

Appendix C

Proposed Ayrburn Zone plan provisions

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APPENDIX C
AYRBURN ZONE – PROVISIONS
06 May 2019

47 Ayrburn Zone

Chapter 47: Ayrburn Zone provisions

Purpose

The purpose of the Ayrburn Zone is to provide for the development of residential, retirement and visitor activities and facilities, sympathetic to the natural setting. The site is bordered by a high quality scenic environment which includes the Millbrook Zone and the Waterfall Park Zone.

The focus of the zone is Mill Creek which flows through the centre of the zone, and the heritage features of the Ayrburn Homestead and Stone Farm Buildings. Development limits are imposed in the zone given its scenic and environmental qualities. Development is to complement and enhance the natural and scenic values contained within the zone.

47.1 Objectives and Policies

Objective – Residential, recreation and visitor facilities and activities developed in an integrated manner with particular regard for the natural, scenic and amenity values of the setting.

Policies

- 47.1.1.1 Ensure that the external appearance of buildings and other structures are appropriate to the location with particular regard to the zone's natural and scenic values.
- 47.1.1.2 Enable residential activities and retirement living to be developed with a variety of residential densities in an integrated manner.
- 47.1.1.3 Limit non-residential activities other than in association with retirement living and with the adjoining Waterfall Park Zone.
- 47.1.1.4 Facilitate the development of visitor accommodation activities which complement activities enabled within the adjoining Waterfall Park Zone.
- 47.1.1.4 Require all development to be as specified in, and located in accordance, with the Structure Plan in order to promote integrated development and prevent the inappropriate development of sensitive parts of the zone.
- 47.1.1.6 Protect and enhance Mill Creek, and protect the open pastoral visual amenity values of Christine's Hill and the flat land adjoining, and visible from, the Lake Hayes-Arrowtown Road.
- 47.1.1.7 Provide for vehicle access into and through the zone to enable development of the zone and the adjoining Waterfall Park Zone.
- 47.1.1.8 Enable and encourage access for the public to and through the zone to enjoy the natural and developed values within the zone and the adjoining Waterfall Park Zone.
- 47.1.1.9 Protect, enhance, and encourage the adaptive reuse of, the important heritage features of the zone.

47.1.1.10 Avoid or mitigate adverse effects on the amenities of properties adjoining the zone (including the Queenstown Trail) using building setbacks, landscaping controls and retention of mature vegetation.

47.1.1.11 Avoid adverse effects on developed properties caused by flood hazard.

47.1.2 Objective – Protection and enhancement of the ecological values of Mill Creek.

Policies

47.1.2.1 Ensure that wastewater and water supply services and stormwater treatment are provided and managed so as not to adversely impact on water quality within or downstream of the zone.

47.1.2.2 Prevent stock from accessing Mill Creek and ensure riparian planting along the banks of Mill Creek.

47.2 Other Provisions and Rule

47.2.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

47.2.2 Clarification

47.2.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

47.2.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.

47.2.2.3 The following abbreviations are used within this Chapter.

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

47.3 Rules - Activities

	Activities located in the Ayrburn Zone	Activity status
47.3.1	Activities which are not listed in this table	NC
47.3.2	In the Residences Area (R) of the Structure Plan: Residential, Retirement Village, Community Activities	C
47.3.3	In the Village Area (V) of the Structure Plan: Visitor Accommodation (including ancillary facilities: licensed premises, conference, cultural and resort facilities, and office and administration)	C
47.3.4	In all Structure Plan Activity Areas: Recreation Facilities (noting that in areas shown as O/BR on the Structure Plan recreation facilities shall not include buildings or structures) Administration activities for administering and servicing of other facilities within the zone, including storage, maintenance and depot facilities Roading infrastructure and other services to enable development within the zone and the adjoining Waterfall Park Zone.	C
47.3.5	For the Controlled Activities in Rules 47.3.2, 47.3.3 and 47.3.4, control is reserved to all of the following: <ul style="list-style-type: none"> • Location and external appearance of buildings • Setback from roads • Setback from internal boundaries • Vehicle access and street layout • Outdoor living space • Street scene including landscaping • Enhancement of ecological and natural values • Provision for internal walkways, cycleways and pedestrian linkages • Noise • Where a site is subject to any flood hazard: an assessment by a suitably qualified person that addresses the nature and degree of risk the flood hazard poses to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated. 	C
47.3.6	In any area shown as O/BR on the Structure Plan, control is reserved to the following: <ul style="list-style-type: none"> • Vegetation within any O/BR area shown on the Structure Plan, including species location, and whether vegetation should be limited to pasture grass to ensure appropriate visual amenity outcomes. • Vegetation within the 15m wide O/BR area along the western boundary of the zone to create a vegetative buffer which partially screens built development as viewed from the Queenstown Trail while maintaining appropriate views from the Queenstown Trail. 	C

