

12.17 Meadow Park Zone Rules

12.17.1 Zone Purpose

The purpose of Meadow Park Zone is to:

- (a) create a comprehensively designed and integrated development that enhances the western edge / entrance to Arrowtown;
- (b) create a comprehensively designed and integrated development that integrates into Arrowtown's urban fabric;

whilst having regard to surrounding landscape values, Arrowtown's heritage resources and character, the indigenous ecology of surrounding mountains and air quality.

This is to be achieved through the adoption of a structure plan for the zone which recognises and stages development within the zone. Within the structure plan, the following activity areas are recognised:

- Residential Activity Area (RES) - To provide for the development of residential activities.
- Open Space Malaghans Road - (OS-MR) - To provide for a 160 metre landscaped setback along Malaghans Road frontage for the purpose of defining a distinct urban edge and separate any future development from Millbrook Resort.
- Open Space Malaghan Road (OS-MR(E)) – To provide a 100 metre open space setback along the Malaghan Road frontage for the purpose of defining a distinct urban edge, separate any future development from Malaghan Road and Millbrook Resort, and maintain existing open views of Feehly's Hill. The setback is reduced to approximately 30 metres at its eastern end, and follows the line between the Outstanding Natural Feature (Feehly's Hill) and the surrounding land.

- Designed Urban Edge (DUE) - To provide for an interesting and comprehensively designed urban edge between the open space approach to Arrowtown (including the existing residential dwelling) and new residential activities to be undertaken within the zone. It is intended that the design urban edge will successfully integrate a deciduous and non-deciduous treed characteristic inherent in Arrowtown's present character, into the new development. It is not necessarily intended to screen development from view from Malaghan's Road.

Designed Urban Edge (DUE)(E)- To provide for an interesting and comprehensively designed urban edge between the open space approach to Arrowtown and new residential activities. It is anticipated that the Designed Urban Edge (e) will successfully integrate planting with the restoration of Feehly's Hill.

- Open Space - Industrial Area (OS-IND) - To provide for a landscaped buffer area between the residential areas and the existing industrial zone to protect residential amenity values and prevent reverse sensitivity issues.
- Open Space Hillside - (OS-HL) - To prevent the erection of buildings or structures on the upper slopes of the Hillside below the outstanding natural landscapes and retain and enhance the existing vegetation through ecological restoration.
- Open Space Hillside- (OS-HL(E))- To prevent the erection of buildings or structures on Feehly's Hill, recognising its values as an Outstanding Natural Feature. To enhance the ecological values, and enable public access.

12.17.2 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.

The District Wide Rules which shall apply to the Meadow Park Zone are as for the District Wide Rules as listed.

- i Transport - Refer Part 14
- ii Subdivision - Refer Part 15
- iii Hazardous Substances - Refer Part 16
- iv Utilities - Refer Part 17
- v Signs - Refer Part 18
- vi Relocated Buildings and Temporary Activities - Refer Part 19

12.17.3 Activities

12.17.3.1 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**.

- i **Within OS-MR(E) arable or pastoral farming, excluding any tree planting.**

12.17.3.2 Controlled Activities

The following Activities shall be **Controlled Activities** provided that they are not listed as a **Discretionary, Non-Complying** or **Prohibited 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 All **Buildings**, including buildings located within building platforms in Activity Area (DUE(W)), in respect of:
 - The location and external appearance of buildings and associated earthworks, access and landscaping; and
 - The provision of water supply, sewerage treatment and disposal, electricity and communication services.

- ii **Access** within Activity Areas (OS-MR(W)) and (DUE(W)) of the Structure Plan in respect of:

- (a) the re-design of the existing access to the existing house on the site.

- iii **Ecological Restoration** within Activity Area (OS-HL(W)) in respect of:

- (a) Species and plantings to be undertaken; and
- (b) Long term management.

12.17.3.3 Restricted Discretionary and Discretionary Activities

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

- i **Health and Day Care Facilities** within Activity Area (RES(W)) of the Structure Plan.

- ii **Visitor Accommodation** within Activity Area (RES(W)) of the Structure Plan.

- iii **Commercial Recreation Activities** within Activity Areas (OS-MR(W)), (OS-IND) and (OS-HL(W)).

