

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2023] NZEnvC 91

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First
Schedule of the Act

BETWEEN BARNHILL CORPORATE
TRUSTEE LIMITED and all other
appellants concerning Topics 25 and
30 of Stage 2 of the proposed
Queenstown Lakes District Plan

(ENV-2019-CHC-086)

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Court: Environment Judge J J M Hassan
Environment Commissioner K A Edmonds

Hearing: On the papers

Last case event: 21 April 2023

Date of Decision: 12 May 2023

Date of Issue: 12 May 2023

FINAL DECISION OF THE ENVIRONMENT COURT

A: Directions are made for Queenstown Lakes District Council to amend the
proposed Queenstown District Plan as set out in the attached Appendix A,

QTN PDP – TOPICS 25 AND 30 RE WAKATIPU BASIN TEXT – FINAL DECISION 2023



for the provisions shaded green and purple. All orange shaded provisions are to remain on hold and not be included in the District Plan until after the determination of the relevant Topic 31 appeals.

B: Costs are reserved. A timetable for costs is underway.

REASONS

Introduction

[1] On 12 April 2022, the court issued its First Interim Decision¹ in the staged review of the Queenstown District Plan ('PDP') concerning appeal points allocated to Topics 25 and 30, Stage 2, pertaining to the Wakatipu Basin Rural Amenity Zone provisions.

[2] On 13 March 2023, the court issued its Second Interim Decision² which included directions for Queenstown Lakes District Council ('QLDC') to file a reporting memorandum identifying any minor errors and omissions needing correction, and proposing further directions for all outstanding matters.

Subsequent actions

[3] The court received QLDC's memorandum dated 4 April 2023 which identified some corrections to be made and set out QLDC's preferred approach and directions for final determination of all matters, including costs.

[4] QLDC uploaded a tracked change version of the Topics 25 and 30 provisions and the First and Second Interim decisions to its website. The tracked change version of provisions shaded the provisions to reflect the determinations made by the two decisions (green and purple shading) and also the provisions that

¹ [2022] NZEnvC 58.

² [2023] NZEnvC 41.

remain subject to Topic 31 appeals (orange shading). All orange shaded provisions are to remain on hold and not be included in the PDP until after the determination of the relevant Topic 31 appeals.

[5] Parties to Topics 25 and 30 were able to raise drafting issues relative to the green and purple shaded provisions with the court and QLDC. In its 21 April 2023 memorandum, QLDC reported that the only feedback received on the provisions was on behalf of the Anderson Lloyd parties. They recommended minor drafting changes to Rule 24.5.1.6 and 24.1 (Zone Purpose). QLDC has amended the provisions to reflect this feedback. Anderson Lloyd also suggested that Rule 24.4.1 be amended so that it refers to 'Table 24.1' in the singular, rather than plural. QLDC proposes that this minor technical amendment be made under cl 16 Sch 1 RMA and we agree.

[6] QLDC provided a final version of the Topic 25 and 30 provisions incorporating the above changes. QLDC confirmed that the provisions are now ready for inclusion in the PDP. No party raised anything further with the court.

Evaluation

[7] The court has considered the final set of provisions filed and is satisfied that it is in order to approve them and make associated directions for the PDP to be updated accordingly.

Outcome

[8] Under ss 279(1)(b) and 290(2) RMA, the provisions shaded in purple and green as set out in Appendix A are approved. QLDC is directed to amend the PDP as set out in the attached Appendix A, for the provisions shaded green and purple.

[9] All orange shaded provisions in Appendix A are to remain on hold and not be included in the PDP until after the determination of the relevant Topic 31

appeals.

[10] Costs are reserved. A timetable for costs is underway.³

For the court



J J M Hassan
Environment Judge

³ Minute issued 5 April 2023.

Appendix A – final Topic 25 and 30 provisions for inclusion in the PDP

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Green highlighting - provisions determined by *Barnhill Corporate Trustee Limited v Queenstown Lakes District Council* [2022] NZEnvC 58 (First Interim Decision)

Purple highlighting - provisions determined by *Barnhill Corporate Trustee Limited v Queenstown Lakes District Council* [2023] NZEnvC 41 (Second Interim Decision)

Orange highlighting – provisions for final determination through Topic 31

3 Strategic Direction

...

3.1B Interpretation and Application of this Chapter

...

3.1B.5 In this Chapter:

...

b. 'Landscape capacity':

- i. in relation to an Outstanding Natural Feature or Outstanding Natural Landscape, means the capacity of a landscape or feature to accommodate subdivision and development without compromising its identified landscape values;
 - ii. in relation to a landscape character area in a Rural Character Landscape, means the capacity of the landscape character area to accommodate subdivision and development without compromising its identified landscape character and while maintaining its identified visual amenity values;
 - iii. in relation to those parts of the Wakatipu Basin Rural Amenity Zone that are identified in Schedule 24.8 to have Moderate capacity, means the capacity of the landscape character unit to accommodate subdivision and development without compromising its identified landscape character and while maintaining its identified visual amenity values;
 - iv. in relation to those parts of the Wakatipu Basin Rural Amenity Zone that are identified in Schedule 24.8 to have Very Low, Low or Moderate-Low capacity, means the capacity of the landscape character unit and that of the Basin as a whole to accommodate subdivision and development without compromising its identified landscape character and while maintaining its identified visual amenity values.
- c. 'Landscape values' in relation to any Outstanding Natural Feature, Outstanding Natural Landscape or Rural Character Landscape includes biophysical, sensory and associative attributes (and 'values' has a corresponding meaning);
- d. 'Rural Living' means residential-type development in the Wakatipu Basin Rural Amenity Zone, a Rural Character Landscape or on an Outstanding Natural Feature or in an Outstanding Natural Landscape, including of the nature anticipated in a Rural

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Residential or Rural Lifestyle zone but excluding residential development for farming or other rural production activities;

e. ...

3.2 Strategic Objectives

...

3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)

(Strategic Objectives 3.2.5.1 – 3.2.5.7~~8~~ inclusive elaborate on Strategic Objective 3.2.5. In addition, SO 3.2.1.7, 3.2.1.8 and 3.2.2.1 also elaborate on SO 3.2.5).

...

[add new SO after 3.2.5.7]

Wakatipu Basin Rural Amenity Zone

3.2.5.8 Within the Wakatipu Basin Rural Amenity Zone:

- a. the landscape character and visual amenity values of the Basin and of its Landscape Character Units, as identified in Schedule 24.8 are maintained or enhanced; and
- b. the landscape capacity of each Landscape Character Unit and of the Basin as a whole is not exceeded.

24. Wakatipu Basin

24.1 Zone Purpose

This chapter applies to the Wakatipu Basin Rural Amenity Zone (Rural Amenity Zone) and its sub-zone, the Wakatipu Basin Lifestyle Precinct (Precinct). The purpose of the Zone is to maintain or enhance the character and amenity of the Wakatipu Basin, while providing for rural living and other activities.

The Rural Amenity Zone is applied to areas of the Wakatipu Basin which have either reached, or are nearing a threshold where further landscape modification arising from additional residential subdivision, use and development (including buildings) is not likely to maintain the Wakatipu Basin's landscape character and visual amenity values. There are some areas within the Rural Amenity Zone that have a landscape capacity rating to absorb additional development of Moderate, Moderate-High or High. In those areas limited and carefully located and designed additional residential subdivision and development is provided for while maintaining or enhancing landscape character and visual amenity values.

Other activities that rely on the rural land and landscape resource are contemplated in the Rural Amenity Zone including recreation, commercial and tourism activities. Farming activities are enabled while noting that farming is not the dominant activity in many locations.

The Precinct is applied to specific areas of land within the broader Rural Amenity Zone that have capacity to absorb rural living development. These areas have a variety of existing lot sizes and patterns of development, with landscape character also varying across the Precinct. This includes existing vegetation, including shelterbelts, hedgerows and exotic amenity plantings, which characterise certain areas. Within the Precinct, sympathetically located and well-designed rural living development which achieves minimum and average lot sizes, is anticipated, while still achieving the overall objectives of the Rural Amenity Zone.

