

12.7 Penrith Park Zone Rules

12.7.1 Zone Purpose

The purpose of Penrith Park Zone is to provide for the establishment of low and medium density residential activities in a rural type location overlooking the Wanaka foreshore but still within close proximity to the town centre.

12.7.2 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.

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|-------|--|-----------------------|
| (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 |

12.7.3 Activities

12.7.3.1 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**.

12.7.3.2 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

The addition, alteration and construction of all buildings in respect of the location of the building and associated earthworks, access, external appearance and landscaping.

12.7.3.3 Discretionary Activities

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

i Visitor Accommodation

ii Removal of Vegetation and Disturbance of Land

- (a) The removal of vegetation in Activity Area (1) as identified on the Penrith Park Zone Plan 'A'.
- (b) The removal of vegetation and the disturbance of land in Activity Area (1) as identified on the Penrith Park Zone Plan 'A'.

iii More than one Residential Unit per site.

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.

12.7.3.4 Non-Complying Activities

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

- i. **Commercial Activities**
- 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 and rescues, fire fighting or for activities ancillary to farming activities.
- viii. **Residential Flat**
- ix. 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**.

12.7.3.5 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, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

12.7.4 Non-Notification of Applications

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.

12.7.5 Standards

12.7.5.1 Site Standards

i Waste

- (a) Provision shall be made for the safe and hygienic disposal of all liquid waste. The disposal method shall comply with any known technology acceptable to the Council provided that in no case shall the disposal method result in any reduction of any natural water quality, including groundwater.
- (b) Stormwater from all impervious surfaces shall be collected and disposed of either into the ground or the individual site, in the case of a residential property, or to a public reticulated system of grassed swales, incorporating vegetated buffers where possible, but preferably, where acceptable to the District Council, into treatment utilising vegetated wetland settling areas, operated to the satisfaction of the consenting authority dealing with the discharges of contaminants.

ii Visual Amenity

- (a) There shall be no planting of the following tree species:
 - Pinus radiata;
 - Pinus muricata;

- Pinus contorta;
- Pinus ponderosa;
- Pinus sylvestris;
- Pinus nigra; or
- Douglas fir

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

- (b) The planting of any other tree species shall meet the following requirements:
- i No hedge or boundary trees are to exceed 2 m in height.
 - ii Trees or shrubs may be planted within legal road reserve, only with the consent of the road controlling authority. No such tree or shrub shall be planted in a position where it will, during its normal life span, adversely affect the normal functioning of power cables, sewer, water, stormwater and telephone services installed underground.
- (c) All services shall be reticulated underground.
- (d) No part of any building located in Activity Area (1) of the Penrith Park Zone Plan 'A' north of the visual amenity line shall intrude into the skyline when viewed from any public place, excluding Lake Wanaka and any road or walkway within the zone.

"The Skyline" means the line at which the landforms within Activity Area (1) of the Penrith Park Zone Plan 'A' and the sky appear to meet, provided that landforms are inclusive of any existing vegetation to be retained, earthworks or landscaping, the purpose of which is to reduce the visibility of buildings on a site and which is the subject of or forms part of any resource consent granted in respect for the site by the Council.

- (e) No part of any building located in Activity Area (1) of the Penrith Park Zone Plan 'A' north of the visual amenity line shall be visible from any public place within 50m of the Shoreline excluding the surface of Lake Wanaka.

iii Building Line

- (a) No building shall be erected west of the Building Line as shown on Penrith Park Zone Plan 'A'.
- (b) No building on any allotment affected by the building line shall be visible when viewed from any public place within 50m of The Shoreline, excluding the lake surface, and referred to on Penrith Park Zone Plan 'A' as The Beach.

"The Shoreline" means the landward edge of Lake Wanaka where the edge of the water surface of Lake Wanaka at 277.27m above mean sea level intersects dry land.

"The Beach" means the strip of land bordering Lake Wanaka and marked on Penrith Park Zone Plan 'A' as "The Beach" and being of a length of 175m measured in a straight line from the point where a prolongation of the northern side of Beacon Point Road (as shown on the appropriate survey maps) intersects the shoreline to the point where the line last intersects with the shoreline to the North.

iv 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.

- (a) The total volume of earthworks does not exceed **100m³** 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 **200m²** 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 **20m³** (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.

