

12.24 Ballantyne Road Mixed Use Zone - Rules

12.24.1 Zone Purpose

The purpose of the Zone is to provide for the continued viability of yard based industrial and yard based service activities and the services they provide for the social and economic well being of the community. The Zone also provides for a range of mixed business activities to integrate the yard based service and yard based industrial activities into the surrounding environment.

12.24.2 District Rules

The following District Wide Rules apply unless inconsistent with any particular Zone rule in which case the latter shall prevail.

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

12.24.3 Activities

12.24.3.1 Permitted Activities

Any Activity in Activity Areas A, B, D and E which complies with the **Site** and **Zone** Standards and is in accordance with the **Structure Plan** (Figure 1 of this section) and is not listed as a **Controlled, Discretionary, Non-**

Complying or Prohibited Activity (in Table 12.24.3.6 to this Rule) shall be a **Permitted Activity**.

12.24.3.2 Controlled Activities

Activities listed as **Controlled Activities** in Table 12.24.3.6 to this Rule shall be controlled activities provided they are not listed as a **Discretionary, Non-Complying or Prohibited Activity** and they comply with relevant **Site** and **Zone Standards** and are in accordance with the **Structure Plan** (Figure 1 of this section).

The matters over which the Council has reserved control are listed with each controlled activity.

i Outline Development Plan

NOTE: for the purpose of this rule the term "Outline Development Plan" is defined as a scaled plan showing proposed development for the whole or any part of an Activity Area.

The Outline Development Plan of any Activity Area or part of an Activity area lodged with the Council for approval is controlled in respect of all of the following:

- (a) The location of roads, accessways, and connections to other activity areas and adjoining land, including the two access points into the Zone from Ballantyne Road as identified in Zone Standard 12.24.5.2 viii.
- (b) Indicative subdivision design, configuration and allotment sizes;
- (c) For Activity Area C, details of all earthworks to remediate the ponds structures, including details of any fill and finished ground levels.
- (d) Proposed building setbacks from roads and internal boundaries and boundaries with adjacent land
- (e) The landscaping of all external Zone boundaries.

- (f) The location and details of all fencing;
- (g) The location of any communal car parking areas and the location of loading and unloading areas for heavy vehicles and service vehicles on each allotment;
- (h) In Activity Area B, the location and design of parking areas, including communal parking areas and associated landscaping.
- (i) The Design Guidelines which will apply to all buildings erected within the area;
- (j) The provision of infrastructure to service the development such as water, sewage treatment; storm water, lighting, power and telecommunications facilities.
- (k) The location of any open space (including land to be vested in Council) and pedestrian/cycle paths
- (l) Completion of an Affordable Housing Impact and Mitigation Statement and contributions (if any) made accordingly

Any of the above requirements (a) to (l) can be waived at the discretion of Council.

PROVIDED THAT any approval for an Outline Development Plan does not constitute an approval for any Controlled, Discretionary or Non-complying activity or building which shall require resource consent under the relevant prevailing rule(s) of this Zone.

- ii **All buildings that are controlled activities are controlled in respect of the following:**
 - (a) The location, design, height and appearance of buildings, including external finishes and materials.
 - (b) Visual impact and effects on wider landscape values
 - (c) Landscaping

- (d) consistency with the approved outline development plan

- iii **All activities that are listed as controlled activities in Table 1 are controlled in respect of:**

- (a) compatibility with surrounding land use, character and amenity
- (b) traffic generation and vehicle access
- (c) nature and scale of activities
- (d) hours of operation

- iv **Outdoor Storage Areas in all Activity Areas**

Outdoor storage areas are controlled in respect of landscaping and screening.

12.24.3.3 Discretionary Activities

- i Activities listed as **Discretionary Activities** in Table 1 (Rule 12.24.3.6) shall be Discretionary Activities provided they are not listed as a **Non-Complying or Prohibited Activity** and they comply with all the relevant **Zone Standards** and are in accordance with the **Structure Plan**.
- ii Any activity which is not listed as a **Non-Complying or Prohibited Activity** and 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 Council's discretion restricted to that matters contained in that site standard

12.24.3.4 Non-Complying Activities

- i Activities listed as **Non-Complying Activities** in Table 1 to this Rule shall be Non-Complying Activities provided that they are not listed as a **Prohibited Activity**.

- ii Any Activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone Standards**, shall be a **Non-Complying Activity**.
- iii Any development in Activity Areas D and E until such time as:
 - (a) There is demonstrable market demand (based on a land supply and demand analysis) for the release of further land for the activities enabled in those areas.
- iv Any Activity in Activity Area C which complies with the **Site** and **Zone Standards** and is in accordance with the **Structure Plan** (Figure 1 of this section) and is not listed as a Permitted Activity in Table 12.24.3.6, **Controlled, Discretionary, Non-Complying or Prohibited Activity** (in Table 12.24.3.6 to this Rule) shall be a **Non-Complying Activity**.

