

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 4 –
Subdivision and
Development

**MEMORANDUM OF COUNSEL ON BEHALF OF THE QUEENSTOWN LAKES
DISTRICT COUNCIL RESPONDING TO THE 7 JULY 2016 MINUTE CONCERNING
UPDATING REFERENCES TO PDP PROVISIONS**

19 July 2016

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of the Queenstown Lakes District Council (**Council**) to provide the Hearing Panel (**Panel**) with updated versions of:
 - (a) Mr Nigel Bryce's s42A Report on Chapter 27; and
 - (b) Appendix 1 to Mr Bryce's s42A Report on Chapter 27.

2. The Panel directed the Council update the cross-referencing to the notified and redrafted Chapter 27 Rules in these documents, mark up those changes and file them with the Panel.¹

3. The documents are attached to this memorandum at **Appendix A**.

DATED this 19th day of July 2016



S J Scott
Counsel for the Queenstown Lakes District
Council

¹ Minute concerning references to PDP provisions dated 7 July 2016, at paragraph 4.

APPENDIX A

UPDATED S42A REPORT AND REVISED CHAPTER

Queenstown Lakes District Proposed District Plan – Stage 1

Section 42A Hearing Report For Hearing commencing: 25 July 2016

Updated Report dated: ~~29 June~~ 19 July 2016
[as per Panel's minute dated 7 July 2016]

Report on submissions and further submissions Chapter 27 Subdivision and Development

File Reference: Chp. 27 S42A

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- Appendix 2. List of Submission points with recommended decision.
- Appendix 3. Section 32 Report/link to s32 report.
- Appendix 4. Section 32AA report.
- Appendix 5. A study by Read Landscapes Limited, titled 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment 2014

I have also referred to, and relied on the following evidence filed alongside this section 42A report:

Mr Ulrich Glasner, Engineer – statement dated 29 June 2016; and
Mr Garth Falconer, Urban Design – statement dated 29 June 2016.

I also refer to and rely on the evidence of Dr Marion Read, Landscape – statement dated 6 April 2016, filed in the Rural Hearing Stream 2.

Key:

Red underlined text for additions and ~~Red strikethrough text~~ for deletions as at 19 July 2016, which updates referencing in response to the Panel's Minute dated 7 July 2016 concerning references to PDP provisions. Where a redrafted provision number is not given this means the provision number has not changed since notification, or the redrafted number is given in previous paragraphs. No changes have been made to the content of the Report.

1. EXECUTIVE SUMMARY

1.1. The structure of the Proposed District Plan (**PDP**) Chapter 27 Subdivision and Development (**Chapter 27**) has been changed from the notified version, as follows:

- (i) section 27.3 has been reformatted to include the Location Specific Objectives and policies; and
- (ii) section 27.5 has been reformatted from paragraphs to a table structure, to more closely align with the other chapters of the PDP.

1.2. I have recommended a number of significant amendments to Chapter 27 provisions in response to submissions. The most significant amendments include:

- a. The deletion of the default Discretionary Activity status for subdivision under notified Rule 27.4.1 [pg.10 \[Redrafted rule 27.5.5 and rule 27.5.6\]](#), in favour of a Restricted Discretionary Activity status particularly geared towards subdivision within rural living and urban zones (with two separate rules to cater for subdivision in urban areas, [redrafted Rule 27.5.5 \[notified Rule 27.4.1 pg.10\]](#) and rural living, [redrafted Rule 27.5.6 \[notified Rule 27.4.1 pg.10\]](#));
- b. Inserting a Controlled Activity status in the PDP for certain subdivision activities such as subdivision that is in accordance with a structure plan or spatial layout plan attached to the subdivision chapter [\[redrafted Rule 27.7.1; notified Rule 27.4.3 pg.10\]](#), and boundary adjustments [redrafted Rule 27.5.3 \[notified rule 27.4.1 pg.10\]](#) (excluding boundary adjustments within Arrowtown's urban boundary and within more sensitive areas of the District, which is addressed through [redrafted Rule 27.5.4 \[notified Rule 27.4.1 pg.10 and notified Rule 27.5.1.4 pg.13\]](#));
- c. Amending a number of objectives to read more like outcome statements;
- d. Providing stronger, and more directional policies;
- e. Deleting those zones that are referenced within the Minimum Site Area provisions that form part of Stage 2 to the District Plan Review; and
- f. Integrating a new policy and method to respond to reverse sensitivity effects associated with existing high voltage transmission corridors.

1.3. I consider that the amendments to the Chapter 27 planning provisions are more effective and efficient than the equivalent provisions in Chapter 27 as notified. In addition, I consider that the amendments are more effective and efficient than the existing Operative District Plan (**ODP**), and better meet the purpose of the Resource Management Act 1991 (**RMA**).

- 1.4. I further consider that the Discretionary Activity rule framework is not the most effective method in providing for subdivision activity within the District's urban and rural living zones. A Restricted Discretionary Activity framework provides for a narrower and more transparent rule framework for developers and applicants to advance through, whilst still providing for the ability to decline an application should it be determined that it doesn't achieve the desired outcomes of the PDP.
- 1.5. The proposed changes to the provisions are shown in the Revised Chapter attached as **Appendix 1 (Revised Chapter)**.

2. INTRODUCTION

- 2.1. My Name is Nigel Roland Bryce. I am employed by Ryder Consulting Limited as an Environmental Planner and I am a Full member of the New Zealand Planning Institute. I hold the qualifications of Bachelor of Resource and Environmental Planning Degree from Massey University, 1996.
- 2.2. I have 19 years' experience as a resource management practitioner in New Zealand and in the United Kingdom, which includes both public and private sector planning roles. I have a broad range of planning and process management experience and have been engaged by the Queenstown Lakes District Council (**Council**) to undertake a variety of reporting roles, including section 42A report officer for Plan Change 50 and Plan Change 46, recently approved in Queenstown and Wanaka, respectively. I have also been the section 42A reporting officer for the subdivision of the Lakes Hayes Estate subdivision, adjoining Walnut Grove Rural residential subdivision, extensive LDRZ and HDRZ and more recently processed the Shotover Park Industrial subdivision in Frankton.
- 2.3. I was recently engaged by the Timaru District Council to assist with the Council's Rural Residential Growth Strategy. This work included making recommendations to the Council on rezoning options for the District's Rural Residential Zone land supply and involved a comprehensive literature review on what constitutes a rural residential activity (and the differentiation between a rural residential and rural lifestyle property).

3. CODE OF CONDUCT

- 3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within

my area of expertise, except where I state that I am relying on the evidence of another person. I am authorised to give this evidence on the Council's behalf.

4. SCOPE

- 4.1. My evidence addresses the submissions and further submissions received on the purpose statement, objectives and provisions of Chapter 27.
- 4.2. I discuss issues raised under broad topics, and where I recommend substantive changes to provisions I have assessed those changes in terms of s32AA of the RMA. The Table in **Appendix 2** outlines whether individual submissions are accepted, accepted in part, rejected, out of scope or deferred/transferred to another hearing stream.
- 4.3. Although this evidence is intended to be a stand-alone document and also meet the requirements of s42A of the RMA, the s32 Subdivision and Development report is attached as **Appendix 3** for information and reference purposes. This report links to supporting documents referenced in the s32 (on page 11 of that report), along with Monitoring reports that can be found on the Council's website at www.QLDC.govt.nz.
- 4.4. Due to the breadth of issues addressed in the PDP and submissions, the hearing of submissions has been separated into the respective chapters, or grouped into themes as much as practical. Specific new provisions that would only be necessary if a rezoning submission was successful, are not addressed in this evidence, as they are directly related to the rezoning submission itself. The relevant submissions specifically include:
 - a. Garry Strange (Submitter 168 and submission point 168.1);¹
 - b. Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd (Submitter 361 and submission point 361.6, 361.7);²
 - c. Infinity Investment Group Limited (Submitter 703 and submission point 703.3);
 - d. Jeremy Bell Investments (Submitter and submission point 820.2);
 - e. NZIA Southern and Architecture + Women Southern (Submitter 238 and submission point 238.113);³
 - f. Trojan Helmet Limited (Submitter 443 and submission points 443.6, 443.7);
 - g. Trojan Helmet Limited (Submitter 452 and submission points 452.6 and 452.7);
 - h. Woodlot Properties Limited (Submitter 501 and submission points 501.21, 501.22);⁴

1 And associated further submission FS1157.43.

2 And associated further submissions FS1118.7, FS1229.7, FS1296.7, FS1102.21, FS1289.21, FS1270.101, FS1071.90, FS1071.91, FS1118.6, FS1229.6, FS1296.6, FS1102.20, FS1270.100, FS1071.89.

3 And associated further submissions FS1157.44, FS1107.118, FS1226.118, FS1234.118, FS1239.118, FS1241.118, FS1248.118, FS1249.118.

- i. Dan Egerton (Submitter 234 and submission point 234.7);⁵
- j. Jillian Egerton (Submitter 346 and submission point 346.7);⁶
- k. Boundary Trust (Submitter 541 and submission point 541.6);⁷
- l. J M Martin (Submitter 565 and submission point 565.4); and
- m. Glendhu Bay Trustees Limited (Submitter 583 and submission points 583.3, 583.4, 583.5).⁸

4.5. These submissions and further submissions will be addressed at the hearing on mapping (this is set out in the Recommendation Table in **Appendix 2** to this evidence).

4.6. A number of submissions also seek to modify the lot sizes and density rules for particular zones set out in the Subdivision Chapter. While these submissions are within scope of this hearing, I consider it significantly more efficient to the Council and submitters in terms of preparing evidence and calling experts, and to the Hearings Panel in terms of being presented with a comprehensive full consideration of the issues, if these submission points are heard in the respective hearings on those zone chapters.

4.7. The minimum allotment sizes for each zone is often a critical determinant of the environmental outcomes of that zone. It is often more efficient to address the merits of the zone, any submissions on the density provisions of the zone, and the associated subdivision rules within the one hearing. It is therefore recommended that those submissions and further submissions that seek changes to minimum lot areas are deferred to the relevant zone specific hearings. An example of this relates to those submitters⁹ who have sought that the Large Lot Residential Zone is amended such that the minimum site area is reduced to 2,000m². Further, a submission to the Jacks Point Special Zone¹⁰ has sought changes to the density references within the provisions, which seek to provide for greater intensification of the Jacks Point Special Zone. These submission points have been deferred to the Hearing Streams for Residential and Special Zones, respectively.

4.8. The exceptions to this approach are the Rural Zone (Chapter 21), Rural Residential and Rural Lifestyle Zones (Chapter 22) and Gibbston Character Zone (Chapter 23) as these chapters have already been heard in Hearing Stream 2 in May 2016. The submissions on the allotment sizes of these zones cannot be transferred to that hearing as it has already

4 And associated further submissions FS1112.5, FS1102.22, FS1289.22, FS1270.102.

5 And associated further submission FS1266.8.

6 And associated further submission FS1266.17.

7 And associated further submission FS1266.25.

8 And associated further submission FS1094.3, FS1034.235, FS1094.4, FS1125.37, FS1034.236, FS1094.5, FS1034.237.

9 Submission points 166.10, 335.30, 293.1.

10 Submission points 632.61 and 632.64.

occurred. Therefore, these submissions will be heard in the Subdivision and Development hearing.

- 4.9. It is acknowledged that once the Hearings Panel has heard the submissions on minimum allotment sizes in other hearings (with the exception of those submissions relating to Chapters 21, 22 and 23), the Hearings Panel will need to retrofit any changes to the relevant supporting provisions of subdivision chapter. However these changes are not substantive to the subdivision chapter and are considered to be consequential changes to a District Wide Chapter, informed by the submissions of the respective zone chapter.
- 4.10. In responding to the submission by Submitter 145 (Upper Clutha Environmental Society (Inc))¹¹ who expresses concern regarding the Discretionary activity status for subdivision and development within Outstanding Natural Landscapes (**ONLs**) and Outstanding Natural Features (**ONFs**) and a desire for subdivision and development within these areas to be a non-complying activity, I have relied upon the conclusions reached by Mr Barr (section 42A Officer to Chapter 21 – Rural Zone).¹²
- 4.11. I have read, referred to, and relied on the evidence of Mr Garth Falconer (Urban Designer) and Mr Ulrich Glasnor (Council's Chief Engineer) both dated 29 June 2016 in preparing this report. I have also relied upon the Landscape evidence prepared by Dr Marion Read (Landscape Architect Consultant) that was prepared for Hearing Stream 2 dated 19 February 2016, as this relates to the minimum site area requirements applicable to the Rural Lifestyle Zone.

5. **BACKGROUND - STATUTORY**

- 5.1. The s32 analysis document is attached as **Appendix 3** to this evidence and provides a detailed overview of the higher order planning documents applicable to the Subdivision and Development Chapter. In summary, the following documents have been considered:

RMA

- a. In particular the purpose and principles in Part 2, which emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations, taking into account the 'four well beings' (social, economic, cultural and environmental). The following provisions of the RMA are particularly relevant to subdivision:

11 Submission point 145.32.

12 Paragraphs 11.15 to 11.24 of the Chapter 21 section 42A report.

- i. Section 11 (Restrictions on subdivision of land) sets out that no person may subdivide land unless expressly allowed by a rule or a resource consent; and
- ii. Section 106 (Consent authority may refuse subdivision consent in certain circumstances) provides the Council the ability to refuse a subdivision consent or may grant a subdivision consent subject to conditions if:
 - (a) *'the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source'*;
 - (b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by the matters set out (a); and
 - (c) if sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

Local Government Act 2002

- b. In particular s14, principles relating to local authorities. Sections 14(c), (g) and (h) emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

Iwi Management Plans

- c. When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Councils must "*take into account*" any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. Two iwi management plans are relevant:
 - i. *The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)*; and
 - ii. *Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)*.

Operative Otago Regional Policy Statement 1998 (Operative RPS)

- d. Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must "*give effect to*" any operative Regional Policy Statement. The Operative RPS contains a number of objectives and policies of relevance to the Rural Residential and Rural Lifestyle Zones, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago's land resource by:
- i. Objective 5.4.1: To promote the sustainable management of Otago's land resources, in order:
 - (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and
 - (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.
 - ii. Objective 5.4.2: To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.
 - iii. Objective 5.4.3: To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.
- e. These objectives and policies highlight the importance of the land resource being appropriately managed (so as not to compromise the District's amenity landscapes and ONLs and ONFs in terms of section 6(b) and matters under section 7(c), (f) and (g) of the RMA).
- f. Objective 9.3.3 and 9.4.3 (Built Environment) and related policies are relevant and seek to avoid remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources, and promote the sustainable management of infrastructure.

Proposed Otago Regional Policy Statement 2015 (Proposed RPS)

- g. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority must "*have regard to*" any proposed Regional Policy Statement. The

Proposed RPS was notified for public submissions on 23 May 2015, and contains the following objectives and policies of relevance to Chapter 27 of the PDP:

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the PDP subdivision and development chapter as recommended to be revised in Appendix 1.
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	The Ngāi Tahu Claims Settlement Act 1998 and several associated Statutory Acknowledgement Areas within the Queenstown Lakes District
Kai Tahu values, rights and customary resources are sustained.	1.2	21.2.1, 1.2.2, 1.2.3	Subdivision and development can affect land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taonga.
The values of Otago's natural and physical resources are recognised, maintained and enhanced.	2.1	2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.7	Subdivision is a precursor to land use activities and the management of resources through subdivision includes the management of activities with regard to freshwater values, margins of water bodies, soil values, ecosystem and biodiversity values, recognising values of natural features and landscapes. The Subdivision chapter as notified and in the recommended revised chapter in Appendix 1 contains objectives, policies and rules to manage natural and physical resources.
Otago's significant and highly-valued natural resources are identified, and protected or enhanced.	2.2	2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.14, 2.2.15. Schedule 4, Schedule 5	Subdivision facilitates future land uses that can impact on resources including significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes and highly valued soil resources.