12.7.5.2 Zone Standards

i Building Height

The maximum height for all buildings shall be 7 m.

ii 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 LAeq(15 min)
 - (ii) night-time (2000 to 0800 hrs) 45 dB LAeq(15 min)
 - (iii) night-time (2000 to 0800 hrs) 75 dB LAFmax

- (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.

iii Building Site Coverage

- (a) The maximum site coverage for all buildings shall be:
 - i 30% in Activity Area (2) of the Penrith Park Zone Plan 'A'
 - ii 20% in Activity Area (1) of the Penrith Park Zone Plan 'A'

iv Building Setback Minimums:

- (a) Side yards - 6 m
- (b) Rear yards - 6 m
- (c) Front yards - 9 m

v Nature and Scale of Activities

The nature and scale of non-residential activities shall not exceed a maximum gross floor area of 40 m².

vi Refuse Management

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

12.7.6 Resource Consents - Assessment Matters

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

i Controlled Activity - Buildings

- (a) Whether the building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes when viewed from the shoreline.
- (b) Whether the building is visually obtrusive from any public road, recreation area or public place.
- (c) Whether the colours of the roofs and walls are of low reflectivity and derived from the landscape, with bright accent colours or highly reflective colours used only in small areas for visual interest.
- (d) The extent to which the proposed building reflects the alpine characteristic of the Wanaka area as represented by the pitched roofs with dormer windows.
- (e) Whether the road access and internal driveways are situated in the most appropriate position and avoid excessive cuts and fills, and do not compromise the visual amenity of the site.
- (f) Whether the exterior walls are built of materials commonly found in the environs of the site.
- (g) The extent to which the building preserves the existing mass of vegetation.

ii Discretionary Activity- Buildings

- (a) The extent to which the building intrudes into the skyline when viewed from any public place excluding

- (i) the surface of Lake Wanaka
- (ii) any road or walkway within the zone
- (b) The extent to which the building is visible from any public place within 50 meters of the shoreline, excluding the surface of Lake Wanaka.
- (c) The extent to which earthworks or landscaping intended to mitigate the visual intrusion or visibility of the building may compromise the visual amenity of locality.
- (d) The extent to which the building and vehicle access to the building platform preserves the existing nature of vegetation on the site.

iii Discretionary Activity- Native Vegetation

- (a) The extent to which the proposal will result in the enhancement, replacement or maintenance of existing native vegetation on the site.
- (b) The extent to which any native vegetation to be removed from the site will be or has been replaced and the contribution that new vegetation makes or will make to the visual amenity of the site and locality when viewed from any public place within 50 meters of the shoreline, excluding the surface of Lake Wanaka.

iv Discretionary Activity – Land Disturbance

- (a) The extent to which any disturbance of the land form will detract from the contribution of that landform to the visual amenity of the site.
- (b) The extent to which the removal of vegetation may affect the stability of the escarpment and the survival of remaining vegetation.

v Earthworks

1. Environmental Protection Measures

- (a) The 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.

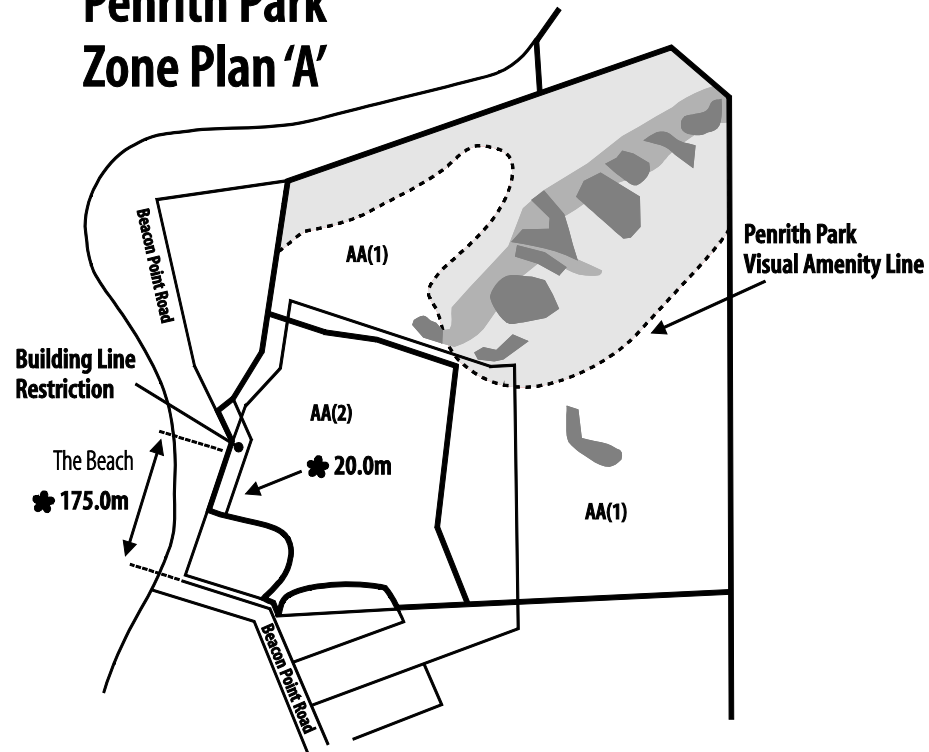
vi Building Height

- (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.





vii 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.

Penrith Park Zone Plan 'A'



LEGEND

-  Area to which Rule 12.7.3.3 (ii) (b) applies
-  Area to which Rule 12.7.5.1 (ii) (d) and (e) applies
-  Area to which Rule 12.7.3.3 (ii) (a) applies
-  Clause 16(2) 14/9/99