

Before the Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And A request for a change to the Operative Queenstown Lakes
District Plan – Plan Change 54 (PC54)

EVIDENCE OF JEFFREY ANDREW BROWN – PLANNING

for

Northlake Investments Limited

Dated 6 July 2023

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Table of Contents

| | | |
|----------|--|-----------|
| 1 | Introduction | 2 |
| 2 | The PC54 provisions – changes sought by submitters and as recommended in the Section 42A Report | 4 |
| 3 | Conclusion | 16 |
| | Attachment A – J Brown CV | 17 |
| | Attachment B – revised provisions | 18 |

1 Introduction

- 1.1 My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (**QLDC**) from 1992 – 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.
- 1.2 **Attachment A** contains a more detailed description of my work and experience.
- 1.3 I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
- 1.4 This evidence is on behalf of Northlake Investments Limited (**NIL**), in relation to NIL's request to change – Plan Change 54 (**PC54**) – the Queenstown Lakes District's Operative District Plan (**ODP**) to enable legal and infrastructure access through the Northlake Special Zone (**NSZ**) to Sticky Forest to the west, and to expand the area available for urban residential purposes in the western part of the NSZ.
- 1.5 I am familiar with the site, the NSZ and wider area, having visited many times including for this process and other planning processes within the NSZ and environs.
- 1.6 In relation to the NSZ, I have been involved with various planning matters including:
- Rebuttal evidence for the Environment Court hearing on the original plan change request for the NSZ (Plan Change 45);
 - Assistance with preparation of the resource consent application (RM181903) for a Hotel at Northlake Drive (now legally described as Lot 1005 DP 515025), and appearance before the Council's Independent Hearings Panel for that application;

- Assistance with preparation of the resource consent application (RM210915) for 27 townhouses on the (former) Hotel site and to subdivide into 27 individual lots and a joint access lot;
- Assistance with preparation of the application for the Northbrook Retirement Village under the Covid-19 Recovery (Fast-Track Consenting) Act 2020, and review of subsequent s127 variations to that consent;
- Assistance with the preparation of a resource consent application (RM220957) for earthworks to construct a road within the NSZ within the same corridor as is promoted in PC54 (that application currently on hold).

1.6 I assisted NIL with the preparation of this plan change request, including co-authoring the request, the s32 evaluation, the assessment of effects on the environment, and the proposed amended provisions.

1.7 The documents I have reviewed and/or refer to throughout my evidence are listed below:

- The relevant chapters of the ODP;
- The PC 54 documents including DOCUMENT 1 – Request for Plan Change; DOCUMENT 2 – The Change – proposed amendments to the ODP; DOCUMENT 3 – Assessment of Effects of the Environment; DOCUMENT 4 – Section 32 Evaluation; DOCUMENT 5 – Landscape Assessment; DOCUMENT 6 – Transport Assessment; and DOCUMENT 7 – Infrastructure Report;
- The submissions and further submissions lodged on PC54;
- Section 42A Report prepared by Ian Munro and appendices: Appendix 1a – Landscape assessment; Appendix 1b – Transportation assessment; Appendix 1c – Stormwater assessment; and Appendix 3 – Recommended PC54 provisions;
- The evidence of witnesses for NIL: Marc Bretherton, Andy Carr, Steve Skelton and Alex Todd (all dated 6 July 2023) and Anthony Steel (in draft);
- The Memorandum to the Commission re Evidence by Mr Goldsmith, dated 6 July 2023.

- 1.8 I comment on the plan change documents, the submissions, evidence, and the s42A report throughout my evidence.
- 1.9 I state at the outset that I broadly agree with, and adopt:
- The plan change documentation; and
 - Mr Munro's s42A report analysis and conclusions except for the matters that I address in this evidence.
- 1.10 My evidence therefore focusses on the changes sought by submitters and those proposed by Mr Munro in Appendix 3 to the s42A report, and I need not repeat detail that is well covered in the plan change documentation and by Mr Munro.
- 1.11 The site and surrounding environment is described in **DOCUMENT 1** of the request package. Since the time of the request, the balance lot has been subdivided and the site is now legally described as Lot 2000 DP 588650, within Record of Title 1119955. The total land area is of Lot 2000 is 58.1522ha. The area subject to PC54 is 11ha.

2 The provisions – changes sought by submitters and as recommended in the Section 42A report

- 2.1 Below I address, in s32 terms, each of the changes that submitters have sought and as recommended by Mr Munro, starting with the substantive changes and then the consequential changes.

Policy 3.1

- 2.2 PC54 sought to amend Policy 3.1 of Chapter 12.33 (NSZ objectives and policies) to include reference to Sticky Forest as follows:

3.1 To ensure that roading is integrated with existing development, and the existing road network, and with Sticky Forest (to the west).

- 2.3 As stated in the s42A report¹ Mr Munro supports the addition to Policy 3.1 as notified.
- 2.4 NIL has engaged with Te Rūnanga o Ngāi Tahu (**TRONT**) (Submission #22) and Te Arawhiti – Office for Māori Crown Relations (**Te Arawhiti**) (Submission #20)

¹ s42A report, para 8.11

to resolve issues raised in TRONT's submission, and the following wording of Policy 3.1 is agreed between NIL, TRONT and Te Arawhiti:

3.1 To ensure that roading is integrated with existing development, and the existing road network, ~~and with~~ including provision for legal vehicle and infrastructure servicing access to Hawea/Wānaka - Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District) (to the west).

- 2.5 The amended wording of Policy 3.1 continues to enable a road connection to Sticky Forest while also enabling infrastructure servicing to be provided to Hawea/Wānaka - Sticky Forest.
- 2.6 The amended wording will maintain the policy's effectiveness and efficiency in setting the direction for the various rules that give effect to it.

Rule 12.34.2.3.i

- 2.7 Mr Munro has recommended additional matters of discretion ((b), (g) and (m)) under Rule 12.34.2.3 – Residential Activities (excluding buildings) in Activities Area [B6]. I address each of these additional matters of discretion as follows (Mr Munro's additions are underlined):

Matter of discretion (b)

(b) Roading pattern and vehicle access arrangements, including integration with existing development and, in the case of Activity Area B6, weight restrictions applying to High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016) at the connection to Sticky Forest;

- 2.8 Mr Goldsmith has discussed the legal issues with this rule, and Mr Carr addresses it from his transport perspective. I do not comment further other than that the substance of the rule is covered by the proposed matter of discretion 12.34.2.3.v which I address in detail in paragraphs 2.21 – 2.28 below.

Matter of discretion (g) – stormwater

- 2.9 This is a matter of discretion for applications for land use consent including an Outline Development Plan for residential activities. It states, with Mr Munro's proposed additional wording underlined:

(g) Proposed methods of low impact stormwater disposal including in the case of Activity Area B6 methods for:

1. Limiting post-development peak flow to 80% of pre-development peak flow for the 2-year, 5-year, 10-year, 20-year and 100-year events, and
2. Retention or volume reduction of at least 5 mm runoff depth in any storm, and
3. Extended detention storage draining down over 24 hours, for the difference between the pre- and post-development runoff volumes from the 95th percentile 24-hour rainfall event minus the 5 mm retention identified in (2) above;

2.10 I do not consider that the additional words are necessary, for the following reasons:

(a) There would be an inherent spatial aspect to the stormwater measures (the general location of stormwater detention areas and their connections to other stormwater related features such as swales) for the Outline Development Plan. This spatial aspect is already inherent in the matter of discretion as currently worded, and in the related assessment matter at 12.34.5.2.iii(f), which states:

- (f) **In regard to approaches to stormwater disposal**
- (i) **Whether, where practical, low impact design solutions are employed.**
 - (ii) **Whether, where possible, safe and practical proposals to integrate stormwater management facilities into an attractive public realm and/or conservation corridors are proposed.**

The wording in my view would require that stormwater management locations (ponds, swales etc) would at least need to be shown on an Outline Development Plan;

- (b) The actual mechanics of the stormwater management (pond / swale depths and treatment facilities within them) would require detailed engineering design, which would be carried out not at the time of the Outline Development Plan approval but at the stage of subdivision consenting or engineering approval;
- (c) The detailed design would in any case be required to address the relevant code of practice which would be engaged at the time of subdivision consent or engineering approval;

(d) Mr Munro's additions (if retained) should instead be set out in an assessment matter located within the subdivision chapter (Chapter 15) because the rule would be engaged at subdivision stage not at Outline Development Plan stage.