12.24.3.5 Prohibited Activities

Activities listed as **Prohibited Activities** in Table 1 to this rule shall be Prohibited.

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12.24.3.6 Table 1

Activity	A (landscape buffer)	B (mixed business)	C (yard based)	D (low density employment)	E (high density employment)
Buildings	N-C	CON	CON	CON	CON
Landscaping					
Residential Activities – staff accommodation only	PRO	N-C	N-C	N-C	N-C
Residential Activities (including visitor accommodation)	PRO	PRO	PRO	PRO	PRO
Commercial activities (excluding showrooms, hire of goods/equipment or services, offices, motor vehicle sales and yard based service activities)	PRO	N-C	N-C	N-C	N-C
Community activity	PRO	N-C	PRO	N-C	N-C
Educational Facilities	PRO	N-C	PRO	N-C	N-C
Yard Based Service Activities	PRO	N-C	CON	N-C	N-C
Yard Based Industrial Activities	PRO	N-C	CON	N-C	N-C
Retail activities of goods manufactured on site or ancillary to Yard Based Service activities (up to 10% of total floor area)	PRO	N-C	CON	N-C	N-C
Retail Activities ancillary to Yard Based Service activities exceeding 10% of total floor area.	PRO	PRO	N-C	PRO	PRO
Industrial activities	PRO	N/C	N-C	N-C	N/C
Service Activities	PRO	N/C	N-C	N-C	N/C
Health & Day Care Facilities	PRO	N-C	PRO	N-C	N-C
Premises licensed for the sale and consumption of liquor	PRO	N-C	N-C	N-C	N-C
Factory Farming, Forestry Activities except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails., Mining	PRO	N-C	N-C	N-C	N-C
Offices ancillary to any Permitted or Controlled Activity	PRO				
Offices	PRO	CON	N-C	CON	CON
Planting of any wilding species (as identified in Part 5 of the District Plan)	PRO	N-C	N-C	N-C	N-C
Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, and motor body building	PRO	N-C	N-C	N-C	N-C

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Activity	A (landscape buffer)	B (mixed business)	C (yard based)	D (low density employment)	E (high density employment)
Any activity requiring an offensive trade licence under the Health Act 1956.	PRO	N-C	N-C	N-C	N-C
Showrooms	PRO	CON	N-C	CON	CON
Hire of goods, equipment or services	PRO	DIS	CON	DIS	DIS
Motor vehicle sales	PRO	N-C	DIS	N-C	N-C
Place of assembly	PRO	N-C	N-C	N-C	N-C
Place of entertainment	PRO	N-C	N-C	N-C	N-C
Waste management facility/landfill	PRO	N-C	N-C	N-C	N-C

(blank) Permitted Activity

CON Controlled Activity

DIS Discretionary Activity

N-C Non-Complying Activity

PRO Prohibited Activity

Where this Table gives more than one classification to any Activity Area, the most restrictive classification shall override any other classification.

12.24.4 Non-notification of Applications

Any application for a resource consent for the following matters may be decided without service on affected persons under section 94(1) of the Act and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- i All applications for **Controlled** Activities.
- ii All applications for **earthworks** that are restricted discretionary activities and that are undertaken in relation to otherwise controlled activities in the Zone provided the earthworks are not within 5m of the site or zone boundary.

12.24.5 Standards

12.24.5.1 Site Standards

i Building Height

- (a) Activity Area B 8 m above ground level;
- (b) Activity Area C 10m above ground level;
- (c) Activity Area D 8 m above ground level
- (d) Activity Area E 8m above ground level

ii Building coverage

- (a) In Activity Area B, maximum building coverage shall be 40% providing that where there is more than one site, this shall be deemed to be 40% of each site.
- (b) In Activity Area C, maximum building coverage shall be 30% providing that where there is more than one site, this shall be deemed to be 30% of each site.

- (c) In Activity Area D, maximum building coverage shall be 40% providing that where there is more than one site, this shall be deemed to be 40% of each site.
- (d) In Activity Area E the building coverage shall be 50% providing that where there is more than one site, this shall be deemed to be 50% of each site.

iii Earthworks

- (a) 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 or any earthworks that form part of Plantation Forestry. Earthworks
 - (i) The total volume of earthworks, apart from any earthworks associated with the remediation of the oxidation ponds, does not exceed **100m³** per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
 - (ii) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m, apart from any earthworks associated with the remediation of the oxidation ponds, shall not exceed **200m²** in area within that site (within a 12 month period).
 - (iii) No earthworks shall:
 - expose any groundwater aquifer;
 - cause artificial drainage of any groundwater aquifer;
 - cause temporary ponding of any surface water.
- (b) Height of cut and fill and slope
 - (i) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it

maybe located up to the boundary, if less or equal to 0.5m in height.

