

## 12.9 Bendemeer Zone Rules

### 12.9.1 Zone Purpose

The purpose of the Bendemeer Zone is to enable the development of limited residential, commercial and visitor accommodation activities within an open rural environment. This is to be achieved while protecting the legibility of the ice-sculptured high points within the zone and enhancing the naturalness of the remainder of the landscape within the zone by appropriate planting and landscaping.

### 12.9.2 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 |

### 12.9.3 Activities

#### 12.9.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.

#### 12.9.3.2 Controlled Activities

The following shall be **Controlled Activities** provided 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 reserved control are listed with each **Controlled Activity**.

##### (i) Buildings

- (a) The addition, alteration and construction of buildings in activity Areas (1) to (7), (8), (9) and (10) of Bendemeer Zone Plan 'A' in respect of the location, external appearance, associated earthworks, access and landscaping.
- (b) The addition, alteration and construction of one residential unit and one (1) accessory outbuilding building in Activity Area (8) of Bendemeer Zone Plan 'A' in respect of the location external appearance, associated earthworks, access and landscaping.

#### 12.9.3.3 Discretionary Activities

##### i Buildings

The addition, alteration and construction of all buildings in Activity Areas (11) of Bendemeer Zone Plan 'A' in respect of the location, bulk, height, external appearance, associated earthworks, access and landscaping.

ii **Visitor Accommodation** Any visitor accommodation activities in Activity Area (9) of Bendemeer Zone Plan 'A'.

##### iii Commercial Activities

Any commercial activities in Activity Areas (9) and (10) of Bendemeer Zone Plan 'A'.

iv Any Activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone** Standards but does not comply with one or more of the **Site** Standards shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.

## 12.9.3.4 Non-Complying Activities

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

### i Commercial Activities

All commercial activities in Activity Areas (1) to (8), and (11) of Bendemeer Zone Plan 'A'.

### ii Factory Farming

iii **Forestry Activities**, except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

### iv Mining Activities

### v Service Activities

### vi Industrial Activities

### vii Airports

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

### viii Visitor Accommodation

Any visitor accommodation activities in Activity Areas (1) to (8), (10) and (11) of Bendemeer Zone Plan 'A'.

### ix Residential Activities

(a) Any residential activities in Activity Areas (1) to (8) not contained within a Residential Building Platform approved under Rule 15.2.6.3.

(b) Any residential activities in Activity Area (9) of Bendemeer Zone Plan 'A' except as provided for part of any visitor accommodation activity.

(c) Any residential activities in Activity Areas (10) and (11) of Bendemeer Zone Plan 'A'.

(d) Any residential activity exceeding one (1) residential unit and accessory outbuilding in Activity Area (8) of the Bendemeer Zone Plan 'A'

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**.

## 12.9.3.5 Prohibited Activities

The following shall be **Prohibited Activities**:

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 Licence under the Health Act 1956.

## 12.9.4 Non-Notification of Applications

(a) Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

(i) All applications for **Controlled Activities**.

(b) Prior to an application for Resource Consent for a Non Complying Activity being processed by the council on a non-notified basis pursuant to section 94(2) of the Act written approval of the Wakatipu Environmental Society Incorporated must be provided to the Council pursuant to section 94(2)(b).

## 12.9.5 Standards

### 12.9.5.1 Site Standards

#### i Setback from Internal Boundaries

Minimum setback from internal boundaries of any building for any activity shall be 6m.

#### ii Access

Each residential unit shall have legal access to a formed road.

#### iii 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.

#### 1. Earthworks

- (a) The total volume of earthworks does not exceed **100m<sup>3</sup>** per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m<sup>2</sup>** in area within that site (within a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m<sup>3</sup>** (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
  - (i) expose any groundwater aquifer;
  - (ii) cause artificial drainage of any groundwater aquifer;
  - (iii) cause temporary ponding of any surface water.

#### 2. Height of cut and fill and slope

- (a) 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.
- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height of any fill shall not exceed 2 metres.

#### 3. Environmental Protection Measures

- (a) 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.
- (b) Any person carrying out earthworks shall:
  - (i) 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.
  - (ii) 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) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

4. Protection of Archaeological sites and sites of cultural heritage
- (a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
  - (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgement Areas.