- iv **Buildings and Landscaping** within Activity Area (DUE(E)) of the Structure Plan limited to:

- (a) the number, size and location of building platforms, associated access and earthworks;
- (b) maximum building heights;
- (c) species to be planted and their maintenance;
- (d) landscaping earthworks, including mounding and ponds;

- (e) the provision of open space and retaining views of outstanding natural landscapes and features from Malaghans Road;
 - (f) the long-term management of the Design Urban Edge.
- v Buildings and landscaping** within DUE(E).
- vi Premises Licensed for sale of liquor**
- vii Ecological restoration** within Activity Area (OS-HL(E)) limited to:
- (a) Control of pest and/or noxious weeds;
 - (b) Species type, and planting to be undertaken;
 - (c) Long term management.
- viii Provision of a public walking track** to the summit of Feehly's Hill (OS-HL(E)), limited to:
- (a) route;
 - (b) Method of construction;
 - (c) Maintenance;
 - (d) Tenure;
 - (e) Linkage to Manse and/or Malaghan Road;
 - (f) Continued access.
- ix Landscaping** of the OS-MR(E) limited to:
- (a) Earthworks and planting;
 - (b) Long term maintenance;
 - (c) Maintenance of the open views to Feehly's Hill
 - (d) Maintenance of the foreground to Feehly's Hill.

12.17.3.4 Non-Complying Activities

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

- i** Any Activity, other than the provision of Open Space, in Activity Areas (OS-MR(W)), (OS-MR(E)), (OS-IND), (OS-HL(W)) and (OS-HL(E)) of the Structure Plan.
 - ii Factory Farming**
 - iii Forestry Activities and Plantation Forestry within the OS-HL(E) Activity Area.**
 - iv Mining Activities**
 - v Industrial and Service Activities**
 - vi All Visitor Accommodation**, except within Activity Area (RES(W)) of the Structure Plan.
 - vii Commercial Activities**
 - viii Commercial Recreational Activities** in Activity Area (RES(W)), RES(E) and DUE(E) of the Structure Plan.
 - ix Educational Facilities**
 - x The take-off or landing of aircraft other than for emergency landings and rescues or fire-fighting.**
 - xi** Any **tree planting** or **solid fencing** within OS-MR(E) that is not approved as part of a landscaping plan approved pursuant to 12.17.3.3(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.

12.17.3.5 Prohibited Activities

The following activities shall be **Prohibited Activities**:

- i Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building, fish or meat processing, or Any Activity requiring an Offensive Trade Licence under the Health Act 1956.

12.17.4 Notification and Non-Notification of Applications

- (a) The design of the Design Urban Edge shall be publicly notified under section 93(2) of the Act.
- (b) 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.
- (c) Prior to an application for resource consent being processed under Rule 12.17.5.2 i (c) (ii) and (iii) 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.
- (d) Prior to an application for resource consent being processed under Rule 12.17.3.3(v) 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.

12.17.5 Standards - Activities

12.17.5.1 Site Standards

i Setback from Roads and Internal Boundaries

- (a) No building or structure shall be located closer than 15m to the Zone boundary except in RES(E) where no building shall be located closer than 4.5 metres to the zone boundary.

- (b) No building or structure shall be located closer than 2m to an internal boundary, except in DUE(E) where no building shall be located closer than 5 metres to an internal boundary.
- (c) No building or structure shall be located closer than 4.5m to any legal road boundary.

Except:

- (i) Within DUE(E) and RES(E), the setback from Manse Road is 10 metres.
 - (ii) Within DUE(E), the setback from the edge of OS-MR(E) is 15 metres.
 - (iii) Within DUE(E) and RES(E), the setback from the edge of OS-HL(E) is 2 metres.
- (d) Accessory buildings to 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.
 - (e) 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 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.

- (f) No part of any building designed and/or used for the housing of animals shall be permitted to locate within 2m of any internal boundary.
- (g) No setback is required where buildings on adjoining sites have a common wall on an internal boundary provided that only one common wall is permitted per residential unit.

ii Access

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

iii Continuous Building Length

Where the aggregate length of buildings measured parallel to any internal boundary exceeds 16m; either

- The entire building(s) shall be set back on additional 0.5m for every 6m of additional length or part thereof from the minimum yard setback (continuous facades) at the same distances from the boundary)

or

- 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.

iv Earthworks

The following limitations apply to all earthworks (as defined in this Plan) on the eastern side of Manse Road, except for earthworks associated with a subdivision that has both resource consent and engineering approval.