2.11 Chapter 15 (Subdivision) Part 15.2.12 contains District-wide provisions for stormwater disposal. Under Rule 15.2.12.1 (Controlled Subdivision Activities – Stormwater Disposal) any subdivision in any zone, complying with the standards, is a Controlled activity, with control reserved over:

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

2.12 In addition there are zone standards (relating to only one zone) and a wide-ranging suite of assessment matters for all zones, with some more specific assessment matters for three zones. I consider that the controlled activity status, matters of control and assessment matters in Chapter 15 provide an adequate consenting regime for stormwater management for Activity Area B6. This is consistent with Mr Steel's evidence that the s42A report's proposed new matter of discretion (g) is not necessary because the Code of Practice already requires the necessary level of assessment².

2.13 If any further provision in the ODP is necessary, I consider that this can be an assessment matter that focuses the assessment on the detail in Mr Munro's wording in matter of discretion (g). This assessment matter, following the general and zone-specific format in Chapter 15.2.12.3, is:

In addition to the above, within the Northlake Special Zone:

(xvi) The adequacy of proposed methods to achieve compliance with the Council's Code of Practice in respect of post-development stormwater discharge being no greater than pre-development stormwater discharge, taking into account:

² Draft evidence of Anthony Steel from 5 July, paragraphs not numbered

1. Pre-development peak flows for the 2-year, 5-year, 10-year, 20-year and 100-year events;
2. The cumulative effect of increased volumes and resulting increased coincidence of peak flows and consequential effects on the storage capacity of downstream stormwater retention devices and systems.

2.14 This does not include the provision for limiting post-development peak flow to 80% of pre-development peak flow for the various event periods, and I rely on Mr Steel's explanation of why this provision is not necessary³.

2.15 Taking into account:

- Mr Steel's evidence; and
- Mr Bretherton's concern that the s42A recommended rule for stormwater would require extensive, detailed and expensive modelling to be carried out at the first stage land use consent rather than at the more appropriate time of the subdivision consent or engineering approval stages⁴ –

I consider that the relocation of Mr Munro's proposed matter of discretion to the dedicated stormwater management assessment matters in Chapter 15, with the modifications I set out above, is a more efficient method for managing AA B6's stormwater, as it triggers the necessary engineering design at subdivision stage, not at Outline Development Plan stage.

2.16 There is no environmental risk arising from my modifications as the provisions will require the necessary assessments and designs to be carried out, audited and approved by the Council, and will avoid, remedy or mitigate any potential downstream effects from stormwater runoff. The provisions in my view are therefore consistent with achieving the purpose of the Act.

Matter of discretion (m) – building height and landscaping in AA B6

2.17 Mr Munro recommends a new Rule 12.34.2.3(m) as follows:

(m) In the case of Activity Area B6:

1. methods including building height and/or the location of allotment boundaries or building platforms to ensure no part of

³ ibid

⁴ Evidence of Marc Bretherton, paragraph 42

any building breaches the ridgeline as viewed from land and waters west of the zone; and

2. provision of landscaping, including on land within Activity Area E1 adjacent to the water reservoir, to mitigate the visual impact of development within Activity Area B6, including that part closest to the ONL boundary.

2.18 Mr Skelton has reviewed this provision and analysed the visibility of structures in relation to the ridgeline and distant viewing locations. He recommends that a height restriction be applied to buildings in AA B6, and this can be accommodated in the existing NSZ zone standard for building height, as follows:

iv. **Building Height**

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

(a) **Flat sites**

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

- **8.0m for residential activities within Activity Areas A, B1 – B5, and C2 – C4;**
- **8.0m for residential activities in Activity Area B6, provided that no part of any building shall be higher than 401.5masl;**
- **5.5m in Activity Area C1;**
- **10.0m for activities within Activity Area D1 (provided that buildings within 40m of the legal boundary of Outlet Road north of Mt. Burke Drive shall be no more than 2 levels), ...**

2.19 I consider that this rule is a more efficient method of achieving the goal of avoiding visibility of buildings when viewed from the external locations identified by Ms Mellsop than the matter of discretion proposed by Mr Munro. I therefore consider that this rule should be inserted into the NSZ provisions and Mr Munro's rule (m) deleted.

2.20 Mr Skelton has commented on Ms Mellsop's recommendation about possible additional planting west and east of the water reservoir and considers that such planting would not be necessary to avoid or mitigate any adverse effects from AA B6 development on the nearby ONL. I support that approach and therefore consider that limb 2. of Mr Munro's rule (m) is not necessary.

Rule 12.34.2.3.v – effects of Sticky Forest traffic within the NSZ

2.21 Mr Munro recommends a new Rule 12.34.2.3.v as follows:

v. Any traffic generated by land use activities within Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District) seeking to access and use roads within the Northlake Special Zone

The exercise of Council’s discretion shall be limited to:

(a) Total traffic volumes and means to safely accommodate that.

(b) Provision of road or network upgrades to accommodate increased vehicular, cycle and pedestrian traffic.

(c) Streetscape amenity and the amenity of residential allotments adjoining a road or roads proposed to accommodate an increase in traffic volumes.

(d) In the case of forestry and/or construction-related traffic:

1. The limitation or avoidance of frequent or high-volumes of High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016), and/or Heavy Commercial vehicles (HCV);

2. The suitability of any Construction Traffic Management Plan or Forestry Traffic Management Plan, and any associated measures or temporary works proposed; and

3. The imposition of weight restrictions on roads.

2.22 I have three general comments on this rule, and some specific comments on the drafting. Where I propose changes to the wording of Mr Munro’s provisions, I set these out in blue text.

2.23 My first general comment is that the rule should flow from an NSZ objective or policy in Part 12.33.2 of the ODP. I consider that a new policy is necessary, under Objective 3 – Connectivity. This would read:

3.7 To manage the potential adverse effects of traffic generated by activities within Sticky Forest using the zone’s roading network.

2.24 My second general comment is that it is unusual for a zone to contain a rule that would be triggered when activities in another zone are proposed. This is because each zone should (ideally, in best practice terms) be “self-contained” for managing the effects of its own activities. However, that is a drafting issue only and this is an unusual factual situation bearing in mind the history of Sticky Forest.

- 2.25 My third general comment is that I consider that the basic intent of the rule is workable and valid under sections 76(3) and (4) of the Act.
- 2.26 I consider that some redrafting is necessary, and I have reviewed Mr Goldsmith's comments at paragraph 26 of his submissions (and I confirm that I discussed those matters with Mr Goldsmith while he was preparing those submissions). My comments in paragraphs (a) – (g) below correspond to Mr Goldsmith's paragraph 26a. – g, and my redrafted rule (and a new assessment matter) are set out in paragraph 2.26 below.
- (a) As currently worded the rule applies to "any traffic generated by land use activities within Sticky Forest" and would catch any traffic, even a single car for a permitted activity within Sticky Forest, or a bicycle. That would be an inefficient consenting burden, in my view, and should be remedied by:
- (i) specifying that the rule applies to motorised vehicular traffic; and
- (ii) specifying the activities that would generate traffic that could materially impact roading and amenity in the NSZ, including residential, commercial and forestry activities;
- (b) In matters of discretion (a) and (b) I agree that "manage" is more appropriate than "accommodate" because "manage" more explicitly confers restrictions. Also:
- (i) in matter of discretion (b), "vehicular, cycle and pedestrian" can be removed because that detail can be located within the assessment matter; and
- (ii) in matter of discretion (d), I consider that "and/or construction" can be deleted because the NSZ roading network would otherwise be expected to accommodate construction traffic, for normal construction associated with residential subdivision and development) to Activity Area B6 (or the western parts of Activity Areas B2 and C1 if PC54 is not adopted);
- (c)-(f) The matter of discretion for forestry traffic is reduced to the core issue of management of this traffic including limiting or avoiding it, and with the detail set out in the assessment matter;
- (g) The assessment matter would take into account the Council's powers under Land Transport Rule 41001/2016.

2.27 Taking into account the above, the reworded rule and the new assessment matter would read:

- v. Any motorised vehicular traffic generated by ~~land-use~~ residential, commercial or forestry activities within Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District) seeking to access and use roads within the Northlake Special Zone.

