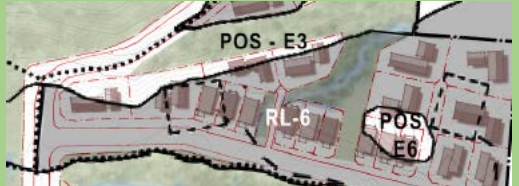


ZONE	RULE	TRIGGERED	DISCUSSION
12.32 Arrowtown Special Zone			
12.32.3.2 Controlled Activities			
Subdivision including Over-arching Open Space Management Plan Prior to any development a subdivision which includes an Overarching Open Space Management Plan in respect of:	Yes	Prior to the development an open space management plan will be prepared, addressing the matters over which control is reserved.	
ii. Subdivision Including Private Open Space Management Plans Subdivision including Private Open Space Management Plans for a combination of, or an entire Private Open Space Activity Area POS-E1, POS-E2, POS-E3, POS-E4, POS-E5, POS-E6, POS-W1, POS-W2 and POS-W3	Yes	Prior to the development a private space management plan will be prepared, addressing the matters over which control is reserved.	
iii Subdivision Including Private Open Space Management Plans –Roadside Planting Strip Subdivision including Open Space Management Plan for the Residential Activity Area – Roadside Planting Strip, with respect to:	No	This applies to the roadside planting strip that is adjacent to the residential area of the residential area of the structure plan and therefore does not apply to this site.	
iv Buildings – Residential and Rural Living Activity Area The erection or alteration of any building with respect to: a. External appearance of buildings b. Provision and location of car parking c. Landscaping and tree planting d. Access Except where identified as a Restricted Discretionary or Discretionary Activity	No	While there are a small number of proposed dwellings that are within a building platform, they are excluded from this rule because dwellings located partially outside a residential building platform are listed as a discretionary activity.	
v. Residential flat – Rural Living Areas	Yes	It is proposed that each of the sites will be able to accommodate both a residential dwelling and a residential flat.	
vi. Garages – Residential activity areas	No	Applies to residential area	
12.32.3.3 Restricted Discretionary Activities			
i Building Platforms – Rural Living Activity Areas Any amendment to the location or shape of any Building Platform shown on the Structure Plan. Discretion shall be limited to: a. Effects on the landscape and visual amenity values b. The effects on privacy and amenity enjoyed by neighbouring properties	No	Application is not being made to alter the shape or location of the building platforms.	

c. Effects on the safe operation of roads and accessways d. The degree of variation from the Structure Plan.		
ii. Buildings in Rural Living Activity Area RL-3 The erection or alteration of the external appearance of any building in Activity Area RL-3 with respect to: a. External appearance of buildings b. Provision and location of car parking c. Landscaping and tree planting d. Earthworks e. Access	Yes	Four dwellings would be located within RL-3
12.32.3.4 Discretionary Activities		
i Buildings – Rural Living Activity Areas The erection or alteration of any residential building in the Rural Living Activity Areas partially outside a Residential Building Platform as shown on the Structure Plan or as amended by 12.32.3.3 (i). (Note: refer to Rule 12.32.5.2 (ix))	N/A	Refers to Rule 12.32.5.2(ix) which is Density. That rule is breached by this application.
ii Farm Buildings – Private Open Space Activity Area – Pastoral (POS-P1) a. The erection or alteration of any farm building within the Private Open Space Activity Area – Pastoral (POS-P1) b. The alteration of any non-farming building approved under rule 12.32.3.5 (vi).	No	There are no farm buildings proposed
i. Visitor accommodation	No	This is an application for residential dwellings and there is no visitor accommodation proposed
Iv Commercial Activities	No	This is an application for residential dwellings and there is no commercial activity proposed at this stage.
12.32.3.5 Non Complying Activities		
i. Factory Farming	No	
ii. Forestry activities	No	
iii. Mining activities	No	
iv. Airports	No	
v. Buildings – Open Space Activity Area – Escarpment (POS-E1, POS-E2, POS-E3, POS-E4, POS-E5, E6) and Open Space Activity Area – Watercourse (POS-W1, POS-W2, POS-W3) The erection or alteration of any building within the Open Space Activity Area – Escarpment and the Open Space Activity Area – Watercourse.	Yes	While there are no buildings proposed in POS-E2 or POS W2 and W3 there are three dwellings that extend slightly into POS-P3 and POS E6. 