#### iv Earthworks

- (a) No cut or batter (other than routine repair and maintenance of operational tracks in Activity Area (11) of the Bendemeer Zone Plan 'A') shall exceed 2.0 m in vertical height. **Except that** such cut or batter shall not exceed 3.0 m in vertical height for more than 10% of its length.
- (b) All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees.
- (c) All impervious surfaces are to be vegetated.
- (d) No earthworks shall exceed 1000m<sup>3</sup> in total volume or 2500m<sup>2</sup> in total area.

### 12.9.5.2 Zone Standards

#### i Residential Density

- (a) The following residential densities shall not be exceeded:

Activity Area (1) 1 Residential Unit per 1500m<sup>2</sup>  
 Activity Area (2) 1 Residential Unit per 2000 m<sup>2</sup>  
 Activity Area (3) 1 Residential Unit per 2500 m<sup>2</sup>  
 Activity Area (4) 1 Residential Unit per 3000 m<sup>2</sup>  
 Activity Area (5) 1 Residential Unit per 4000 m<sup>2</sup>  
 Activity Area (6) 1 Residential Unit per 6000 m<sup>2</sup>

Activity Area (7) 1 Residential Unit per 7000 m<sup>2</sup>  
 Activity Area (8) 1 Residential Unit per 50000m<sup>2</sup>

- (b) The total residential density for Bendemeer Zone shall not exceed 75 residential units.

#### ii Building Height

The maximum height for all buildings shall be:

Activity Areas (1) to (6)	7 m
Activity Area (7)	5 m
Activity Area (9) and (10)	9 m
Activity Area (11)	8 m

#### iii Visitor Accommodation

Visitor accommodation, commercial and residential activities in Activity Area (9) of Bendemeer Zone Plan 'A' shall be limited to one building with a maximum gross floor area not exceeding 3000 m<sup>2</sup>.

#### iv Commercial Activities

Commercial activities in Activity Area (10) of Bendemeer Zone Plan 'A' shall be limited to one building, in addition to the existing woolshed, of no more than 500 m<sup>2</sup> gross floor area.

#### v Noise

- (a) Sound from 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) | 55 dB L <sub>Aeq(15 min)</sub> |
| (ii)  | night-time | (2000 to 0800 hrs) | 45 dB L <sub>Aeq(15 min)</sub> |
| (iii) | night-time | (2000 to 0800 hrs) | 75 dB L <sub>AFmax</sub>       |

- (b) Sound from 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) 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 from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance 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) shall not apply to sound from Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

## vi Building Coverage

The building coverage for residential units in Activity Areas (1) - (8) of the Bendemeer Zone Plan 'A' on any site shall not exceed 500 m<sup>2</sup>.

## vii Nature and Scale of Activities

The nature and scale of all non-residential activities in Activity Areas (1) - (8), and (11) shall not exceed a maximum gross floor area of 40 m<sup>2</sup>.

## viii Glare and Light Spill

- (a) All lighting to accessways and roading within the zone shall be kept to a minimum, and directed downwards, so as to avoid light spill.
- (b) All exterior lighting shall be no higher than 4 m above finished ground levels.

## ix Services

All power and telecommunication and other reticulated services are to be underground.

## x Delineation of Boundaries

No linear shelterbelts or plantings shall be permitted along the boundaries of individual dwelling allotments.

## xi Refuse Management

All refuse shall be collected and disposed of in a Council approved landfill site. There shall be no landfill sites situated within the zone.

## 12.9.6 Resource Consents - Assessment Matters

### i Earthworks

#### 1. Environmental Protection Measures:

- (a) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) 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.
- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) 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.

## 2. Effects on landscape and visual amenity values

- (a) 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.
- (b) Whether the earthworks will take into account the sensitivity of the landscape.
- (c) The potential for cumulative effects on the natural form of existing landscapes.
- (d) The proposed rehabilitation of the site.

## 3. Effects on adjacent sites:

- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.

## 4. General amenity values

- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.

- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.

- (c) Whether natural ground levels will be altered.

## 5. Impacts on sites of cultural heritage value:

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

## ii Residential Density

- (a) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

## iii Building Height

- (a) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

## iv Building Coverage

- (a) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

