-related activities and avoids residential, office, and most retail uses.

Policies

- 18.1 *To avoid development that is not in accordance with the relevant Structure Plan or approved Outline Development Plans.*
- 18.2 *To ensure that development and subdivision only occurs where either the necessary infrastructure exists to service it, or temporary measure(s) have been agreed to by the council and the applicant has committed to connect to the council reticulated system once available.*
- 18.3 *Other than ancillary retail and that retail specifically permitted by the rules, all other retail shall be avoided in order to:*
 - 18.3.1 *Preserve the zone for those uses that are specifically enabled; and*
 - 18.3.2 *Ensure that the vibrancy of the existing town centres and the mixed use and commercial core areas of the Frankton Flats and Three Parks Zones is not undermined.*
 - 18.3.3 *Prevent the further distribution of retail across numerous areas and to, therefore encourage continued consolidation of retail activity in those areas intended for that purpose.*
- 18.4 *Residential and office activities shall be prevented in order to avoid reverse sensitivity issues and to preserve the zone for industrial and service activities*
- 18.5 *Small lot subdivision shall be avoided unless combined with a landuse Resource Consent, which illustrates how a complying development can occur on the site(s).*
- 18.6 *Adequate road access and on-site loading and manoeuvring areas shall be provided for heavy vehicles in order to prevent i) any loading or manoeuvring from occurring within the road corridor and ii) any large vehicles (truck and trailer units) having to reverse out of a site onto a road.*
- 18.7 *To ensure the provision of adequate loading zones in the design and layout of the zone, as well as on site loading at the time of development.*

18.8 To require street layouts and design to:

18.8.1 Be well-connected, with cul-de-sacs being avoided wherever connected streets would offer greater efficiency and amenity

18.8.2 Minimise the creation of rear sites.

18.8.3 Be safe for vehicles, cyclists, and pedestrians.

18.8.4 Minimise opportunities for criminal activity through incorporating "Crime Prevention Through Environmental Design" (CPTED) principles as appropriate in the design of lot configuration and the street network, car parking areas, lighting, public and semi-public spaces, access ways, landscaping, fencing, and the location of compatible uses.

18.9 To recognise that the relocation of a fixed road by more than 50 metres or a fixed connection point by more than 20 metres (from that shown on the relevant Structure Plan) is likely to significantly affect the integrity of the Structure Plan and should be avoided.

Objective 19 Industrial B Zone

In the Industrial B zone, effectively mitigate a) the adverse visual effects of business and industrial development, when viewed from public and private places and b) the adverse nuisance effects on the amenity of residential zones within the vicinity of the Industrial B Zone and

Avoid unreasonable and objectionable odour, which will affect amenity in the residential zones in the vicinity of the Industrial B Zone.

Policies

19.1 To ensure that the fixed open spaces shown on the relevant Structure Plan are provided in order to separate and partially screen the zone from adjacent existing or future residential zones in order to minimise the visual and nuisance effects of development from both public and private places.

Objective 20 Industrial B Zone

In the Industrial B Zone, a street layout that helps to reduce car use and provides practical alternatives.

Policies

20.1 To require that the street layout and cycle and walking networks are designed to:

20.1.1 Enable public transport to efficiently service the area, now or in the future; and

20.1.2 Reduce travel distances through well-connected streets; and

20.1.3 Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and that are well-connected to other areas beyond the zone.

Objective 21 Industrial B Zone

In the Industrial B Zone, a subdivision layout and built form that demonstrates best practice in terms of achieving environmental sustainability

Policies

21.1 To ensure, through the street layout, that buildings are located and orientated in a way that achieves good solar access

21.2 To incorporate stormwater and sediment management options that ensure that:

21.2.1 The rate of discharge remains equal to or less than that of pre-development

21.2.2 The quality of the water in that discharge remains equal to or better than that of pre-development.

Objective 22 Ballantyne Road Low Density Residential Zone

Effectively mitigate the adverse visual effects of the Ballantyne Road Low Density Residential Development, when viewed from wider public and private places.

Policies

22.1 To ensure that the Open Space and Landscape Area shown on the Ballantyne Road Low Density Residential Zone Structure Plan is provided in order to separate and partially screen the zone from adjacent rural areas and in order to minimise the visual effects of the future subdivision and development from both public and private places.