- (ii) The maximum height of any cut shall not exceed 2.4 metres.
- (iii) The maximum height of any fill shall not exceed 2 metres.

(c) Environmental Protection Measures

(i) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.

(ii) Any person carrying out earthworks shall:

- 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.
- 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.

(iii) 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.

(d) Protection of Archaeological sites and sites of cultural heritage

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

(e) The finished ground level of the ponds following any remediation shall not exceed 318 metres above mean sea level.

iv Setback from Activity Area Boundaries

The minimum building setback from any internal boundary adjoining an adjacent activity area shall be the following:

- (a) Activity Area C 10m
- (b) All other Activity Areas 5m

v Internal Setbacks

The minimum building setback from any internal boundary within an activity area shall be the following:

- (a) Activity Area C 5m
- (b) All other Activity Areas 2m

vi Setback from External Zone Boundaries

- (a) Activity Area B 15 metres
- (b) Activity Area C 15 metres
- (c) Activity Areas D and E 30 metres

vii Car Parking

Requirements in accordance with existing provisions in Part 14 of the District Plan.

12.24.5.2 Zone Standards

i Structure Plan

All activities and developments must be carried out in conformity with

the Structure Plan in Figure 1.

ii Road Setbacks

Within Activity Area C there shall be a setback of 10 metres from any road boundary.

Within Activity Areas B, D and E there shall be a setback of 6 metres from any road boundary.

iii Building Height

- | | | |
|-----|-----------------|--------------------------|
| (a) | Activity Area B | 10 m above ground level; |
| (b) | Activity Area C | 12m above ground level; |
| (c) | Activity Area D | 10 m above ground level |
| (d) | Activity Area E | 10m above ground level |

All resource consents for additional building heights in Activity Area C must show how this additional height shall be used to facilitate appropriate yard based industrial or yard based service use.

Refer Appendix 4 and definitions of Height and Ground Level.

iv Building Coverage

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

- (a) 40% in Activity Area C
- (b) 50% in Activity Areas B and D
- (c) 60% in Activity Area E

v Landscaping

A minimum width of 10m of the 15metre wide landscaping strip in Activity Area A shall be landscaped. Any such landscaping shall

commence at the Ballantyne Road boundary and extend into the site. No development is to take place in the Zone until such time as the landscaping is undertaken.

vi Landscaping of all setback areas

Except as provided for in Zone Standard 12.24.5.2 v a minimum of 50% of all setback areas, excluding any area set aside for vehicle entry or exit to a site, shall be landscaped. Such landscaping is to be identified on a landscape plan accompanying a land use consent application.

vii Noise

(a) In Activity Area C activities shall be so conducted that the following noise limits are not exceeded at the boundary of this Zone:

- (i) Daytime (0800 - 2200 hrs) 60dBA L₁₀
- (ii) Night time (2200 - 0800 hrs) 50dBA L₁₀ and 70dBA L_{max}

(b) In all other Activity Areas activities shall be so conducted that the following noise limits are not exceeded within the boundary of any other site within this Zone:

- (i) Daytime 0800-2000 hours 50dBA L₁₀
- (ii) Night-time 2000-0800 hours 40dBA L₁₀ and 70dBA L_{max}

(c) Construction noise shall comply with and be measured and assessed in accordance with the relevant New Zealand Standard.

- (i) Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802: 1991.

- (d) All applications for resource consent in Activity Area C shall provide a noise assessment from an appropriately qualified acoustic engineer that assesses potential noise from the activity.
- (e) The noise limits in (a) and (b) shall not apply to sound from Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

viii Access from Ballantyne Road

There must be no more than 2 access points into the Zone from Ballantyne Road. One is to be adjacent to the southern boundary to provide access to the deferred area. The location of both access points into the Zone shall be identified on an Outline Development Plan for the zone prepared in accordance with Rule 12.24.3.2 i and shall not be directly opposite Frederick Street. The location of the principal access shall be supported by a traffic assessment prepared by an appropriately qualified person.

ix Nature and Scale of Activities

The following limitations apply to all activities within Activity Areas B, D and E:

- (a) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.
- (b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

x Lighting and Glare

In all Activity Areas:

- (a) All fixed exterior lighting shall be directed away from adjacent sites and roads; and

- (b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.
- (c) There should be no upward light spill within this Special Zone
- (d) All roofs of buildings shall be finished or treated so they do not give rise to undue glare when viewed from any public place or neighbouring property.

xi Atmospheric Emissions

There shall be no open solid fuel fires.

xii Landscaping within Activity Area A

No development shall be undertaken within the Zone until such time as the landscaping of Activity Area A has been completed.

xiii Outline Development Plan

No development shall be undertaken within the Zone or part of the zone until such time as an Outline Plan has been approved by the Council.