While the Rural Amenity Zone does not contain Outstanding Natural Features or Outstanding Natural Landscapes, it is a distinctive and high amenity value landscape located adjacent to, or nearby to, Outstanding Natural Features and Outstanding Natural Landscapes. There are no specific setback rules for development adjacent to Outstanding Natural Features or Outstanding Natural Landscapes. However, all buildings (except small farm buildings) and subdivision require resource consent to ensure that inappropriate buildings and/or subdivision does not occur adjacent to those features and landscapes.

Escarpment, ridgeline and river cliff features are identified on the District Plan web mapping application. Buildings proposed within the prescribed setback of these features require assessment to ensure the values of these landscape features are maintained.

Integral to the management of the Rural Amenity Zone and Precinct is Schedule 24.8, which defines 24 Landscape Character Units. These Landscape Character Units are a tool that assists with the identification of the Basin's landscape character and visual amenity values that are to be maintained ~~or~~ and enhanced.

Proposals in areas rated to have Very Low, Low or Moderate-Low development capacity are to be assessed against the landscape character and amenity values of the landscape character unit they are located within, as well as the Wakatipu Basin as a whole.

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Proposals in areas rated to have Moderate development capacity are to be assessed against the landscape character and amenity values of the landscape character unit they are located within. Controls on the location, scale and visual effects of buildings are used to provide a design led response to the identified character and values.

24.2 Objectives and Policies

Objectives 24.2.1 to 24.2.4 and related policies apply to both the Rural Amenity Zone and the Precinct except the following policies do not apply to the Precinct; 24.2.1.1. 24.2.1.1A. 24.2.1.1B. 24.2.1.3. 24.2.1.6. 24.2.1.9, 24.2.1.11 and 24.2.1.14. Objective 24.2.5 and related policies apply to the Precinct only.

24.2.1 Objective - Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.

Policies

24.2.1.1X Identify in Schedule 24.8 and on the planning maps the landscape capacity of areas outside of the Precinct to absorb subdivision and residential development according to the following rating scale:

- a. Very Low capacity;
- b. Low capacity;
- c. Moderate-Low capacity;
- d. Moderate capacity;
- e. Moderate-High capacity; and
- f. High Capacity.

24.2.1.1 Require an 80 hectare minimum site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct. Subdivision or residential development in all areas outside of the Precinct that are identified in Schedule 24.8 to have Very Low, Low or Moderate-Low capacity must be of a scale, nature and design that:

- a. is not inconsistent with any of the policies that serve to assist to achieve objective 24.2.1; and
- b. ensures that the landscape character and visual amenity values identified for each relevant Landscape Character Unit in Schedule 24.8 and the landscape character of the Wakatipu Basin as a whole are maintained or enhanced by ensuring that landscape capacity is not exceeded.

24.2.1.1XX Subdivision or residential development in all areas of the Wakatipu Basin Rural Amenity Zone outside of the Precinct that are identified in Schedule 24.8 to have Moderate capacity must be of a scale, nature and design that:

- a. is not inconsistent with any of the policies that serve to assist to achieve objective 24.2.1; and
- b. ensures that the landscape character and visual amenity values of each relevant LCU as identified in Schedule 24.8 is maintained or enhanced by ensuring that landscape capacity is not exceeded.

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24.2.1.1A Within those areas identified as having a landscape capacity rating of Moderate, do not allow any new residential development and subdivision for residential activity that is not located and designed so as to:

- a. avoid sprawl along roads;
- b. maintain a defensible edge to and not encroach into ~~to~~ any area identified as having Moderate-Low, Low or Very Low landscape capacity rating;
- c. minimise incremental changes to landform and vegetation patterns associated with mitigation such as screen planting and earthworks which adversely affect important views of the landform and vegetation character identified for the relevant Landscape Character Units in Schedule 24.8; and
- d. not degrade openness when viewed from public places if that is identified in Schedule 24.8 as an important part of the landscape character of the relevant area, including as a result of any planting or screening along roads or boundaries.

24.2.1.1B Ensure the following outcomes in the consideration of any proposal for subdivision or residential development:

- a. in the part of LCU 3 described in Schedule 24.8 as 'Fitzpatrick Road South':
 - i. avoid all development on the elevated knoll landform near Fitzpatrick Road and on the south facing elevated slopes along the southern margins of the area (above the Shotover River cliffs); and
 - ii. minimise the visibility of development in views from Tucker Beach, the Queenstown Trail and Fitzpatrick Road.
- b. in the part of LCU 11 described in Schedule 24.8 as 'East of Lower Shotover Road' minimise the visibility of development in views from Lower Shotover Road, the Queenstown Trail and Slopehill Road;
- c. in LCU 15 described in Schedule 24.8 as 'Hogans Gully' minimise the visibility of development from McDonnell Road, Centennial Avenue, Hogans Gully Road and the Queenstown Trail, and from elevated public places outside the Zone including from the Crown Range Road and Zig Zag lookout;
- d. in LCU 22 described in Schedule 24.8 as 'Hills':
 - i. minimise the visibility of development from McDonnell Road, Centennial Avenue, Hogans Gully Road and the Queenstown Trail; and
 - ii. ensure development is visually recessive from elevated public places outside the Zone including from the Crown Range Road and Zig Zag lookout.
- e. in the part of LCU 23 described in Schedule 24.8 as 'Millbrook Malaghans Road South':
 - i. ensure no development is visible from Malaghans Road;
 - ii. confine development to the flat land on the south side of the roche moutonnée near Malaghans Road;
 - iii. ensure all access is only from the Millbrook Resort Zone; and
 - iv. visually integrate any development with the Millbrook Resort Zone.
- f. in the part of LCU 23 described in Schedule 24.8 as 'Millbrook Arrowtown Lake Hayes East':
 - i. avoid built development on the low-lying land adjacent to Butel Road and Arrowtown Lake Hayes Road;

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ii. confine development to locations where existing landform or vegetation features serve to limit visibility and provide for visual integration with the Millbrook Resort Zone.

- 24.2.1.2 Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.
- 24.2.1.3 Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.
- 24.2.1.4 Maintain or enhance the landscape character and visual amenity values of the Rural Amenity Zone including the Precinct and surrounding landscape context by:
- a. controlling the colour, scale, form, coverage, location (including setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements.
- 24.2.1.5 Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.
- 24.2.1.6 Provide for farming, commercial, community, recreation, tourism related and other non-residential activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.
- 24.2.1.7 Locate, design operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.
- 24.2.1.8 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.
- 24.2.1.9 Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.
- 24.2.1.10 Enable residential activity within approved and registered building platforms subject to achieving appropriate standards.
- 24.2.1.11 Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements.
- 24.2.1.12 Manage lighting so that it does not cause adverse glare to other properties, roads or public places, or degrade views of the night sky.
- 24.2.1.13 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua in the manner directed in Chapter 5: Tangata Whenua.
- 24.2.1.14 Ensure subdivision and development maintains a defensible edge between areas of rural living in the Precinct and the balance of the Rural Amenity Zone.

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24.2.1.15 Require buildings, or building platforms identified through subdivision, to maintain views from roads to Outstanding Natural Features and the surrounding mountain Outstanding Natural Landscape context, where such views exist; including by:

- a. implementing road setback standards; and
- b. ensuring that earthworks and mounding, and vegetation planting within any road setback, particularly where these are for building mitigation and/or privacy, do not detract from views to Outstanding Natural Features or Outstanding Natural Landscapes; while
- c. recognising that for some sites, compliance with a prescribed road setback standard is not practicable due to the site size and dimensions, or the application of other setback requirements to the site.