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the PDP subdivision and development chapter as recommended to be revised in Appendix 1.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	Subdivision involves land that contains areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource. Primarily this matter would be addressed through the respective zone provision, however the subdivision chapter contains policies and rules that recognise the resource management issues of the respective zones.
Risk that natural hazards pose to the communities are minimised.	3.2	3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11	<p>A critical component of subdivision is addressing natural hazards. The RMA directly facilitates this, including through Sections 5 and 106.</p> <p>The Subdivision chapter relies on the RMA and the PDP Natural Hazards Chapter as an overarching framework to manage natural hazards.</p> <p>The policies of the PDP subdivision chapter and the recommended revised matters of control and discretion allow the Council the ability to manage natural hazards and subdivision.</p>

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the PDP subdivision and development chapter as recommended to be revised in Appendix 1.
<p>Good quality infrastructure and services meet community needs.</p> <p>Infrastructure of national and regional significance is managed in a sustainable way.</p> <p>Energy supplies to Otago's communities are secure and sustainable.</p>	3.4 and 3.5	3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.5.1, 3.5.2, 3.5.3	<p>Subdivision and land development is often coupled with the design, location and installation of infrastructure.</p> <p>Subdivision is typically the primary mechanism for the construction of new infrastructure associated with new development. The PDP subdivision chapter contains objectives, policies, and rules in certain circumstances and matters of control and discretion to ensure that infrastructure designed and constructed associated with subdivision is of an appropriate standard and fit for purpose.</p> <p>Objective 3.5 and Policy 3.5.1 of the Proposed RPS recognises that the National Grid is of regional and national significance whilst Policy 3.5.3 is dedicated to protecting infrastructure of national and regional significance from adverse effects.</p> <p>Of particular relevance to the issue of reverse sensitivity effects on existing infrastructure, Policy 3.5.3(a) of the Proposed RPS Restricting the establishment of activities that may result in reverse sensitivity effects and (e) seeks the protection of infrastructure corridors for infrastructure needs, now and for the future.</p>

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the PDP subdivision and development chapter as recommended to be revised in Appendix 1.
Energy Supplies to Otago's communities are secure and sustainable	3.6	3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.5, 3.6.6	<p>The development pattern and infrastructure location can affect both large and small scale energy supply and demand.</p> <p>The PDP subdivision chapter and the urban design guidelines encourage efficiencies through good neighbourhood connections that amongst other benefits, can reduce vehicle dependence or at least make neighbourhood layout more efficient in terms of connections and efficient roading.</p>
Urban areas are well designed, sustainable and reflect local character	3.7	3.7.1, 3.7.2, 3.7.4	<p>Subdivision design is a fundamental component of how people and communities provide for their social, economic, and cultural well-being and for their health and safety (Section 5(2) RMA).</p> <p>The PDP subdivision chapter contains objectives and policies, and the design guidelines that encourage good basic urban design principles including solar orientation of allotments, reduced vehicle dependence, good connection with community facilities and other neighbourhoods.</p>
Urban growth is well designed and integrates effectively with adjoining urban and rural environments.	3.8	3.8.1, 3.8.2, 3.8.3	Subdivision in conjunction with the respective PDP zone chapters and the Urban Development Chapter provides the provisions to manage the location or urban growth and the efficient use of infrastructure.
Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	Esplanades and opportunities for public access are facilitated through subdivision.

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the PDP subdivision and development chapter as recommended to be revised in Appendix 1.
Sufficient land is managed and protected for economic production.	4.3	4.3.1, 4.3.2, 4.3.6	Subdivision can fragment rural land through changes in ownership and landholding sizes. These can result in both opportunities and constraints for utilising land for economic production. I consider that the subdivision chapter is consistent with the purpose of the respective zone chapters.

Council's Economic Development Strategy 2015:

- h. The Council's Economic Development Strategy 2015 states:

*'The outstanding scenery makes the District a highly sought after location as a place to live and visit.'*¹³

And

*'The environment is revered nationally and internationally and is considered by residents as the area's single biggest asset.'*¹⁴

- i. The Queenstown Lakes District (**District**) is one of the fastest growing areas in New Zealand¹⁵ and a strategic policy approach is considered essential to manage future growth pressures in a logical and coordinated manner to promote the sustainable management of the valued landscape resource.
- j. The following goals, objectives, and policies of the Strategic Directions, chapter of the PDP¹⁶ are relevant to Chapter 27:

3.2.3 Goal - *A quality built environment taking into account the character of individual communities*

13 QLDC Economic Development Strategy, 2015, Page 10 paragraph 5.

14 QLDC Economic Development Strategy, 2015, Page 10 paragraph 4.

15 Bird, C (2016). Statement of Evidence of Clinton Arthur Bird on Behalf of Queenstown Lakes District Council, Urban Design, page 6 paragraph 4.2.

16 Revised Chapters - Council's right of reply version 7-4-16

- 3.2.3.1 Objective - *A built environment that ensures our urban areas are desirable and safe places to live, work and play.*
- 3.2.3.2 Objective - *Development is sympathetic to the District's cultural heritage values*
- 3.2.4 Goal - *The protection of our natural environment and ecosystems*
- 3.2.4.1 Objective *Ensure development and activities maintain indigenous biodiversity, and sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.*
- 3.2.4.2 Objective *Protection of areas with significant Nature Conservation Values.*
- 3.2.4.6 Objective *Maintain or enhance the water quality and function of our lakes, rivers and wetlands.*
- 3.2.4.6.1 Policy *That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.*
- 3.2.5 Goal - *Our distinctive landscapes are protected from inappropriate development.*
- 3.2.5.1 Objective *Protection of the Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development.*
- 3.2.6 Goal - *Enable a safe and healthy community that is strong, diverse and inclusive for all people.*
- 3.2.6.3 Objective *A high quality network of open spaces and community facilities.*
- 3.2.6.4 Objective *Safe and healthy communities through good quality subdivision and building design.*
- 3.2.8 Goal – *Provide for the ongoing operation and provision of infrastructure*
- 3.2.8.1 Objective - *Maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District's existing infrastructure and the provision of new infrastructure to provide for community wellbeing.*
- 3.2.8.1.1 Policy *Ensure that the efficient and effective operation of infrastructure is safeguarded and not compromised by incompatible development."*

6. **BACKGROUND – OVERVIEW OF THE ISSUES**

- 6.1. The purpose of the Subdivision and Development Chapter is to ensure that subdivision is well designed, located in the appropriate areas anticipated by the PDP and with the appropriate capacity for servicing and integrated transportation.
- 6.2. The section 32 report identifies a number of issues with the current subdivision provisions of the ODP. For reference, these are summarised and grouped as follows:

A framework that provides certainty, efficiency and effective management of subdivision (Issue 1)

- a. *The Operative District Plan subdivision chapter contains a lack of certainty for plan users and is inefficient for plan administrators. This stems from the controlled activity status class of resource consent,¹⁷ which governs the 'guaranteed right' to subdivide property for the majority of zones within the District.¹⁸ The subdivision chapter attempts to address all possible eventualities associated with a controlled subdivision. In addition to the objectives and policies there are approximately 29 pages of control and matters of discretion for controlled and restricted discretionary activities.¹⁹ As a consequence, the Operative District Plan's subdivision chapter is overly complicated and the provisions lack clarity for plan users and administrators. As with other Operative District Plan chapters, the subdivision chapter is arranged based on the class of activity. The result is that a reader needs to trawl through nearly every page of the chapter to determine the status and framework for a particular activity.*

Provisions to encourage good neighbourhood design and amenity (Issue 2)

- b. *The quality and 'liveability' of neighbourhoods contained within the District's urban areas is dependent on the subdivision process. The Operative District Plan subdivision chapter is considered to fall short of encouraging good subdivision design, particularly in the context of creating good neighbourhoods for residents and taking opportunities to integrate with existing neighbourhoods and facilities. There is insufficient emphasis on the critical design elements of subdivision and development such as roading and allotment layout, open spaces, inter-subdivision and external connections and vegetation management.*

Subdivision provisions that are accessible and efficient (Issue 3)

- c. *The Operative District Plan subdivision chapter contains unnecessary text and qualifiers of rule status in the provisions. Provisions are repeated within the subdivision chapter or are repeated in other zone chapters. The review provides an opportunity to consolidate and better coordinate the provisions.*

17 A controlled activity status requires the Council must grant consent but can impose conditions with regard to matters set out as specific matters of control.

18 With an exception being the Rural General Zone.

19 Parts 15.2.6-15.2.19 of the Operative District Plan.

Protection of significant natural, cultural and historic heritage through subdivision (Issue 4)

d. *The district has many places of natural, cultural and heritage value. Subdivision can have either temporary or permanent effects on these, including the positive effect of protection. Many of these places require recognition or protection under Sections 6 or 7 of the RMA. Provisions can be included to reflect this and statutory changes that have occurred since the chapter was made operative.*

7. RESTRUCTURE OF CHAPTER 27

7.1. Following notification of Chapter 27, a number of submissions²⁰ were received from submitters requesting that Chapter 27 be amended so that it is consistent with other Chapters in the PDP, including through using tables and ensuring that all objectives and policies are located at the beginning of the section.

7.2. I have therefore restructured the chapter to pull forward the Location specific objectives and policies under the District Wide Objectives and policies and included the rules into a table format. Set out below is an index of where the main changes to the provisions have moved to within the Chapter. I expand upon this in Issue 13 (paragraph 21.1 to 21.17) of this evidence. This rearranging is not marked up in the Revised Chapter attached at **Appendix 1**, however any changes to the provisions themselves are marked up.

Notified Provision number	Redrafted Provision number in Appendix 1
27.2 - Object/Policies – Dist Wide (pg.1 to 27-8)	27.2 - Object/Policies – Dist Wide
27.8 - Location specific Object/Policies (pg. 15 to 23)	27.3 - Location specific Object/Policies
27.3 - Other Provisions (pg. 9 to 10)	27.4 -Other Provisions
27.4 – Rules – Subdivision (pg. 10)	27.5 – Rules – Subdivision
27.5 – Rules – Subdivision Standards (pg. 11)	27.6 – Rules – Subdivision Standards
27.8 – Location Specific Rules (pg. 24 to p.27-27)	27.7 – Location Specific Rules

20 Submission points 632.4, 636.11, 643.16, 688.10, 693.16, 702.13.

8. SUBMISSIONS

- 8.1. The RMA, as amended in December 2013 no longer requires the Council decision or a report prepared under section 42A to address each submission point. Instead, it requires a summary of the issues raised in the submissions.
- 8.2. 1519 points of submission (both primary and further submissions) have been coded to Chapter 27.²¹
- 8.3. Submissions are considered by issue, or as they relate to a specific Chapter 27 provision. Some submissions contain more than one issue, and will be addressed where most relevant within this evidence. Where applicable submissions are considered by provision. I have not sought to address any submissions relating to zones that form part of Stage 2 of the District Plan Review.
- 8.4. A summary of submission points received and a recommendation on whether the submission is recommended to be rejected, accepted, accepted in part or transferred to another future hearing is attached as **Appendix 2**. I have read and considered all submissions, including further submissions.
- 8.5. The PDP was notified on 26 August 2015. The submission period closed on 23 October 2015. A summary of submissions was notified on 3 December 2015. The further submission period closed on 16 December 2015.
- 8.6. A further summary of submissions was notified on 28 January 2016 following the identification of several submissions that were not summarised in the initial period.

9. ANALYSIS

- 9.1. The following key issues have been raised in the submissions and are addressed broadly below:

Issue 1	Controlled Activity for Subdivision Activity.
Issue 2	Controlled Activity for Subdivision in Accordance with Structure Plan.
Issue 3	Controlled Activity for Boundary Adjustments.

²¹ I note that some of the submission points are on rezoning, and/or seek relief relating to the addition or removal of provisions to Chapter 27 that are specifically related to a rezoning, as discussed earlier in this report these submission points will be addressed in the Planning Maps hearing later in this process.

- Issue 4** Minimum lot sizes for subdivision under [notified Rule 27.5.1 pg.11 \[redrafted Rule 27.6.1\]](#), where stage 2 district plan review zones are referenced.
- Issue 5** Minimum lot sizes for subdivision under [notified Rule 27.5.1 pg.11 \[redrafted Rule 27.6.1\]](#)
- Issue 6** Infill development provisions (notified Rule 27.5.2 [pg.13 \[redrafted Rule 27.7.13\]](#), and [notified Rule 27.5.3, pg.13 \[redrafted Rule 27.7.14\]](#)).
- Issue 7** Infill Development within Airport's Noise boundaries (ANB and Outer Control Boundary (OCB)).
- Issue 8** Changes to the Purpose in Section 27.1.
- Issue 9** Changes to the Objectives and Policies in Section 27.2.
- Issue 10** Changes to Non-Complying Activity Standards.
- Issue 11** Changes to Standards for Subdivision Activities.
- Issue 12** Changes to Standards Relating to Servicing and Infrastructure.
- Issue 13** Changes to Location –Specific Objectives, Policies and Methods.
- Issue 14** Amendments to [notified Rule 27.9.1 pg.28 \[redrafted rule 27.9.1\]](#) and [notified rule 27.9.2 pg.28, \[redrafted rule 27.9.2\]](#).
- Issue 15** New Provisions.
- Issue 16** New Zealand Fire Service and NZFS Code of Practice SNZ PAS 4509:2003.
- Issue 17** Responses sought by Submitters deferred from other Hearing Streams.

9.2. In addition to the above, an analysis of the key issues identified by submitters is provided for each objective and related policy. Where a policy has not been submitted on or where the submission is without any coherent basis, the submission point is unlikely to have been directly discussed in this report (although a recommendation for the latter is set out in **Appendix 2**). I have set out my analysis of the provisions by issue (as above) and then by objective.

10. **ISSUE 1 – CONTROLLED ACTIVITY STATUS FOR SUBDIVISION ACTIVITY**

10.1. A number of submitters seek a variety of relief related to the default Discretionary Activity status under notified Rule 27.4.1 [pg.10 \[Redrafted rule 27.5.5 and rule 27.5.6\]](#). I have sought to respond to these submissions collectively as they broadly seek the same relief, being either retention of the existing Controlled Activity rule framework under the ODP, or the replacement of existing Discretionary Activity status under [notified rule 27.4.1 pg.10 \[redrafted rule 27.5.3\]](#) with a new Controlled Activity status. There are also submissions

seeking Restricted Discretionary Activity status as it relates to the District's rural living and residential areas.

- 10.2. The relief sought by submissions can be broadly categorised into the following headings:
- a) Deletion of Chapter 27 and retention of ODP Subdivision and Development Standards;
 - b) Combination of the objectives, policies and rules of the ODP Chapter 15 and the PDP Chapter 27;
 - c) Deletion of Discretionary Activity Rule 27.4.1 and replacement with New Controlled Activity Rule for Subdivision Activity across the District;
 - d) Amend Rule 27.4.1 and replacement with New Controlled Activity for Rural Residential and Rural lifestyle Zones; and
 - e) Amend Rule 27.4.1 and replacement with New Controlled Activity or Restricted Discretionary Rule for Rural Living and Residential Areas.
- 10.3. A number of submitters²² have sought the deletion of Chapter 27 and retention of the ODP Subdivision and Development Chapter. The key outcome sought by these submitters is the retention of the Controlled Activity status for subdivision activity under the ODP.
- 10.4. A number of submitters²³ have sought that Chapter 27 be amended in such a manner, incorporating any combination of the objectives, policies and rules of the ODP Chapter 15 and PDP Chapter 27, as is considered appropriate provided that the default subdivision consent status (if minimum standards are met) is a controlled activity status.

Deletion of Discretionary Activity Rule 27.4.1 and replacement with New Controlled Activity Rule for Subdivision Activity across the District

- 22 Submitters (Arcadian Triangle Limited (497), The Estate of Norma Kreft (512), Dato Tan Chin Nam (FS1260), Mount Crystal Limited (FS1331), Jenny Barb (513), Wakatipu Equities (515), Fred van Brandenburg (520), Kristie Jean Brustad and Harry James Inch (522), Robert and Elvena Heywood (523), F S Mee Developments Limited (525), Larchmont Developments Limited (527), Lakes Edge Development Limited (529), Byron Ballan (530), Crosshill Farms Limited (531), Bill & Jan Walker Family Trust (532), Wayne Evans, G W Stalker Family Trust, Mike Henry (534), G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain (535), Wanaka Trust (536), Slopehill Joint Venture (537), Darby Planning LP (608), specifically submission and further submission points 497.16, 512.12, FS1260.34, FS1331.19, FS1260.36, FS1331.20, 513.42, 515.36, 520.4, 522.39, 523.13, 525.1, 527.3, 529.4, 530.13, 531.26, 532.31, 534.32, 535.32, 536.12, 537.37, 608.55, FS1260.35, FS1331.21.
- 23 Submitters 408 (Otago Foundation Trust Board), 497 (Arcadian Triangle Limited), 513 (Jenny Barb), 523 (Robert and Elvena Heywood), 525 (F S Mee Developments Limited), 527 (Larchmont Developments Limited), 529 (Lakes Edge Development Limited), 531 (Crosshill Farms Limited), 534 (Wayne Evans, G W Stalker Family Trust, Mike Henry), 535 (G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain), specifically submission points 408.27, 497.19, 513.45, 523.16, 525.4, 527.6, 529.6, 531.29, 534.34, 535.34.

- 10.5. Over 130 submission points have sought the deletion of the Discretionary Activity status under Rule 27.4.1 and to replace it with either the ODP rules or the introduction of a new controlled activity rule. This includes Submitters 294 (Steven Bunn), 408 (Otago Foundation Trust Board), FS1270.56 (Hansen Family Partnership), 497 (Arcadian Triangle Limited), 512 (The Estate of Norma Kreft), 513 (Jenny Barb), FS1117.198 (Remarkables Park Limited), 520 (Fred van Brandenburg), FS1164.7 (Shotover Park Limited), FS1117.200 (Remarkables Park Limited), 522 (Kristie Jean Brustad and Harry James Inch), FS1292.90 (Roger and Carol Wilkinson), 523 (Robert and Elvena Heywood), FS1164.8 (Shotover Park Limited), FS1256.16 (Ashford Trust), 525 (F S Mee Developments Limited), FS1164.9 (Shotover Park Limited), 527 (Larchmont Developments Limited), 529 (Lakes Edge Development Limited), 531 (Crosshill Farms Limited), 534 (Wayne Evans, G W Stalker Family Trust, Mike Henry), 535 (G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain), amongst others.