12.24.6 Resource Consents – Assessment Matters

The resource consent Assessment Matters which apply to the consideration of resource consents in the Zone are specified in this Rule. The Assessment Matters are applied as follows:

- (a) For all Controlled Activities in the Zone, the assessment matters shall only apply in respect of conditions that may be imposed on a consent.
- (b) For any Controlled Activities that do not comply with one or more of the relevant site standards, in determining whether or not to grant consent the Council shall only apply the assessment

matters relevant to that site standard.

- (c) For all Discretionary Activities in the Zone, in considering whether or not to grant consent or impose conditions, the Council shall have regard to the assessment matters and any other relevant matter.

i Controlled and Discretionary Activity – Landscaping

- (a) The extent to which the landscape treatment in Activity Area A and on the Zone boundaries will assist to soften the full extent of development and avoid adverse effects (including reverse sensitivity effects) on Ballantyne Road and on adjacent sites and land.
- (b) The extent to which any planting of vegetation is of a sufficient maturity to mitigate the effects of buildings and structures.
- (c) The extent to which the landscape treatment of this area is compatible with and provides for pedestrian and cycle access along Ballantyne Road.
- (d) The extent to which it is necessary to provide landscape planting adjacent to buildings in order to soften their visual effect.

ii Site Layout, Size, Orientation and Density of Development in Activity Areas

- (a) The extent to which the proposed site layout connects to adjacent land and activity areas through adequate pedestrian and vehicle access;
- (b) The extent to which site layout takes into account on-site features, topography, views, vegetation, structures, drainage, services, access, and orientation.
- (c) The extent to which site layout efficiently distributes utilities to and on the site, taking into account any future site development.

- (d) Sites have the appropriate area and dimensions to enable the siting and construction of buildings and vehicle access parking, turning and loading space.

iii Streetscape

- (a) The extent to which the streetscape is considered as an entity that relates appropriately to criteria concerning lot size, layout, and orientation, transport networks, street design, and vehicle parking.
- (b) The extent to which the streetscape incorporates a landscape approach which:
 - (i) Satisfies maintenance and safety requirements and considers lines of sight for pedestrians, cyclists and vehicles.
 - (ii) Accommodates utility services and minimises their visual impact.
 - (iii) Maximises the use of trees and plants as landscape features for neighbourhood identity.

iv Building Design and Appearance

- (a) The extent to which the orientation of buildings optimises views and sun exposure and orientation to open space.
- (b) The extent to which building materials are appropriate to the area and have an alpine character that has local application.
- (c) The extent to which the colour and exterior finishing materials of any buildings contribute toward maintaining the naturalness of the local environment.

v Continuous Building Length

- (a) The extent to which any building within any activity area which has a continuous building length along a road boundary of

greater than 10m shall provide architectural diversity and definition such that it articulates the frontage of any building block.

vi Earthworks and Conservation

- (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) Whether appropriate measures to control dust emissions are proposed.
- (e) 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.

vii Effects on landscape and visual amenity values

- (a) Whether the scale and location of any cut and fill will adversely affect:
 - (i) The visual quality and amenity values of the landscape;
 - (ii) The natural landform of any ridgeline or visually prominent areas;
 - (iii) 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.

viii 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.

ix 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.

x 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.

xi Conservation

- (a) Subject to the next criterion, that trees are retained in order to achieve the intended environmental outcomes for that part of the zone.
- (b) That earthworks, excavation and the removal of topsoil to be kept to the minimum necessary to provide for the activities for which the land is to be used.
- (c) That the character of the landscape features is enhanced.

xii Discretionary Buildings and Activities pursuant to Rule 12.24.3.3

- (a) The extent to which new buildings and any associated outdoor activities including carparking and storage are visually compatible in scale with the immediate streetscape and/or adjoining buildings on properties within Activity Areas
- (b) The extent to which new developments are designed and detailed to avoid blank walls along street frontages;
- (c) The location, height, design and appearance of buildings.
- (d) That an appropriate Affordable Housing Impact and Mitigation Statement be completed and associated action taken or to be taken demonstrated.

xiii Setbacks 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.

xiv Buildings and activities on the Zone boundary

- (a) Whether and to what extent landscaping is proposed in order to effectively enhance the amenity of the streetscape and to break up and enhance the external appearance of the industrial buildings.

xv Discretionary Building Height

- (a) Whether variations of building height are used to contribute to the legibility, visual interest and character of the neighbourhood.
- (b) Whether the roof form provides an appropriate termination to the building that positively contributes to the variety and visual character of the neighbourhood.

Figure 1: Structure plan