24.2.2 Objective – Non-residential activities maintain or enhance amenity values.

Policies

- 24.2.2.1 Ensure traffic, noise and the scale and intensity of non-residential activities do not have an adverse impact on landscape character and amenity values, or affect the safe and efficient operation of the roading and trail network or access to public places.
- 24.2.2.2 Ensure the effects generated by non-residential activities (e.g. traffic, noise, hours of operation) are compatible with surrounding uses.
- 24.2.2.3 Ensure non-residential activities other than farming, with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.
- 24.2.2.4 Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity.
- 24.2.2.5 Provide for residential visitor accommodation and homestays within residential units without compromising the surrounding character and amenity and minimising conflict with surrounding activities by limiting the scale, intensity and frequency of these activities.

24.2.3 Objective – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.

Policies

- 24.2.3.1 Ensure informal airports are not compromised by the establishment of incompatible activities.
- 24.2.3.2 Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.
- 24.2.3.3 Support productive farming activities such as agriculture, horticulture and viticulture in the Rural Amenity Zone by ensuring that reverse sensitivity issues do not constrain productive activities.

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24.2.4 Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.

Policies

- 24.2.4.1 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.
- 24.2.4.2 Restrict the subdivision, development and use of land in the Lake Hayes catchment, unless it can contribute to water quality improvement in the catchment commensurate with the nature, scale and location of the proposal.
- 24.2.4.3 Provide for improved public access to, and the maintenance and enhancement of, the margins of waterbodies including Mill Creek and Lake Hayes.
- 24.2.4.4 Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.
- 24.2.4.5 Ensure development has regard to servicing and infrastructure costs that are not met by the developer.
- 24.2.4.6 Facilitate the provision of walkway and cycleway networks and consider opportunities for the provision of bridle path networks.
- 24.2.4.7 Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency.
- 24.2.4.8 Encourage the removal of wilding exotic trees.
- 24.2.4.9 Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that enhances indigenous biodiversity values, particularly in locations such as gullies and riparian areas, or to provide stability.

24.2.5 Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.

Policies

- 24.2.5.1 Provide for rural living, subdivision, development and use of land in a way that maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.
- 24.2.5.2 Ensure that any development or landscape modification occurs in a sympathetic manner in both developed and undeveloped areas, by promoting design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.
- 24.2.5.3 Provide for non-residential activities, including restaurants, visitor accommodation, commercial recreation, and recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the character and visual amenity values of the Precinct are maintained or enhanced.

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- 24.2.5.4 Implement lot size and development standards that provide for subdivision and development while ensuring the landscape character and visual amenity values of the Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by the cumulative adverse effects of development.
- 24.2.5.5 Encourage the retention and planting of vegetation that contributes to landscape character and visual amenity values of the Precinct, particularly where vegetation is identified as an important element in Schedule 24.8, provided it does not present a high risk of wilding spread.
- 24.2.5.6 Require buildings, or building platforms identified through subdivision, or any vehicle access located within a prescribed Escarpment. Ridgeline and River Cliff Features setback as identified on the District Plan web mapping application, to maintain the values of those features, including by:
- ensuring that any buildings, earthworks and landform modification are located and designed so that the values of the feature are maintained; while
 - recognising that for some sites compliance with the prescribed setback is not practicable due to the site size and dimensions, presence of existing buildings, or the application of other setback requirements.

24.3 Other Provisions and Rules

24.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | |
|-------------------------|---|---|
| 1 Introduction | 2 Definitions | 3 Strategic Direction |
| 4 Urban Development | 5 Tangata Whenua | 6 Landscapes |
| 25 Earthworks | 26 Historic Heritage | 27 Subdivision |
| 28 Natural Hazards | 29 Transport | 30 Energy and Utilities |
| 31 Signs | 32 Protected Trees | 33 Indigenous Vegetation and Biodiversity |
| 34 Wilding Exotic Trees | 35 Temporary Activities and Relocated Buildings | 36 Noise |
| 37 Designations | District Plan web mapping application | |

24.3.2 Interpreting and Applying the Rules

- 24.3.2.1 A permitted activity must comply with all of the rules (in this case of Chapter 24) and any relevant district wide rules.
- 24.3.2.2 The surface of lakes and rivers are zoned Rural.
- 24.3.2.3 Guiding Principle: Previous Approvals

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- a. Requirements relating to building platforms and conditions of consents, including landscaping or other visual mitigation, that are registered on a site's computer freehold register as part of a resource consent approval by the Council are considered by the Council to remain relevant and will remain binding unless altered or cancelled.
- b. Applicants may apply to alter or cancel any conditions of an existing resource consent as a component of an application for resource consent for development. Whether it may be appropriate for the Council to maintain, or to alter or cancel these conditions shall be assessed against the extent to which a resource consent application accords with the objectives and provisions of the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct (as applicable).

24.3.2.4 These abbreviations for the class of activity status are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

| | | | |
|----|---------------|----|--------------------------|
| P | Permitted | C | Controlled |
| D | Discretionary | RD | Restricted Discretionary |
| PR | Prohibited | NC | Non-Complying |

24.3.2.5 The Wakatipu Basin Lifestyle Precinct is a sub-zone of the Wakatipu Basin Rural Amenity Zone and all rules in Table 24.1 apply to the Precinct. Where specific rules and standards are identified for the Precinct, these prevail over the Rural Amenity Zone rules in Table 24.1.

24.3.2.6 All activities, including any listed permitted activities are subject to the rules and standards contained in Tables 24.1 and 24.2.

24.3.2.7 For Plantation Forestry the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

24.3.2.8 Rules 24.5.1.1 to 24.5.1.5 do not apply to residential units, including residential flats, located within a building platform approved by resource consent, and registered on the applicable record of title.

24.3.3 Advice Notes

- 24.3.3.1 Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Chapter 2 – Definitions.
- 24.3.3.2 On-site wastewater treatment is subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water requires that within the Lakes Hayes Catchment all on-site wastewater treatment systems are operated in accordance with a resource consent obtained from the Otago Regional Council. The Lake Hayes Catchment is identified in Schedule 24.9.
- 24.3.3.3 All objectives, policies and assessment matters will be applicable as part of any subdivision application, to the extent that they are relevant, despite policies 24.2.1.15 and 24.2.5.6 referring to the terms subdivision and building platform specifically.

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24.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:200”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

24.4 Rules – Activities

| | Table 24.1 – Activities | Activity Status |
|--------|--|-----------------|
| 24.4.1 | Any activity not listed in Tables 24.1. | NC |
| 24.4.2 | Farming activity. | P |
| | Residential activities and buildings | |
| 24.4.3 | The use of land or buildings for residential activity except as otherwise provided for in Table 24.1 and subject to the standards in Table 24.2. | P |
| 24.4.4 | The alteration of any lawfully established building used for residential activity. | P |
| 24.4.5 | The construction of buildings for residential activity, including residential flats, that are located within a building platform approved by a resource consent and registered on the applicable record of title. Control is reserved over: <ol style="list-style-type: none"> Effects on landscape character associated with the bulk and external appearance of buildings; Access; Infrastructure; Landform modification, exterior lighting, landscaping and planting (existing and proposed). Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment. | C |
| 24.4.6 | The construction of buildings for residential activity not provided for by Rules 24.4.5 or to 27.4.7A Rule 24.4.7. Discretion is restricted to: <ol style="list-style-type: none"> Effects on landscape character associated with the bulk and external appearance of buildings; Access; Infrastructure; | RD |

Commented [SG1]: Council to make change using clause 16.