New Controlled Activity Rule 27.4.1

- 10.6. A number of Submitters including 497 (Arcadian Triangle Limited), 512 (The Estate of Norma Kreft), 513 (Jenny Barb), 515 (Wakatipu Equities), 520 (Fred van Brandenburg), 523 (Robert and Elvena Heywood), 525 (F S Mee Developments Limited), 529 (Lakes Edge Development Limited), 530 (Byron Ballan), 531 (Crosshill Farms Limited) and as well as other submitters²⁴ have sought the inclusion of a replacement Rule 27.4.1 that provides for subdivision activities as a controlled activity, with a generic rule submitted as follows:

"All subdivision activities are ~~discretionary~~ controlled activities, except as otherwise stated:

Council's control is limited to:

- *Lot sizes, averages and dimensions*
- *Subdivision design*
- *Property access*
- *Esplanade provision*
- *Natural hazards*
- *Fire fighting water supply*
- *Water supply*

²⁴ Specifically submission points 610.17, 613.17, 497.17, 512.13, 513.43, 515.37, 520.5, 522.40, 523.14, 525.2, 529.5, 530.14, 531.27, 532.33, 534.33, 535.33, 536.13, 537.38, 608.56, 761.29, 762.2, 763.14, 767.16.

- Stormwater disposal
- Sewage treatment and disposal
- Energy supply and telecommunications
- Open space and recreation
- Easements
- The nature, scale and adequacy of environmental protection measures associated with earthworks"

10.7. I note, for completeness, that the submitters (identified within footnote 24) have sought the retention of subdivision in the Rural General Zone as a Discretionary Activity.

Controlled or Restricted Discretionary Activity Rule for Rural Living and Residential Areas

10.8. Submitters 177 (Universal Developments Limited), FS1061.15 (Otago Foundation Trust Board), 277 (Alexander Reid), 748 (Jodi Todd) seek a Controlled Activity or Restricted Discretionary Activity status for Rule 27.4.1, where this relates to rural living and residential zones. In addition to this, and if deemed necessary, they seek the addition of design controls to be classified as controlled or restricted discretionary activity rules, to ensure good urban design outcomes are provided for.

10.9. Similarly, submitters 249 (Willowridge Developments Limited) and 336 (Middleton Family Trust) seek the addition of a new rule that provides for subdivision in the residential zones as a controlled activity.²⁵ Submitter 395 (Trustees of the Gordon Family Trust) seeks that subdivision of land zoned Medium Density Residential and Low Density Residential be a Controlled Activity.²⁶

Controlled Activity Rule for Subdivision within Rural Residential Zones

10.10. Submitters 473 (Mr Richard Hanson), 219 (Juie Q.T. Limited), 396 (James Canning Muspratt), 401 (Max Guthrie), 403 (Banco Trustees Limited, McCulloch Trustees 2004 Limited, and others), 415 (Trustees of the Lake Hayes Investment Trust), FS1164.3 (Shotover Park Limited), FS1097.278 (Queenstown Park Limited), 467 (Mr Scott Conway), 476 (Keith Hindle & Dayle Wright), 500 (Mr David Broomfield) seek a controlled activity rule under Rule 27.4.1 for subdivision activity within the Rural Residential Zone.

²⁵ Submission points 249.15 and 336.4.

²⁶ Submission points 395.3.

Controlled Activity Rule for Subdivision within Rural Lifestyle Zones

- 10.11. Similarly, Submitters 402 (Leslie Richard Nelson and Judith Anne Nelson), 594 (Alexander Kenneth & Robert Barry Robins & Robins Farm Limited), 631 (Cassidy Trust), 157 (Miles Wilson), 283 (Sophie James), 345 (K John McQuilkin), 350 (Dalefield Trustee Ltd), 360 (Stuart Clark), 430 (Ayrburn Farm Estate Ltd), 486 (Temple Peak Ltd), 820 (Jeremy Bell Investments) seek a controlled activity rule under Rule 27.4.1 for subdivision activity within the Rural Lifestyle Zone.

Controlled Activity Rule for Subdivision within Business and Local Shopping Centre Zone

- 10.12. Submitter 399 (Peter and Margaret Arnott) seek that subdivision of the Medium Density Zone, Business Zone and the Local Shopping Centre Zone be a Controlled Activity.²⁷

Discussion

- 10.13. The key grounds for many submitters' objections to Chapter 27 is that the section 32 evaluation does not establish that the notified provisions (including the Discretionary Activity rule framework under Rule 27.4.1) are the most appropriate methods of achieving the purpose of the RMA, and that the evaluation does not adequately assess alternative provisions.
- 10.14. In reviewing the Chapter 27 section 32 evaluation and submissions, I believe there to be three key matters that require addressing with regard to the rule framework relevant to subdivision. These are:

1. *The activity status of rules and the ability to respond to subdivision variability and design;*
2. *Efficiencies of administration; and*
3. *Ability to decline substandard subdivision.*

- 10.15. I address each of these matters, and the submissions that relate to them, below.

The activity status of rules and the ability to respond to subdivision variability and design

- 10.16. A key issue identified within the section 32 evaluation is that the ODP contains insufficient emphasis on the critical design elements of subdivision and development, such as roading and allotment layout, open spaces, inter-subdivision and external

²⁷ Submission points 399.10.

connections, and vegetation management. The s32A evaluation considers that the ODP subdivision chapter is ineffective at encouraging good subdivision design, particularly in the context of creating good neighbourhoods for residents and taking opportunities to integrate with existing neighbourhoods and facilities.²⁸ It goes on to state that the proposed Discretionary Activity framework is able to respond to the variable nature of subdivision and the magnitude of issues that need to be addressed, recognising that there is no single prescribed design for every subdivision. It concludes that a Discretionary Activity regime helps focus the importance of good quality subdivision design.²⁹

10.17. I understand that there has been no direct monitoring reports prepared for the ODP Subdivision Chapter to ascertain how effective the ODP provisions were. However, from my review of the monitoring reports supporting the District's urban zones, it is evident that the effectiveness of the current controlled activity regime at driving good subdivision design is an issue, particularly within the District's Low Density Residential Zone (**LDRZ**).

10.18. A detailed qualitative analysis of the LDRZ included an urban design critique of a number of greenfield subdivisions undertaken by Boffa Miskell. The review concluded:

"[o]verall, it found that the qualitative aspects of subdivisions at Lake Hayes Estate, Fernhill, Goldfields, and two subdivisions in Arthurs Point (including Atley Downs) ranged from Successful to Acceptable, but with room for improvement....".³⁰

10.19. As I will expand upon at paragraph 10.20 below, the key information from this urban design critique was that good quality subdivision design was not being achieved throughout all of the subdivisions reviewed.

10.20. In the case of the Wanaka LDRZ Monitoring Report, a similar urban design assessment undertaken by Boffa Miskell found that the qualitative aspects of subdivisions at Mt Iron Estate ranged between less successful and not successful. Further, subdivisions at Meadowstone ranged between successful and acceptable. The conclusion of this was that these examples show subdivision design under the ODP provisions was not achieving good design outcomes.

10.21. Following the urban design critique, the monitoring reports included a recommendation that during the District Plan Review, the Council clearly articulate what outcomes can be

28 At page 10 of the Chapter 27 section 32 evaluation.

29 At page 35 of the Chapter 27 section 32 evaluation.

30 "Urban Design Critique of Subdivisions in Queenstown Lakes District" (Appendix 1 of Garth Falconer's evidence).

expected for neighbourhoods within the LDRZ. As a consequence, the Council introduced the QLDC Subdivision Design Guidelines into the PDP with the main aim to deliver good urban design outcomes within the District's urban areas (as reflected within [notified](#) Policy 27.2.1.2 [\[pg.2\]](#)).

- 10.22. In the case of the Rural Residential and Rural Lifestyle Zones, the Rural Living Zones Monitoring Report, dated January 2010, did not identify any specific weaknesses in the ODP subdivision provisions. That said, as I will discuss, the Rural Lifestyle Zones are also sensitive due to their relationship with the ONLs (for example, the Makarora and Mt Barker Rural Lifestyle Zones), as a consequence there may be instances where a higher quality design response is required to address landscape sensitivities.
- 10.23. As indicated above, the section 32 analysis and monitoring reports have identified that the existing provisions are ineffective in delivering good subdivision design responses throughout the District's urban zones, particularly the LDRZs. As such, I agree with the section 32 evaluation that retaining a controlled activity status would not represent the best means of giving effect to Objective 27.2.1 or higher order policy outcomes such as Strategic Directions 3.2.3 and Objective 3.2.6.4 of the PDP.
- 10.24. While it could be argued that a controlled activity status for subdivision can deliver effective urban design responses, ultimately, a controlled activity status only allows the Council to impose conditions over those matters of control. Should subdivision design not accord with the principles and objectives set out in the Subdivision Guidelines then consent cannot be declined. In touching upon this matter, Mr Glasner (Council's Chief Engineer) highlights that while he is comfortable with a controlled activity status (on the basis that infrastructure related matters can be covered through conditions on a subdivision consent), he favours a restricted discretionary activity status where a subdivision may result in substandard road and access width configuration.³¹
- 10.25. Mr Glasner provides an example of where a controlled activity status may not achieve good subdivision design outcomes is where a road of insufficient width is proposed by an applicant. He notes that if a road is proposed in a subdivision that is too narrow to meet anticipated traffic numbers, then imposing conditions to widen the road as a matter of control will result in the entire subdivision layout and lot configuration changing, making the original consent and subdivision layout assessed impossible to exercise. This situation can be overcome if QLDC were able to decline consent. At the very least it would provide QLDC with sufficient scope to recommend that an application be declined

³¹ At paragraphs 5.1 and 5.2 of his evidence

on this basis and discourage the applicant from advancing inappropriate roading widths, which also raise safety concerns. While this is just one example of where the application of a controlled activity status may result in poor subdivision design outcomes, it is nonetheless helpful and demonstrates the limitations of a controlled activity status in being able to be adequately respond to subdivision design issues at the time of subdivision.

- 10.26. Therefore, I do not support those submissions seeking a controlled activity status under Rule 27.4.1, or the range of various responses seeking a controlled activity rule framework for rural living and residential zoned areas within the District.
- 10.27. The Chapter 27 section 32 evaluation states that the design response in terms of both layout and provision of services for subdivision activity will vary based on the scale, location, and site specific opportunities and constraints associated with a subdivision proposal.
- 10.28. The chapter as notified has promoted a Discretionary Activity regime for the management of subdivision activity in all zones. I agree that a Discretionary Activity regime will provide Council with the ability to respond to the different requirements of subdivision and the appropriateness of their design. However, I do not consider that the section 32 analysis has demonstrated that a Discretionary Activity regime is necessarily the best mechanism to respond to subdivision in all zones. In particular, I believe that subdivision in the Rural Residential and Rural Lifestyle zones and within the District's urban areas do not require the broad assessment required of a Discretionary Activity. Collectively, these zones have been identified as being suitable for urban and rural living purposes. As a consequence, I generally consider that consideration for how development on this land occurs does not require the full spectrum of consideration provided by a Discretionary Activity rule as proposed.
- 10.29. I do note that, based on my experience, which includes over 10 years processing subdivision consents within the District, greater variability in subdivision activity is likely to exist between rural living areas and urban areas. Urban areas are likely to be serviced with community infrastructure and are less likely to raise landscape and visual amenity concerns. Conversely, Rural Living zones can generate landscape and rural amenity effects, be located in areas that are not readily serviced and can also raise more challenging matters relating to natural hazards. A case in point is the Makarora Rural Lifestyle Zone, which raises both landscape and natural hazard related issues, and in

both cases generates the need for more detailed zone specific responses.³² A number of submitters³³ have sought a Discretionary Activity rule framework be retained for the Rural General Zone and in other areas that raise sensitive landscape, natural character, cultural and heritage values (as reflected within Rules 27.5.1.4 to 27.5.1.7). I agree with the matters raised and believe that a Discretionary Activity rule framework within these areas more effectively enables the Council to respond to the section 6 and 7 matters of the RMA.

- 10.30. Given the conclusions I have reached above, I do not consider that either a default Controlled Activity rule or default Discretionary Activity rule are particularly effective at generally responding to subdivision development within the District.
- 10.31. I consider that a controlled activity status is likely to be appropriate when the subdivision application is undertaken in accordance with a structure plan or spatial layout plan that is included in the PDP. In these circumstances there is a level of certainty to both proponents and decision makers of what is expected in terms of subdivision design and the plan change process that the structure/spatial layout plan is derived from has identified opportunities, constraints and effects of the future subdivision and land use activities.
- 10.32. Because of this level of certainty derived from a structure/spatial layout plan, I consider that it is appropriate that these types of subdivision activities have a controlled activity status on the basis that if the subdivision is in accordance with the structure plan, it is unlikely to be substandard and the necessity for the Council to have to decline a resource consent application is unlikely. I have therefore included a new controlled activity at [redrafted rule 27.7.1 \[notified rule 27.4.3 pg.10\]](#) in **Appendix 1**.
- 10.33. Making subdivision in these circumstances a controlled activity also serves to provide an incentive to plan change proponents to offer structure/spatial layout plans for inclusion in the subdivision chapter. This is considered to be good planning practice.

32 Refer to Plan Change 14 to the partially Operative District Plan that addressed landscape and natural hazard issues retrospectively after the area was zoned Rural Lifestyle through submissions on the Proposed District Plan 1995. <http://www.qldc.govt.nz/planning/district-plan/district-plan-changes/plan-change-14-makarora-rural-lifestyle-zone/>

33 Specifically submission points 610.17, 613.17, 497.17, 512.13, 513.43, 515.37, 520.5, 522.40, 523.14, 525.2, 529.5, 530.14, 531.27, 532.33, 534.33, 535.33, 536.13, 537.38, 608.56, 761.29, 762.2, 763.14, 767.16

Efficiencies of administration

- 10.34. The section 32 evaluation sets out that the use of a Discretionary Activity framework removes the requirement for the Council to specify matters of control or discretion.³⁴ It further identifies that this is one of the ODP's current complexities, which frustrates its implementation. Currently, in addition to the objectives and policies, there are 29 pages containing matters of control and discretion (Parts 15.2.6-15.2.19 of the ODP). The section 32 evaluation states that the management framework of the ODP results in significant complexities in terms of confirming the class of activity and the multiple elements of assessment that both the applicant and Council officers are required to consider at the time of resource consent.
- 10.35. Consequently, the section 32 evaluation concludes that the discretionary activity status significantly improves efficiency, by removing the requirement for the Council to specify the matters of control or discretion. It also considers that the proposed provisions are, as a result, significantly more effective and efficient than the existing ODP subdivision provisions.³⁵ However, I do not consider that a smaller District Plan in terms of text, will necessarily result in a more efficient document to use, nor result in better environmental outcomes.
- 10.36. The section 32 evaluation sets out that the removal of many of the matters of control/assessment will ensure that consideration of applications focuses the assessment on matters at issue. It considers that these matters are better addressed in the general and specific policies, the QLDC Land Development and Subdivision Code of Practice (**Code of Practice**), and the QLDC Subdivision Design Guidelines (**Subdivision Guidelines**) than as assessment criteria or matters of control.
- 10.37. In terms of efficiencies delivered through the removal of assessment matters within the ODP, I note that other zone chapters supporting Stage 1 of the District Plan Review have been streamlined by removing assessment criteria, yet still retain both Controlled and Restricted Discretionary Activity classes. As such, I believe that a Discretionary Activity regime is not necessarily required in order to make Chapter 27 more efficient to use and administer. I consider that a Restricted Discretionary Activity regime for subdivision, where matters of discretion are targeted to address specific issues could also introduce efficiencies. Further, this alternative regime is likely to be more effective in guiding plan users as to those matters that are central to achieving good subdivision design,

34 At page 32 of the Chapter 27 section 32 evaluation report.

35 At page 35 of the Chapter 39 section 32 evaluation.

appropriate infrastructure and servicing requirements, and consequently appropriate environmental outcomes.

10.38. The section 32 evaluation sets out that guidance for designing a subdivision and assessing whether it is appropriate under Chapter 27 will be achieved by:

- a) Having regard to the objectives and policies in the subdivision chapter (both high level and fine grained);
- b) Referencing as an 'other matter' under s104(c) of the RMA the Code of Practice and the Subdivision Guidelines; and
- c) Providing specific policy to assist with assessing applications, derived from the ODP's specified matters of control.³⁶

10.39. Some submitters raised the concern that a Discretionary Activity rule regime may not provide the necessary guidance for plan users on the relevant issues to be addressed and the outcomes sought by development. Delivering effective guidance on subdivision design is clearly expressed within the relief sought by a number of submitters to Rule 27.4.1.