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

- (a) Total traffic volumes and means to safely ~~accommodate~~ manage that.
- (b) Provision of road or network upgrades to ~~accommodate~~ manage increased ~~vehicular, cycle and pedestrian~~ traffic.
- (c) Streetscape amenity and the amenity of residential allotments adjoining a road or roads proposed to accommodate an increase in traffic volumes.
- (d) ~~In the case~~ The management, including any limitation or avoidance, of forestry ~~and/or construction-related~~ traffic.:
- ~~1. The limitation or avoidance of frequent or high volumes of High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016), and/or Heavy Commercial vehicles (HCV);~~
 - ~~2. The suitability of any Construction Traffic Management Plan or Forestry Traffic Management Plan, and any associated measures or temporary works proposed; and~~
 - ~~3. The imposition of weight restrictions on roads.~~

12.34.5.2 Assessment matters

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

...

xvi. Restricted discretionary activity – motorised vehicular traffic generated within Sticky Forest seeking to access and use roads within the zone (Rule 12.32.2.3.v):

- (a) Whether and the extent to which the activities within Sticky Forest should be managed in order to avoid or mitigate potential adverse effects of traffic generated by those activities on:
1. The infrastructure and safety of the roading network within the zone; and

2. The streetscape amenity and the amenity values of residential properties adjoining roads within the zone;

(b) The frequency, volumes and timing (hours of day) of traffic using roads in the zone;

(c) Whether changes or upgrades to the roads are required to manage increased vehicular, cycle and pedestrian traffic.

(d) In the case of forestry-related traffic:

1. Whether High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016), and/or Heavy Commercial vehicles (HCV) should be avoided, limited or otherwise managed to avoid or mitigate potential adverse effects;

2. Whether any Construction Traffic Management Plan or Forestry Traffic Management Plan, and any associated measures or temporary works proposed, are suitable; and

3. Whether any weight, length or width restrictions on vehicles are required, taking into account any restrictions or conditions already imposed on the relevant HPMV under the Land Transport Rule 41001/2016.

2.28 I agree with Mr Munro's reasons for including the new rule⁵, and consider that it will be effective in managing the effects of traffic generated in Sticky Forest on the roading network and amenity values within the NSZ. I prefer my proposed wording of the matters of discretion, which still cover the substance of Mr Munro's wording, but with the specific detail transferred into the new corresponding assessment matters. This is:

- (a) consistent with the framework of provisions in the NSZ;
- (b) efficient, in that the matters of discretion, being part of the rule, identify the specific topics that the focus of the effects assessment arising from the activity should be on, complemented by the assessment matters which provide specific guidance for and draw attention to the matters that need to be addressed in the assessment of effects;
- (c) consistent with the purpose of the Act in that the potential adverse effects would be identified and managed accordingly.

⁵ s42A report, paragraph 10.29

Rule 12.34.3(i)

2.29 Mr Munro recommends an addition to Rule 12.34.3(i) as follows (addition underlined):

- i. **All applications for Restricted Discretionary Activities excluding 12.34.2.3(v), except that where the owners of land adjoining an area subject to a consent application with an Outline Development Plan may be affected by a proposed roading connection (or lack thereof) then notice may be served on those persons considered to be potentially adversely affected if those persons have not given their written approval.**

2.30 I accept this addition and Mr Munro's reasons for including it⁶.

Rule 15.2.3.4.xx

2.31 PC54 seeks to create a new non-complying activity Rule 15.2.3.4(xx) in the Subdivision Chapter to require the legal establishment of the required road link to Sticky Forest as part of any subdivision in Activity Area B6 as follows:

(xx) In the Northlake Special Zone, any subdivision of Activity Area B6 that does not require, by condition of consent, the legal establishment of establish legal vehicle and infrastructure servicing access to Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District).

2.32 Te Arawhiti (Submission #20) submitted that this rule be amended as follows (amended text in red):

(xx) In the Northlake Special Zone, any subdivision of Activity Area B6 that does not ~~require, by condition of consent, the legal establishment of~~ establish legal vehicle and infrastructure servicing access to Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District).

2.33 NIL has engaged with Te Arawhiti and has agreed with this proposed wording, and I concur with that agreement because:

- the words "conditions of consent", on reflection, are inferred from the rule and are superfluous; and

⁶ *ibid*, paragraph 10.30

- the addition of “and infrastructure servicing” is consistent with the purpose of PC54.

2.34 Mr Munro⁷ prefers NIL’s wording of the rule and recommends an addition as follows (additions underlined):

- (xx) **In the Northlake Special Zone, any subdivision of Activity Area B6 that does not require, by condition of consent, the legal establishment of legal vehicle access that includes a weight restriction so as to limit use by High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016) to Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District).**

2.35 Based on my comments in paragraph 2.33 above I prefer the wording agreed with Te Arawhiti, and I do not consider that the additional words relating to HPMV are necessary because the substance of that topic is addressed by the new Rule 12.34.3.2.v and the associated assessment matter 12.34.5.2.xvi and does not need to be repeated in the subdivision rule.

Consequential changes

2.36 I agree with Mr Munro’s change in Rule 15.2.3.3(x) (Discretionary subdivision activities) which adds Activity Area B6 to this rule⁸.

2.37 The same change needs to be made in Assessment matter 15.2.3.6(d)(i)(a), as follows:

(d) Northlake Special Zone – Assessment Matters

- (i) **In considering whether to grant consent for subdivision in accordance with Rule 15.2.3.3(x) the Council shall have regard to, but not be limited by, the following assessment matter:**

- (a) **The extent to which the proposed subdivision may preclude or adversely affect the integrated planning and development, development and approval of any of Activity Areas B1 to ~~B56~~, C1 to C4 and D1.**

⁷ *ibid*, paragraph 10.26(c)

⁸ *ibid*, paragraph 11.31

3. Conclusion

- 3.1 In summary I agree with Mr Munro's assessments and conclusions other than on the matters I have addressed above. I consider that either some of the additional provisions he has recommended, in response to the Council experts' analyses, are either not necessary or should be modified in the manner and for the reasons expressed above.
- 3.2 With those modifications, I consider that the changes proposed in PC54 are efficient and effective in achieving the objectives of PC54, taking into account the environmental, social and economic costs (including transaction costs) and benefits of the changes. There is no environmental risk of acting (by adopting the provisions) but not acting (by not adopting the provisions, in whichever form they take) would not fulfil the objectives of PC54.
- 3.3 As identified in the request and enunciated well by Mr Munro, the principles of the Treaty of Waitangi are taken into account by PC54, in fulfilment of s8 of the Act.
- 3.4 The objectives of the proposal – to provide formal access to and infrastructure corridor for Sticky Forest and to expand the area available for urban residential use in the northwestern part of the NSZ – are necessary and are the most appropriate way to achieve the purpose of the Act, taking into account the existing higher order provisions of the ODP and the relevant provisions of the regional and national planning instruments. I consider that the provisions are the most appropriate way to achieve the NIL objectives, taking into account the submissions, expert reports and evidence.
- 3.5 Overall, for the reasons expressed above, and in the s42A report and evidence of the Council and NIL, the updated changes as set out in my [Attachment B](#) will achieve the objectives and the purpose and principles of the Act.

J Brown

6 July 2023

Jeffrey Brown – CV

Curriculum vitae – Jeffrey Brown

Professional Qualifications

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

- May 05 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.
- 1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.
- 1996-1998: Director, JBA, Queenstown – resource management consultant.
- 1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

Other

- Full member of the Resource Management Law Association
- New Zealand Planning Institute – presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016)
- Judge, New Zealand Planning Institute Best Practice Awards (2017 – present)

Attachment B

Proposed Changes to the Operative District Plan Updated version including modifications

PC54 Planning Evidence – recommended Plan provisions

Notes:

1. Plan text denotes existing Operative District Plan provisions.
2. Strikethrough and/or new underlined text **highlighted in yellow** denotes provisions proposed by Northlake Investments Limited.
3. Strikethrough and/or new underlined text **highlighted in green** denotes modifications proposed in the s.42A report as a result of matters arising in the submissions and further submissions, and statutory assessment of the merits of PC54.
4. Strikethrough and/or new underlined text **highlighted in turquoise** denotes modifications proposed by Northlake Investments Limited in evidence.