1. Earthworks

- (a) The total volume of earthworks shall not exceed **100m³** per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
- (b) Within DUE(E), the maximum area of bare soil exposed from any earthworks shall not exceed 15% of any site. (within a 12 month period)
- (c) Within RES(E), the maximum area of bare soil exposed from any earthworks shall not exceed 15% of any site. (within a 12 month) period)
- (d) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m³ (notwithstanding provision 17.2.2).
- (e) No earthworks shall:
 - (i) expose any groundwater aquifer;
 - (ii) cause artificial drainage of an 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 to the top of the cut or the toe of the fill from the

site boundary (See Interpretive Diagram 6 in Appendix 4 of the Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less than or equal to 1.5m in height (with no surcharge).

- (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) Any person carrying out earthworks shall:
 - (i) Implement erosion and sediment control measures to avoid soil erosion and any sediment entering any waterbody. Refer to the Guideline – Erosion and Sediment Control Measures 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 waterbody or where it may dam or divert or contaminate water.
- (b) 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 Guideline – Erosion and Sediment Control Measures 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.

v Site Density

In RES(E), the minimum net area for any site shall be 575m² for each residential unit contained within the site.

12.17.5.2 Zone Standards

i Residential Units

- (a) The maximum number of residential units within the Meadow Park Zone (W) shall not exceed 100.
- (b) No residential activities shall be undertaken in Activity Areas (OS-MR(W)), (OS-IND) or (OS-HL(W)) of the Structure Plan.
- (c) No residential activities shall be undertaken in Activity Areas OS-MR(e) or OS-HL(E) of the structure plan.
- (d) No new residential activities shall be undertaken within the zone until such a time that a Resource Consent has been approved by Council, and all conditions have been given effect to, for:
 - (i) the design and landscaping of (DUE(W)) of the structure plan under Rule 12.17.3.3(iv); and
 - (ii) the redesign of the existing access way to the existing house within (OS-MR(W)) and (DUE(W)) of the Structure Plan under Rule 12.17.3.2(ii); and
 - (iii) the ecological restoration of (OS-HL(W)) of the Structure Plan under Rule 12.17.3.2(iii).
- (e) No new residential activities shall be undertaken within DUE(E) or RES(E) of the zone until such time that a Resource Consent has been approved by Council, and all conditions have been given effect to, for:
 - (i) the ecological rehabilitation of the OS-HL(E) of the Structure Plan pursuant to Rule 12.17.3.3(vii);

- (ii) the creation and maintenance of a public walkway within OS-HL(e) of the Structure Plan pursuant to Rule 12.17.3.3(viii);
- (iii) the landscaping within the OS-MR(E) of the structure plan pursuant to Rule 12.17.3.3(ix).

ii Building Height

- (a) The maximum height of any building in the Activity Area (RES) of the Structure Plan shall be 7m.
- (b) No other building within the zone shall exceed 6m in height.
- (c) The maximum height of any building in the Activity Area DUE (E) of the Structure Plan shall be 4.5m.

Refer to the definitions of Height and Ground Level.

iii Setback From Lot 1 D.P. 20467

No building or structure shall be located within 20m to Lot 1 D.P. 20467.

iv Glare

- (a) All fixed lighting shall be directed away from adjacent roads and properties.
- (b) 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.
- (c) No activity shall result in a greater than 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.

v Servicing

All telephone and power lines within the zone are to be reticulated underground.

vi Building Coverage within Activity Areas (RES(W)), RES(E), (DUE(W)) and DUE(E) of the Structure Plan:

- (a) Within RES(W) and DUE(W), no building coverage, including accessory buildings, shall exceed 40 per cent of the total site.
- (b) Within DUE(E) Lot 1 DP 2359 contained within DUE(E), the maximum building coverage shall be 15% of the site that is within DUE(E).
- (c) Within RES(E) the maximum floor area of any dwelling is to be 160m² with an allowance for accessory buildings to a maximum of 40m².

vii Heavy Vehicle Storage

No more than one heavy vehicle shall be stored or parked overnight on any site for any activity.

viii Hours of Operation

- (a) The maximum total number of hours in any one week the site shall be open to visitors, clients or deliveries shall be 50 hours.
- (b) Hours of operation shall be limited to between the hours: 0730 - 2000.

except where:

- (i) the entire activity is located within a building and occupied not more than 40m² of floor space, and
- (ii) each person engaged in the activity outside the above hours resides permanently on the site, and
- (iii) there are no visitors, clients or deliveries to or from the site outside the above hours, and
- (iv) all other relevant zone standards are met:

the activities may be carried out outside the above hours.