47.3.7	Licenced Premises not otherwise identified	NC
47.3.8	Industrial Activities	NC
47.3.9	Fish or meat processing	PR
47.3.10	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, or fishmonger), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
47.3.11	Factory Farming	PR

47.4 Rules - Standards

	Standards for activities located in the Ayrburn Zone	Non-compliance Status
47.4.1	<p>Setbacks</p> <p>No building or structure shall be located within the areas marked O/BR on the Structure Plan, and no building shall be located closer than 20m from Mill Creek, provided this standard does not apply to bridges crossing Mill Creek or to the existing heritage protected buildings in Activity Area V/R.</p> <p>Minimum Boundary Setback:</p> <p>(a) Road boundary setback: 3m minimum, except for garages, where the setback shall be 4.5m minimum;</p> <p>(b) all other boundaries: 1.5m.</p> <p>Exceptions to setback requirements other than any road boundary setback:</p> <p>(a) Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height;</p> <p>(b) Attached residential units do not require setbacks from common boundaries.</p>	D
47.4.2	<p>Residential Capacity</p> <p>The maximum number of residential units within the zone shall be limited to 200. For the purposes of this rule a residential flat is deemed to be a separate residential unit.</p>	RD Discretion is restricted to the capacity of available reticulated Council water supply and wastewater services.
47.4.3	<p>Building Height</p> <p>The maximum height of buildings shall be:</p> <ul style="list-style-type: none"> Visitor Accommodation, (including facilities integrated with and ancillary to Visitor Accommodation) – 8 m 	NC

	<ul style="list-style-type: none"> Residential and retirement village buildings - 8m All other buildings and structures - 4m 	
47.4.4	<p>Glare shall comply with all of the following:</p> <ul style="list-style-type: none"> All fixed lighting shall be directed away from adjacent roads and properties, and so as to limit effects on the night sky. Any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish. <p>No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the zone, measured at any point inside the boundary of the adjoining property.</p>	NC
47.4.5	<p>Site Coverage</p> <p>The maximum site coverage shall not exceed 5% of the total area of the zone. For the purposes of this rule, site coverage excludes bridges, roads, footpaths and parking areas.</p>	NC
47.4.6	<p>Building Coverage</p> <p>Individual site building coverage shall not exceed 50%.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> (a) external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; (b) external amenity values for future occupants of buildings on the site; (c) effects on views, sunlight and shading on adjacent properties; (d) parking and access layout: safety, efficiency and impacts on on-street parking and neighbours. 	RD
47.4.7	<p>Fire Fighting</p> <p>Any necessary fire fighting reserve of water shall be maintained of a capacity sufficient to service the zone. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.</p>	NC
47.4.8	<p>Atmospheric Emissions</p> <p>There shall be no indoor solid fuel fires, except for feature open fireplaces in communal buildings including bars and restaurants.</p> <p>Note – Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.</p>	NC
47.4.9	<p>Retail sales</p> <p>No goods shall be displayed, sold or offered for sale from a site except:</p> <ul style="list-style-type: none"> goods grown, reared or produced on the site; goods retailed within and ancillary to a retirement village; within those areas of the Structure Plan identified as Village. 	NC
47.4.10	<p>Protection of Mill Creek</p> <p>Before any building (excluding any bridge) is constructed within any area</p>	NC

	<p>marked R or V on the Structure Plan the following works must be completed:</p> <p>(a) The margins and banks along both sides of the full length of Mill Creek shall be planted in appropriate riparian species. The planting shall have a minimum width of 2m and an average width of 3m, including the upper and lower bank zones;</p> <p>(b) Stock shall be prevented from accessing Mill Creek;</p> <p>(c) A grass strip of minimum width 1m shall be provided between the riparian planting and any stock fencing.</p>	
47.4.11	<p>All planting carried out in fulfilment of Rule 47.4.10 shall be subject to a consent condition requiring that the planting is maintained in perpetuity and that, if any plant dies or becomes diseased, it shall be replaced as soon as practicable. Maintenance shall include weed and pest control.</p>	NC
47.4.12	<p>Public access</p> <p>Before any building is constructed within any area marked V on the Structure Plan the following works must be completed:</p> <p>(a) A public walkway and cycleway trail shall be provided adjacent to and along one side of the full length of Mill Creek, except where impractical due to any bridge.</p> <p>Before any building is constructed within the large area west of Mill Creek marked R on the Structure Plan the following works must be completed:</p> <p>(b) A public walkway and cycleway trail shall connect the trail in (a) above with the Queenstown Trail which runs adjacent to the western boundary of the zone.</p>	D
47.4.13	<p>Vegetation</p> <p>(a) No vegetation which grows to greater than 2m in height at maturity shall be planted within 25m of the southern boundary of the zone, provided that this standard does not apply within any Tree Protection Area</p> <p>(b) No vegetation other than pasture grass shall be planted within 25m of the eastern boundary of the zone, provided that this standard does not apply to avenue trees along a vehicle access.</p> <p>(c) No vegetation other than pasture grass shall be planted within 130m of the northern boundary of the zone which adjoins Millbrook Zone</p> <p>(d) Trees located within the Tree Protection Areas shown on the Structure Plan cannot be removed or trimmed, provided this standard does not apply to branches which extend outside the Tree Protection Areas.</p> <p>(e) Within the 15m setback from the western boundary of the zone:</p> <ol style="list-style-type: none"> i. within the western half of the 15m setback, no species which will exceed 2m in height at maturity shall be planted; ii. within the eastern half of the 15m setback, no species which will exceed 5m in height at maturity shall be planted. 	D
47.4.14	<p>Access Road</p> <p>The Access Road shall be located as shown on the Structure Plan except that the section east of and crossing Mill Creek may vary in location by up to 50m northwards.</p>	NC
47.4.15	<p>There shall be no motor vehicle access into the zone from the legal road adjoining the western boundary of the zone, provided that this standard does not apply to electric bicycles.</p>	NC
47.4.16	<p>Activities shall be in accordance with the Structure Plan.</p>	NC