10.40. In particular, Submitter 370 (Paterson Pitts Group) seeks to ensure that clear guidance material is provided to Council planning officers processing applications, to ensure consistency and transparency in how the discretionary activity classes are designed to be administered, and generally understood by the community.³⁷ Similarly, Submitters 177 (Universal Developments Limited), FS1061.15 (Otago Foundation Trust Board), 277 (Alexander Reid), and 748 (Jodi Todd) seek the addition of design controls (to either a Controlled or Restricted Discretionary Activity) that will ensure good urban design outcomes are provided for in both the rural living and residential zoned areas of the District.

10.41. In my opinion, there is a need for subdivision activity to be guided by planning provisions that provide greater direction as to the desired subdivision outcomes within the District's Rural Living and Urban zones. This conclusion has partly been reached by the review of the monitoring reports discussed in paragraph 10.17. While avoiding the reintroduction of an exhaustive list of assessment matters into the subdivision chapter, I agree with the relief sought by submitters that seek a change to the framework by providing guidance through an alternative Restricted Discretionary Activity rule regime.

³⁶ At page 35 of the Chapter 27 section 32 evaluation.

³⁷ Refer to submission point 370.6.

10.42. The Subdivision Guidelines are only intended to apply to urban areas, given that it is within these urban areas that the greatest level of urban intensification is to occur. As a consequence, I consider that it is appropriate that the Subdivision Guidelines are applied to the urban areas in order to achieve good subdivision design. In my opinion, providing a Restricted Activity rule framework with specific reference to the Subdivision Guidelines as a matter of discretion as this relates to the urban areas of the District will promote plan effectiveness and administration. This approach also avoids the need for the Subdivision Guidelines to be referred to as an 'other matter' under section 104 of the RMA, which may be less effective than referencing the Subdivision Guidelines within the rule framework itself.³⁸

10.43. I do acknowledge that the section 32 evaluation concluded that a Restricted Discretionary Activity was less effective in responding to the ODP efficiency issues than a Discretionary Activity status. However, I consider that by removing existing assessment criteria and introducing a Restricted Discretionary Activity rule framework that provides a more targeted response to subdivision activity within the District's rural living and urban areas, the plan efficiency issues the Council sought to deliver within Chapter 27 are still able to be achieved.

10.44. As discussed in paragraph 10.27 above, variability in subdivision activity is likely to exist between rural living areas and urban areas. Consequently, I consider it would be more effective for Chapter 27 to be amended to provide a separate Restricted Discretionary Activity rule framework that responds to the variability in subdivision activities within the District's rural living and urban areas. I therefore recommend that the following Restricted Discretionary Activity rule apply to the urban zones³⁹ located within the District's urban growth boundaries (shown in **Appendix 1**):

27.5.5 All subdivision activities contained within urban areas identified within the District's Urban Growth Boundaries and includes the following zones:

1. *Low Density Residential Zones;*
2. *Medium Density Residential Zones;*
3. *High Density Residential Zones;*
4. *Town Centre Zones;*
5. *Arrowtown Residential Historic Management Zone;*

38 This is similar to the approach already advanced under the PDP in Arrowtown where the Arrowtown Design Guidelines 2006 are specifically referenced as a matter of discretion for resource consents in the Arrowtown Town Centre Zone, and Arrowtown Residential Historic Management Zone, the LDRZ and proposed MDRZ under the PDP.

39 Low Density Residential Zones, Medium Density Residential Zones, High Density Residential Zones, Town Centre Zones, Arrowtown Residential Historic Management Zone, Large Lot Residential Zones, Local Shopping Centres, Business Mixed Use Zones, Queenstown Airport Mixed Use Zone

6. *Large Lot Residential Zones;*
7. *Local Shopping Centres;*
8. *Business Mixed Use Zones;*
9. *Queenstown Airport Mixed Use Zone.*

Discretion is restricted to all of the following:

- *Lot sizes, averages and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;*
- *The extent to which the subdivision design achieves the subdivision and urban design principles and outcomes set out in QLDC Subdivision Design Guidelines;*

- *Property access and roading*
- *Esplanade provision*
- *Natural hazards*
- *Fire fighting water supply*
- *Water supply*
- *Stormwater disposal*
- *Sewage treatment and disposal*
- *Energy supply and telecommunications*
- *Open space and recreation, and*
- *Easements*

10.45. The matters of discretion are broadly consistent with the controlled activity matters identified by submitters in paragraph 10.6 of this evidence. In the case of the urban areas I have expanded upon the matters of discretion to address lot configuration and linkage back to the subdivision and urban design principles and outcomes set out in QLDC Subdivision Design Guidelines. These matters of discretion, along with the supporting policy framework supporting Chapter 27 are fundamental in guiding good subdivision design.

10.46. Within the District's Rural Residential and Rural Lifestyle Zones, I also recommend the following Restricted Discretionary Activity rule (shown in **Appendix 1**):

27.5.6 **All subdivision activities in the District's Rural Residential and Rural Lifestyle Zones**

Discretion is restricted to all of the following:

- *In the Rural Lifestyle Zone the location of buildings platforms;*
- *Lot sizes, averages and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;*
- *Subdivision design including:*
 - *the extent to which the design maintains and enhances rural living character, landscape values and visual amenity;*
 - *the extent to which the location of building platforms could adversely affect adjoining non residential land uses;*
 - *orientation of lots to optimise solar gain for buildings and developments;*
 - *the effects of potential development within the subdivision on views from surrounding properties;*
 - *In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state;*
 - *In the Rural Residential Zone at the north end of Lake Hayes, whether and to what extent there is the opportunity to protect and restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes;*
- *Property access and roading*
- *Esplanade provision*
- *Natural hazards*
- *Fire fighting water supply*
- *Water supply*
- *Stormwater disposal*
- *Sewage treatment and disposal*
- *Energy supply and telecommunications*
- *Open space and recreation*
- *Easements*

10.47. The central difference between the lists of discretion in [redrafted](#) rules 27.5.5 and 27.5.6, [\[notified rule 27.4.1 pg.10\]](#) relates to the Council's Subdivision Guidelines specified within the urban areas (which as I have noted, in paragraph 10.40 of this evidence, the Subdivision Guidelines do not apply to the rural living areas), as well as the need to consider matters of discretion relating to the location of building platforms in the Rural Lifestyle Zone and broader rural amenity and rural character considerations that are applicable to rural living areas.

Ability to decline substandard Subdivision

10.48. As identified above, the monitoring undertaken in association with the section 32 evaluation identified that historically the design of subdivisions has not achieved good design practice. As the applications have been considered as Controlled Activities, the Council has not had the ability to decline them, even if it is considered that they do not represent good design outcomes.

10.49. In response to this, the PDP has proposed a Discretionary Activity regime in order to allow Council to decline a resource consent application if considered necessary. The analysis within the section 32 assessment identifies that the District has many places of natural, cultural and heritage value and that a discretionary activity regime will help focus the importance of these values through better subdivision design. Further, it avoids instances where the controlled activity status establishes an unrealistic expectation where a site may be constrained by hazards (acknowledging section 106 of the RMA also provides scope for this irrespective of the activity status) or the applicant and the Council cannot reach agreement over the design. This includes the provisions of services or whether the roading widths and layout are considered to be substandard.

- 10.50. A number of submitters, including Submitters 634 (Trojan Holdings Limited) and 556 (Skyline Enterprises Limited)⁴⁰ consider that a Discretionary Activity regime will impose significant uncertainty, cost and time delays on simple subdivisions and does not represent sustainable management. I appreciate that the ability to decline consent elevates the consent risk to developers, which can then result in uncertainty for investment decisions and can in turn constrain development. In touching upon this, the section 32 analysis sets out that a review of the activity status of granted subdivision consent applications processed from 2009 to 2015 under the ODP subdivision chapter identifies that 31% of applications processed and granted had a controlled activity status. The majority of applications (69%) had an activity status that enabled the Council the ability to decline consent, and therefore represented an elevated risk to developers. As such, the ability to decline consent is a feature of the existing ODP subdivision chapter.
- 10.51. As acknowledged within the section 32 analysis, it is anticipated that even under a Discretionary Activity regime, very few applications would be declined, in line with current practice. Rather, the Council's approach to development is co-operative, which includes working with the applicant to reach a suitable outcome, as opposed to declining an application outright. While a Discretionary Activity rule regime may be effective in addressing instances where the applicant and the Council cannot reach agreement over the design, including the provisions of services, this can also be achieved through the use of a Restricted Discretionary Activity rule regime. Such a regime would need to include matters of discretion that are sufficiently broad to respond to (i) design, (ii) subdivision infrastructure considerations, and (iii) environmental issues, as I have set out above.
- 10.52. In relation to the submissions raising concerns regarding certainty for developers, I note that the ODP dispenses with the need to notify applications for controlled or restricted discretionary activities (Rule 15.2.2.6(i)). This is a feature in Chapter 27, albeit applying to discretionary activity subdivision in the urban zones and the Rural Lifestyle and Rural Residential Zones under Rule 27.9.1. I consider this to be an important tool and can assist in alleviating some of the issues raised by submitters relating to uncertainty.
- 10.53. I have considered the submissions regarding the potential to generate unnecessary complexity, cost and time delays in relation to a Discretionary Activity subdivision rule. In my experience preparing and assessing Discretionary Activity subdivision applications invariably leads to greater costs associated with the preparation and assessment of an application, given that discretion or control is not limited. Applications require a broader

40 Submission point 556.11.

assessment of environmental effects, and in the case of a more complex subdivision proposal could result in significant additional costs and delays in advancing a subdivision application. These costs are likely to be passed onto future lot purchasers, and could further add to increased section costs. The economic costs of preparing subdivision applications under a Discretionary Activity rule regime are discussed within the section 32 evaluation. Specifically, it is acknowledged that the removal of specified criteria could result in a loss of direction or guidance in the application and processing of subdivision proposals, where the status allows for the application to be declined.⁴¹

- 10.54. In my opinion, the economic costs to the applicant and potential social costs to the community (through increased section costs) could be reduced in those areas identified as being suitable for development (being the Rural Lifestyle and urban zoned area) by adopting a Restricted Discretionary Activity regime. Such a regime would require the matters of discretion over which the Council is considering an application to be specified, and as such provide certainty to applicants yet appropriate control to Council. This may better focus the range of matters that are to be considered and therefore make the provisions more effective for plan users (both in terms of preparing applications and processing them).
- 10.55. While I do not support the replacement controlled activity rule sought in the submitters' alternative relief to Rule 27.4.1, I do support utilising the matters of control set out by submitters in paragraph 10.6 of this evidence as the basis for the alternative Restricted Discretionary Activity rule framework set as out in this evidence.

Recommendation

- 10.56. I accept the relief of Submitters 177 (Universal Developments Limited), FS1061.15 (Otago Foundation Trust Board), 277 (Alexander Reid), and 748 (Jodi Todd) that subdivision activity be a Restricted Discretionary Activity in the District's rural living and urban areas.
- 10.57. In terms of matters over which the Council has restricted its discretion, I accept (in part) the relief sought by submitters set out in paragraph 10.6 of this evidence, and adopt and expand upon the matters of control suggested in their proposed controlled activity rule as the basis for the matters over which the Council has limited its discretion.
- 10.58. I accept (in part) the relief of Submitters 277.1, 610.17, 613.17, 497.17, 512.13, 513.43, 515.37, 520.5, 522.40, 523.14, 525.2, 529.5, 530.14, 531.27, 532.33, 534.33, 535.33,

41 At page 13 and 39 of the Chapter 27 section 32 evaluation.

536.13, 537.38, 608.56, 761.29, 762.2, 763.14, 767.16 that subdivision within the Rural General Zone be retained as a Discretionary Activity under ~~renumbered~~ redrafted Rule 27.5.8 [notified rule 27.4.1 pg.10].

10.59. Consequently, I recommend the following amendments to notified Rule 27.4.1:

- (a) Two separate Restricted Discretionary Activity rules for subdivision activity in the District's urban (redrafted Rule 27.5.5, [notified rule 27.4.1 pg.10]) and rural living areas (redrafted Rule 27.5.6 [notified rule 27.4.1 pg.10]), where matters of discretion are specified, including integration of the Council's Subdivision Guidelines as a matter of discretion to be applied to the District's urban zones;
- (b) Retaining a Discretionary Activity regime for more sensitive areas (as is already the case under notified Rules 27.5.1.4 to 27.5.1.7 [pg.13]); (redrafted rules 27.5.9, 27.5.10, 27.5.11 and 27.5.12) and within the Rural Zone (~~and now renumbered~~ redrafted rules 27.5.8, 27.5.9, 27.5.10, 27.5.11 and 27.5.12, [notified rule 27.4.1, pg.10]);
- (c) Retaining non-notification clause under notified Rule 27.9.1 pg.27-28, [redrafted rule 27.9.1] as this relates to a) above.

10.60. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

11. **ISSUE 2 – RULE 27.4.3 - CONTROLLED ACTIVITY STATUS FOR SUBDIVISION IN ACCORDANCE WITH A STRUCTURE PLAN**

11.1. Three Submissions by Submitters 456 (Hogans Gully Farming Limited), 632 (RCL) and 696 (Millbrook Country Club Ltd (**MCCL**)) seek that notified Rule 27.4.3 (Restricted Discretionary Activity for subdivision in accordance with a structure plan) be changed to a controlled activity.⁴² RCL's submission was supported by further submission FS1097.638 (Queenstown Park Limited) and opposed by seven further submissions.⁴³

Discussion and Recommendation

11.2. Submitter 632 (RCL) sets out that in situations such as the Jacks Point Zone where there is a structure plan in place, the ability to undertake a controlled activity subdivision is reasonable. Similarly, Submitter 696 (MCCL) considers that it is sufficient for subdivision

⁴² Submission points 456.30, 632.63, 696.20.

⁴³ FS1217.64, FS1219.64, FS1252.64, FS1277.67, FS1316.63, FS1275.237, FS1283.177.

to be a controlled activity within the Millbrook Zone. The Submitter considers that the outcomes provided for are prescribed by a detailed structure plan and the certainty controlled activity status provides a landowner or developer (over restricted discretionary status) is an economic benefit which provides confidence for investment. MCCL seeks the following amendments to notified Rule 27.4.3 (deletions shown in ~~strike through text~~ and additions shown in underlined text):

- a. *Subdivision undertaken in accordance with a the Millbrook Structure Plan ~~or spatial layout plan that is as set out in Section 43 identified in of the District Plan.~~*

~~Discretion Control~~ is restricted to:

- Allotment sizes and configuration.
- Property access.
- Landscaping and vegetation.
- Heritage.
- Infrastructure and servicing (including stormwater design).
- Natural and other hazards.
- Open space or reserves.
- Earthworks.
- Easements.

11.3. As I have discussed under Issue 1 (paragraph 10.29 to 10.30 of this evidence), I support a controlled activity status where the subdivision application is undertaken in accordance with a structure plan or development plan that is included in the PDP through this review of a plan change / variation. In these circumstances there is a level of certainty to both proponents and decision makers of what is expected in terms of subdivision design and the plan change process that the structure/development plan is derived from has identified opportunities, constraints and effects of the future subdivision and land use activities.

11.4. I accept, in part, the submission by MCCL relating to the need for matters of control to be specified and consider that the relief sought within the submitters relief could be extended to cover a default rule that applies under notified Rule 27.4.3 [~~renumbered-redrafted~~ rule 27.7.1], subject to minor amendments set out in **Appendix 1** to this evidence. I also note that other submitters have sought amendments to the Zone Specific provisions, which I have responded to separately under Issue 12 (paragraph 21.1 to 21.17) of this evidence. I accept, in part, the submission points 456.30, 632.63, 696.20 and FS1097.638 and reject further submission points FS1217.64, FS1219.64, FS1252.64, FS1277.67, FS1316.63, FS1275.237, and FS1283.177.

11.5. I note, for completeness, that I have also recommended that notified Rule 27.4.3 [pg.10] ~~renumbered~~ [redrafted rule 27.7.1] be transferred into a rule table along with a number of Location specific standards). This change responds to Submitters⁴⁴ who request that Chapter 27 be amended so that it is consistent with other Chapters in the PDP, including through using tables and ensuring that all objectives and policies are located at the beginning of the section. I expand upon this in Issue 12 (paragraph 21.1 to 21.17) of this evidence.