15.1.4 Environmental Results Anticipated

- (i) A safe and efficient roading network.
- (ii) Safe, convenient access to and from subdivided lots.
- (iii) Enhanced and extended patterns of vehicular, cycle and pedestrian linkages.
- (iv) Water supplies which are sufficient in volume and of potable quality to meet reasonable needs and future expectations.
- (v) Adequate, safe and sustainable disposal of stormwater, sewage and trade wastes.
- (vi) Retention and enhancement of natural drainage systems.
- (vii) Adequate provision for energy supplies and telecommunications.
- (viii) Maintenance of the quality of the environment, particularly water and natural ground features.
- (ix) Cost effective provision of services for redevelopment and growth without additional financial burdens on District ratepayers.
- (x) Continued provision of esplanade reserves or strips, in appropriate locations, where enhancement of habitats and/or access can be achieved.
- (xi) A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.
- (xii) A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in existing and proposed residential environments.
- (xiii) Increased innovation in subdivision design and protection of significant trees or features.
- (xiv) Avoidance of potential risk from flooding, erosion, rockfall or subsidence.

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.

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

Except 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
 - (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:
 - (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) Landscaping and earthworks within areas shown as '15 metre wide No Building Area' on the **Ballantyne Road Low Density Residential Zone Structure Plan (Revision E, dated 28/10/15)** in Section X.X Figure 1, 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 the **Ballantyne Road Low Density Residential Zone Structure Plan – 15 metre No Building Area and cross section of Proposed Mounding Height Plan** Section X.X Figure 2. To achieve this the 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.
- (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**
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).
- (vi) **Kirimoko Block**
Any subdivision that is not in general accordance with the location of the principal roading and reserve network contained with 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.

15.2.3.4 Non-Complying Subdivision Activities

- (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:

- 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) Industrial B Zone – Any subdivision of the open space areas, including for the creation of Road 3, shown on the **Structure Plan entitled “Structure Plan Industrial B Zone and Open Space – Revision D and dated 13/8/15”**[Replace with location in the ODP Section] prior to 100 percent of the planting in combination with the mounding having been implemented.

(xix) Any subdivision of the land contained within the **Ballantyne Road Low Density Residential Zone Structure Plan (Revision E, dated 28/10/15)**[replace with location in the ODP section] prior to 100 percent 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 15.2.19.
- (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.
- (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

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

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.

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

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.
- 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

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

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 ²
Shotover Country Special Zone - Activity Areas 1a – 1e	750 m ²

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- (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 2 DP 26803	Lot 5 DP 15096

- (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 ²

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).

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 ²
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 ²
In the Ferry Hill Rural Residential sub-zone	4000m ² – 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.
Resort	No Minimum – Controlled Activity
Rural Visitor	No Minimum – Controlled Activity
Remarkables Park	Activity Area 1 600m ²

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	Activity Areas 2a-8 – No Minimum controlled activity
Low Density Residential	Arthurs Point 800m ² Queenstown Heights Area 1500m ² Wanaka 700m ² Elsewhere 600m ²
High Density Residential	450m ²
Residential Arrowtown (Historic)	800m ²
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

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 ²
Glenorchy	800m ²
Lake Hawea	800m ²
Luggate	800m ²
Kinloch	800m ²
Makarora	1000m ²
Albert Town	800m ²
Riverside Stage 6 Subzone A	<ul style="list-style-type: none"> 50-55% of lots will be developed to a minimum area of 400m² Average lot size: 600m² Maximum lot size: 800m²
Riverside Stage 6 Subzone B	<ul style="list-style-type: none"> Average lot size: 800m² (minimum

	700m ² , maximum 1000m ²)
Riverside Stage 6 Subzone C	<ul style="list-style-type: none"> Minimum 1,000m², maximum 2000m²
Penrith Park	Activity Area 1 3000m ² Activity Area 2 1000m ²
Bendemeer	Activity Area 1 1500m ² Activity Area 2 2000m ² Activity Area 3 2500m ² Activity Area 4 3000m ² Activity Area 5 4000m ² Activity Area 6 6000m ² Activity Area 7 7000m ² Activity Area 8 5000m ² Activity Area 9 17500m ² Activity Area 10 7500m ² Activity Area 11 20 hectares
Queenstown Town Centre	No Minimum – Controlled Activity

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 ²
Wanaka Town Centre	No Minimum – Controlled Activity
Arrowtown Town Centre	No Minimum – Controlled Activity
Business	200m ²
Industrial	200m ²

Zone	Minimum Lot Area
Three Parks	
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 ² ;