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| | Table 24.1 – Activities | Activity Status |
|----------------|--|-----------------|
| | <p>d. Landform modification, exterior lighting, landscaping and planting (existing and proposed);</p> <p>e. Natural hazards.</p> <p>f. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.</p> <p>g. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.</p> | |
| 24.4.7 | The construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable record of title on a site where there is such a building platform. | NC |
| 24.4.7A | <u>Any new residential activity including the construction of buildings for that residential activity within those areas identified in Rule 24.5.1.6.</u> | <u>D</u> |
| | Non-residential activities and buildings | |
| 24.4.8 | Farm buildings. | P |
| 24.4.9 | Roadside stall buildings. | P |
| 24.4.10 | Home occupation. | P |
| 24.4.11 | The alteration of any lawfully established building used for a non-residential activity. | P |
| 24.4.12 | 24.4.12.1 Informal airports in the Wakatipu Basin Rural Amenity Zone. 24.4.12.2 Informal airports in the Lifestyle Precinct. | P D |
| 24.4.13 | Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site. | P |
| 24.4.14 | Commercial recreational activities that are undertaken on land, outdoors and involve not more than 12 persons in any one group. | P |
| 24.4.15 | Residential visitor accommodation and homestays. | P |

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| | Table 24.1 – Activities | Activity Status |
|----------------|--|------------------------|
| 24.4.16 | <p>Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site where the access is onto a State Highway.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Access to, and safety of, the transport network; b. On-site parking in relation to safety and manoeuvring. | RD |
| 24.4.17 | <p>Industrial activities directly associated with wineries and underground cellars within a vineyard.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Noise; b. Access and parking in relation to safety and manoeuvring; c. Traffic generation; d. Odour; e. Hours of operation; f. Waste treatment and disposal. | RD |
| 24.4.18 | <p>The construction of buildings for non-residential activities, not otherwise provided for in Table 24.1.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape character; b. Visual amenity; c. Access; d. Natural hazards; e. Infrastructure; f. Landform modification, landscaping and planting (existing and proposed). g. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment. h. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure. | RD |
| 24.4.19 | <p>Commercial recreational activities that are undertaken on land, outdoors and involve more than 12 persons in any one group.</p> | D |
| 24.4.20 | <p>Cafes and restaurants.</p> | D |
| 24.4.21 | <p>Visitor accommodation.</p> | D |

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| | Table 24.1 – Activities | Activity Status |
|---------|---|-----------------|
| 24.4.22 | Community activities. | D |
| 24.4.23 | Any commercial or Industrial activity not otherwise provided for in Table 24.1 including those associated with farming. | NC |
| 24.4.24 | Panelbeating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956 except where such activities are undertaken as part of a farming activity, residential activity or as a permitted home occupation. | |
| | 24.4.24.1 Within the Wakatipu Basin Rural Amenity Zone | NC |
| | 24.4.24.2 Within the Lifestyle Precinct | PR |
| 24.4.25 | Buildings, associated infrastructure and earthworks within any Building Restriction Area. | NC |

24.5 Rules - Standards

The following standards apply to all activities.

| | Table 24.2 - Standards | Non-compliance status |
|----------|--|-----------------------|
| 24.5.1 | Residential Density | |
| 24.5.1.1 | For sites with a net site area of 1 hectare or less and zoned in part or whole Wakatipu Basin Lifestyle Precinct, a maximum of one residential unit per site. | NC |
| 24.5.1.2 | For sites with a net site area greater than 1 hectare and zoned in part or whole Wakatipu Basin Lifestyle Precinct, no more than one residential unit per hectare on average of the net site area zoned Wakatipu Basin Lifestyle Precinct. | NC |
| 24.5.1.3 | Where Rule 24.5.1.1 or Rule 24.5.1.2 applies, all residential units (including residential flats) must be located within the area zoned Wakatipu Basin Lifestyle Precinct. | NC |
| 24.5.1.4 | Any site in the Wakatipu Basin Rural Amenity Zone located wholly outside the Precinct in respect of which resource consent creating the site was granted before 21 March 2019, and a record of title | NC |

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| | Table 24.2 - Standards | Non-compliance status |
|-----------------|--|------------------------------|
| | subsequently issued, and with an area less than 80 hectares, a maximum of one residential unit per site. <u>Except this rule shall not apply where Rule 24.5.1.6 is applied.</u> | |
| 24.5.1.5 | For that part of all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area. <u>Except this rule shall not apply where Rule 24.5.1.6 is applied.</u> | NC |
| 24.5.1.6 | <p><u>Any site located within a Landscape Character Unit or area identified on the District Plan web mapping application a maximum of one residential unit per net site area and average area:</u></p> <p><u>24.5.1.6.1 LCU 3 limited to the area identified as Fitzpatrick Road South: XX minimum and 3ha average</u></p> <p><u>24.5.1.6.2 LCU 11 limited to the area identified as East of Lower Shotover Road: XX minimum and 2ha average</u></p> <p><u>24.5.1.6.3 LCU 6 limited to the area identified as Hunter Road West: 6,000m² minimum and 5 ha average</u></p> <p><u>24.5.1.6.4 LCU 6 limited to the area identified as Mooney Road: XX minimum and 4 ha average</u></p> <p><u>24.5.1.6.6 LCU 12 limited to the area identified as Hogans Gully Road South: 6,000m² minimum and 2 ha average</u></p> <p><u>24.5.1.6.7 LCU 15 Hogans Gully (entire LCU outside of the Hogans Gully Resort Zone): 4ha minimum and 6 ha average</u></p> | NC |

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| | Table 24.2 - Standards | Non-compliance status |
|---------------|--|--|
| | <p><u>24.5.1.6.8 LCU 22 Hills (entire LCU): 3ha minimum and 4 ha average</u></p> <p><u>24.5.1.6.9 LCU 23 limited to the area identified as Malaghans Road South: XX minimum and 1.5ha average</u></p> <p><u>24.5.1.6.10 LCU 23 limited to the area identified as Arrowtown Lake Hayes Road East: XX minimum and 1 ha average</u></p> <p><u>24.5.1.6.11 LCU 24 South Arrowtown (entire LCU): XX minimum and 3ha average</u></p> | |
| 24.5.2 | <p>Residential Flats</p> <p>24.5.2.1 Within the Wakatipu Basin Lifestyle Precinct, any residential flat must be separated from the principal residential unit by no more than 10 metres.</p> <p>24.5.2.2 Rule 24.5.2.1 does not apply to a residential flat located within a building platform approved by a resource consent, and registered on the applicable record of title.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on landscape character associated with the location of buildings and cumulative adverse effects.</p> |
| 24.5.3 | <p>Alterations to buildings for residential activities not located within a building platform</p> <p>Alterations to a building not located within a building platform must not increase the ground floor area by more than 30% in any ten year period.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on landscape character associated with the bulk and external appearance of buildings;</p> <p>b. Landform modification, landscaping and planting (existing and proposed);</p> <p>c. Infrastructure.</p> <p>d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any</p> |

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| | Table 24.2 - Standards | Non-compliance status |
|---------------|--|---|
| | | adverse effects on that infrastructure. |
| 24.5.4 | <p>Building Material and Colours</p> <p>Any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys including;</p> <p>24.5.4.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>24.5.4.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on landscape character associated with the bulk and external appearance of buildings; b. Visual prominence from both public places and private locations. |
| 24.5.5 | <p>Building Ground Floor Area</p> <p>Where a residential building is constructed within a building platform under Rule 24.4.5, the ground floor area of all buildings must not exceed 500m².</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building scale and form; b. Visual prominence from both public places and private locations. |
| 24.5.6 | <p>Building coverage</p> <p>The building coverage of all buildings on a site not subject to Rule 24.5.5 must not exceed 15% of net site area, or 500m², whichever is the lesser.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building scale and form; b. Visual prominence from both public places and private locations. |
| 24.5.7 | <p>Setback from internal boundaries</p> | RD |