11.6. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

12. **ISSUE 3 – NEW RULE 27.5.5 – CONTROLLED ACTIVITY STATUS FOR BOUNDARY ADJUSTMENTS**

12.1. A number of submitters⁴⁵ seek a new rule 27.5.5 be inserted to provide for a controlled activity for boundary adjustments.⁴⁶ The submitters proposed new rule provides:

"Where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:

- (i) the building platform is retained.*
- (ii) no additional separately saleable lots are created.*
- (iii) the areas of the resultant lots comply with the minimum lot size requirement for the zone."*

12.2. I note that a number of submitters have sought to provide for controlled activity boundary adjustment relief to other provisions of Chapter 27. By way of example, Submitter 806 (Queenstown Park Limited) has sought that notified Objective 27.2.8 [pg. 8] provide for boundary adjustments as a controlled activity, and recognise that they do not create a demand for services.⁴⁷

Discussion

12.3. Chapter 27 provides for a limited range of boundary adjustment subdivision activities under notified Rule 27.6.1.1 as a permitted activity.⁴⁸ Beyond the confines of the

44 Submission points 632.4, 636.11, 643.16, 688.10, 693.16, 702.13.

45 Submitters 532 (Bill & Jan Walker Family Trust), FS1157.59 (Trojan Helmet Ltd), 535 (G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain), 762 (Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D), 763 (Lake Hayes Limited), 767 (Lake Hayes Cellar Limited).

46 806.176, 806.190, 532.34, 534.35, FS1157.59, 535.35, 762.3, 763.15, 767.17.

47 Submission point 806.190.

48 An adjustment to existing cross-lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the conversion from cross-lease to unit title, the addition of an accessory building, or the relocation of accessory buildings providing the activity complies with all other provisions of the District Plan or has obtained resource consent.

limitations of notified Rule 27.6.1.1, boundary adjustment subdivision activity is a Discretionary Activity under notified Rule 27.4.1. It is noted that the ODP provides for boundary adjustments within the Rural General Zone as a controlled activity.⁴⁹

- 12.4. The section 32 evaluation identifies that of the 677 subdivisions advanced between 2009 to 2015, 125 were boundary adjustments. Of these, 54% were processed as a controlled activity.
- 12.5. The section 32 evaluation provides for little commentary justifying why a Discretionary Activity regime is required to support boundary adjustments that extend beyond the limitations of notified Rule 27.6.1.1. In relation to this form of subdivision activity, boundary adjustments do not typically generate adverse effects. The only example of concerns being raised during monitoring of the ODP provisions related to the amalgamation of urban lots in Arrowtown (relating predominantly to the LDRZ), which then resulted in potentially larger scale dwellings being erected close to Arrowtown's more sensitive Old Town Residential area.
- 12.6. In justifying the relief in its submission, Queenstown Park Limited, sets out that boundary adjustments are an important mechanism and the policy supporting provisions for them should be reflected in the rules. Notified Objective 27.2.8 and supporting policies 27.2.8.1 and 27.2.8.2 seek to facilitate boundary adjustments. I agree that boundary adjustments are an important mechanism that should be provided for within the PDP as they enable efficient use of land and ownership without increasing density, and provide for the ability to respond to changes in cross lease and unit title structures within a variety of development scenarios. Provided they are governed by an appropriate rule framework that limits potential adverse effects I am satisfied that Chapter 27 should be supported with a more enabling rule framework to support boundary adjustments.
- 12.7. I therefore generally support the relief sought by Submitters seeking the introduction of a new Rule 27.5.5 to Chapter 27 (~~renumbered~~ redrafted rule 27.5.3). The relief sought broadly aligns with existing Rule 15.2.6.3(i)(b) of the ODP.
- 12.8. In my opinion, it is both effective and efficient that boundary adjustment subdivision is provided for as a controlled activity in areas of the District where it is unlikely that the boundary adjustment will result in any adverse effects on the receiving environment. I consider it important, however, that a greater level of control/discretion is placed on boundary adjustments that have the potential to impact upon the District's ONLs and

49 Rule 15.2.3.2(b)(i).

ONFs, Significant Natural Areas scheduled in the PDP and special character areas, such as Arrowtown, where boundary adjustments can result in:

- (a) the introduction of arbitrary lines in sensitive landscape settings;⁵⁰ and
- (b) large scale buildings being development close to areas of historic importance.

12.9. As such, to ensure that boundary adjustments do not erode matters under section 6(b), (c), and (f) of the RMA, I recommend that boundary adjustments involving land within areas identified in notified Rules 27.5.1.5 to 27.5.1.7 (being Heritage Landscape, archaeological Site, Significant Natural Area) be retained as a discretionary activity (under ~~renumbered~~ redrafted Rules 27.5.9, 27.5.10, 27.5.11 and 27.5.12). Given the issues raised during monitoring of the Arrowtown Historic Residential Management Zone relating to the creation of larger scale properties bordering the Old Residential Town Area, I consider it appropriate that boundary adjustments within the Arrowtown urban growth boundary be a restricted discretionary activity (under (new) redrafted rule 27.5.4).

12.10. Further, Submitters 672 (Watertight Investments Ltd) and 688 (Justin Crane and Kirsty Mactaggart) made submissions on notified Rule 26.6.2. As they relate to matters associated with subdivision, the submissions were deferred to the Chapter 27 Hearing. I discuss these submissions in more detail under section 16 of this evidence (at paragraphs 25.1 to 25.9). The submitters sought that subdivision of any site containing all or part of a protected feature be a restricted discretionary activity, with restriction being limited to the impact of the proposed subdivision on the heritage values of the protected item(s).⁵¹ As I have discussed in paragraph 12.5 in relation to boundary adjustments located within Arrowtown's urban boundary, as well as a site that contains a heritage or any other protected item or schedule in the District, I believe that it is appropriate for these to be considered as a restricted discretionary activity, with matters of discretion being limited to the impact of the proposed boundary adjustment on the heritage values of the protected item(s) or adjoining heritage character areas.

Recommendation

12.11. I accept (in part) the relief of Submitters 806.176, 806.190, 532.34, 534.35, FS1157.59, 535.35, 762.3, 763.15, 767.17 that boundary adjustments are provided for by a controlled activity rule (under new Rule 27.5.3), with the exception of boundary adjustments within Arrowtown's urban boundary and on a site that contains a heritage or any other protected

50 Through the establishment of fencing lines.

51 Submission points 672.23 and 688.19.

item or schedule in the District, which are to be dealt with under a separate restricted discretionary activity (under new Rule 27.5.4).

12.12. I recommend areas identified under notified Rules 27.5.1.5 to 27.5.1.7 be retained (renumbered Rules 27.5.9, 27.5.10, 27.5.11 and 27.5.12) as a discretionary activity (including as this relates to boundary adjustments).

12.13. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

13. **ISSUE 4 – MINIMUM LOT SIZES FOR SUBDIVISION UNDER NOTIFIED RULE 27.5.1, WHERE STAGE 2 DISTRICT PLAN REVIEW ZONES ARE REFERENCED**

13.1. I note that notified Rule 27.3.3.1 [\[pg.10\] \(which I recommend to be deleted\)](#) sets out a list of zones that are not part of PDP: Stage 1 (at the date of notification: 26 November 2015). The intent of the guidance set out in this rule is to reinforce that the zones listed are not affected by the Stage 1 subdivision provisions set out in Chapter 27. However, I note that there are a number of specific zones listed within the Minimum Lot Area requirements under Rule 27.5.1 that are not part of Stage 1 and will form part of Stage 2.

13.2. I note, for completeness, that some submitters have sought clarification that the subdivision chapter does not apply given that the zones they are interested in form part of Stage 2. Submitter 806 (QPL) seeks clarification confirming that the subdivision chapter does not apply to Queenstown Park Special Zone in its entirety.⁵²

13.3. In my opinion, it is not good practice for Stage 2 zones to be referenced within the Minimum Lot Area table under Notified Rule 27.5.1 [pg.11 \[redrafted rule 27.6.1\]](#) given that minimum site sizes (for subdivision) for Stage 2 zones should be considered alongside that zone's relevant standards which are to be considered in Stage 2.

13.4. I, similarly note, that 'Township and All Other Zones' is referenced under notified Rule 27.5.1.2 as this relates to minimum dimensions. The Township Zone forms part of Stage 2 and reference to this zone in Chapter 27 is inappropriate given the intent of Chapter 27 to only apply to Stage 1 zones. This is a matter that is to be addressed by Council within legal submissions for Chapter 27.

13.5. Given the above, I recommend that notified Rules 27.5.1 and 27.5.1.2 be amended (refer [redrafted rule 27.6.1](#)) as follows:

52 Submission point 806.164.

Minimum Lot Area table under Rule 27.5.1

Industrial	Industrial A	200m ²
	Industrial B	4000m ² Except that the minimum lot size shall be 200m ² where the subdivision is part of a complying combined land use/ subdivision consent application or where each lot to be created, and the original lot, all contain at least one business unit.
Township	Makarora	4000m ²
	Kingston	800m ²
	Glenorchy	800m ²
	Lake Hawea	800m ²
	Luggate	800m ²
	Kinloch	800m ²
	Albert Town	600m ²
	Riverside Stage 6 Subzone A	50-55% of lots will be developed to a minimum area of 400m ² Average lot size: 600m ² Maximum lot size: 800m ²
	Riverside Stage 6 Subzone B	Average lot size: 800m ² (minimum 700m ² , maximum 1000m ²)
	Riverside Stage 6 Subzone C	Minimum 1,000m ² , maximum 2000m ²

Minimum Dimensions table under Rule 27.5.2

Zone		Minimum Dimension (m = metres)
Residential	Medium Density	12m x 12m
	Large Lot Urban	30m x 30m
	Township and All others	15m x 15m
Rural Residential	Rural Residential (inclusive of sub-zones)	30m x 30m

14. ISSUE 5 – MINIMUM LOT SIZES FOR SUBDIVISION UNDER RULE 27.5.1

- 14.1. The minimum lot area provisions under notified Rule 27.5.1 [pg.11 \[redrafted rule 27.6.1\]](#) generated a significant number of zone specific responses by submitters. As set out in paragraphs 4.6 and 4.7 above, all zones except the Rural, Rural Residential, Rural Lifestyle and Gibbston Character Zones are transferred to the respective hearing stream of the zone.

Rural Lifestyle Zone Minimum site Area

- 14.2. A number of submitters⁵³ seek that the two hectare average requirement under notified Rule 27.5.1 [pg.11 \[redrafted rule 27.6.1\]](#) be reduced to a 1ha average, or in the alternative, a one hectare minimum lot size for the Rural Lifestyle Zone is provided for.⁵⁴
- 14.3. Other submitters⁵⁵ seek that the minimum lot size for the Rural Lifestyle Zone is amended to one hectare under notified Rule 27.5.1.⁵⁶ The relief sought by the above submitters was opposed by Lake Hayes Estate Community Association through further submissions.⁵⁷
- 14.4. Submitter 414 (Clark Fortune McDonald & Associates Ltd), similarly seeks that the Rural Lifestyle minimum lot size standard in notified Rule 27.5.1 [pg.11 \[redrafted rule 27.6.1\]](#) be amended to a 1ha average.
- 14.5. Submitter 350 (Dalefield Trustee Ltd) seeks that the average lot size of not less than 2ha is reduced to 1.5ha.⁵⁸ Further, Submitter 514 (Duncan Fea) seeks that the minimum site area for the Rural Lifestyle Zone is reduced to 4,000m² in area.⁵⁹
- 14.6. Submitter 157 (Miles Wilson) supports the existing Rural Lifestyle Density rules that require a minimum allotment size of 1ha, with an average of 2ha.⁶⁰

Discussion

53 Submitters 513 (Jenny Barb), 515 (Wakatipu Equities), 523 (Robert and Elvena Heywood), 530 (Byron Ballan), 532 (Bill & Jan Walker Family Trust), 534 (Wayne Evans, G W Stalker Family Trust, Mike Henry), 535 (G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain), 537 (Slopehill Joint Venture), 497 (Arcadian Triangle Limited) and 522 (Kristie Jean Brustad and Harry James Inchall).

54 Submission points 513.47, 515.39, 523.18, 530.16, 532.36, 534.37, 535.37, 537.41, 497.21, 522.43.

55 Submitters 231.2 (Antony Strain, Sarah Strain and Samuel Strain), 232 (Don Andrew, Kathleen Andrew and Roger Macassey), 233 (Dean Gallagher), 235 (Graeme Sim), 239 (Don Moffat), 248 (Shotover Trust), 314 (Wakatipu Holdings), 328 (Noel Gutzewitz), 331 (The Station at Waitiri), 348 (Mrs M K Greenslade), 350 (Dalefield Trustee Ltd), 351 (Sam Strain), 367 (John Borrell).

56 Submission points 231.2, 232.5, 233.2, 235.2, 239.1, 248.20, 314.5, 328.4, 331.2, 348.5, 350.9 350.10, 351.3, 367.6.

57 Further submissions FS1071.98, FS1071.57, FS1071.107, FS1071.93, FS1071.94, FS1071.49, FS1071.50.

58 Submission point 350.10.

59 Submission point 514.6.

60 Submission point 157.1.

14.7. The key issue raised by submitters in relation to the Rural Lifestyle Zone (and as set out by Submitter 414 (Clark Fortune McDonald & Associates Ltd)) is that the proposed minimum site area under notified Rule 27.5.1 does not promote integrated management, sound resource management nor does it meet the reasonably foreseeable needs of future generations. The submitters seeking a 1ha average consider that a greater density will provide for a better planning outcome through the effective use of resources. They also consider a greater density will give effect to the higher order policies and objectives of the PDP, such as the provision for housing and land supply. Further, the submitters argue that the section 32 evaluation does not adequately consider alternatives to the 2ha average rule.

14.8. I note that the relief sought by submitters listed at paragraphs 14.2 to 14.4 above raises similar relief sought by submitters to the Rural Lifestyle Zone (Hearing Stream 2) and the residential density provisions set out under notified Rule 22.5.12.2, (which requires a maximum of 1 residential unit on sites less than 2ha) with submitters seeking this provision be removed and a density limit of 1 residential unit per hectare introduced.

14.9. The purpose of the Rural Lifestyle Zone is identified at section 22.1 of Chapter 22, which states:

"The Rural Lifestyle zone provides for rural living opportunities, having a development density of one residential unit per hectare with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour and lighting standards.

.....

Many of the Rural Lifestyle zones are located within sensitive parts of the district's distinctive landscapes. While residential development is anticipated within these zones, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by the identification of building platforms, bulk and location standards and, where required, design and landscaping controls imposed at the time of subdivision."

14.10. I have reviewed the section 42A Officer's report for Chapter 22 prepared by Mr Craig Barr, which addresses the change in density sought by Submitters. At paragraph 8.4 of the Chapter 22 section 42A report, Mr Barr states:

- "8.4 *I do not consider the location of many of the Rural Lifestyle Zones to be in locations that support a density of 1 residential unit per hectare. The average of 2ha anticipated across the zone is important at providing a design led response in terms of subdivision design that is sympathetic to the landscape, flexibility in terms of creating a range of lot sizes for the market, while maintaining rural living character and amenity values. This is especially the case where the Rural Lifestyle Zones are located in what would otherwise be included within an ONL on the planning maps (for example, the Makarora and Mt Barker Rural Lifestyle Zones), or amidst Rural Landscape Classification⁹ parts of the Rural Zone where the landscape is vulnerable to change (for example, the Hawea Flat and Slope Hill Rural Lifestyle Zone). The Rural Lifestyle Zones are part of a wider Rural Zone area and changes to these areas have the potential to impact wider landscape values.*
- 8.5 *I refer to and rely on Dr Read in section 10 of her evidence that also states that the 2ha is the minimum size that ensures a sense of spaciousness and the maintenance of other aspects of rural amenity.*
- 8.6 *Dr Read considers that the Hawthorn Triangle could absorb development at the density of 1ha allotments, but considers that the same increase in the density of development in other Rural Lifestyle Zones would result in adverse effects.¹⁰ I do not consider it worthwhile to replicate this development right by way of provisions in Chapter 22 because this area has reached a development capacity. One of the reasons for making this land Rural Lifestyle is because the consented outcome is significantly less than that contemplated in the Rural Zone (despite their not being a minimum allotment size associated with residential development) but a lower density than the Rural Residential Zone that is 4000m² in most areas.*
- 8.7 *Given the above, I consider that the removal of the 2 ha average would reduce the ability of these areas to maintain a sense of rural living character and amenity and the contribution that the spaciousness of the zone makes to the wider Rural Zoned landscapes. Therefore I recommend the submissions should be rejected and the standard as proposed retained.*
- 8.10 *In terms of providing accommodation options, I note that although non-complying, a case for a resource consent could be made on its merits. Submitter 497 (Arcadian Triangle Limited) has cited Strategic Direction Objective 3.2.6.1 on multiple occasions as leverage for increasing density in the Rural Lifestyle Zone. I*

*consider that this is overextending the intent of this Objective. When considered with all the zoning and housing options available throughout the PDP, the Rural Lifestyle Zone as notified is appropriate and is but one of many housing options available. The Strategic Direction and Urban Development s32 and s42A reports set out and confirm that the place for increasing density is within the mapped Urban Growth Boundary (UGB). In addition, the PDP has made Residential Flats more efficient to establish and further enabling them through use of permitted activity status (Rule 22.4.6). This is considered sufficient to provide for a range of housing opportunities within the Rural Lifestyle Zone. I consider that the provisions as notified are appropriate and recommend that the limit of one residential unit within a building platform be retained.*⁶¹

- 14.11. I also refer to and rely upon the landscape evidence of Dr Marion Read, which responds to the Rural Lifestyle Zone density issue from a landscape perspective. Dr Read's evidence states:

"10.2 The Rural Lifestyle zones are intended to provide for rural living opportunities Policy 22.2.1.2 of the PDP states that the purpose of establishing minimum density standards is 'so the open space, natural and rural qualities of the District's distinctive landscapes are not reduced'.