47.5 Rules - Non-Notification of Applications

47.5.1 All applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

47.6 Ayrburn Zone Structure Plan



Key:

Access Road

Mill Creek

Ayrburn Zone

O/BR Open Space / Building Restriction

V Village

R Residential

TPA Tree Protection Area

Waterfall Park Zone

O/P Open Space

V Village

Consequential amendment to Chapter 27 – Subdivision

- (a) Modify Chapter 27 to provide for subdivision as a Controlled Activity in the Ayrburn Zone:

27.4.4 The following shall be controlled activities:

- (a) Subdivision in the Ayrburn Zone. Control is limited to the following:

- (i) Subdivision design, lot size and dimensions, including the variety of lot sizes and whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the landuse;
- (ii) Property access and roading;
- (iii) Natural hazards;
- (iv) Fire fighting water supply;
- (v) Water supply;
- (vi) Stormwater disposal;
- (vii) Sewage treatment and disposal;
- (viii) Energy supply and telecommunications;
- (ix) Easements;
- (x) The provision of open space areas, walkway and cycleway linkages, and their connectivity within the zone and to the boundaries of the zone, including public access as required by Rule 47.4.12;
- (xi) Vegetation within any O/BR area shown on the Structure Plan, including species, location and whether vegetation should be limited to pasture grass to ensure appropriate visual amenity outcomes.
- (xii) Vegetation within the 15m wide O/BR area along the western boundary of the zone to create a vegetative buffer which partially screens built development as viewed from the Queenstown Trail while maintaining appropriate views from the Queenstown Trail.

- (b) Modify Table 27.5.1 as follows:

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

Zone	Minimum Lot Area
...	...
Millbrook	No minimum
Waterfall Park	No minimum
<u>Ayrburn</u>	<u>No minimum</u>

27.7 Zone – Location Specific Rules

Add a new section in the Table as follows:

	Zone and Location Specific Rules	Activity Status
...
27.7.10	Ayrburn Zone 27.7.10.1 Any subdivision that is inconsistent with the Ayrburn Zone Structure Plan contained in Section 27.13	NC
	27.7.10.2 Subdivision failing to comply with any of the following: Any subdivision of land containing any part of an O/BR area (or V/R area in respect of (e) below) shown on the Structure Plan that does not require, by condition of consent, the following requirements to be registered in a consent notice on the relevant titles (to the extent that the following requirements apply to that land): (a) No vegetation which grows to greater than 2m in height at maturity shall be planted within 25m of the southern boundary of the zone, provided that this standard does not apply within a Tree Protection Area (b) No vegetation other than pasture grass shall be planted within 25m of the eastern boundary of the zone, provided that this standard does not apply to avenue trees along a vehicle access; (c) No vegetation other than pasture grass shall be planted within 130m of the northern boundary of the zone which adjoins the Millbrook Zone; (d) Trees located within the Tree Protection Areas shown on the Structure Plan cannot be removed or trimmed, provided this standard does not apply to branches which extend outside the Tree Protection Areas; (e) All planting carried out as required by Rule 47.4.10 shall be maintained in perpetuity. If any plant dies or becomes diseased it shall be replaced as soon as practicable. Maintenance shall include weed and pest control.	NC
	27.7.10.3 There shall be no motor vehicle access into the zone from the legal road adjoining the western boundary of the zone, provided that this standard does not apply to electric bicycles.	NC
	27.7.10.4 The Access Road shall be located as shown on the Structure Plan except that the section east of and crossing Mill Creek may vary in location by up to 50m northwards.	NC

27.13 Structure Plans

Add a new section as follows:

27.13.7 Structure Plan: Ayrburn Zone



Key:

Access Road

Mill Creek

Ayrburn Zone

O/BR Open Space / Building Restriction

V Village

R Residential

TPA Tree Protection Area

Waterfall Park Zone

O/P Open Space

V Village

AYRBURN ZONE STRUCTURE PLAN - 06/05/19

Scale 1:4000 @ A3