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	Except that the minimum lot size shall be 200m ² 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 ² <i>The purpose of this rule is to encourage comprehensive, large lot developments.</i>												
Shotover Country Special Zone	<table border="0"> <tr> <td>Activity Area 1a - 1e</td> <td>500 m²</td> </tr> <tr> <td>Activity Area 2a</td> <td>300 m²</td> </tr> <tr> <td>Activity Area 2b and 2c</td> <td>450 m²</td> </tr> <tr> <td>Activity Area 3</td> <td>450 m²</td> </tr> <tr> <td>Activity Area 4</td> <td>2500 m²</td> </tr> <tr> <td>Activity Area 5a - 5e</td> <td>No minimum</td> </tr> </table>	Activity Area 1a - 1e	500 m ²	Activity Area 2a	300 m ²	Activity Area 2b and 2c	450 m ²	Activity Area 3	450 m ²	Activity Area 4	2500 m ²	Activity Area 5a - 5e	No minimum
Activity Area 1a - 1e	500 m ²												
Activity Area 2a	300 m ²												
Activity Area 2b and 2c	450 m ²												
Activity Area 3	450 m ²												
Activity Area 4	2500 m ²												
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 ² Activity Area D – 1000m ² 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.

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 ² maximum 500m ²
	Activity Area 1b: Minimum 450m ² Maximum 700m ²
	Activity Area 1c: Minimum 700m ²
	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.

- (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:
 - a. the proposed lot size is greater than 1000m²; and
 - b. 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
 - c. The road layout of the Road Layout Plan within the Kingston Village Special Zone Subdivision Guidelines (2010) is achieved.

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.

Zone	Minimum Lot Area
Mount Cardrona Station Special Zone	Activity Area 1 - No minimum
	Activity Area 2a - 200m ²
	Activity Area 2b - 250m ²
	Activity Area 3 - 500m ²
	Activity Area 4 - 1000m ²
	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 500m², except where a comprehensive subdivision plan creating more than 5 allotments is lodged, in which case the average allotment size shall be 500m², with a minimum of 400m².

Zone	Minimum Lot Area
Industrial B Zone	1000 m ² ; Except that the minimum lot size shall be 200m ² 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:

- (i) the building platform is retained.
- (ii) no additional separately saleable lots are created.
- (iii) 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:

- (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.

(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.

(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).

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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: Exterior cladding	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm)*
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m ³) 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 ² (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 ² 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 ² 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%	6mm laminated glazing

	and 35% of floor area: 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: Frame:	17mm plywood (no gaps) Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m ³)
	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 ³)
	Combined superficial density:	Combined mass of cladding and lining of not less than 25kg/m ² with no less than 10kg/m ² on each side of structural elements.
Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m ³) required for all ceilings.
	Ceiling: Combined superficial density:	12mm gypsum plaster board. Combined mass with cladding and lining of not less than 25kg/m ²

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 ² for the floor layer and any external cladding (excluding floor joists or bearers)
External Door to Habitable Rooms	Solid core door (min 25kg/m ²) 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 gutting 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.
- (v) Prior to certification under section 224(c) of the Act in respect of the 200th residential lot within the MCSSZ, at least 350m² of gross floor area suitable for use for commercial purposes shall be constructed within Activity Area 1a.

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 ²
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 m² in area and not greater than 1000 m² 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 70m² in area and not greater than 1000m² 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 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 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 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 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 the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.

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 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 at Page 5-43 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 Subdivision within the Ballantyne Road Low Density Residential Zone

- (a) Any subdivision of land contained within the Ballantyne Road Low Density Residential Zone Structure Plan (Revision E, dated 28/10/15) in Section X.X 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 the 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) That all planting and mounding established within the “15 metre wide No Build Area” identified on the Structure Plan in Section X.X 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 a consent notice that is registered on the respective titles and is deemed to be a covenant pursuant to section 221(4) of the Act.

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;
- (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.

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.
- 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 adjoining Rural Zones;
- (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:
 - (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 Roding 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.

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.
- (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.

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

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

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

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 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.

15.2.10.3 Zone Subdivision Standard - Natural and Other Hazards

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;
 - (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:
 - 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:
 - 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;
- (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

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 Kinston Village Special Zone, and the existing Kinston 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:

- (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

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.

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.

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
 - (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.
- 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;
- (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.

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:

- 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;