10.3 It is my general observation that 2ha enables the keeping of animals and other productive land uses which are characteristic of the broader rural landscape and which cannot be sustained on smaller lots. Such an area ensures a sense of spaciousness and the maintenance of some other aspects of rural amenity such as quietness.

10.4 The PDP includes several new areas of Rural Lifestyle zoning. In part this is intended to direct residential development into parts of the landscape better able to absorb development and away from the more sensitive areas which have remained Rural Landscape. From a pragmatic point of view, if subdivision to 1ha is allowed in the Rural Lifestyle zones (and more than one submitter has said they consider two dwellings could be constructed on each building platform making the density of a Rural Lifestyle zone almost indistinguishable from the Rural Residential zone) then people wishing to have a few horses, raise a few sheep or alpacas or grow a few olives will have to move, again, to the Rural Landscape zone. I consider the effects

61 Paragraphs 8.4 to 8.7 of the Chapter 22 section 42a report.

*of this on the landscape, particularly in the Wakatipu Basin, would be adverse.*⁶²

14.12. Further, in the Officer's written reply to Chapter 22, Mr Barr sets out:

"3.1 Submitters represented by Mr Fergusson¹ support the concept of increasing the density of the Rural Lifestyle Zone to 1ha, with no minimum allotment size. In addition, submitters represented by Mr Farrell² seek a similar change to Rule 22.5.12.3 so that on sites of two hectares you can have two residential units on average.

.....

3.3 I also disagree with Mr Fergusson where he states in the written evidence, that he considers all the Rural Lifestyle Zones throughout the District can absorb a density of 1ha. This does not just include the Rural Lifestyle areas within the Wakatipu Basin where additional submissions from landowners, legal counsel and landscape evidence were submitted. I consider that accepting a higher density such as that proposed would require a greater emphasis on managing the adverse effects of contemplated development. In addition, many of the Rural Lifestyle zoned areas are located amidst the Outstanding Natural Landscape (ONL) area.³ On this basis I consider that the PDP framework of a permitted building regime may not suit the nature and density of residential development that these submitters are requesting.

3.5 I consider that the majority of submitters seeking a higher density across the entire Rural Lifestyle zone have not provided expert evidence that supports this density district wide. I also refer to and rely on the evidence of Dr Read where she supports the retention of a density of 2 ha."⁶³

14.13. I agree with the conclusions reached by both Mr Barr in his right of reply and Dr Read in her landscape evidence that the relief sought by submitters to the minimum site area requirements of the Rural Lifestyle Zone has the potential to generate adverse landscape and rural amenity effects on areas zoned for Rural Lifestyle purposes.

14.14. I agree with Dr Read (at paragraph 10.3 of her evidence), where she states that *"2ha enables the keeping of animals and other productive land uses which are characteristic of the broader rural landscape and which cannot be sustained on smaller lots."*

62 Paragraphs 10.2 to 10.4 of the Dr Marion Read's Landscape evidence, dated 6th April 2016.

63 Paragraphs 3.1 to 3.5 of the Chapter 22 Officer's reply dated 3 June 2016.

- 14.15. The Selwyn District Council Rural Residential Strategy 2014 sets out that land holdings that range in size from between 0.3ha to 2ha, are better able to demonstrate the residential and rural character elements that typify rural residential environments. Properties that are greater than 2ha in size generally continue to be productive and are predominantly retained for rural purposes, small holdings, or hobby farms.⁶⁴
- 14.16. I have referred to the above document because it assists in identifying a clear point at which the reduction in site size results in a movement away from a Rural Lifestyle property to a Rural Residential property, which results in greater density and less opportunity to utilise properties for rural related activities. Whilst its particular assessment considers the relevant trigger point for this movement in the Selwyn District, I believe that the concept is also applicable to the Queenstown Lakes District. Further to this, I believe that the assessments of Mr Barr and Dr Read have identified the relevant trigger points relative to the Queenstown Lakes District as is demonstrated in the comments of Dr Read at paragraph 10.3 of her evidence, and as identified at paragraph 14.11 above.
- 14.17. Lastly, I note that the submitters who are seeking the minimum lot size be reduced to a 1ha average, are seeking this relief as they consider it will provide for greater housing and land supply. As I have set out above, this was a matter that was responded to by Mr Barr as part of his section 42A report to Chapter 22 and which he addressed at paragraph 8.10 of his s42A report. Having considered Mr Barr's response, I agree with his conclusion, that the Strategic Directions Chapter seeks greater intensification of areas contained within the District's urban growth boundaries. Given this, I do not support the submissions and do not believe that the relief sought is consistent with the direction proposed by the PDP.

Recommendation

- 14.18. Based on the evidence of Dr Read, I do not support the submissions proposing the minimum lot size for the Rural Lifestyle Zone be amended to 1ha. I consider that such an outcome has the potential to compromise the District's overall landscape quality and undermine the rural character of the Rural Lifestyle zoned areas. As a consequence, I reject submission points 513.47, 515.39, 523.18, 530.16, 532.36, 534.37, 535.37, 537.41, 497.21, 522.43, 231.2, 232.5, 233.2, 235.2, 239.1, 248.20, 314.5, 328.4, 331.2, 348.5, 350.9 350.10, 351.3, 367.6.

64 At paragraph 4.34 of the Selwyn District Council Rural Residential Strategy Report, June 2014.

Rural Residential Zone Minimum site Area

- 14.19. Submitter 26 (David Clarke) supports the retention of the North Lake Hayes Rural Residential Rules, however questions the reduction in block sizes to 1 acre (4,000m²) as identified under notified Rule 27.5.1 [pg.12 \[redrafted rule 27.6.1\]](#). Mr Clarke requests that a rule from the ODP that was specific to the Rural Residential Zone at the north of Lake Hayes is 'reinstated'.⁶⁵

Discussion

- 14.20. Mr Clarke sets out that the philosophy behind averaging was to ensure some areas were 4,000m² and others 8,000m². This was to ensure variety, good setbacks between sites and provide better amenity and ensure sufficient infrastructure provision.
- 14.21. Mr Clarke's submission draws attention to the existing provisions of the ODP under rule 15.2.6.2(iv), that the Rural Residential Zone at the north of Lake Hayes requires a lot average to be 8,000m² in area. In addition, it requires, for the purposes of calculating any average, the following three titles at the north of Lake Hayes include the area previously taken from those titles (at their southern end) as a Wildlife Management Reserve, as described below:

Legal Description of land owned	Land taken from these lots as Wildlife Management Reserve
Lot 1 DP 27445	Lot 4 DP 15096
Lot 1 DP 26803 Lot 2 DP 26803	Lot 5 DP 15096

- 14.22. Further, ODP Rule 15.2.6.2(iv)(c) states that the total lots to be created by subdivision, other than lots for access, utilities, reserves and roads, shall not be greater than the average specified for each zone.
- 14.23. There appears to be limited explanation within the section 32 evaluation discussing the implications of a more intensive minimum site area within the Rural Residential Zone at the north of Lake Hayes. Given the zone was originally promulgated on a lot average of 8,000m², I do not believe that the proposed 4,000m² minimum site area requirement has sufficient justification. Further, following a detailed examination of the above referenced lots within ODP Rule 15.2.6.2(iv) it would appear that these lots do not exist any longer and it is assumed that they have already been subdivided. As such I believe that it is

65 Submission point 26.3.

appropriate to retain the extent of the existing provision of the ODP provision as proposed by the submitter.

Recommendation

- 14.24. I recommend that the minimum site area applicable to the Rural Residential Zone under notified Rule 27.6.1 (is amended to retain the 4000m² provided that the total lots to be created by subdivision, including balance lots, shall not be less than an 8,000m² lot average, [redrafted rule 27.6.1](#)). As a consequence, I accept the submission by Mr Clarke. I note that Mr Barr recommends accepting a corresponding change to Chapter 22 Rural Residential Zone.

Minimum Lot Size in Rural General Zone

- 14.25. Two submitters have sought the introduction of a minimum lot size to the Rural General and Gibbston Character Zones. Submitter 719 (NZ Transport Agency) seeks an amendment to notified Rule 27.5.1 so that it provides a minimum lot size for subdivisions within the Rural Zone and Gibbston Character Zone.⁶⁶ Submitter 38 (Stewart Mahon) seeks to allow a minimum allotment size of 5 acres in the Rural Zone.⁶⁷

Discussion

- 14.26. NZ Transport Agency seeks the introduction of a minimum lot area for subdivision within the Rural General and Gibbston Character Zones on the basis that with no minimum lot area it is difficult to establish likely demand for new or enhanced infrastructure, and that it encourages ad hoc development with no strategic direction/overview. NZ Transport Agency's relief was opposed by Mt Rosa Wines Ltd's further submission.⁶⁸
- 14.27. Submitter 38 (Stewart Mahon) seeks a minimum lot size of 5 acres on the basis that such a size is not compacted to smaller lots in keeping with the rural feel while allowing the ability to subdivide.
- 14.28. The section 32 evaluation for Landscape, Rural and Gibbston Character Zones sets out that the planning rules for managing subdivision and development in the Rural General Zone are unique compared to many other parts of rural New Zealand. Specifically, that there is no minimum allotment size for landholdings in the Rural General Zone. What this does is prevent any 'development right' for residential subdivision and development

66 Submission point 719.141.

67 Submission point 38.4.

68 Further submission FS1155.4.

associated with a minimum landholding area, but requires proposals for subdivision and development to prove that the proposal would be appropriate in terms of effects on the landscape.⁶⁹

- 14.29. Further, the section 32 report sets out that *"whilst the existing provisions place emphasis on whether a proposal will be appropriate in terms of adverse effects on the landscape resource, on the other hand, the absence of a minimum allotment size (along with associated plan provisions) does not establish an easily measurable baseline on the potential limit of the capacity of the landscape to absorb development."* This is essentially the issue raised by NZ Transport Agency, but its concern is linked to an inability to determine likely demand for new or enhanced roading infrastructure.
- 14.30. The 'no minimum lot size' provision under the Rural General and Gibbston Character Zones is largely driven by landscape considerations. A study by Read Landscapes Limited, titled 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment 2014' (which is attached as Appendix 5 to this evidence) suggested that the existing 'discretionary regime' is the best way to manage subdivision and development in the Wakatipu Basin. It also suggested that the existing assessment criteria should be clarified, with the inclusion of performance standards to help assess the merits of subdivision and development.
- 14.31. The section 32 evaluation for the Landscape, Rural and Gibbston Character Zones considers that introducing a minimum lot size for subdivision and development would not be more effective in responding to the resource management issues raised for these zones.⁷⁰ On this basis, I reject the relief sought by submitters.

Recommendation

- 14.32. I recommend that submissions by Submitter 719 (NZ Transport Agency) and Submitter 38 (Stewart Mahon) in relation to minimum allotment size in the General Rural zone and the Gibbston Character Zone be rejected.

Jacks Point Zone Minimum Lot Area

- 14.33. Submitter 762 (Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D) seeks an amendment to notified Rule 27.5.1

69 Page 12 of the section 32 evaluation report for Landscape, Rural and Gibbston Character Zones.

70 Pages 66 and 67.

([pg.12 \[redrafted rule 27.6.1\]](#)) to clarify that it is "all other activity areas" which are required to comply with the average density requirements set out in [notified](#) Rule 41.5.8 [pg.12 \[redrafted rule 27.6.1\]](#).⁷¹ This submission was opposed by five further submissions⁷² and supported by one further submission.⁷³

Discussion and Recommendation

14.34. The relief sought by the submitter is considered effective in cross-referencing the subdivision provisions to the Jacks Point Zone under Chapter 41. This promotes efficient and effective plan administration for plan users and as a consequence submission point 762.4 is accepted.

15. **ISSUE 6 – INFILL DEVELOPMENT PROVISIONS (NOTIFIED RULE 27.5.2 AND 27.5.3)**

15.1. A number of Submissions⁷⁴ have been received that relate specifically to the wording used within notified Rules 27.5.2 and 27.5.3.

15.2. Submitters 166 (Aurum Survey Consultants) and Submitter 169 (Tim Proctor) seek to remove reference to code of compliance within Rule 27.5.2.1 and seek to simply make reference to roof installation. A similar response has been received by Submitter 389 (Body Corporate 22362).

Discussion

15.3. Submitters 166 (Aurum Survey Consultants) seeks the amendments to [notified](#) Rule 27.5.2.1 [pg.13 \[redrafted rule 27.7.13\]](#) to enable subdivision in this situations where code of compliance may not be issued and the submitter considers that this will improve funding opportunity and facilitate the completion of the development.

15.4. Submitter 389 (Body Corporate 22362) and Submitter 391 (Sean and Jane MacLeod) support Rule 27.5.2.1, in general, however consider that the wording '(established meaning a Building Code of Compliance Certificate has been issued)' be removed. The submitter points out that Code of compliance certificates (**CCC**) have only been in effect since July 1992 and residential units constructed earlier will have established residential use but will not have a CCC.

71 Submission point 762.4.

72 FS1217.116, FS1219.116, FS1252.116, FS1283.108, FS1316.113.

73 FS1277.152.

74 Submission points 370.7, 453.4, 453.5, 166.11, 169.9, 389.1, 391.14.

- 15.5. In considering the relief sought by Submitters 166, 169 and 389 (and other submitters such as Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd)) I agree with the intent of the rules, however consider that the wording of these provisions could be made more practical. The submitters raise a valid issue that the CCC was introduced under the Building Act in 1992 and as a consequence the rule creates ambiguity as to how the rule would apply to dwelling units established before this date or to those dwelling units that have been constructed but have not had a CCC formally issued.

Recommendation

- 15.6. The relief sought by the submitters is considered effective in removing any uncertainty that exists under [notified](#) Rule 27.5.2.1. As a consequence, I accept, in part, submission points 370.7, 453.4, 453.5, 166.11, 169.9, 389.1, and 391.14 (refer [redrafted rule 27.7.13](#)).

16. **ISSUE 7 – INFILL DEVELOPMENT WITHIN AIRPORT'S NOISE BOUNDARIES (ANB) AND OUTER CONTROL BOUNDARY (OCB)**

- 16.1. Two Submissions have been received that relate specifically to the density provisions of LDRZ land that bounds the Queenstown Airport. Submitter 271 (Board of Airline Representatives of New Zealand (**BARNZ**)) seeks the addition of a new line to the activity table at notified rule 27.5.1 that provides that land within the Queenstown Airport outer control boundary (which includes land within the air noise boundary) should have a minimum lot area of 600m².⁷⁵ BARNZ's submission was opposed by two further submissions from Queenstown Park Limited and Remarkables Park Limited.⁷⁶ Further, Submitter 433 (Queenstown Airport Corporation) seeks the retention of the operative minimum allotment size of 600m² for subdivision within the LDRZ.⁷⁷ This submission was opposed by further submissions.⁷⁸
- 16.2. Further, Submitter 433 (Queenstown Airport Corporation), in response to [notified](#) rule 27.4.1 Discretionary activities [pg.10 \[redrafted rule 27.7.13\]](#), considers it necessary for subdivision proposals to respond positively to the PDP provisions relating to Activities Sensitive to Airport Noise (**ASAN**) and that this will require the inclusion of a rule

⁷⁵ Submission point 271.18.

⁷⁶ FS1117.38 and FS1097.121.

⁷⁷ Submission point 433.99.

⁷⁸ FS1097.382 and FS1117.144.

specifying a non-complying activity status for subdivisions that create lots at higher densities than the ODP.⁷⁹

- 16.3. Further still, Queenstown Airport Corporation seeks that [notified](#) Rules 27.5.2 and 27.5.3 (Subdivision associated with infill development [\[pg.13\] \[redrafted rule 27.7.13\]](#) be deleted.⁸⁰

Discussion

- 16.4. The key issue for Queenstown Airport Corporation is that Chapter 27 (and similar concerns with Chapter 7 – Low Density Residential) and the associated minimum lot size for subdivision in the LDRZ (under notified Rule 27.5.1 [pg.11 \[redrafted rule 27.6.1\]](#)) and the infill provisions (under notified Rules 27.5.2 and 27.5.3 [pg.13 \[redrafted rules 27.7.13 and 27.7.14\]](#)) is inconsistent with the outcomes of Plan Change 35 (**PC35**).
- 16.5. Queenstown Airport Corporation helpfully sets out that the purpose of PC35 was to put in place an appropriate management regime for land use around Queenstown Airport while providing for the predicted ongoing growth of the Airport. Accordingly, the Plan Change updated the Airport's noise boundaries (ANB and OCB) to provide for predicted growth in airport operations to 2037, and amended various zone provisions relating to land within those updated boundaries likely to be affected by increased airport noise.
- 16.6. By way of background, Queenstown Airport Corporation sets out that PC35 was adopted and confirmed by the Council on 1st November 2010 following the hearing of submissions. PC35 was the subject of a number of appeals to the Environment Court, which were largely resolved by agreement in early 2012. The agreement was jointly presented to the Court during the course of two hearings and the filing of subsequent memoranda. Except for the decision on the location of the noise boundaries in the vicinity of Lot 6, the appeals on PC35 have been resolved. Queenstown Airport Corporation states that there is no opportunity for any further debate as to the content or wording of the objectives, policies and rules addressed by PC35, and that the Court is *functus officio* in respect its decisions on these provisions.
- 16.7. Queenstown Airport Corporation's primary submission sets out that a central aim of the Company is to ensure that the number of ASAN occurring within the PC35 OCB is maintained as far as can be achieved at the levels currently anticipated by the ODP.