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| | Table 24.2 - Standards | Non-compliance status |
|-----------------|--|--|
| | The minimum setback of any building from internal boundaries shall be 10m. | Discretion is restricted to: <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Landform modification/planting (existing and proposed). |
| 24.5.8 | Height of buildings | |
| 24.5.8.1 | The maximum height of buildings shall be 6.5m. | RD For buildings with a height greater than 6.5m and no more than 8m, discretion is restricted to: <ul style="list-style-type: none"> a. Visual prominence from both public places and private locations; b. External appearance including materials and colours; c. Landform modification/planting (existing and proposed). Note: 24.5.8.2 applies to buildings with a height greater than 8m. |
| 24.5.8.2 | The maximum height of buildings shall be 8m. | NC |
| 24.5.9 | Setback from roads | RD |
| | <p>24.5.9.1 The minimum setback of any building from any road boundary (other than an unformed road) shall be 75m in the Precinct and 20m in the Rural Amenity Zone.</p> <p>24.5.9.2 The minimum setback of any building from any unformed road shall be 20m in the Rural Amenity Zone and Lifestyle Precinct.</p> <p>24.5.9.3 Rules 24.5.9.1 and 24.5.9.2 do not apply to the construction of buildings for residential activity pursuant to Rule 24.4.5.</p> | Discretion is restricted to: <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Landscaping/planting (existing and proposed). d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any |

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| | Table 24.2 - Standards | Non-compliance status |
|----------------|---|---|
| | | adverse effects on that infrastructure. |
| 24.5.10 | <p>Setback from Escarpment, Ridgeline and River Cliff Features</p> <p>24.5.10.1 Within the Lifestyle Precinct only, any building or vehicle access shall be located a minimum of 50m from the boundary of any Escarpment, Ridgeline or River Cliff Feature shown on the District Plan web mapping application.</p> <p>24.5.10.1 Rule 24.5.10.1 does not apply to the construction of buildings for residential activity pursuant to Rule 24.4.5.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Landform modification/planting (existing and proposed). |
| 24.5.11 | <p>Setback from boundaries of non-residential buildings housing animals</p> <p>The minimum setback from boundaries for any building whose primary purpose is to house animals shall be 30m.</p> | <p>RD</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> a. Open space, rural living character and amenity; b. Privacy, views and outlook from neighbouring properties and public places; c. Reverse sensitivity effects on adjacent properties including odour and noise; d. Landform modification/planting (existing and proposed). |
| 24.5.12 | <p>Setback of buildings from waterbodies</p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 30m.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. waterbodies that have been built as part of a subdivision or development for the primary purpose of treating and disposing of stormwater, or b. the construction of buildings for residential activities pursuant to Rule 24.4.5. | <p>RD</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> a. Biodiversity values; b. Natural Hazards; c. Visual and recreational amenity values; d. Landscape and natural character; e. Open space. |

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| | Table 24.2 - Standards | Non-compliance status |
|----------------|---|---|
| | | f. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment. |
| 24.5.13 | <p>Farm buildings</p> <p>a. The maximum gross floor area of any farm building shall be 50m².</p> | <p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building location, character, scale and form;</p> <p>b. External appearance including materials and colours; and</p> <p>c. Landform modification/planting (existing and proposed).</p> |
| 24.5.14 | <p>Home occupations</p> <p>a. The maximum net floor area of home occupation activities shall be 150m².</p> <p>b. No goods materials or equipment shall be stored outside a building.</p> <p>c. All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <p>a. The nature, scale and intensity of the activity;</p> <p>b. Visual amenity from neighbouring properties and public places;</p> <p>c. Noise, odour and dust;</p> <p>d. Access, safety and transportation.</p> |
| 24.5.15 | <p>Roadside stalls</p> <p>a. The maximum ground floor area shall be 5m².</p> <p>b. Stalls shall not be higher than 2.0m from ground level.</p> <p>c. The minimum sight distance along the road from the stall or stall access shall be 250m.</p> <p>d. The minimum distance of the stall or stall access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building location, character, scale and form;</p> <p>b. External appearance including materials and colours;</p> <p>c. Access and safety;</p> <p>d. Parking in relation to safety and manoeuvring.</p> <p>e. Where Electricity Sub-transmission Infrastructure or</p> |

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| | Table 24.2 - Standards | Non-compliance status |
|----------------|---|---|
| | | Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure. |
| 24.5.16 | <p>Retail Sales</p> <p>The maximum gross floor area of buildings shall be 25m² for retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Access safety and transportation effects; d. Parking and access in relation to safety and manoeuvring. |
| 24.5.17 | <p>Glare</p> <ul style="list-style-type: none"> a. All fixed exterior lighting shall be directed away from adjacent roads and sites. b. Activities on any site shall not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site. c. There shall be no upward light spill. | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Lighting location and number of lights; b. Proximity to roads, public places and neighbours; c. Height and direction of lights; d. Lux levels. |
| 24.5.18 | <p>Informal airports</p> <p>Other than in the case of informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities:</p> <ul style="list-style-type: none"> a. Informal airports shall not exceed a frequency of use of 2 flights per day; b. Informal airports shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential dwelling not located on the same site; | <p>D</p> |

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| | Table 24.2 - Standards | Non-compliance status |
|----------------|---|--|
| | <p>Advice note: For the purpose of this rule a flight includes two aircraft movements i.e. an arrival and a departure.</p> | |
| 24.5.19 | <p>Firefighting water and access</p> <p>New buildings for residential activities where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting must have one of the following:</p> <p>either a sprinkler system installed and plumbed with a maintained static water storage supply of at least 7,000 litres available to the system, or</p> <p>water supply and access for firefighting that meets the following requirements:</p> <ol style="list-style-type: none"> Water storage of at least 45,000 litres shall be maintained (excluding potable water storage for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings; A hardstand area with a minimum width of 4.5m and length of 11m located within 6m of the firefighting water supply connection point and capable of supporting a 20 tonne fire service vehicle; The connection point for the firefighting water supply must be located more than 6m and less than 90m from the building for residential activities and be accessible by emergency service vehicles during fire events; Access from the property road boundary to the hardstand area capable of accommodating a 20 tonne fire service vehicle. | <p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply; the accessibility of the firefighting water connection point for fire service vehicles; whether and the extent to which the building is assessed as a low fire risk. |
| 24.5.20 | <p>Residential visitor accommodation</p> <p>Residential visitor accommodation – Excluding the Lifestyle Precinct</p> | <p>C</p> <p>Control is reserved to:</p> |

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| | Table 24.2 - Standards | Non-compliance status |
|----------------|---|---|
| | <p>24.5.20.1 The total nights of occupation by paying guests on a site do not exceed a cumulative total of 120 nights per annum from the date of initial registration.</p> <p>24.5.20.2 The activity is registered with Council prior to commencement.</p> <p>24.5.20.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.20.1 to 24.5.20.3.</p> | <p>a. The location, nature and scale of the activities;</p> <p>b. The management of noise, rubbish, recycling and outdoor activities;</p> <p>c. Guest management and complaints procedures;;</p> <p>d. The keeping of records of the Residential Visitor Accommodation use, and availability of records for Council inspection; and</p> <p>e. Monitoring requirements, including imposition of an annual monitoring charge.</p> |
| 24.5.21 | <p>Residential visitor accommodation – Lifestyle Precinct only</p> <p>24.5.21.1 The total nights of occupation by paying guests on a site do not exceed a cumulative total of 120 nights per annum from the date of initial registration.</p> <p>24.5.21.2 The number of guests must not exceed 2 adults per bedroom and the total number of adults and children must not exceed:</p> <ul style="list-style-type: none"> • 3 in a 1-bedroom residential unit; • 6 in a 2-bedroom residential unit; • 9 in a 3-bedroom or more residential unit. | <p>RD</p> <p>Discretion is restricted to:</p> <p>a. the location, nature and scale of activities;</p> <p>b. the management of noise, rubbish, recycling and outdoor activities;</p> <p>c. privacy and overlooking;</p> <p>d. outdoor lighting;</p> <p>e. guest management and complaints procedures;</p> <p>f. the keeping of records of residential visitor accommodation use, and availability of records for Council inspection; and</p> |