vi Buildings – Private Open Space Activity Area – Pastoral (POS-P1) vi. The erection of any non-farming building within the Private Open Space Activity Area – Pastoral 1.	Yes	Approximately 15 dwellings extend wholly or in part into the POS-P1 area and they are for residential purposes (not farming)
vii Buildings – Residential Activity Area – Roadside Planting Strip vii. The erection of any building in the Residential Activity Area – Roadside Planting Strip.	No	The roadside planting strip is not within this site
viii Building Platforms – Rural Living Activity Area a. The creation of a new Residential Building Platform additional to those identified on the Structure Plan. b. Any building located entirely outside of a Residential Building Platform shown on the Structure Plan.	Yes	There are a number of the proposed residential dwellings that will be located outside a residential building platform
ix Earthworks in Activity Areas E5 and E6	Yes	POS-P6 is a small rock outcrop and earthworks will be undertaken within this area
x. 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.	Yes	As per the below, the following standards are breached (i) staging, (v) setback from roads (ix) Density (xiii) access
12.32.3.6 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, or any activity requiring an Offensive Trade License under the Health Act 1956.	No	
ii It is a prohibited activity to plant the following trees: (list of wilding species)	No	
iii. Buildings – Private Open Space Activity Area – Pastoral (POS-P2 and P3) The erection of any building, structure or fence within the Private Open Space Activity Area – Pastoral 3, except for pest-control fencing that defines the boundary of an adjoining Activity Area.	No	The master plan has been designed to ensure that there are no buildings located within POS-P2. (note that POS-P3 is located on the adjacent site and so is not applicable)
12.32.5.1 Site Standards		
i Setback from Internal Boundaries – Residential Activity Area	No	This does not apply to the site as it does not contain any residential activity areas
ii Setback from Internal Boundaries – Private Open Space Activity Area – Pastoral	Yes	This applies to the dwellings proposed in POS-P1. The proposed dwellings will be located within 10m of their internal boundaries

The minimum setback from internal boundaries is 10m.		
iii Setback from Internal Boundaries – Rural Living Activity Areas (RL-2 and RL-5) The minimum setback from internal boundaries is 6m	No	RL-2 and RL-5 are located outside the site and are not subject to this application
iv Outdoor Living Space – Residential Activity Area	No	Continuous Building Length – Residential Activity Area
Continuous Building Length – Residential Activity Area	No	Continuous Building Length – Residential Activity Area
vi External Appearance of Buildings – All Activity Areas All metal cladding, roofing or fences shall be painted or otherwise coated to ensure a Light Reflectivity Value (LRV) of no more than 36%.	No	This rule will be complied with; likely to be imposed as a consent notice condition on the subdivision
vii Earthworks – All Activity Areas The following limitations apply to all earthworks (as defined in this Plan), except for: i. Earthworks associated with a subdivision that has both resource consent and engineering approval. ii. Earthworks in Activity Areas E5 and E6	Yes	While the earthworks will be approved via subdivision consent, engineering approval likely issues after resource consent approval and therefore it is preferable to obtain via land use consent. It is acknowledged that the earthworks within E6 are subject to a separate rule
viii Nature and Scale of Activities – Rural Living and Residential Activity Areas a. No more than one full-time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity on the site. b. No more than 40m ² of the gross floor area of the buildings on a site shall be used for non-residential activities. c. No goods, materials or equipment shall be stored outside a building d. All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.	No	This application is for residential activities
ix Nature and Scale of Activities – Private Open Space Activity Areas Private Open Space Activity Areas shall not be used for the purpose of domestic curtilage activities, including gardens, paved areas, structures, parking (except for the purpose of a vehicle driveway).	Yes	The location of dwellings within POS-P1 will result in domestic curtilage activities
x Fencing of Waterways Fencing to remove stock from the stream which follows the Open Space Watercourse Activity Areas (as required under rule 12.32.3.2 (ii)) shall be set back at least 15 metres from the stream edge.	No	This is not overly relevant given that all stock would be removed upon the comprehensive development of the site
12.32.5.2 Zone Standards		