79 Further submission FS1340.41.

80 Submission points 433.97 and 433.98.

Therefore, avoiding an increase in the number of sensitive receivers being exposed to aircraft noise within the OCB.

- 16.8. As I understand PC35, it sought to retain development rights for properties located within the Air Noise Boundary (**ANB**) and OCB for the Queenstown Airport, subject to requirements for sound insulation and mechanical ventilation. Namely, the ODP provides for development of 1 unit per 450m² net site area (ODP Rule 7.5.5.3(iii)) as a permitted activity, provided other site and zone standards are met. As set out within Queenstown Airport Corporation's primary submission, the Company also wishes to ensure that the submission provisions within Chapter 27 are consistent with the existing ODP provisions of a minimum lot area of 600m² per lot in the LDRZ bordering Queenstown Airport.
- 16.9. Having considered Queenstown Airport Corporation's submission I support the need for Chapter 27 provisions to accord with the rule framework set out in PC35. Strategic Direction 4.2.6 Objective seeks to manage urban growth issues on land in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised. In my opinion, advancing a subdivision standard under notified 27.5.1 for the LDRZ down to 450m² minimum lot area, provides for further intensification below that currently provided for under the ODP. Consequently, I accept submission point 433.99 and seek that the Minimum Lot Area table supporting notified Rule 27.5.1 be amended to specifically retain the 600m² for subdivision in the LDRZ overlaid by the Queenstown Airport Air Noise Boundary and OCB (refer [redrafted rule 27.7.14.2](#)).
- 16.10. Similarly, Queenstown Airport Corporation seeks that notified rules 27.5.2 and 27.5.3 (Subdivision associated with infill development [\[pg.13\] respectively; redrafted rules 27.7.13 and 27.7.14 respectively](#)) be deleted. This is due to the potential for further intensification given the exemptions provided for under notified rules 27.5.2 and 27.5.3, and the maximum site density provided for under notified Chapter 7 of the PDP (specified under Rule 7.5.6) is one residential unit or dwelling per 300m² net site area. For the reasons set out above, it would appear that notified rules 27.5.2 and 27.5.3 have the potential to override the density provisions anticipated under PC35. In my opinion, this is an oversight, and would not give effect to the Strategic Directions policy framework, discussed above.

Recommendation

- 16.11. Given the above, I accept in part, the relief sought by Queenstown Airport Corporation to notified rules 27.5.2 and 27.5.3. However, I recommend introducing a new rule (refer

[redrafted rule 27.7.14.2](#)) that specifies that notwithstanding the exemptions provided for under notified rules 27.5.2 and 27.5.3, that the maximum site density to be provided for within the LDRZ subject to the Queenstown Airport Air Noise Boundary and OCB shall be per 450m² net site area. These amendments are shown in the Revised Chapter at **Appendix 1**. I note that this recommendation will have implications for similar relief made by Queenstown Airport Corporation to Chapter 7.

17. ISSUE 8 - CHANGES TO THE PURPOSE OF SECTION 27.1

- 17.1. A number of submitters specifically sought amendments to Section 27.1 - Purpose of Chapter 27.⁸¹
- 17.2. Submitter 806 (Queenstown Park Limited) has sought that the purpose statement be amended as follows:

"The control of subdivision is a specific matter of relevance to District Plans. The principal feature of subdivision is that it produces a framework of land ownership which provides the basis for land use development and activities. Subdivision and land use are, therefore, closely related.

Subject to standards, all subdivision requires resource consent as a discretionary controlled activity. It is recognised that subdivisions will have a variable nature and scale with different issues to address. ~~Good subdivision design, servicing and the management of natural hazards are underpinned by logic and a shared objective to create healthy, attractive and safe places.~~

Good subdivision ~~can help to~~ creates neighbourhoods and places that people want to live or work within, and should also result in more environmentally responsive development that reduces car use, encourages walking and cycling, and maximises access to sunlight. Subdivision provides the framework of service provision for land use including roading, water supply, sewage treatment and disposal, energy, telecommunication, stormwater and trade waste.

Good subdivision design ~~will be encouraged by the use of the QLDC Land Development and Subdivision Code of Practice, and the QLDC Subdivision Design Guidelines. These are guiding principles to give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals. Proposals at odds with these documents are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the~~

~~purpose of the RMA.~~⁸²

- 17.3. Submitter 383 (Queenstown Lakes District Council) sought that the words "logic and" be deleted from the second paragraph of the purpose statement.⁸³

Discussion

- 17.4. The rationale for Queenstown Park Limited seeking extensive changes to the Purpose statement is largely centred on the submitter's desire to see a controlled activity rule framework relating to subdivision included in the PDP. Further, the submitter considers that referencing separate subdivision guidelines will add complexity and cost to obtaining consents and undertaking development. The submitter considers that any cross referencing to the Subdivision Guidelines should be made in full so that plan users can identify what version of the document is relevant and has legal status.
- 17.5. I note that the Council notified by reference a range of material in the PDP (Stage 1), pursuant to Clause 34(1) of the First Schedule to the RMA. This included the QLDC Land Development and Subdivision Code of Practice, and the QLDC Subdivision Design Guidelines. Because both documents are included within the PDP by reference, any future changes to these documents will need to be advanced as a variation (while the PDP is not fully operative) or by way of a plan change.
- 17.6. I consider that the integration of Subdivision Guidelines into Chapter 27 is an effective means of improving the quality of subdivision design in the District's urban areas. In addition, it provides application certainty regarding the standard of design and construction. As a consequence, I do not support the relief sought by Submitter 806.
- 17.7. I agree with the Council that the words "logic and" be deleted from the second paragraph of the Purpose statement. Reference to "logic" in this paragraph could result in divergent interpretation of the intent of this sentence and I support its deletion to provide for greater clarity.
- 17.8. It is noted that as a consequence of the proposed Controlled and Restricted Discretionary Activity rules in 27.5 (proposed in sections 10, 11 and 12 of this evidence), subsequent changes are required to Section 27.1 Purpose, to reflect the additional activity status.

82 Submission point 806.168.

83 Submission point 383.47.

Recommendation

- 17.9. I therefore recommend, in light of my discussion above, that the second paragraph of section 27.1 Purpose statement of Chapter 27 be amended as follows (this change is shown in the Revised Chapter at **Appendix 1**):

"..... All subdivision requires resource consent unless specified as a permitted activity as a discretionary activity. It is recognised that subdivisions will have a variable nature and scale with different issues to address. Good subdivision design, servicing and the management of natural hazards are underpinned by logic and a shared objective to create healthy, attractive and safe places. "

18. **ISSUE 9 – CHANGES TO THE NOTIFIED OBJECTIVES AND POLICIES IN SECTION 27.2**

- 18.1. A number of submitters⁸⁴ including 586 (J D Familton and Sons Trust), 775 (H R & D A Familton) and 803 (H R Familton) have sought retention of the Objectives 27.2.1 - 27.2.8 and Policies 27.2.8.1 - 27.2.8.2 as notified.
- 18.2. Submitters 702 (Lake Wakatipu Stations Limited), 688 (Justin Crane and Kirsty Mactaggart), 636 (Crown Range Holdings Ltd) seek that notified section 27.2 objectives and policies be reordered and relabelled to make it clear which are solely applicable to urban areas.⁸⁵

Objective 27.2.1

- 18.3. A number of submissions have been received on notified Objective 27.2.1 [pg.2], with three submissions seeking specific amendments to the objective as outlined below.
- 18.4. Submitter 238 (NZIA Southern and Architecture + Women Southern) seek that the objective be amended with reference to "high" to read "high quality environments".⁸⁶
- 18.5. Submitter 806 (Queenstown Park Limited) seeks that the objective be amended with reference to "will create" to read "help create quality environments".⁸⁷

84 Submission points 586.1, 586.2, 775.1, 775.2, 803.1, 803.2.

85 Submission points 636.12, 688.11, 702.14.

86 Submission point 238.114.

87 Submission point 806.169.

- 18.6. Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) seeks that **notified** Objective 27.2.1 [pg.2] be comprehensively amended,⁸⁸ which was opposed by a number of further submissions.⁸⁹ The submitter requests the following amendments:

"27.2.1 Objective – The formative role of ~~S~~ubdivision ~~will~~ in creating equality environments that ensures the District is a desirable place to live, visit, work and play is recognised through attention to design and servicing needs."

Discussion

- 18.7. In my opinion, the wording of **notified** Objective 27.2.1 is effective in promoting the policy outcomes of Strategic Goal 3.2.3 and supporting 3.2.6.4 Objective and supporting higher order Objectives and Policies of the PRPS. Objective 3.7 of the PRPS, by way of example, seeks to ensure that urban areas are well designed, sustainable and reflect local character.
- 18.8. The way in which subdivision activity is designed is a cornerstone for providing for communities and their social, economic, and cultural well-being and for their health and safety (Section 5(2) RMA). The wording of **notified** Objective 27.2.1 is considered effective in directing the need for quality environments that are commensurate with the expectations of the District's communities. As a consequence, I do not recommend any changes to this objective.

Recommendation

- 18.9. Consequently, I recommend that Objective 27.2.1 be retained as notified. I recommend that submission points 632.42, 806.169, and 238.114 be rejected.

Notified Policies 27.2.1.1 and 27.2.1.2 and Referencing to Code of Practice and Subdivision Guidelines

- 18.10. A number of submitters including 453 (Paterson Pitts Partners (Wanaka) Ltd), 248 (Shotover Trust) and 567 (Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust), 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks), 806 (Queenstown Park Limited) have sought the deletion of **notified** Policies 27.2.1.1 and 27.2.1.2 [pg.2] on the basis that the Code of Practice and the Subdivision Guidelines are documents that have not been consulted on and can be changed at any

88 Submission point 632.42.

89 Further submitters FS1217.43, FS1219.43, FS1252.43, FS1277.46, FS1316.42, FS1275.216.

time, seemingly without public consultation.⁹⁰ Furthermore, the documents directly inform and support Rule 27.4.1 making all subdivision activities discretionary.⁹¹

Discussion

- 18.11. **Notified** Policy 27.2.1.1 [pg.2] links directly to the Council's adopted Code of Practice and seeks to ensure that subdivision is consistent with this document. The Subdivision Guidelines are identified within **notified** Policy 27.2.1.2 [pg.2], which seeks to encourage good subdivision design outcomes.
- 18.12. The evidence of Mr Glasner (Council's Chief Engineer) touches upon the importance of the Council's Code of Practice to ensure that land development and subdivision infrastructure is designed and constructed utilising best practice. As set out by Mr Glasner,⁹² the Code of Practice provides the standards and requirements for all Land Development and subdivision work that is carried out in the District and as a consequence is an important reference document to guide consistent application of good engineering and construction practices for the District.
- 18.13. One of the issues identified by Mr Glasner (see paragraph 4.2 of his evidence dated 29 June 2016) is that the Code of Practice was adopted by the Council in June 2015. However, the Code of Practice is an ever-changing document. Mr Glasner estimates that within the next three months it is anticipated that the Code of Practice will be amended and re-adopted by Council to take into consideration learnings over the past 12 months.
- 18.14. Because both documents are included within the PDP by reference, as the chapter is drafted, any future changes to these documents will need to be advanced as a variation or by way of a plan change). This approach ensures that any changes are required to go through the RMA First Schedule public process and enables submission and discussion on their appropriateness at that time.
- 18.15. By referencing the Code of Practice into **notified** Policy 27.2.1.1, this has the potential to introduce inefficiencies to the plan administration process given the need to advance a plan change/variation to accommodate changes to the Code of Practice.⁹³ As a consequence, there could be significant costs to the community in directly referencing the Code of Practice in **notified** Policy 27.2.1.1, and as a consequence, I recommend that the

90 Submission 453.11, FS1117.190.

91 Submission points 248.9, 567.16, FS1117.225, 806.170, 632.6, 806.171.

92 At section 4.0 of his evidence.

93 If the Code of Practice or parts of it are subsequently modified, the updated version (or simply the modifications to the Code if they are relatively discrete) will then need to be incorporated under a Plan Change or Variation and would be relevant to the section 32 exercise/test that must be met by the Council.

reference to the Code of Practice be deleted and the policy amended to articulate the intent that subdivision infrastructure is designed and constructed to an appropriate standard.

- 18.16. **Notified** Policy 27.2.1.2 also references the Council's Subdivision Guidelines. However, in my opinion, a distinction can be made with this document in that it is unlikely that the Subdivision Guidelines will need to be updated as regularly as the Code of Practice. As such, it is less likely that referencing the Subdivision Guidelines will raise the same inefficiency issue as the Code of Practice. An example within the ODP where existing guideline document are referenced is the Arrowtown Design Guidelines 2006 and the last time these guidelines were updated was 10 years ago.⁹⁴
- 18.17. Submitter 370 (Paterson Pitts Group) seeks clear guidance material for Council planning officers processing applications, to ensure consistency, and transparency in how the discretionary activity classes are designed to be administered and are to be generally understood by the community. I agree with Paterson Pitts Group and note that Chapter 27, through the removal of assessment criteria, has sought to integrate both the Code of Practice and Subdivision Guidelines into the Plan itself, so as to maintain an appropriate level of guidance to plan users and administrators. Notwithstanding the issues I have raised above regarding the Code of Practice, I consider that the Subdivision Guidelines are an integral component of the PDP planning provisions supporting good subdivision design. Consequently, I consider it would be neither effective nor efficient to remove the Subdivision Guidelines, which would also remove the desired guidance from the PDP.
- 18.18. To ensure that the Subdivision Guidelines are able to promote good subdivision design responses for a wider range of subdivision activity, and not just greenfield subdivision, Mr Garth Falconer (urban design consultant) has undertaken an independent peer review of the Subdivision Guidelines. Mr Falconer sets out at paragraph 6.7 of his evidence that the Subdivision Guideline is a high level document that is intended to instil good practice and he considers that it compares well with other districts' guidelines. Further, Mr Falconer (at paragraph 7.4 of his evidence), concludes that the guidelines, with the objectives and policies in the Subdivision and Development Chapter, will advance good urban design principles. I agree with Mr Falconer, and as I have set out in paragraphs 10.43 to 10.44 of this evidence, I have recommended a restricted discretionary rule regime that specifically references the Subdivision Guideline as a matter of discretion

⁹⁴ Referenced within District Wide Section 4.9 –Urban Growth at Policy 7.10.1 and the ADG 2006 is currently being updated under Variation 1 to the PDP.

including that subdivision design achieves the subdivision and urban design principles and outcomes set out in Guidelines.

Recommendation

- 18.19. Consequently, I recommend that [notified](#) Policy 27.2.1.1 be amended to remove the reference to the Code of Practice. I recommend that [notified](#) Policy 27.2.1.1 be amended by including the word 'infrastructure' following the word 'subdivision' as this better aligns with the terminology used within the Code of Practice, and in particular NZS 4404:2010, which form part of the Code of Practice.
- 18.20. To ensure that [notified](#) Policy 27.2.1.1 still provides for suitable guidance on the need to adopt best practice for subdivision infrastructure, I recommend that the words "constructed to an appropriate standard that is fit for purpose" be inserted into [notified](#) Policy 27.2.1.1. Further, I recommend that [notified](#) Policy 27.2.1.2 be retained as notified. These amendments are shown in the Revised Chapter at **Appendix 1**.
- 18.21. I recommend submissions points 248.9, 453.10, 567.16, 632.5, 806.170, 248.10, 453.11, 632.6, 806.171 which seek the deletion of the Code of Practice and Subdivision Guidelines from the PDP be accepted, in part (as this relates to the recommendation to delete reference to the Code of Practice from [notified](#) Policy 27.2.1.1).