12.33 Northlake Special Zone - Issues, Objectives and Policies

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

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

12.33.1 Issues

i Landscape and Amenity

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

ii Community

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

iii Ecology

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

iv Open Space and Recreation

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

v Efficient Land Use

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

vi Infrastructure

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

12.33.2 Objectives and Policies

Objective 1 – Residential Development

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

Policies

- 1.1 To establish a mix of residential densities that will provide a residential environment appealing to a range of people.
- 1.2 To enable medium density living within the less sensitive parts of the zone in order to give Northlake a sense of place and to support a neighbourhood commercial and retail precinct.
- 1.3 To maintain and enable residential lot sizes in Activity Areas A and C4 consistent with the adjacent Rural Residential Zone.
- 1.4 To enable and encourage low density residential activities within Activity Areas B1 – [B56](#).
- 1.5 To enable and encourage larger residential lot sizes within Activity Areas C1 – C3.
- 1.6 To enable and encourage medium density residential activities within Activity Area D1.
- 1.7 To provide for small scale neighbourhood retail activities including one small supermarket to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.
- 1.8 To provide for community activities, including educational facilities, to serve the needs of the Northlake community and to be available for use by the wider Wanaka community.
- 1.9 To enable affordable housing by providing for cost effective development and by requiring a range of lot sizes and housing typologies, including 20 affordable lots (as defined in Rule 15.2.20.1).

Objective 2 – Urban Design

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

Policies

- 2.1 To use a Structure Plan to establish:
 - The location of Activity Areas
 - The primary roading network
 - Required walking and cycle connections
 - Areas where buildings are prevented from occurring due to landscape sensitivity
 - Areas where existing vegetation forms an important landscape or ecological feature and should be protected
- 2.2 To require development to be consistent with the Northlake Structure Plan.

2.3 To require the use of Outline Development Plans in resource consent applications for Activity Areas B1 to B56, C1 to C4 and D1 in order to:

- implement the objectives and policies of the Zone and the relevant Activity Area and the Northlake Structure Plan;
- determine the general location of anticipated future activities and built form within the Activity Area;
- achieve any required density range within the relevant Activity Area;
- achieve appropriate integration of anticipated future activities.

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

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

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

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

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

Objective 3 – Connectivity

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

Policies

3.1 To ensure that roading is integrated with existing development, and the existing road network, and with including provision for legal vehicle and infrastructure servicing access to Hawea/Wānaka - Sticky Forest) (Section 2 of 5 Block XIV Lower Wanaka Survey District) (to the west).

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

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

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

3.5 To reduce travel distances through well connected roads.

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

3.7 To manage the potential adverse effects of traffic generated by activities within Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District) using the zone's roading network.

Objective 4 – Landscape and Ecology

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

Policies

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

Objective 5 – Recreation

The establishment of areas for passive and active recreation. Policies

- 5.1 To identify areas for passive and active recreation, and to encourage connections between recreational areas.
- 5.2 To ensure that community recreation areas are located on flatter areas within the zone.
- 5.3 To encourage the provision of public access to the Clutha River.
- 5.4 To require provision of community facilities at an early stage in the development of the zone.

Objective 6 – Infrastructure

Provision of servicing infrastructure to cater for demands of development within the zone in an environmentally sustainable manner

and to enhance wider utility network systems where appropriate.

Policies

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

12.34 Northlake Special Zone - Rules

12.34.1 District Rules

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

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

(vii) Relocated Buildings and Temporary Activities - Refer Part 19

Council's control limited to:

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

12.34.2 Activities

12.34.2.1 Permitted Activities

- i. Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Restricted Discretionary, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.
- ii. Non-residential activities involving up to one full time equivalent person who permanently resides elsewhere than on the site and occupying no more than 40m² of the gross floor area of the buildings on a site.

12.34.2.2 Controlled Activities

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

i. Buildings in Activity Area A

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

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

ii. Buildings in Activity Areas C1 to C4

The addition, external alteration or construction of buildings within the Activity Areas C1 to C4, with the exercise of

iii. Removal of trees from the Tree Protection Areas

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

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

12.34.2.3 Restricted Discretionary Activities

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

i. Residential Activities (excluding buildings) in Activity Areas B1 to B56 and C1 to C4

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

- (a) Indicative subdivision design, density of residential units, lot configuration and allotment sizes;

NORTHLAKE SPECIAL ZONE - RULES

12

- (b) ~~Roading pattern and vehicle access arrangements, including integration with existing development and, in the case of Activity Area B6, weight restrictions applying to High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016) at the connection to Sticky Forest;~~
- (c) Proposed road and street designs, including landscaping;
- (d) Location and suitability of pedestrian and cycling connections and linkages to surrounding pedestrian and cycling networks;
- (e) Location and suitability of open space and recreational amenity spaces;
- (f) The proposed methods of servicing by infrastructure;
- (g) ~~Proposed methods of low impact stormwater disposal including in the case of Activity Area B6 methods for:~~
 - 1. ~~Limiting post development peak flow to 80% of pre-development peak flow for the 2 year, 5 year, 10 year, 20 year and 100 year events, and~~
 - 2. ~~Retention or volume reduction of at least 5 mm runoff depth in any storm, and~~
 - 3. ~~Extended detention storage draining down over 24 hours, for the difference between the pre and post development runoff volumes from the 95th percentile 24-hour rainfall event minus the 5 mm retention identified in (2) above;~~
- (h) Proposals to protect and enhance conservation values;
- (i) Measures to address any adverse effects resulting from any contaminated sites;
- (j) The extent to which natural topography is respected, where practical;
- (k) Integration of the Outline Development Plan with other parts of the zone, or with other consents with Outline Development Plans that have been approved ~~or, in the case of Activity Area B6 integration with Sticky Forest;~~
- (l) Species of trees (Note: required to be specified for the purposes of Rule 12.34.4.1.x).
- (m) ~~In the case of Activity Area B6:~~
 - 1. ~~methods including building height and/or the location of allotment boundaries or building~~

~~platforms to ensure no part of any building breaches the ridgeline as viewed from land and waters west of the zone; and~~

- 2. ~~provision of landscaping, including on land within Activity Area E1 adjacent to the water reservoir, to mitigate the visual impact of development within Activity Area B6, including that part closest to the ONL boundary.~~

ii. Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages (all excluding

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

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

NORTHLAKE SPECIAL ZONE - RULES

12

outcomes on sites with internal setbacks of less than 1.5 m and

/ or lot sizes smaller than 400m²;

- (n) Species of trees (Note: required to be specified for the purposes of Rule 12.34.4.1.x).

iii. Residential Buildings

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

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

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

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

- (a) The location, external appearance and design of buildings;
- (b) Infrastructure and servicing;
- (c) Associated earthworks and landscaping;
- (d) Access;
- (e) The amount of vehicle parking, its location and layout;
- (f) Location of buildings on the site;
- (g) Hours of operation; and
- (h) Integration between the proposed building and other consents with Outline Development Plans relevant to the site.

v. **Any motorised vehicular traffic generated by land use residential commercial or forestry activities within Sticky**

Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District) seeking to access and use roads within the Northlake Special Zone.

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

- (a) **Total traffic volumes and means to safely accommodate manage that.**
- (b) **Provision of road or network upgrades to accommodate manage increased vehicular, cycle and pedestrian traffic.**
- (c) **Streetscape amenity and the amenity of residential allotments adjoining a road or roads proposed to accommodate an increase in traffic volumes.**
- (d) **In the case The management, including any limitation or avoidance, of forestry and/or construction-related traffic:**
 - 1. The limitation or avoidance of frequent or high volumes of High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016), and/or Heavy Commercial Vehicles (HCV);**
 - 2. The suitability of any Construction Traffic Management Plan or Forestry Traffic Management Plan, and any associated measures or temporary works proposed; and**
 - 3. The imposition of weight restrictions on roads.**

12.34.2.4 Discretionary Activities

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

- i. Any Activity which is not listed as a **Non-Complying Activity** or **Prohibited Activity** and which complies with all the Zone Standards but does not comply with one or more of the Site Standardss hall be a **Discretionary Activity** with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.
- ii. Residential Activities (excluding buildings) in Activity Areas B1 to **B56** and C1 to C4 and Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages (all

NORTHLAKE SPECIAL ZONE - RULES

12

excluding buildings) in Activity Area D1 where an Outline Development Plan is proposed for only part of Activity Areas B1 to **B56**, C1 to C4 and D1.