i Staging – Arrowtown South Special Zone a. No new residential unit shall be granted resource consent in the Arrowtown South Special Zone prior to the approval of subdivision including an Overarching Open Space Management Plan in accordance with Rule 12.32.3.2 (ii).	Yes	The proposal includes subdivision, overarching open space management plan and land use consent for dwellings within the same application. So technically the subdivision and management plan will not have been approved prior to the lodgement of the resource consents for dwellings; this application requests the granting of resource consent for new dwellings prior to the approval of the subdivision and open space management, because these applications will be made concurrently.
ii Staging – Residential Activity Area	No	Does not apply to this site
iii Staging – Rural Living Activity Areas a. Rural Living Activity Area 1 (RL-1) No Staging rules apply b. Rural Living Activity Area 2 (RL-2) No Staging rules apply	No	
c. Rural Living Activity Area 3 (RL-3) An approved Management Plan for Private Open Space Activity Area E2, in accordance with 12.32.3.2 (ii), shall be implemented prior to subdivision in the Rural Living 3 Activity Area (RL-3) receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit	No	There will be an approved management plan for E2 in accordance with the controlled activity rule, which will be implemented prior to the subdivision obtaining 224c certification
d. Rural Living Activity Area 4 (RL-4) An approved Management Plan for Private Open Space Activity Area E3, in accordance with 12.32.3.2 (ii), shall be implemented prior to subdivision in the Rural Living 4 Activity Area (RL-4) receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit.	No	As above
e. Rural Living Activity Area 5 (RL-5) No Staging rules apply	No	RL-5 is outside the site
f. Rural Living Activity Area 6 (RL-6) An approved Management Plan(s) for Private Open Space Activity Area W3, in accordance with 12.32.3.2 (ii), shall be implemented prior to subdivision in the Rural Living 6 Activity Area (RL-6) receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit.	No	The management plan will be approved and implemented prior to 224c
g. Rural Living Activity Area 7 (RL-7) An approved Management Plan for Private Open Space Activity Area W2, in	No	As above

accordance with 12.32.3.2 (ii) shall be implemented prior to subdivision in the Rural Living 7 Activity Area (RL-7) receiving certification under section 224(c) of the Act (with the exception of subdivision to create a single lot for the Activity Area and/ or boundary adjustments) or any construction of a new residential unit.		
iv Fencing – Rural Living and Private Open Space Activity Areas Fences shall be traditional post and wire stock fences or hedges.	No	At this stage this rule will be complied with
v Building Setback from Roads a. Residential Activity Area 4.5m (other than garages) b. Rural Living Activity Areas 10m c. Private Open Space Activity Areas 20m	Yes	Dwellings within RL-1 will be located within 10m of Centennial Avenue, and future dwellings will be located within 10m of the proposed roads within the site. There will be dwellings within the POS-P1 area which is the private open space area, and there will be dwellings within 20m of the proposed road boundary
vi Building Height a. Residential Activity Area 6m	No	Not within this site
b. Rural Living Activity Areas 7m (except as set out in (c) (d) and (e) below)	No	Dwellings will comply with a 7m height limit
c. Rural Living Activity Area 3A 4.5m above 426 MASL d. Rural Living Activity Area 3B 4.5m above 418 MASL	No	A height limit of 4.5m will be imposed on the sites located within RL-3 so that future dwellings comply
e. Rural Living Activity Area 6A and 6B 6m above 392.5 MASL	No	A height limit of 6m will be imposed on sites within RL-6 so that future dwellings comply
vii Building Coverage – Residential Activity Area The maximum building coverage for all activities on any site shall be 40%.	No	This applies to the residential area which is outside the site and therefore not applicable
viii Density - Residential Activity Area		
ix Density - Rural Living Activity Area a. There shall be no more than one residential unit per building platform. b. There shall be no more than 25 residential units located within the Rural Living Activity Area as follows: RL-1 3 RL-2 2 RL-3 2 RL-4 4 RL-5 6 RL-6 4 RL- 7 4 Total within site: 17	Yes	There will be a greater number of residential units; RL- 1 – 18 RL-2 – N/A (not within site) RL-3 – 4 RL-4- 16 RL-5- N/A (not within site) RL-6- 33 RL-7- 16 (plus 14 within POS-P1) Total within site (both RL areas and POS-P1): 101
x Noise - Rural Living and Residential Activity Areas	No	