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| | Table 24.2 - Standards | Non-compliance status |
|----------------|---|--|
| | <p>24.5.21.3 The activity is registered with Council prior to commencement.</p> <p>24.5.21.4 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.21.1 to 24.5.21.4</p> | <p>g. monitoring requirements, including imposition of an annual monitoring charge.</p> |
| 24.5.22 | <p>Homestay</p> <p>Homestay – Excluding the Lifestyle Precinct</p> <p>24.5.22.1 The total number of paying guests on a site does not exceed five per night.</p> <p>24.5.22.2 The Council is notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.22.3 Up to date records of the Homestay activity are kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.22.1 to 24.5.22.3.</p> | <p>C</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. The location, nature and scale of the activities; b. The management of noise, rubbish, recycling and outdoor activities; c. The keeping of records of Homestay use, and availability of records for Council inspection; and d. Monitoring requirements, including imposition of an annual monitoring charge. |

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| | Table 24.2 - Standards | Non-compliance status |
|----------------|---|---|
| 24.5.23 | <p>Homestay – Lifestyle Precinct only</p> <p>24.5.23.1 The total number of paying guests on a site does not exceed five per night.</p> <p>24.5.23.2 The Council is notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.23.3 Up to date records of the Homestay activity are kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours’ notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours’ notice, in order to monitor compliance with rules 24.5.23.1 to 24.5.23.3.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the location, nature and scale of activities; b. privacy and overlooking; c. the management of noise, rubbish, recycling and outdoor activities; d. the keeping of records of residential visitor accommodation use, and availability of records for Council inspection; and e. monitoring requirements, including imposition of an annual monitoring charge |
| 24.5.24 | <p>Alterations to buildings used for non-residential activities, not located within a building platform.</p> <p>Alterations to a building not located within a building platform must not increase the ground floor area by more than 10% in any ten year period.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape character; b. Visual amenity; c. Infrastructure; d. Landform modification, landscaping and planting (existing and proposed). |
| 24.5.25 | <p>Exotic vegetation within landscape Character Unit 5: Dalefield</p> <p>24.5.25.1 Clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 6 metres.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The extent of clearance or works within the root protection zone; b. Effects on landscape character and visual amenity associated with the removal of the vegetation; |

| | Table 24.2 - Standards | Non-compliance status |
|--|---|--|
| | <p>24.5.25.2 Rule 24.5.25.1 does not apply if:</p> <p>a. The vegetation is identified as a wilding exotic tree in Chapter 34 (Wilding Exotic Trees).</p> <p>b. The vegetation is either dead, diseased or damaged, or likely to cause an imminent hazard to life or property. To ensure compliance with b:</p> <p>i Council must be notified in writing prior to the works commencing; and</p> <p>ii Following the works, Council must be provided with a report or written statement from a qualified arborist confirming that the vegetation was dead, diseased or damaged or likely to cause an imminent hazard to life or property.</p> | <p>c. Replacement planting;</p> <p>d. Risk to health and safety arising from the vegetation.</p> |

24.6 Non-notification of applications

- 24.6.1 Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:
- a. Rule 24.5.5 Building ground floor area.
 - b. Rule 24.5.6 Building coverage.
 - c. Rule 24.5.7 Setback from internal boundaries.
 - d. Rule 24.5.8.1 Height of buildings.
 - e. Rule 24.5.9 Setback from roads.
 - f. Rule 24.5.10 Setback from Escarpment, Ridgeline or River Cliff Feature.
 - g. Rule 24.4.16 Retail sales of farm and garden produce and wine, where the access is onto a State Highway.
 - h. Rule 24.5.2 Residential Flat separated from the principal residential unit by more than 10 metres, within the Lifestyle Precinct.

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- i. Rules 24.4.6, 24.4.18, 24.5.3, 24.5.9 and 24.5.15 in relation to the electricity distribution network, where the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.
 - j. Rule 24.5.23 Homestay within the Lifestyle Precinct.
- 24.6.2 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:
- a. Rule 24.5.21 Residential Visitor Accommodation within the Lifestyle Precinct.

24.7 Assessment Matters

- 24.7.1 In considering whether or not to grant consent and/or impose conditions on a resource consent, regard shall be had to the assessment matters set out at 24.7.3 to 24.7.15.

| Assessment Matters-Controlled Activities Rule 24.4.5 | |
|--|--|
| 24.7.3 | <p>The construction of buildings for residential activity within an approved building platform pursuant to Rule 24.4.5:</p> <p>Landscape character including external appearance associated with the bulk of the building, access, landform modification, exterior lighting, landscaping and planting</p> <ul style="list-style-type: none">a. Whether the external appearance including colours of the building(s) adequately responds to the identified values set out in Schedule 24.8 – Landscape Character Units and the criteria set out below.b. The extent to which the buildings, ancillary elements and any landscape treatment complements the existing landscape character, including consideration of:<ul style="list-style-type: none">i. building colours and materials;ii. the design and location of landform modification, retaining, fencing, gates, vehicle access (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed planting;iii. the retention of existing vegetation and landform patterns;iv. earth mounding and framework planting to integrate buildings and accessways;v. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8 - Landscape Character Units;c. The extent to which existing covenants or consent notice conditions need to be retained or otherwise integrated into the proposed development.d. The extent to which the building is designed to avoid, remedy or mitigate adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. |

| Assessment Matters-Controlled Activities Rule 24.4.5 | |
|---|--|
| | <ul style="list-style-type: none"> e. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants. f. The merit of the removal of wilding exotic trees at the time of development. |
| 24.7.4 | <p>Infrastructure and access</p> <ul style="list-style-type: none"> a. The extent to which the proposal provides for adequate access, and wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects. |
| 24.7.4A | <p>Lake Hayes Catchment</p> <ul style="list-style-type: none"> a. The extent to which the proposal minimises erosion or sediment during construction, having regard to the provisions of Chapter 25 Earthworks, in particular Policies 25.2.1.1 and 25.2.1.7 and Assessment Matters 25.8.2 and 25.8.6. b. The extent to which the proposal avoids or mitigates any potential adverse effects on surface waterbodies and ecological values through the adoption of measures to reduce stormwater runoff adverse effects from the site, including the implementation of low impact design techniques. c. Where a waterbody is located on the site, the effectiveness of riparian planting to filter sediment and reduce sediment concentrations in stormwater runoff. d. The extent to which erosion and sediment management and/or on-site stormwater management systems are commensurate with the nature, scale and location of the activity. e. The extent to which the proposal contributes to water quality improvement, including by: <ul style="list-style-type: none"> i. stabilising the margins of waterways, riparian planting and ongoing management; ii. Reducing inputs of phosphorus and nitrogen into the catchment; iii. Implementing a nutrient management plan; iv. Restoring, maintaining, and constructing new, wetlands for stormwater management; v. Offering any voluntary contribution (including financial) to water quality improvement works off-site in the catchment. f. Practicable constraints limited to situations where no further improvements to stormwater runoff management can be achieved. g. Whether new development can be connected to reticulated services, or if connections are not available, whether onsite systems provide for the safe disposal of stormwater and wastewater without adversely affecting natural water systems and ecological values. |