12.34.2.5 Non Complying Activities

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

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

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

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

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

- viii. **The use or development of land within any of Activity Areas B1 to **B56**, C1 to C4 and D1 that is not in accordance with Rule 12.34.2.3.i or Rule 12.34.2.3.ii in respect of all of that Activity Area or under Rule 12.34.2.4.ii in respect of part of that Activity Area.**
- ix. **Visitor Accommodation, Commercial, Retail and Community**

Activities and Retirement Villages within Activity Areas A, B1 to **B56 and C1 to C4.**

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

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

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

12.34.2.6 Prohibited Activities

The following shall be **Prohibited Activities**:

- i. **Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (except if ancillary to any retail activity or restaurant), or any activity requiring an Offensive Trade License under the Health Act 1956.**
- ii. **Planting the following trees:**
 - (a) Pinus radiata
 - (b) Pinus muricata
 - (c) Pinus contorta
 - (d) Pinus ponderosa
 - (e) Pinus sylvstris
 - (f) Pinus nigra
 - (g) Douglas Fir
 - (h) All Eucalyptus varieties
 - (i) Silver Birch
 - (j) Hawthorn

Except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

12.34.3 Non-Notification of Applications

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

- i. All applications for **Restricted Discretionary Activities** **excluding 12.34.2.3(v)**, except that where the owners of land adjoining an area subject to a consent application with an Outline Development Plan may be affected by a proposed roading connection (or lack thereof) then notice may be served on those persons considered to be potentially adversely affected if those persons have not given their written approval.

Note:

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

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

- (a) Access;

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

12.34.4 Standards

12.34.4.1 Site Standards

i. Nature and Scale of Non-Residential Activities

- (a) Within Activity Areas A, B1 – **B56**, and C1 – C4 no more than one full time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity.
- (b) Within Activity Areas A, B1 – **B56**, and C1 – C4 no more than 40m² of the gross floor area of the buildings on a site shall be used for non-residential activities.
- (d) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight and the storage of outdoor items ancillary to activities located on the site.
- (e) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

ii. Setback from Roads

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

iii. Setbacks from Internal Boundaries

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

building shall be:

Front Site

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

Rear Sites

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

- (b) Within Activity Areas D1 the minimum setback from internal boundaries for any building shall be 1.5m unless otherwise authorized through a consent under Rule 12.34.2.3.i, Rule 12.34.2.3.ii or Rule 12.34.2.4.ii.
- (c) Accessory buildings for residential activities other than those used for the housing of animals may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.
- (d) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
 - (i) eaves up to 0.6m into the setback; and
 - (ii) balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and
 - (iii) porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
 - (iv) chimneys may project into the setback by up to

0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and

- (v) no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.

- (e) No setback is required from an internal boundary where buildings share a common wall on that boundary.

- (f) No setback is required from a rear lane within Activity Area D1.

iv. Continuous Building Length

Where the aggregate length along one elevation of buildings measured parallel to any internal boundary or internal boundaries exceeds 16m; either:

- (a) The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum yard setback (continuous façades) at the same distances from the boundary; or
- (b) That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard setback (varied façade(s) with stepped setbacks from the boundary).
Refer Appendix 4

v. Outdoor Living Space

- (a) The minimum provision of outdoor living space for each residential unit at the ground floor level contained within the net area of the site shall be:
 - (i) For residential activities within Activity Area D1 , 40m² contained in one area with a minimum dimension of 4m; In addition, it is to be directly accessible from the principal living room, has a gradient not exceeding 1:20, is free of buildings, parking spaces, servicing and manoeuvring areas, and excludes any area with a dimension of less than 1m.

- (ii) In all other Activity Areas 36m² contained in one area with a minimum dimension of 4.5m.

- (b) The minimum provision of outdoor living space for each residential unit above ground level shall be 8m² contained in one area with a minimum dimension of 2m.
- (c) The outdoor living space shall be readily accessible from a living area.
- (d) No outdoor living space shall be occupied by:
 - (i) Any building, other than an outdoor swimming pool or accessory building of less than 8m² grossfloor area; or
 - (ii) A driveway or parking space; or
 - (iii) Areas to be used for the storage of waste and recycling.

vi. Garages

In Activity Areas B1 – B56 and D1 garages and carports must be setback at least level with the front façade (i.e. the façade facing the street) of the residential unit.

vii. Walls and Fences

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

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

they are post and wire.

viii. Access

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

ix. Earthworks

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval or any earthworks that form part of Plantation Forestry.

(a) Earthworks

- (i) The total volume of earthworks does not exceed 200m³ per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
- (ii) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 400m² in area within that site (within a 12 month period).
- (iii) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m³ (notwithstanding provision 17.2.2).
- (iv) No earthworks shall:
 - (a) expose any groundwater aquifer;
 - (b) cause artificial drainage of any groundwater aquifer;
 - (c) cause temporary ponding of any surface water.

(b) Height of cut and fill and slope

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

- (iii) The maximum height of any fill shall not exceed 2m.
- (c) Environmental Protection Measures
 - (i) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
 - (ii) Any person carrying out earthworks shall:
 - a. Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
 - b. Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
 - c. Implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
- (d) Protection of archaeological sites and sites of cultural heritage
 - (i) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites, or in the Kai Tahu ki Otago Natural Resource Management Plan.
 - (ii) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.
 - (iii) If koiwi (human skeletal remains), waahi taoka (resource or object of importance including greenstone/pounamu), waahi tapu (place or feature of special significance) or other artefact

materials are discovered work shall stop, allowing for a site inspection by the appropriate Runaka and their advisors. These people will determine if the discovery is likely to be extensive and whether a thorough site investigation will be required. Materials discovered should be handled and removed by takata whenua who possess knowledge of tikanga (protocol) appropriate to their removal or preservation.

x. Landscaping and Planting

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

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

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

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

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

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

- (i) 'coverage' shall be achieved by planting at a maximum of 2m between plants
- (ii) planting shall be completed within 12 months of Code of

NORTHLAKE SPECIAL ZONE - RULES

12

Compliance certification of a building on the site in accordance with the Building Act 2004.

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

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

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

- (e) Within the Tree Protection Areas, any tree that dies shall be replaced within 12 months by a non-wilding evergreen tree.

xi. Outlook Space

- (a) An outlook space must be provided from the face of a building containing windows or balconies to a habitable room. Where the room has two or more external faces with windows or balconies the outlook space must be provided from, in order of priority, the

face with the largest balcony or largest area of glazing.

- (b) The minimum dimensions for a required outlook space are as follows:
- (i) principal living room: 6m in depth and 4m in width
 - (ii) principal bedroom: 3m in depth and 3m in width
 - (iii) all other habitable rooms: 1m in depth and 1m in width.
- (c) The depth of the outlook space is measured at right angles to and horizontal from the window or balcony to which it applies. Where the outlook space applies to a balcony, it must be measured from the outside edge of the balcony.
- (d) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies or from the centre point of the largest balcony.
- (e) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the control applies.
- (f) Outlook spaces may be within the site, over a public street, or other public open space.
- (g) Outlook spaces required from different rooms within the same dwelling may overlap.
- (h) Outlook spaces must:
- (i) be clear and unobstructed by buildings
 - (ii) not extend over adjacent sites or overlap with outlook spaces required by another dwelling.
- (i) An outlook space at ground floor level from a principal living room may be reduced to 4m deep if privacy to adjacent dwellings is provided by fencing at least 1.6m in height.

xii. Universal Access

- (a) Where an attached multi-unit development contains 10 or more dwellings, 20 per cent of those dwellings must comply with the following:

- (i) doorways must have a minimum clear opening width of 810mm
- (ii) stairwells must have a minimum width of 900mm
- (iii) corridors must have a minimum width of 1050mm
- (iv) the principal means of access from the frontage, or the parking space serving the dwelling, to the principal entrance of the dwelling must have:
 - a minimum width of 1.2m
 - a maximum slope of 1:20
 - a maximum cross fall of 1:50.

- (b) Where the calculation of the dwellings required to be universally accessible results in a fractional dwelling, any fraction that is less than one-half will be disregarded and any fraction of one-half or more will be counted as one dwelling.

- (c) All dwellings required to be universally accessible must provide at least one parking space for people with a disability. The dimensions and accessible route requirements for such parking spaces are detailed in Section 5.5 of the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS 4121- 2001).

xiii. Sustainable development

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

- or
- (ii) certification under the Living Building Challenge

- (b) This control does not apply to:

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

xiv. Separation between buildings within a site

- (a) Buildings must be separated where the habitable room of a dwelling has windows or balconies that face out to the wall of another building on the same site (the facing wall). Where the room has two or more external faces with windows or balconies the building separation must be applied from, in order of priority, the face with the largest balcony or the largest area of glazing.
- (b) The separation space required must be free of buildings for the depth, width and height set out below.
- (c) The depth of the separation space is measured at right angles to, and horizontal from, the window or balcony to which it applies across to the facing wall, excluding eaves or guttering. Where the building separation applies to a balcony, it is measured from the outside edge of the balcony.
- (d) For the principal living room, the depth of the separation space required is equal to the height of the facing wall above the floor level of the habitable room, or 15m, whichever is the lesser.
- (e) For the principal bedroom, the depth of the separation space required is 6m.
- (f) For other habitable rooms, the depth of the separation space required is 3m.
- (g) The width of the separation space is 50 per cent of its depth and is measured from the centre point of the largest window on

NORTHLAKE SPECIAL ZONE - RULES

12

the building face to which it applies or from the centre point of the largest balcony.