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:		
xi Lighting and Glare - All Activity Areas a. All fixed exterior lighting shall be directed away from the 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.	No	This rule will be complied with – and this is not an application to breach the glare standards
xii Heavy Vehicle Storage - All Activity Areas No more than one heavy vehicle shall be stored or parked overnight on any site for any activity. This standard applies to residential and non-residential activities cumulatively and only one heavy vehicle in total shall be stored or parked overnight on any site.	No	This rule will be complied with- and this is not an application to breach
xiii Access - Rural Living and Residential Activity Areas a. Each residential unit shall have legal access to a formed road.	No	
c. Within the Rural Living Activity Areas RL-6 and RL-7 access from McDonnell Road shall be via the internal roads identified on the Structure Plan.	Yes	While the access to RL-6 will be via the road indicated on the structure plan, the road to access the central connection and that links to RL-7 is not in the location indicated on the structure plan. That road indicated is the driveway to the Muter homestead, and it is preferred that the access is separate
d. Rural Living Activity Areas RL-1, RL, 2, RL-3, and RL-4 shall gain access from Centennial Avenue from an internal road identified on the Structure Plan.	Yes	While the lots will gain access from an internal road, which is largely in the same location as that indicated on the structure plan, there are three additional access points onto Centennial Avenue. These are not providing direct access to the future dwellings, but they are not in the location indicated on the structure plan
e. Road intersection and crossing locations may be within 25m of the locations shown on the Structure Plan.	Yes	While some of the proposed roads are shown within 25m of the indicated locations on the structure plan, there are other road linkages that are not (for instance, the road connecting the lower site off McDonnell Road through to Centennial Avenue)
f. Internal roads shown indicatively on the Structure Plan must achieve the access principles shown in the Structure Plan although the alignment of routes may be altered from those shown.	No	The proposed roads will achieve access principles

Chapter 15- Subdivision**15.2.2.2 Controlled Subdivision Activities**

(b) Except as provided for in (a) above and where specified as a Discretionary or Non-Complying Activity in Rules 15.2.3.3 and 15.2.3.4, any subdivision or development in any zone which complies with all of the Site and Zone Standards shall be a Controlled Activity.

No

15.2.3.4 Non Complying Subdivision Activities

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

Yes

All of the lots to be created will contain a residential dwelling, however, the application for the dwellings will be lodged concurrently with the subdivision.

15.2.6 Lot sizes, averages and dimensions**15.2.6.3 Zone subdivision standards- lot sizes and dimensions**

Activity Area – Rural Living 1,500 m² provided that the total lots to be created by subdivision for building platforms within the Arrowtown South Special Zone shall not have an average less than 4,000m²

Yes

Proposed lot sizes will be below 300m² in some areas

Activity Area - Open Space No Minimum

No

Open space areas would be retained in one large title

(j) Subdivisions of Land in the Arrowtown South Special Zone Subdivision in the Arrowtown South Special Zone shall be assessed against the applicable assessment matters set out in Section 12 of the District Plan.

Noted

(iv) Within the Arrowtown South Special Zone, whether subdivision of the Private Open Space – Pastoral Activity Area which results in parts of that Activity Area being held within the ownership of adjoining lots in a Rural Living Activity Areas or Residential Activity Area is accompanied by management proposals that promote the consistent or complimentary use of land so as to avoid, remedy or mitigate the adverse visual effects that may result

Noted

from fragmented ownership and varying land management approaches		
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Regional Plan: water

The following provides a review of the relevant rules contained in the Regional Plan: Water

Stormwater discharge

12.B.1.9 The discharge of stormwater from any road not connected to a reticulated stormwater system to water, or onto or into land, is a permitted activity, providing:

(a) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and

(b) Where the road is subject to works, provision is made for the interception of any contaminant to avoid, after reasonable mixing, the following effects in the receiving water:

(i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

(ii) Any conspicuous change in the colour or visual clarity; or (iii) Any emission of objectionable odour; or

(iv) The rendering of fresh water unsuitable for consumption by farm animals; or

(v) Any significant adverse effects on aquatic life

These permitted standards can be achieved through the adoption of construction management measures. An Environmental Management Plan will be adopted and implemented during the construction and this will ensure that the required mitigation measures are in place.