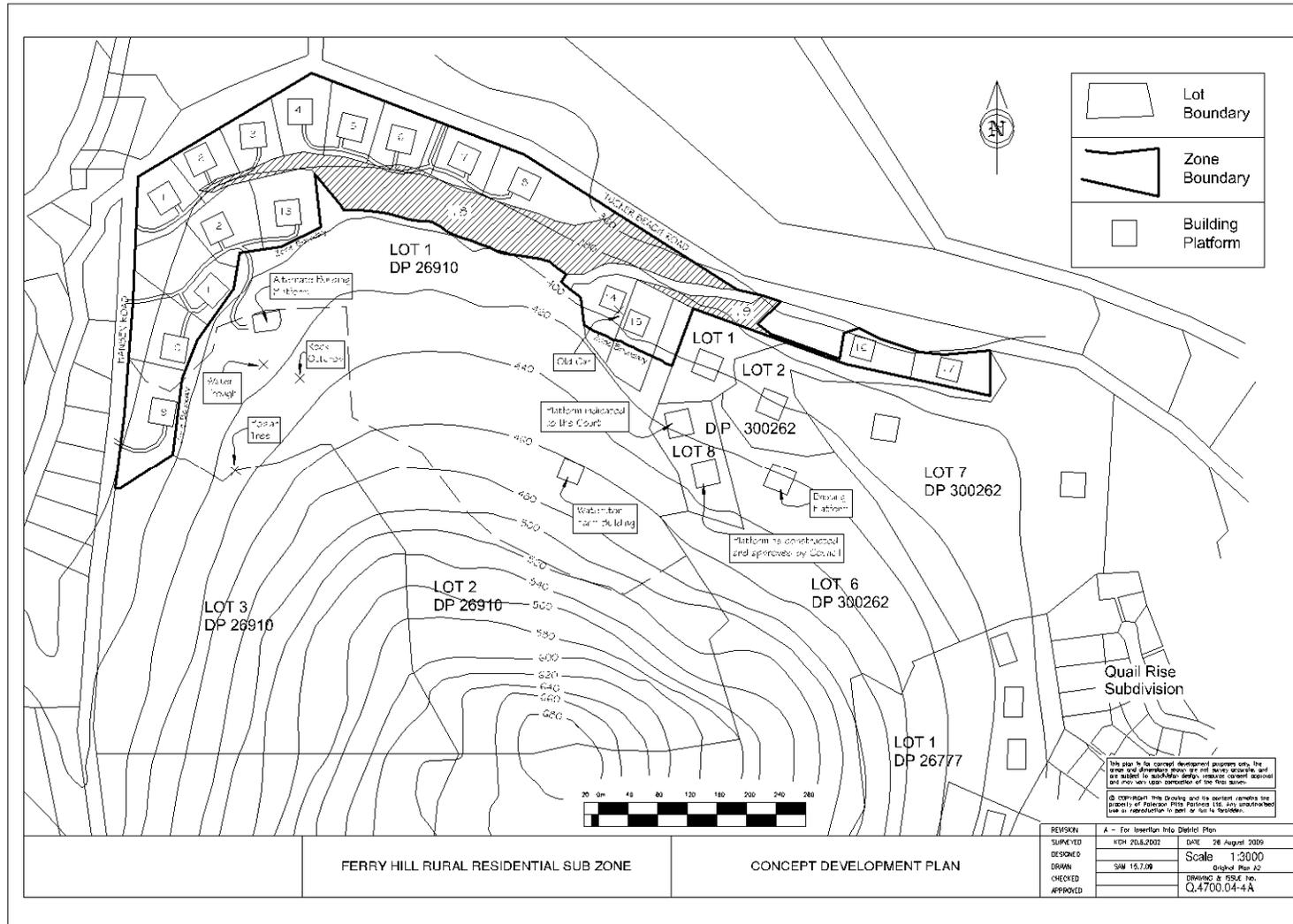
- (i) for walkways and cycle ways, including access to water bodies.
- (ii) The need for the cancellation of easements.
- (i) for the provision of public access throughout the Open Space Zone within Peninsula Bay.
- (j) within the Mount Cardrona Station Special Zone the extent to which:
 - (i) public 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).