- (h) The height of the separation space is from the height of the floor or balcony upwards, clear to the sky except that eaves or gutters may protrude into it.
- (i) Where the adjacent building is not perpendicular to the distance being measured, the minimum separation depth required must be measured as an average around the centre line of the window/balcony.

12.34.4.2 Zone Standards

i. Structure Plan

All activities and developments must be carried out in accordance with the Structure Plan, provided that this rule does not apply to an amendment of boundaries of up to 50m between Activity Areas B1 - B56 and D1.

ii. Outline Development Plan & Staging Plan

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

timeframes for development in the relevant parts of the Northlake Special Zone to enable infrastructure servicing works to be programmed. The first consent with an Outline Development Plan lodged shall be accompanied by a Staging Plan for the whole of the Northlake Special Zone and this is to be progressively revised as subsequent consents and Outline Development Plans are lodged over time.

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

iii. Density

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

Table 1:

| Activity Areas | Density (residential units per hectare) |
|----------------|---|
| A & C4 | N/A |
| B1 – B56 | 10 |
| C1 – C3 | 4.5 |
| D1 | 15 |

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

iv. Building Height

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

- (a) Flat sites

NORTHLAKE SPECIAL ZONE - RULES

12

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

- 8.0m for residential activities within Activity Areas A, B1 – B56, and C2 – C4;
- 8.0m for residential activities within Activity Area B6, provided that no part of any building shall be higher than 401.5masl;
- 5.5m in Activity Area C1;
- 10.0m for activities within Activity Area D1 (provided that buildings within 40m of the legal boundary of Outlet Road north of Mt. Burke Drive shall be no more than 2 levels),

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

except:

- (i) Gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m² with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.
- (ii) The recession line shall not apply to buildings that share a common wall on an internal boundary and shall not apply to Activity Area D1.
- (b) Sloping site

Where any elevation indicates a ground slope of

greater than 6 degrees (approximately 1:9.5) then the maximum height for buildings shall be 7.0m:

except:

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

v. Building Coverage

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

- (a) 40% in Activity Areas A, B1 – B56, C1 – C4
- (b) 65% in Activity Area D1.

vi. Noise

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

Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

- (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.

vii. Lighting, Glare and Controls on Building Materials

Any activity that does not comply with the following standards:

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

except that:

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

viii. Retail

- (a) No retail activity shall occur within the Northlake Special

Zone except in Activity Area D1.

- (b) No retail activity shall have a gross floor area exceeding 200m² except for one activity which may have a maximum gross floor area of 1,250m² being limited to a small supermarket on Lot 1005 DP 515015 or Lot 1006 DP 515015.
- (c) The total amount of retail activity (excluding a small supermarket established pursuant to (b)) shall not exceed a gross floor area of 1000m².

ix. Roof Design

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

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

x. Activity Areas E1 & E4

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

12.34.5 Assessment Matters

12.34.5.1 General

- (a) The following Assessment Matters are methods included in the District Plan in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- (b) In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall

apply the relevant Assessment Matters set out in Rule 12.34.5.2 below.

- (c) In the case of Controlled, Restricted Discretionary and Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).
- (d) In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.
- (e) Where an activity is a Discretionary Activity because it does not comply with one or more relevant Site Standards, but is also specified as a *Controlled Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

12.34.5.2 Assessment Matters

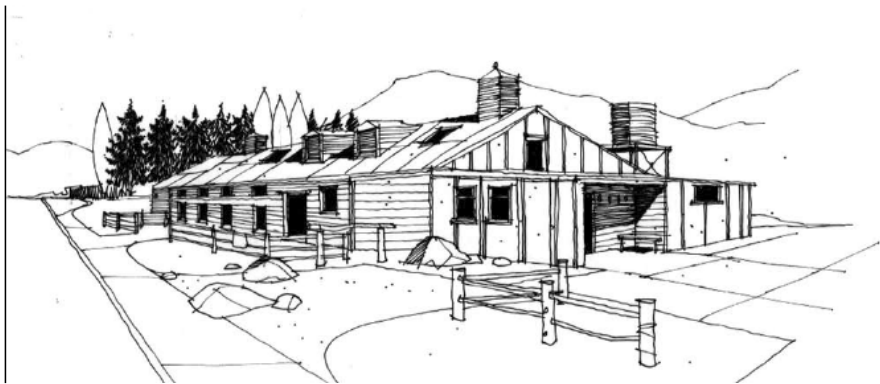
In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but shall not be limited by, the following assessment matters:

- i. **Controlled Activity Consent – Buildings in Activity Area A (Rule 12.34.2.2.i)**
 - (a) The extent to which the location of buildings and associated earthworks and landscaping breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
 - (b) The extent to which roof and wall colours are recessive and will not stand out against the surrounding background.
- ii. **Controlled Activity Consent – Buildings in Activity Areas C1 to C4 (Rule 12.34.2.2.ii)**
 - (a) The extent to which designs contribute to a coherent neighbourhood theme, utilising gabled roof forms and materials such as stone, shingles, natural timber, plaster and weather boards
 - (b) The extent to which controls on the design and location of accessways and earthworks may be appropriate to mitigate the visual effects resulting from modifications to the landform
 - (c) The extent to which roof and wall colours are in the range of dark greys, browns and blacks
- iii. **Restricted Discretionary Activity – Residential Activities in any of Activity Areas B1 to B56 and C1 to C4 (Rule 12.34.2.3.i) and Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages in Activity Area D1 (Rule 12.34.2.3.ii)**
 - (a) In regard to **indicative subdivision design**
 - (i) Whether the street blocks are designed to be walkable. Where practical within Activity Areas B1 – B56 in particular, block sizes larger than 1.5 ha and block lengths (between intersections, not including rear service lanes) longer than 200m are discouraged.
 - (ii) The extent to which the subdivision layout minimises, as far as practical, the number of rear sites that do not front the street.
 - (iii) The extent to which the subdivision design responds positively to the underlying topography and landscape characteristics.
 - (iv) Whether the street and lot configuration is likely to encourage house orientations that maximise solar gain. North-south street orientations and grid road designs that promote connectivity are encouraged to support such a

- lot configuration. Designs that promote connectivity are encouraged to support such a lot configuration.
- (v) Whether proposed open spaces and walkways are likely to feel safe, including through benefiting from passive surveillance from surrounding uses.
 - (vi) Whether the edges of the Activity Area are designed to relate to the adjoining land, and provide for potential road and pedestrian or cycle connections to adjoining land.
- (b) In regard to **roading pattern and vehicle access arrangements**
- (i) Whether the roading pattern realises opportunities to connect streets. Where practical, cul-de-sacs, except those that are short and straight, should be avoided.
 - (ii) The extent to which a grid road design with vehicle or pedestrian connections, particularly within Activity Areas B1 – B56 and D1 is utilised to promote connectivity and to avoid a conventional suburban design with unnecessarily meandering road forms. Curved roads that respond positively to landforms and topography are acceptable, provided these are well-connected.
 - (iii) The extent to which the roading pattern connects with existing development, including other consents with Outline Development Plans and road networks outside the zone.
 - (iv) Whether road connections to and from Outlet Road and Aubrey Road are provided for generally as shown on the Structure Plan.
 - (v) Whether vehicle access arrangements to and from private properties minimise where practical the number of direct accesses onto Outlet Road. Where practical, access should be achieved from other roads.
 - (vi) Whether provision should be made for bus stop(s) (now or in the future).
- (c) In regard to **road and street designs**
- (i) Whether road and street design cross sections show key dimensions and features of roads and associated footpaths, rear lanes, cycleways (when relevant and appropriate), on-street parking and stormwater management infrastructure.
 - (ii) Whether road and street design cross sections are shown to be proposed for use in appropriate locations reflecting the likely role and function of the road or street.
 - (iii) Whether road and street designs will enable safe, efficient and pleasant use by vehicles, pedestrians and cyclists. Consideration should be given to matters such as width, footpath availability, traffic calming measures, and cycle lanes.
 - (iv) The extent to which road and street designs make a positive contribution to the amenity of the zone.
 - (v) Whether, where practical, in Activity Area C1-C4 the use of kerb and channel is avoided and grass swales utilised.
 - (vi) The extent to which the types of street trees and the density of planting proposed will aid in softening the visual effects of domestication of the landscape when viewed from outside of the zone and contribute to urban amenity and character.
- (d) In regard to **open space areas, pedestrian and cycle links**
- (i) The extent to which public access to places of public interest and enjoyment is created and enhanced.
 - (ii) Where terrain and site constraints do not enable connections between streets: safe, convenient and attractive walking and cycle connections should be provided if practical.
 - (iii) Provision of a range of public open spaces, including larger natural areas, and smaller urban parks and playgrounds.
 - (iv) The extent to which parks, reserves, walkways and cycleways are comprehensively designed and laid out so as to create connections between open spaces and provide alternative routes in which to navigate the zone without the use of roads.
- (e) In regard to **infrastructure**