13.2.1 Erection or placement of a structure

13.2.1.1 The erection or placement of any fence, pipe, line or cable over the bed of a lake or river, or a Regionally Significant Wetland, is a permitted activity, providing:

(a) The fence, pipe, line or cable does not cross a lake or river identified in Schedule 1A as being an "Outstanding natural feature or landscape" unless it is attached to an existing lawfully established support structure; and

(b) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river unless it is attached to an existing lawfully established support structure; and

(c) No part of any pipe, line or cable is less than two metres above the 1 percent probability flood level, unless it is attached to an existing lawful structure; and

(d) Where it is attached to an existing lawful structure, no part of any pipe, line or cable extends below the underside of the existing structure; and

(e) Any fence over the bed of a lake or river, or a wetland, does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or erosion of the bed or banks of the lake or river, or of a wetland; and

(f) The fence, pipe, line or cable does not interfere with navigation; and

(g) For existing overhead network utility services over the bed of a lake or river, there is no reduction in the height of clearance above the waterway; and

Given the existing crossings it is unlikely that a pipe or fence will be required. However, in case this may be required, the relevant rule above has been checked and the requirements of the permitted activity rule can be met.

13.2.1.7B Unless covered by Rule 13.2.1.7 or 13.2.1.7A, the erection or placement of any crossing in or on the bed of a lake or river, or any Regionally Significant Wetland, is a permitted activity, providing:

(a) The crossing, or its erection or placement, does not cause any flooding, nor cause erosion of the bed or banks of the lake, river or Regionally Significant Wetland, or property damage; and

(b) The top of the crossing is no higher than:

(i) 2 metres above the lowest part of the bed where it is located; or

(ii) 3.5 metres above the lowest part of the bed where it is located, if the catchment upstream of the crossing is 50 hectares or less in area and there is a culvert with a minimum diameter of 1.2 metres (or equivalent crosssectional area); and

(c) No more than 24 metres of crossing occurs on any 250 metre stretch of any lake or river, with a minimum separation distance between any two crossings in or on the same lake or river of 12 metres; and

(d) There is no reduction in the flood conveyance of the lake, river or Regionally Significant Wetland; and

(e) The crossing and any ancillary structures are stable under flood conditions, and secured against bed erosion and debris loading; and

(f) Fish passage is retained; and

(g) Movement of bed material is not impeded; and

(h) Where the crossing is intended for use by stock, measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and

(i) If the crossing is situated over or on public land, then public access over the public land is maintained

The crossings are already in place.

As illustrated below, the main access is located outside the constructed wetland (outline in green) and the natural wetland (outline in blue)



Given the existing situation it is likely that the permitted activity rules can be met. This will be confirmed at detailed design stage.

NES- FW

As identified within the Wetlands Assessment (Annex [F]) the site contains two areas of natural wetland and one that is a constructed wetland. These areas have been overlaid onto the master plan to check that setbacks will be achieved.

All earthworks will be more than 10m from the natural wetlands, and there will be no taking, damming, diversion, or discharge of water within 100m of the natural wetland. Therefore the two regulations that are of relevance (Regulations 52 and 54).

Clause 54 reads:

54Non-complying activities

The following activities are non-complying activities if they do not have another status under this subpart:

- (a) *vegetation clearance within, or within a 10 m setback from, a natural wetland:*
- (b) *earthworks within, or within a 10 m setback from, a natural wetland:*
- (c) *the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland*

As concluded in the assessment:

Earthworks within 100 metres of the natural wetlands will need to ensure they do not cause drainage, damming, or diversion of these wetlands to avoid non-complying status.

Feedback from the Infrastructure Engineer confirms that:

the development could discharge any s/w flows to the constructed wetland (attenuation) at the downstream end and thereby ensure a minimum 100m offset to the natural wetland. It will mean potentially larger and deeper stormwater pipe runs but it is possible to comply with 54c below.

The works can be undertaken to ensure that these requirements are met.