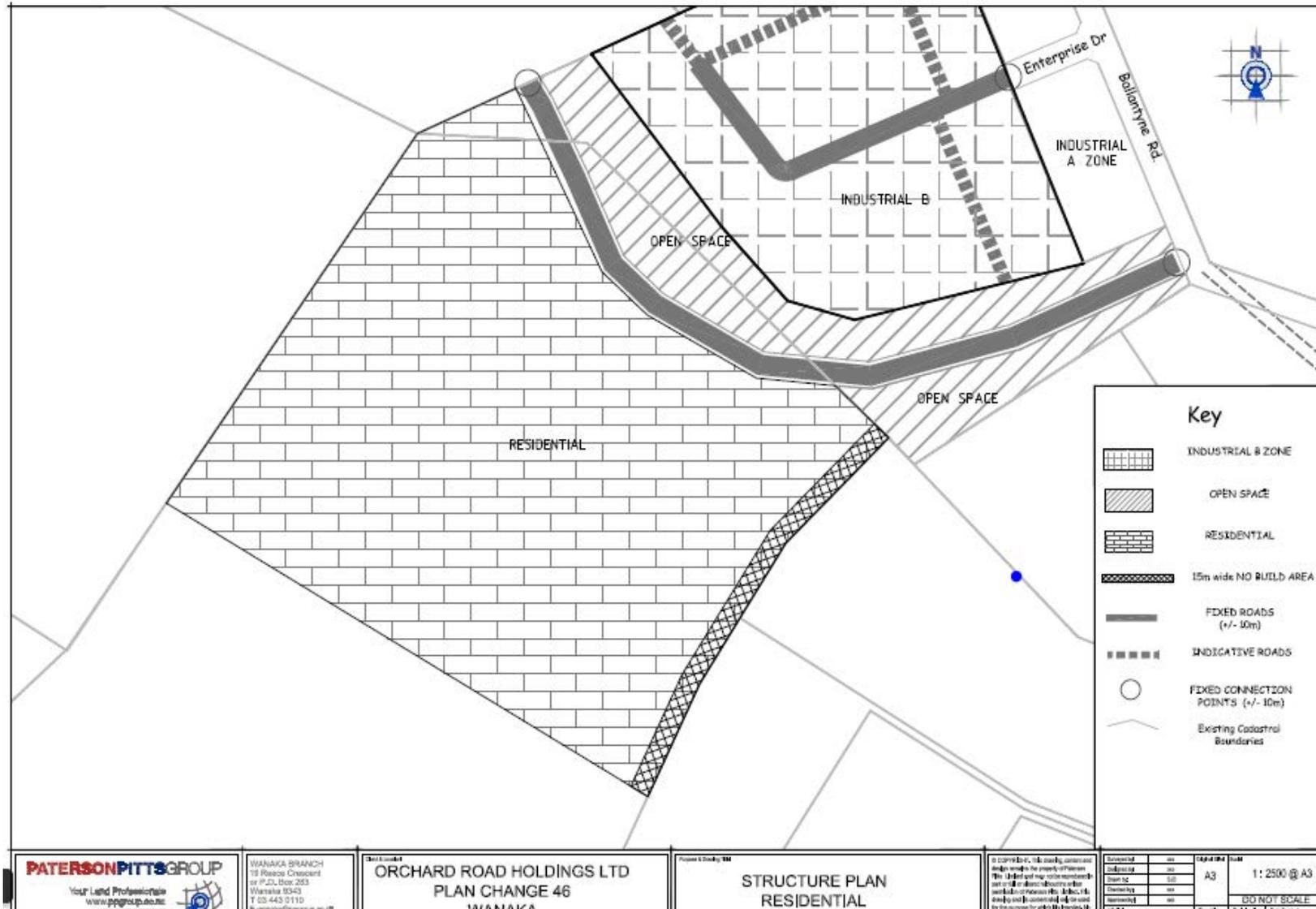
15.2.19

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:

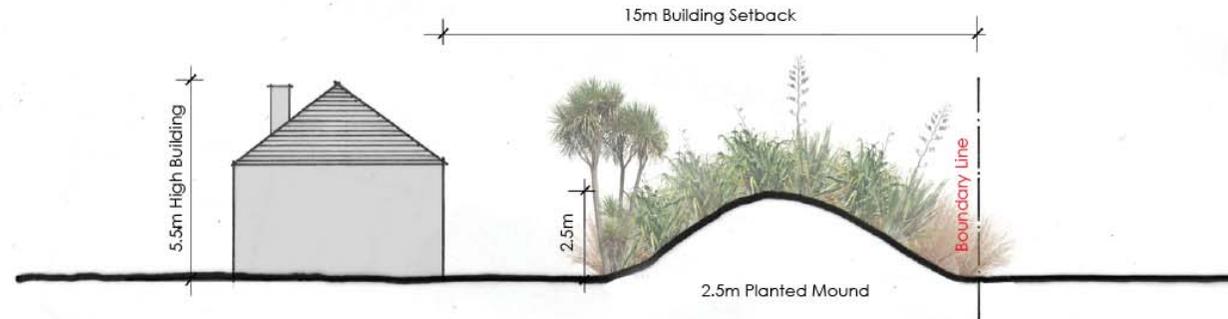
- the location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and existing vegetation patterns and existing or proposed accesses;
- boundary treatment;
- easements for access and services.

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15





Section X.X Figure 2 - Ballantyne Road Low Density Residential Zone Structure Plan – 15 metre No Building Area and cross section of Proposed Mounding Height



+ BALLANTYNE RIDGE - SETBACK AND BUFFER PLANTING
REFERENCE : 1786-SK05 - SCALE = 1:150 AT A3 - 29 OCTOBER 2015