| Assessment Matters- Restricted Discretionary Activities | |
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| 24.7.5 | <p>New buildings (and alterations to existing buildings) including farm buildings and residential flats, and infringements of the standards for building coverage, building size, building material and colours, and building height:</p> <p>Landscape character</p> <p>a. The extent to which the building, ancillary elements and landscaping <u>maintains or enhances the Basin's landscape including in responding</u> responds to the identified values set out in Schedule 24.8 – Landscape Character Units for the relevant landscape unit, and the following assessment matters.</p> <ol style="list-style-type: none"> i. building height; ii. building colours and materials; iii. building coverage; iv. design, size and location of accessory buildings; v. the design and location of landform modification, retaining, fencing, gates, vehicle access (including paving materials), external lighting, domestic infrastructure (including water tanks); vi. the retention of existing vegetation and landform patterns, and proposed new planting; vii. earth mounding and framework planting to integrate buildings and vehicle access; viii. planting of appropriate species that are suited to the general area including riparian restoration planting; ix. the retirement of steep slopes over 15° and restoration planting to promote slope stabilisation and indigenous vegetation enhancement; and x. the integration of existing and provision for new public walkways and cycleways/bridlepaths. <p>b. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development.</p> <p>c. The extent to which the development maintains visual amenity in the landscape, particularly from public places.</p> <p>d. In the case of multiple buildings or residential units not otherwise addressed as part of a previous subdivision, the extent to which a sense of spaciousness is maintained, and whether the buildings are integrated with existing landform, vegetation or settlement patterns.</p> <p>e. Where a residential flat is not located adjacent to the residential unit, the extent to which this could give rise to sprawl of buildings and cumulative effects.</p> <p>f. Where the site adjoins an ONF or ONL, the extent to which the development affects the values of that ONF or ONL.</p> <p>g. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.</p> |

| Assessment Matters- Restricted Discretionary Activities | |
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| | <ul style="list-style-type: none"> h. The merit of the removal of wilding exotic trees at the time of development. i. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained. |
| 24.7.6 | <p>Servicing, firefighting water, natural hazards, infrastructure and access</p> <ul style="list-style-type: none"> a. The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects. b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal. c. Whether adequate provision is made for firefighting activities and provision for emergency vehicles. d. The extent to which the objectives and policies set out in Chapter 28, Natural Hazards, are achieved. e. Where Electricity Sub-transmission infrastructure or Significant Electricity Distribution Infrastructure is located in road adjacent to the subject site or within the subject site, consideration shall be had to: <ul style="list-style-type: none"> a. The effects on the operation, maintenance or minor upgrading of that infrastructure. b. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001. |
| 24.7.7 | <p>Non-residential activities</p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> a. An appropriate scale and intensity of the activity in the context of the Basin's amenity and character <u>including of</u> the surrounding area including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape character unit. b. Adequate visual amenity for neighbouring properties and from public places. c. Minimisation of any noise, odour and dust. d. Access that maintains the safety and efficiency of the roading and trail network. |
| 24.7.8 | <p>Setback from boundaries</p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> e. An appropriate scale and intensity of the activity in the context of the Basin's amenity and character <u>including of</u> the surrounding area including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape character unit. |

| Assessment Matters- Restricted Discretionary Activities | |
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| | a. Adequate privacy, outlook and amenity for adjoining properties. |
| 24.7.8B | <p>Setback from roads and Escarpments, Ridgeline and River Cliff Features</p> <p>a. Whether the proposal achieves:</p> <ol style="list-style-type: none"> i. The maintenance of <u>the Basin's landscape character and visual amenity values including</u> of the identified landscape character and visual amenity values set out in Schedule 24.8 – Landscape Character Units for the relevant landscape unit, while having regard to the site constraints identified in (b). ii. For roads, maintenance of views to Outstanding Natural Features and the surrounding Outstanding Natural Landscape mountain context. iii. For Escarpments, Ridgeline and River Cliff Features, development that is not visually prominent. <p>b. Where a site is located wholly within any prescribed setback, or involves a proposal to alter, or redevelop, an existing building that is within any prescribed setback. Regard shall be had to mitigating or remedying as far as practicable any adverse effects arising from the visibility of the building, while acknowledging the existing constraints of the site and presence of existing buildings within the prescribed setback.</p> |
| 24.7.9 | <p>Setback from boundaries of non-residential buildings housing animals</p> <p>Whether the proposal achieves:</p> <ol style="list-style-type: none"> a. The maintenance of <u>the Basin's</u> landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape character unit. b. Minimisation of adverse odour, dust and/or noise effects on any neighbouring properties. |
| 24.7.10 | <p>Setback of buildings from waterbodies</p> <p>Whether the proposal achieves:</p> <ol style="list-style-type: none"> a. The maintenance or enhancement of biodiversity values. b. The maintenance or enhancement of landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the landscape character unit that the proposal falls into. c. The maintenance or enhancement of open space. d. Mitigation to manage any adverse effects of the location of the building including consideration of whether the waterbody is subject to flooding or natural hazards. |
| 24.7.11 | <p>Roadside stalls</p> <p>Whether the proposal achieves:</p> |

| | Assessment Matters- Restricted Discretionary Activities |
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| | <ul style="list-style-type: none"> a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values. b. Preservation of visual amenity for neighbouring properties and from public places. c. Minimisation of any noise, odour and dust. d. Adequate parking, access safety and avoids adverse transportation effects. |
| 24.7.12 | <p>Retail sales</p> <p>Whether the proposal ensures:</p> <ul style="list-style-type: none"> a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values. b. Preservation of visual amenity for neighbouring properties and from public places. c. Minimisation of any noise, odour and dust. d. Adequate parking, access safety and avoids adverse transportation effects. |
| 24.7.13 | <p>Glare</p> <ul style="list-style-type: none"> a. The effects on adjacent roads and neighbouring sites. b. The extent of likely visual dominance from light fixtures, poles and lux levels. c. The nature and extent of any effects on character and amenity, including the night sky. d. The nature and extent of any effects on privacy, views and outlook from neighbouring properties. e. Whether there will be any reverse sensitivity effects on adjacent properties. |
| 24.7.14 | <p>Clearance, works within the root protection zone or significant trimming of exotic vegetation over 6m in height in Landscape Character Unit 5: Dalefield</p> <ul style="list-style-type: none"> a. The degree to which the vegetation contributes to the landscape character and visual amenity values, and the extent to which the clearance or significant trimming would reduce those values. b. The potential for buildings and development to become more visually prominent. c. The merits of any proposed mitigation or replacement plantings. d. The effects on the health and structural stability of the vegetation. e. Whether the works are reasonably necessary to enable the efficient use of the site. |
| 24.7.15 | <p>Lake Hayes Catchment</p> <ul style="list-style-type: none"> a. The extent to which the proposal minimises erosion or sediment during construction, having regard to the provisions of Chapter 25 Earthworks, in |

| Assessment Matters- Restricted Discretionary Activities | |
|---|---|
| | <p>particular Policies 25.2.1.1 and 25.2.1.7 and Assessment Matters 25.8.2 and 25.8.6.</p> <p>b. The extent to which the proposal avoids or mitigates any potential adverse effects on surface waterbodies and ecological values through the adoption of measures to reduce stormwater runoff adverse effects from the site, including the implementation of low impact design techniques.</p> <p>c. Where a waterbody is located on the site, the effectiveness of riparian planting to filter sediment and reduce sediment concentrations in stormwater runoff.</p> <p>d. The extent to which erosion and sediment management and/or on-site stormwater management systems are commensurate with the nature, scale and location of the activity.</p> <p>e. The extent to which the proposal contributes to water quality improvement, including by:</p> <ul style="list-style-type: none"> i. stabilising the margins of waterways, riparian planting and ongoing management; ii. Reducing inputs of phosphorus and nitrogen into the catchment; iii. Implementing a nutrient management plan; iv. Restoring, maintaining, and constructing new, wetlands for stormwater management; v. Offering any voluntary contribution (including financial) to water quality improvement works off-site in the catchment. <p>f. Practicable constraints limited to situations where no further improvements to stormwater runoff management can be achieved.</p> <p>g. Whether new development can be connected to reticulated services, or if connections are not available, whether onsite systems provide for the safe disposal of stormwater and wastewater without adversely affecting natural water systems and ecological values.</p> |