- (i) The extent to which development can be serviced by existing infrastructure, or where upgrades are required, that these upgrades are planned and managed.
 - (ii) The extent to which development is staged to ensure cost effective provision of infrastructure and any required upgrades.
- (f) In regard to **approaches to stormwater disposal**
- (i) Whether, where practical, low impact design solutions are employed.
 - (ii) Whether, where possible, safe and practical proposals to integrate stormwater management facilities into an attractive public realm and/or conservation corridors are proposed.
- (g) In regard to **conservation values**
- (i) The extent to which remnant islands of kanuka and matagouri shrubland are protected.
- (h) In regard to **contaminated sites**
- (i) Whether any contaminated sites exist that would be a risk to human health or the environment and, if so, what measures have been taken to address these sites.
 - (ii) Whether a Preliminary Site Investigation is required to ensure compliance with the National Environmental Standard for soil contaminants.
- (i) In regard to **controls on built form in Activity Area D1**
- (i) Whether controls are proposed that will ensure that buildings in close proximity to one another will achieve reasonable levels of amenity and privacy;
 - (ii) Whether controls on built form will promote an attractive streetscape;
 - (iii) Whether appropriate mechanisms, including consent conditions and/or private covenants, are proposed to ensure controls on built form will be adhered to by subsequent house builders and owners.
- (j) In regard to **Residential Activities in any of Activity Areas B1 to B56 and C1 to C4, where a consent with an Outline Development Plan has previously been granted under Rule 12.34.2.3.i**
- (i) The extent to which varied consent and Outline Development Plan takes into account, and enables integration with, existing Residential Activities already developed in accordance with the previously consent and Outline Development Plan.
- (k) In regard to **Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages in Activity Area D1, where a consent with an Outline Development Plan has previously been granted under Rule 12.34.2.3.ii**
- (i) The extent to which a varied consent and Outline Development Plan takes into account, and enables integration with, existing Residential, Visitor Accommodation, Commercial, Retail, and Community Activities and Retirement Villages already developed in accordance with the previously consent and Outline Development Plan.
 - (ii) The extent to which those activities may be of a nature, scale or frequency that would undermine the integrity of the consent and Outline Development Plan previously granted under Rule 12.34.2.3.ii.
- iv. Restricted Discretionary Activity – Buildings with more than three residential units within Activity Area D1 (Rule 12.34.2.3.iii)**
- (a) Whether the development positively contributes to the streetscape through the location and design of the built form, carparking, balconies, ground floor levels, accessways, the treatment of the public/ private interface, and landscaping.

- (b) Whether buildings are able to achieve a high level of connection with the street, including establishing local character and evoking visual interest from street users.
 - (c) Whether the design creates a visual connection between land uses and the street, including through having windows that face the street.
 - (d) Whether views from the street into sites are clearly drawn to land use activities and entrance points, with garages being a recessive visual feature.
 - (e) Whether the visual effect of monotonous or repetitious facades created by same or similar unit types have been avoided or mitigated through articulation of building frontages.
 - (f) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood.
 - (g) Whether communal car parking is designed so that spaces are broken up and easily identifiable with each unit and commercial-style continuous parking areas are avoided.
 - (h) Whether there are suitable places to store cycles within residential units (such as garages) or secure and convenient cycle parking / storage is available for each unit.
 - (i) Whether each unit is designed to minimise loss of privacy and nuisance effects between other units, such as by off- setting windows in close proximity to one another.
 - (j) Whether waste and recycling material can be appropriately stored within the grounds of each area, or convenient, appropriately sized and designed communal areas for the storage of waste are available.
 - (k) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
 - (i) Noise, vibration and lighting from vehicles
 - (ii) Protecting privacy for residential neighbours.
 - (l) Whether private and public space are clearly demarcated
 - (m) Whether proposals to utilise innovative, cost effective building designs, methods and materials that may support the provision of affordable housing are not unreasonably precluded.
- v. **Restricted Discretionary Activity – Buildings for Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages within Activity Area D1 (Rule 12.34.2.3.iv)**
- (a) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
 - (i) Noise, vibration and lighting from vehicles
 - (ii) Protecting privacy for residential neighbours.
 - (b) Whether buildings, taking account of their proposed location, function and visibility, will make an attractive contribution to the streetscape or landscape.
 - (c) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood, in general accordance with the architectural style shown in the following images.



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

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

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

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

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

surfacing.

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

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

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

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

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

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

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

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

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

- (a) The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of residents to provide for the outdoor living needs of likely future residents of the site.
- (b) Any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents.
- (c) The extent to which the reduction in outdoor living space or the lack of access to sunlight is compensated for by

alternative space within buildings with access to sunlight and fresh air.

- (d) The extent to which provision is made elsewhere within the zone for communal open space amenity areas. Such spaces should be easily accessed and well connected to surrounding activities, have good sunlight access and protection from prevailing winds.

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

Whether the breach of standard would result in:

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

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

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

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

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

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

- (a) The extent to which alternative formed access can be assured to the activity in the long-term.

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

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

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

- (b) Effects on landscape and visual amenity values:
 - (i) Whether the scale and location of any cut and fill will adversely affect:
 - the visual quality and amenity values of the landscape;
 - the natural landform of any ridgeline or visually prominent areas;
 - the visual amenity values of surrounding sites.

- (ii) Whether the earthworks will take into account the sensitivity of the landscape.
- (iii) The potential for cumulative effects on the natural form of existing landscapes.
- (iv) The proposed rehabilitation of the site.

(c) Effects on adjacent sites:

- (i) Whether the earthworks will adversely affect the stability of neighbouring sites.
 - (ii) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
 - (iii) Whether cut, fill and retaining are done in accordance with engineering standards.
- #### (d) General amenity values:
- (i) Whether the removal of soil to or from the site will affect the surrounding roads, and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
 - (ii) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
 - (iii) Whether natural ground levels will be altered.
 - (iv) The extent to which the transportation of soil to or from the site will generate any negative effects on the safety or efficiency of the road network.

(e) Impacts on sites of cultural heritage value:

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

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

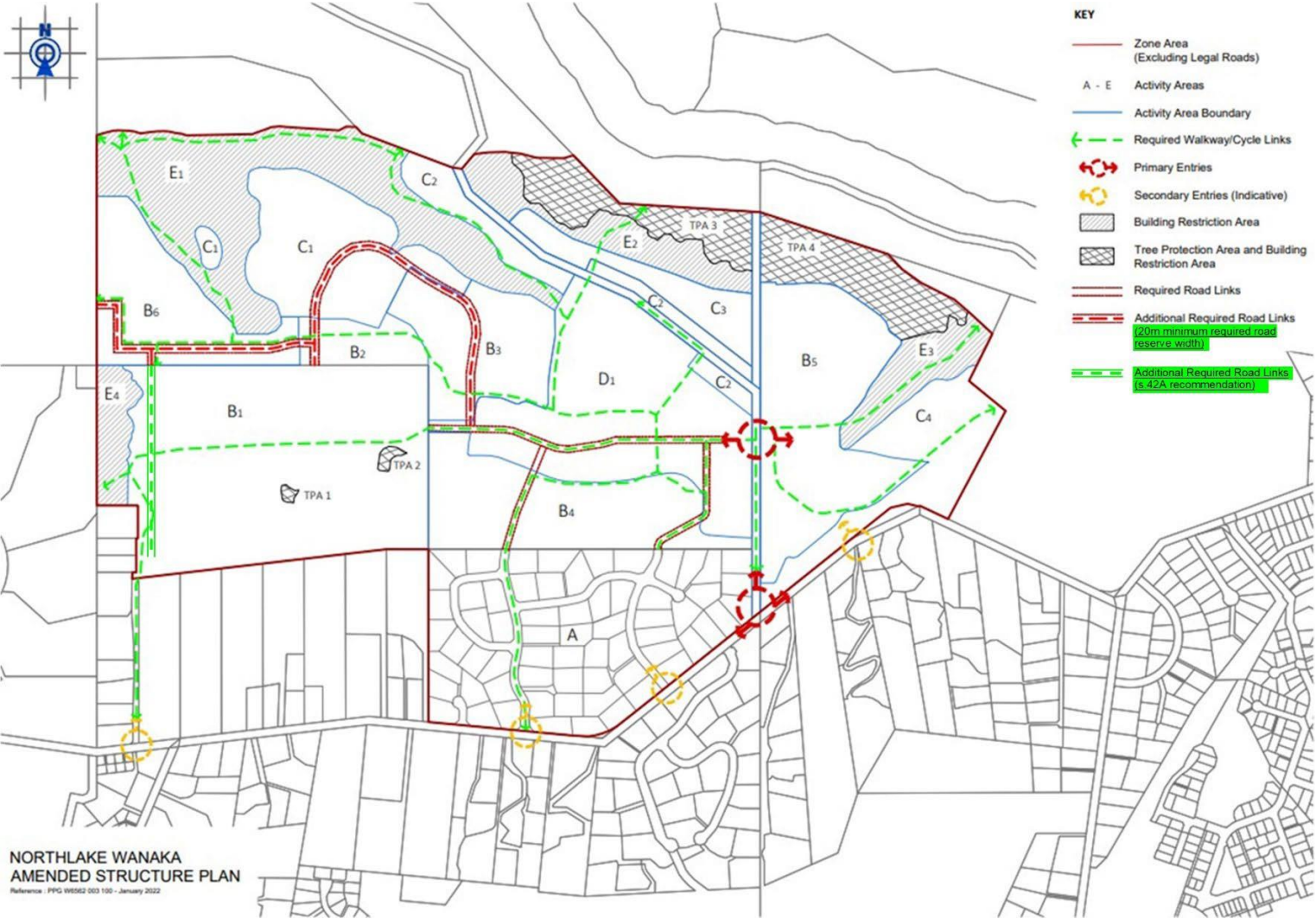
Whether and the extent to which landscaping and / or planting proposed in breach of the standard will achieve amenity outcomes anticipated by the standards from viewpoints outside of the site.

restrictions or conditions already imposed on the relevant HPMV under the Land Transport Rule 41001/2016.

xvi. **Restricted Discretionary activity – motorised vehicular traffic generated within Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District) seeking to access and use roads within the zone (Rule 12.32.2.3.v):**

- (a) Whether and the extent to which the activities within Sticky Forest should be managed in order to avoid or mitigate potential adverse effects of traffic generated by those activities on:
1. The infrastructure and safety of roading network within the zone; and
 2. The streetscape amenity and the amenity values of residential properties adjoining roads within the zone;
- (b) The frequency, volumes and timing (hours of day) of traffic using roads in the zone;
- (c) Whether changes or upgrades to the roads are required to manage increased vehicular, cycle and pedestrian traffic.
- (d) In the case of forestry-related traffic:
1. Whether High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016), and/or Heavy Commercial vehicles (HCV) should be avoided, limited or otherwise managed to avoid or mitigate potential adverse effects;
 2. Whether any Construction Traffic Management Plan or Forestry Traffic Management Plan, and any associated measures or temporary works proposed, are suitable; and
 3. Whether any weight, length or width restrictions on vehicles are required, taking into account any

Northlake Structure Plan



15.2 Subdivision, Development and Financial Contributions Rules

Bay North Structure Plan, as shown in Figure 15.5, that is not in accordance with that structure plan.

(vi) **Kirimoko Block**

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

(vii) Any subdivision of land zoned Low Density Residential Zone on the Kirimoko Block prior to a walkway being constructed to QLDC Standards from Aubrey Road to Peninsula Bay and an easement in gross for such a walkway being registered against all servient titles. Kirimoko Block – Wanaka: Any subdivision of land zoned Rural General proposed to create a lot entirely within the Rural General Zone, to be held in a separate certificate of title.

(viii) Kirimoko Block – Wanaka: Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot which has included in its legal boundary land zoned Rural General.

(ix) In the Ballantyne Road Mixed Use Zone subdivision shall be a **Non-complying** Activity when it is not in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i

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

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

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

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

...

15.2.3.3 Discretionary Subdivision Activities

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

...

(x) **Within the Northlake Special Zone** – any subdivision of any of Activity Areas B1 to B5c, C1 to C4 and D1 into more than one lot prior to a grant of consent for the relevant Activity Area under Rule 12.34.2.3.i or Rule 12.34.2.3.ii.

...

15.2.3.4 Non-Complying Subdivision Activities

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

(ii) The further subdivision of any allotment, including balances that had previously been used to calculate the average allotment size under Rule 15.2.6.3 (ii).

(iii) The subdivision of a residential flat from a residential unit.

(iv) Any subdivision within an Open Space Zone, further to the subdivision pursuant to 15.2.3.2 (ii).

(v) **Peninsula Bay**

(a) Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2.(ii).

(b) Any subdivision and development in the area covered by the Peninsula

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

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

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

- (xii) **The Three Parks Zone** – Any subdivision of the Open Space areas shown on the Three Parks Structure Plan or approved by an Outline Development Plan or Comprehensive Development Plan.
- (xiii) **The Three Parks Zone** – Any subdivision within the Deferred Urban subzone.
- (xiv) **Industrial B Zone** – Any subdivision that is not in accordance with the relevant Structure Plan unless a variation has been expressly approved as part of a subsequent, more detailed Outline Development Plan, except that:
 - (a) Any fixed connection points shown on the relevant Structure Plan may be moved up to 20 metres
 - (b) Any fixed roads shown on the relevant Structure Plan may be moved up to 50 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting.

- (c) The boundaries of any fixed open spaces shown on the relevant Structure Plan may be moved up to 5 metres.
- (d) All indicative roads and any other elements shown as 'indicative' on the relevant Structure Plan may be moved or varied provided they are generally in accordance with and achieve the relevant Structure Plan and the relevant objectives and policies.
- (e) Where a boundary (or boundaries) has been expressly approved as part of a subsequent, more detailed ODP, then that subsequent boundary (or boundaries) shall take precedence over that shown in the relevant Structure Plan.

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

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

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

- (xvi) **Industrial B Zone** – Any subdivision of the open space areas shown on the Connell Terrace Precinct Structure Plan prior to 70% of the western boundary planting in combination with the mounding having reached a minimum combined height of 6 metres and a continuous screen in the horizontal plane.
- (xvii) In the Rural Living Activity Areas of the **Arrowtown South Special Zone** subdivision which results in lots that contain neither an existing or approved residential unit, nor a residential building platform (as identified on the Arrowtown South Structure Plan, or approved by rule 12.32.3.3 (i) shall be a non-complying activity except where the subdivision is for purposes of boundary adjustment, access formation or to create lots to

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

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

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

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

(xix) **In the Northlake Special Zone, any subdivision of Activity Area B6 that does not require, by condition of consent, the legal establishment of establish legal vehicle and infrastructure servicing access that includes a weight restriction so as to limit use by High Productivity Motor Vehicles (HPMV) (as defined in Land Transport Rule 41001/2016) to Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District).**

taking into account:

- (a) **Pre-development peak flows for the 2-year, 5-year, 10-year, 20-year and 100-year events;**
- (b) **The cumulative effect of increased volumes and resulting increased coincidence of peak flows and consequential effects on the storage capacity of downstream stormwater retention devices and systems.**

15.2.3.6 Assessment Matters for Resource Consents

(d) Northlake Special Zone – Assessment Matters

- (i) In considering whether to grant consent for subdivision in accordance with Rule 15.2.3.3(x) the Council shall have regard to, but not be limited by, the following assessment matter:
 - (a) The extent to which the proposed subdivision may preclude or adversely affect the integrated planning and development, development and approval of any of Activity Areas B1 to B56, C1 to C4 and D1.

15.2.12.3 Assessment Matters for Resource Consents

In addition to the above, within the Northlake Special Zone:

- (xvi) **The adequacy of proposed methods to achieve compliance with the Council's Code of Practice in respect of post-development stormwater discharge being no greater than pre-development stormwater discharge.**