ix Nature and Scale of Non-Residential Activities

To meet this standard:

- (a) At least one person engaged in the activity must reside on the site; and
- (b) No more than three full-time equivalent persons who permanently reside elsewhere than on the site shall be employed in undertaking an activity on the site; and
- (c) No more than 60m² of the gross floor area of the buildings on a site shall be used for activities, other than residential activities; and
- (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
- (e) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

x Retail Sales

No goods shall be displayed, sold or offered for sale from a site other than goods grown, reared or produced on the site.

xi 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:
 - (i) daytime (0800 to 2000 hrs) 50 dB LAeq(15 min)
 - (ii) night-time (2000 to 0800 hrs) 40 dB LAeq(15 min)

- (b) Sound from non-residential activities which is received in another zone shall also 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 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) shall not apply to sound from Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

xii Access

There shall be no new vehicular access from Malaghan Road to the Meadow Park Zone except the redesigned existing access approved under Rule 12.17.3.2(ii).

xiii Atmospheric Emissions

Within any premises in the Zone the best practicable means shall be adopted to minimise the emission of smoke, smell and other air pollutants from the premises and to render any air pollutants harmless and inoffensive.

Feature open fire places are permitted in the equestrian centre, riding school and other communal buildings including bars and restaurants. There shall be no other solid fuel fires except in residential dwellings.

xiv 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.

xv Keeping of Animals

There shall be no keeping of pigs.

12.17.6 Assessment matters

- (i) 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.
- (ii) 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 Clause 12.17.6.1 below.
- (iii) In the case of *Controlled 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).
- (iv) In the case of *Controlled Activities*, the assessment matters shall only apply in respect of *conditions* that may be imposed on a consent.
- (v) 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.

12.17.6.1 Assessment Matters

1. Discretionary activity – Buildings and landscaping within DUE(E)

In considering whether the proposed residential activities within DUE(E) will adversely affect the visual coherence of Feehly's Hill, and

establish a designed urban edge to Arrowtown, the Council must be satisfied that:

- (a) landscaping is used effectively to mitigate adverse effects on views from Malaghan Road;
- (b) Any landscaping is consistent with the ecological restoration of Feehly's Hill.
- (c) the extent to which it is possible to provide a landowner with reasonable use of his land by any other means;
- (d) the extent to which the proposal assists in providing a comprehensively designed urban edge to Arrowtown.

2. Discretionary Activity – Ecological restoration within Activity Area OS-HL(E)

In assessing any application for the ecological restoration of Feehly's Hill, the Council shall consider:

- (a) proposed removal of pest plants, particularly broom and other wilding species, and their continued eradication
- (b) Proposed species to be planted, and their long term maintenance and management.

3. Discretionary Activity – Provision of a public walkway to the summit of Feehly's Hill (OS-HL(E))

In assessing any application for a public walkway, the Council shall consider:

- (a) the visual impact of any walkway
- (b) the potential to link the walkway with the existing access provided by the Department of Conservation reserve
- (c) the future maintenance and management of the walkway, including assurances of continued public access
- (d) signage
- (e) any proposed earthworks

4. Discretionary Activity- Landscaping of the OS-MR(E)

In considering any landscaping plan for the OS-MR(e), the Council shall be satisfied that:

- (a) the open character of the OS-MR(E) is retained, maintaining the open views of Feehly's Hill

5. Earthworks

1. 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 areas.
- (c) The proposed rehabilitation of the site through planting and or other landscaping.
- (d) Whether the proposed earthworks will have a positive effect on stability and landform of the site.

2. Effects on adjacent sites

- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will changes 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.

3. Environmental Protection Measures

- (a) The extent of proposed sediment/erosion control techniques to adequately ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) The duration the earthworks will be exposed.
- (d) Where earthworks are proposed on a site with a gradient > 18.5 degrees (1 in 3) whether a geotechnical report has been supplied by a suitably qualified engineer 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 a resource consent or permit from the Otago Regional Council.

4. Impacts on sites of cultural heritage value

- (a) Whether earthworks will adversely affect land which contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgement Area, and whether tangata whenua have been notified.
- (b) Whether earthworks will adversely affect land which contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.
- (c) Whether earthworks will adversely affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgement Areas.

6. 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.

7. 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.