Schedule 24.8 Landscape Character Units

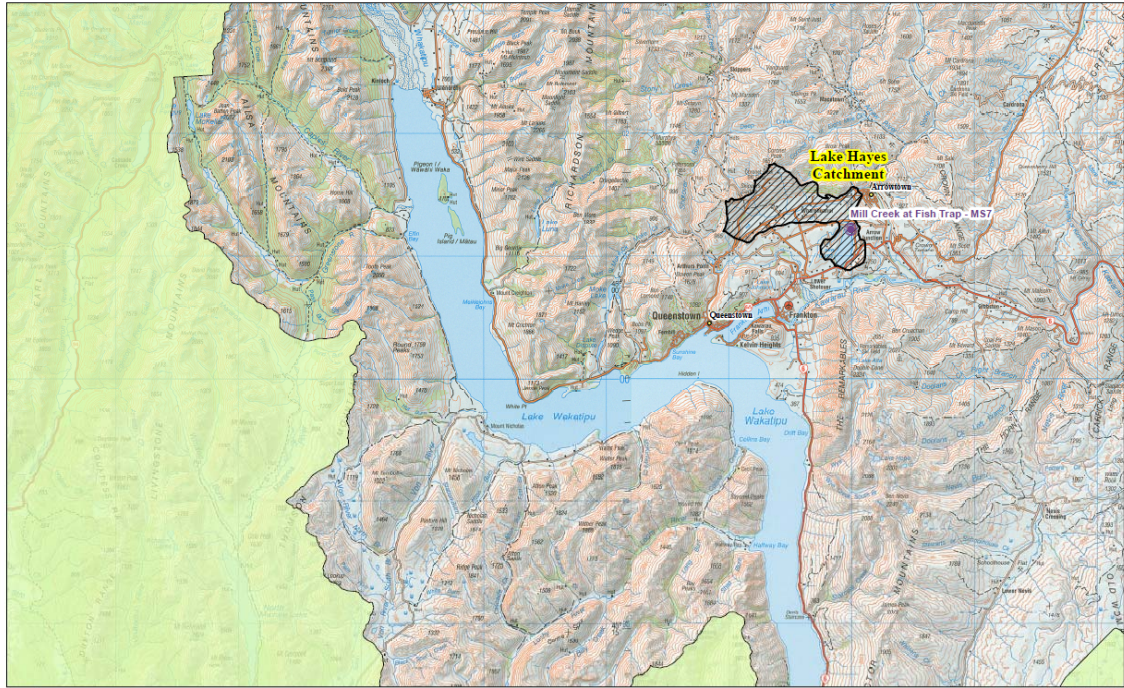
LCU 2 Fitzpatrick Basin

| | |
|---|---|
| <p>Capacibility to absorb additional development</p> | <p>High: <u>land below the 440m contour</u></p> <p>Very low: <u>land above the 440m contour</u></p> |
|---|---|

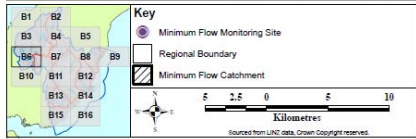
LCU 4 Tucker Beach

| | |
|---|--|
| <p>Capacibility to absorb additional development</p> | <p>Very low:</p> <p><u>Precinct zoned land at the eastern end of the unit where a Building Restriction Area applies.</u></p> <p>Low:</p> <p>{At the western end}</p> <p><u>In the central portion of the unit:</u></p> <ul style="list-style-type: none"> • <u>above the 400m contour;</u> • <u>that corresponds to the undeveloped low lying river terraces and scarps along the northern side of the unit and adjacent the river.</u> <p>Moderate-High:</p> <p>{Throughout the balance of the central and eastern end of the unit, other than within the building restriction area which is Very Low}</p> |
|---|--|

Schedule 24.9 Lake Hayes Catchment



Basemap: Land Information New Zealand Topo50 Maps
1 June 2015



Minimum Flow Catchments and Monitoring Sites Map B6



Chapter 27 Subdivision and Development

| | Subdivision Activities District Wide | Activity Status |
|----------|--|-----------------|
| 27.5.18A | <p><u>Subdivision of any site within the Wakatipu Basin Rural Amenity Zone (outside the Lifestyle Precinct) where located within the following areas identified on the district plan web mapping application:</u></p> <ul style="list-style-type: none"> a. <u>LCU 3 limited to the area identified as Fitzpatrick Road South.</u> b. <u>LCU 6 limited to the area identified as Hunter Road West.</u> c. <u>LCU 6 limited to the area identified as Mooney Road.</u> d. <u>LCU 11 limited to the area identified as East of Lower Shotover Road.</u> e. <u>LCU 12 limited to the areas identified as Hogans Gully Road South</u> f. <u>LCU 15 Hogans Gully (entire LCU excluding Hogans Gully Resort Zone).</u> g. <u>LCU 22 Hills (entire LCU).</u> h. <u>LCU 23 limited to the area identified as Malaghans Road South.</u> i. <u>LCU 23 limited to the area identified as Arrowtown Lake Hayes Road East.</u> j. <u>LCU 24 South Arrowtown (entire LCU).</u> | D |

27.6 Rules - Standards for Minimum Lot Areas

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

| Zone | | Minimum Lot Area |
|-------|--|---|
| Rural | Rural Gibbston Character | No minimum |
| | Wakatipu Basin Rural Amenity Zone | 80ha |
| | <u>Within the following areas of the Wakatipu Basin Rural Amenity Zone identified on the district plan web mapping application the minimum net site area and the average area of all lots in the subdivision is not less than:</u> | |
| | <u>LCU 3 limited to the area identified as Fitzpatrick Road South</u> | <u>XX minimum and 3ha average</u> |
| | <u>LCU 6 limited to the area identified as Hunter Road West</u> | <u>6,000m² minimum and 5ha average</u> |
| | <u>LCU 6 limited to the area identified as Mooney Road</u> | <u>XX minimum and 4ha average</u> |
| | <u>LCU 11 limited to the area identified as East of Lower Shotover Road</u> | <u>XX minimum and 2ha average</u> |
| | <u>LCU 12 limited to the area identified as Hogans Gully Road South</u> | <u>6,000m² minimum and 2ha average</u> |
| | <u>LCU 15 Hogans Gully (entire LCU excluding Hogans Gully Resort Zone)</u> | <u>4ha minimum and 6ha average</u> |
| | <u>LCU 22 The Hills (entire LCU)</u> | <u>3ha minimum and 4ha average</u> |
| | <u>LCU 23 limited to the area identified as Malaghans Road South</u> | <u>XX minimum and 1.5ha average</u> |
| | <u>LCU 23 limited to the area identified as Arrowtown Lake Hayes Road East</u> | <u>XX minimum and 1ha average</u> |
| | <u>LCU 24 South Arrowtown (entire LCU)</u> | <u>XX minimum and 3ha average</u> |

27.9.3.3 Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities)

Subdivision Design and Landscape

- a. The maintenance of the Basin's landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 - Landscape Character Units.

~~The extent to which the location of future buildings, ancillary elements and landscaping responds to the identified elements set out in Schedule 24.8 - Landscape Character Units for the relevant landscape unit, and the following assessment matters:~~

- ~~i. the retention of existing vegetation and landform patterns;~~
- ~~ii. the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;~~
- ~~iii. earth mounding, and framework planting to integrate buildings and vehicle access;~~
- ~~iv. planting of appropriate species that are suited to the general area, including riparian restoration planting;~~
- ~~v. the retirement of steep slopes over 15° and restoration planting to promote slope stabilisation and indigenous vegetation enhancement;~~
- ~~vi. the integration of controls for future development that address building height, building colours and materials, building coverage, earthworks, retaining, fencing, gates, vehicle access (including paving materials), external lighting, and domestic infrastructure (including water tanks);~~
- ~~vii. the integration of existing and provision for new public walkways and cycleways/bridlepaths;~~
- ~~viii. whether the use of varied allotment sizes maintains a sense of spaciousness, or successfully integrates development with existing landform, vegetation or settlement patterns.~~

...