[Notified](#) Policies 27.2.1.3 to 27.2.1.7

- 18.22. Two submitters seek minor amendments to [notified](#) Policy 27.2.1.3 [\[pg.2\]](#). Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) seeks the policy be amended as follows:

"27.2.1.3 Require that allotments are a suitable size and shape, and are ~~able to be serviced and developed to~~ for the anticipated land use of the applicable zone."⁹⁵

- 18.23. Submitter 806 (Queenstown Park Limited) seeks that the policy be amended as follows:

"27.2.1.3 ~~Require that~~ allotments are a suitable size and shape, and are able to be serviced and developed to the anticipated land use of the applicable zone."⁹⁶

95 Submission point 632.43.
96 Submission point 806.172.

- 18.24. In relation to [notified](#) Policy 27.2.1.4 [\[pg.2\]](#), 27.2.1.5 [\[pg.3\]](#) and 27.2.1.6 [\[pg.3\]](#), Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) sought deletion of these policies. This submission point was opposed by 21 further submitters.⁹⁷
- 18.25. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) questioned whether the word 'proposed' within [notified](#) Policy 27.2.1.4 [\[pg.2\]](#) should be replaced with 'achieved'.⁹⁸ Similarly, the same submitter has questioned whether [notified](#) Policy 27.2.1.5 [\[pg.3\]](#) be amended so that the wording 'required of anticipated' be replaced with 'required by anticipated'.⁹⁹
- 18.26. Submitter 806 (Queenstown Park Limited) seeks that [notified](#) Policy 27.2.1.4 [\[pg.2\]](#) be amended as follows:¹⁰⁰

"27.2.1.4 ~~Where minimum allotment sizes are not proposed the~~ Where small lot sizes are proposed, the extent any adverse effects are mitigated or compensated by achieving:...."

- 18.27. In relation to [notified](#) Policy 27.2.1.7 [\[pg.3\]](#), Submitter 806 (Queenstown Park Limited) seeks that [notified](#) Policy 27.2.1.7 be amended to ensure that boundary adjustments are not subject to the discretionary activity rule, and are exempt from policies relating to the provision of services.¹⁰¹

Discussion

- 18.28. In relation to [notified](#) Policy 27.2.1.3 I do not consider the submitters suggested amendments to this policy are any more effective than the policy as notified and I support the retention of the words 'require' at the front end of this policy and retention of the word 'development' given that both provide clearer guidance on the intent of the policy.
- 18.29. In relation to [notified](#) Policy 27.2.1.4, I agree with Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) that the policy wording through the incorporation of the word "proposed" is confusing and would be easier to interpret with the word 'achieve' being included. As such I support the amendment proposed and accept submission point 453.12.

97 FS1217.8, FS1219.8, FS1252.8, FS1316.7, FS1277.11, FS1275.181, FS1283.121, FS1217.9, FS1219.9, FS1252.9, FS1316.8, FS1277.12, FS1275.182, FS1283.122, FS1316.9, FS1217.10, FS1219.10, FS1252.10, FS1277.13, FS1275.183, FS1283.123.

98 Submission point 453.12.

99 Submission point 453.13.

100 Submission point 806.173.

101 Submission point 806.176.

- 18.30. I do not support the amended wording set out by Submitter 806 (Queenstown Park Limited) to notified Policy 27.2.1.4. In my opinion, the relief sought compromises the intent of the policy by removing reference to 'minimum allotment size'. I therefore recommend rejection of submission point 806.173.
- 18.31. In relation to notified Policy 27.2.1.5, I agree with Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) that the policy wording 'required of anticipated' can be improved by replacing with 'required by anticipated'. The changes will improve the clarity and administration of the Plan.
- 18.32. I support the retention of notified Policy 27.2.1.6 as notified. While it could be argued that the policy is not necessary in order to give effect to notified Objective 27.2.1, I consider that the policy is helpful in guiding plan users on the need to consider requirements of other relevant agencies at the time of subdivision.
- 18.33. In relation to notified Policy 27.2.1.7, Submitter 806 (Queenstown Park Limited) seeks amendments to ensure that boundary adjustments are not subject to the discretionary activity rule and provisions of servicing. I note that the wording of the Policy already states that boundary adjustments will not require provision of services. I have addressed the activity status for boundary adjustments at Section 12 (paragraph 12.1 to 12.13 of this evidence), where I recommend that in certain circumstances boundary adjustments should be advanced as a controlled activity. In light of the above, I do not consider that the proposed amendments are required in order to achieve the relief sought.

Recommendation

- 18.34. As a consequence, I recommend that Policy 27.2.1.3 be retained as notified. I recommend that submissions 632.43 and 806.172 be rejected.
- 18.35. I recommend that notified Policy 27.2.1.4 be amended to replace the word 'proposed' with 'achieved' and as a consequence the word 'achieving' be replaced with 'providing' and that submission 453.13 be accepted.
- 18.36. I recommend that notified Policy 27.2.1.5 be amended by replacing 'required of anticipated' with 'required by anticipated' and that submission 453.13 be accepted.
- 18.37. I recommend that Policy 27.2.1.6 and 27.2.1.7 be retained as notified.
- 18.38. These amendments are shown in the Revised Chapter at **Appendix 1**.

Notified Objective 27.2.2 and Policies 27.2.2.1 to 27.2.2.9

18.39. A number of submissions have been received on notified Objective 27.2.2 [pg.3]. Submitters 524 (Ministry of Education) and 806 (Queenstown Park Limited) seek that the objective be retained. Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) seeks that this objective be deleted,¹⁰² which was opposed by seven further submitters.¹⁰³

18.40. Submitters 671 (Queenstown Trails Trust) and 625 (Upper Clutha Track Trust) seek that notified Objective 27.2.2 be supported with a new policy, which recognises the need for trails to be contemplated as part of the subdivision process. The submitter requests the following be included:¹⁰⁴

"Policy 27.2.2.10: To ensure the provision of trails and trail connections are considered at the time of subdivision."

18.41. Submitter 433 (Queenstown Airport Corporation) seeks that notified Objective 27.2.2 be supported with a new policy that reads as follows:¹⁰⁵

"Policy 27.2.2.X - Discourage activities that encourage the congregation of birds within aircraft flight paths."

18.42. I note the relief sought by Queenstown Airport Corporation is opposed by further submissions FS1097.380 and FS1117.142.

18.43. In relation to supporting policies, there have been a range of submissions to Policies 27.2.2.1 to 27.2.2.9.

18.44. Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) seeks the deletion of notified Policies 27.2.2.6 [pg.3] and Policies 27.2.2.8 [pg.3] and amendments to notified Policies 27.2.2.1, 27.2.2.3, 27.2.2.4, 27.2.2.5 and 27.2.2.9 [all contained on pg.3]. This was opposed by 42 further submitters.¹⁰⁶ Submitter 632 seeks the following amendments to the policies set out below:

102 Submission point 632.10.

103 Further submitters FS1217.46, FS1219.46, FS1252.46, FS1277.49, FS1316.45, FS1275.219, FS1283.159.

104 Submission points 671.5 and 625.13.

105 Submission point 433.94

106 Further submissions FS1217.57, FS1219.57, FS1252.57, FS1277.60, FS1316.56, FS1275.230, FS1283.170, FS1217.45, FS1219.45, FS1252.45, FS1277.48, FS1316.44, FS1275.218, FS1283.158, FS1217.58, FS1219.58, FS1252.58, FS1277.61, FS1316.57, FS1275.231, FS1283.171, FS1217.59, FS1219.59, FS1252.59, FS1277.62, FS1316.58, FS1275.232, FS1283.172, FS1217.12, FS1219.12, FS1252.12, FS1277.15, FS1316.11, FS1275.185, FS1283.125, FS1217.13, FS1219.13, FS1252.13, FS1277.16, FS1316.12, FS1275.186, FS1283.126, FS1217.60, FS1219.60, FS1252.60, FS1277.63, FS1316.59, FS1275.233, FS1283.173.

~~"27.2.2.1 Ensure subdivision design provides a high level of amenity for future residents by Encourage Aligning roads and allotments to align in a manner that maximises sunlight access."~~¹⁰⁷

~~27.2.2.3 Locate Open spaces and reserves are located in appropriate locations having regard to topography, accessibility, use and ease of maintenance, and are a practicable sizes for their intended use.~~¹⁰⁸

~~27.2.2.4 Subdivision will have good and integrated connections and accessibility to existing and planned areas of Design subdivisions to achieve connectivity between employment locations, community facilities, services, recreation facilities trails, public transport and adjoining neighbourhoods.~~¹⁰⁹

~~27.2.2.5 Encourage Subdivision design will provide for safe walking and cycling and discourage vehicle dependence through safe connections that reduce vehicle dependence between and within neighbourhoods the subdivision.~~¹¹⁰

~~27.2.2.9 Encourage informal surveillance for Promote safety by ensuring through overlooking of open spaces and transport corridors from are visible and overlooked by adjacent sites and dwellings and effective lighting."~~¹¹¹

18.45. Submitter 809 (Queenstown Lakes District Council) has sought amendments to [notified](#) Policy 27.2.2.3 as follows:¹¹²

~~"Open spaces and reserves are fit for purpose and are located in appropriate locations having regard to topography, accessibility, use and ease of maintenance., and are a practicable size for their intended use."~~

18.46. Submitter 524 (Ministry of Education) has sought amendments to [notified](#) Policy 27.2.2.4 to include reference to community 'activities'.¹¹³

18.47. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) has sought amendments to [notified](#) Policy 27.2.2.7 to delete the word 'innovative'.¹¹⁴

107 Submission point 632.56.

108 Submission point 632.44.

109 Submission point 632.57.

110 Submission point 632.58.

111 Submission point 632.59.

112 Submission point 809.20.

113 Submission point 524.45.

Discussion

- 18.48. I support Objective 27.2.2 as notified, as this gives effect to Objectives 3.4¹¹⁵ and 3.7¹¹⁶ of the PRPS and Strategic Directions Objective 3.2.3.1¹¹⁷ and Objective 3.2.6.3¹¹⁸ which seeks to promote a built environment that ensures our urban areas are desirable and are safe places to live, work and play.¹¹⁹ As a consequence I recommend Objective 27.2.2 be retained as notified and that submission point 632.10 be rejected.
- 18.49. I support (in part) the relief sought by Submitters 671 (Queenstown Trails Trust) and 625 (Upper Clutha Track Trust) who seek a new policy which recognises the need for trails to be contemplated as part of the subdivision process. Referencing to 'trails' aligns with Strategic Direction 3.2.6.3 and supporting policies. I note, however that **notified** Policy 27.2.2.4 already refers to trails and as a consequence, I consider that it may be more efficient for **notified** Policy 27.2.2.4 to be specifically amended to refer to 'trails and trail connections'.
- 18.50. I support Submitter 632's (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) suggested amendment to Policy 27.2.2.3 and support (in part) the amendments to **notified** Policy 27.2.2.9. In both cases, the suggested amendments provides for a clearer meaning to the policy intent. I recommend, however, that reference to 'informal surveillance' is retained, given that this provides greater clarity to the policy intent. The changes will improve the clarity and administration of the PDP.
- 18.51. I do not support Submitter 632's (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) relief to **notified** policies 27.2.2.1, 27.2.2.4, and 27.2.2.5 given that in my opinion, the suggested amendments weaken the outcome sought within the respective policies and are not any more effective than the policies as notified. The wording of **notified** Policies 27.2.2.1, 27.2.2.4 and 27.2.2.5 ~~as notified~~ accords with Strategic Direction Objective 3.2.6.3 and supporting policies. Therefore, I recommend that they be retained as notified.
- 18.52. In relation to the amendments sought to **notified** Policy 27.2.2.3 by Submitter 809 (Queenstown Lakes District Council) deleting reference to 'intended use', I do not support this deletion. My reason for this is that the size of reserve land can invariably dictate the

114 Submission point 453.14.

115 Good quality infrastructure and services meet community needs.

116 Urban areas are well designed, sustainable and reflect local character.

117 'A built environment that ensures our urban areas are desirable and safe places to live, work and play', Revised Chapters -Council's right of reply version 7-4-16.

118 'A high quality network of open spaces and community facilities.' - Revised Chapters -Council's right of reply version 7-4-16.

119 Revised Chapters -Council's right of reply version 7-4-16.

future use of this land and as such I consider that this is a central component of the policy.

- 18.53. Similarly, I am unable to support the relief sought by Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) to [notified](#) Policy 27.2.2.7 seeking the deletion of the word 'innovative'. I believe that the framework should allow for the assessment of applications and subdivision design to be able to respond to evolving urban design practices. In my opinion, the suggested amendments would weaken the outcome sought within [notified](#) Policy 27.2.2.7 and as a consequence is not supported.
- 18.54. With respect to the relief sought by Submitter 433 (Queenstown Airport Corporation), I do not believe that the practical application of this policy will achieve the outcomes sought. While I appreciate the issue is responded to by the submitter's proposed relief, my concern is that the submitter is wholly reliant upon the policy outcome to deliver this relief, with no recommended method to assist with guiding plan users. I consider that it would be appropriate for the submitter to respond to this matter at the hearing.

Recommendation

- 18.55. I recommend that Objective 27.2.2 be retained as notified.
- 18.56. I recommend that [notified](#) Policy 27.2.2.4 be specifically amended to refer to 'trails and trail connections' and as a consequence accept (in part) the relief in submission 671.5 and 625.13.
- 18.57. I accept the relief sought by Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) to [notified](#) Policy 27.2.2.3 and accept (in part) the amendments to [notified](#) Policy 27.2.2.9.
- 18.58. I accept Submitter 524 (Ministry of Education) amendment to [notified](#) Policy 27.2.2.4. The change will improve the clarity and administration of the PDP.
- 18.59. These amendments are shown in the Revised Chapter at **Appendix 1**. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

Notified Objective 27.2.3 and Policies 27.2.3.1 and 27.2.3.2

- 18.60. Submitter 208 (Pounamu Body Corporate Committee) seeks that notified objective 27.2.3 [pg.4] is amended to read "...*design may, in some instances, be ~~are~~ limited.*"¹²⁰
- 18.61. Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) seeks that notified Objective 27.2.3 be changed into a policy, with the amendment to read "*..while acknowledging that in such instances the opportunities to...*".¹²¹ The submitter also seeks that notified Policy 27.2.3.2 [pg.4] be deleted. The relief sought by the submitter is opposed by 14 further submissions.¹²²
- 18.62. Submitter 691 (Aaron and Rebecca Moody) supports both notified Objective 27.2.3 and supporting notified Policy 27.2.3.1 [pg.4].¹²³
- 18.63. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) seeks amendments to Policy 27.2.3.2 so the text of the third bullet point reads "*Where possible, ~~avoid and practical~~ minimise the creation of multiple rear sites*".¹²⁴

Discussion

- 18.64. I consider that notified Objective 27.2.3 reads like a policy, which is the direction sought by Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks). As such, I have recommended amendments to the objective, so it is more directive. This amendment reflects good planning and resource management practice and avoids the objective starting with an 'active phrase'.
- 18.65. I support the relief by Submitter 691 (Aaron and Rebecca Moody) that notified Objective 27.2.3 and Policy 27.2.3.1 be retained. Notified Policy 27.2.3.1 provides clear guidance and is effective in guiding plan users as to the intent of notified Objective 27.2.3.
- 18.66. In relation to notified Policy 27.2.3.2, the suggested amendment by Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) is accepted in part. I consider that bullet point three could be recast as follows; '*Avoid the creation of multiple rear sites, unless this is not practicable*'. The intent of this change achieves the outcome that the submitter was

120 Submission point 208.36.

121 Submission point 632.60.

122 Further submissions FS1217.61, FS1219.61, FS1252.61, FS1277.64, FS1316.60, FS1275.234, FS1283.174, FS1217.14, FS1219.14, FS1252.14, FS1277.17, FS1316.13, FS1275.187, FS1283.127.

123 Submission 691.2.

124 Submission point 453.15.

seeking, however removes the words 'where possible', which in my opinion is vague and subjective as to when this may apply.

Recommendation

- 18.67. I accept that Objective 27.2.3 as notified does not read like an outcome statement and I have recommended amendments to ensure that it better accords with adopted resource management and planning practice. I consider my amended wording to **notified** Objective 27.2.3 is more effective than the relief sought by Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) and Submitter 208 (Pounamu Body Corporate Committee).
- 18.68. I accept the relief by Submitter 691 (Aaron and Rebecca Moody) that Policy 27.2.3.1 be retained, given that the policy provides clear guidance and is effective in guiding plan users as to the intent of Objective 27.2.3.
- 18.69. I accept, in part, the suggested amendment by Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) to Policy 27.2.3.2.
- 18.70. These amendments are shown in the Revised Chapter at **Appendix 1**.

Notified Objective 27.2.4

- 18.71. Sixteen submissions and further submissions were received on **notified** Objective 27.2.4 [pg.4]. Submitters 117 (Maggie Lawton), 339 (Evan Alty), 426 (Heritage New Zealand), 706 (Forest and Bird NZ) supported the objective as notified and sought its retention.¹²⁵
- 18.72. Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) sought that the objective be deleted, which was opposed by seven further submitters.¹²⁶
- 18.73. Submitter 806 (Queenstown Park Limited) sought that **notified** Objective 27.2.4 be amended given that, in the submitters opinion, it may not always be practicable to enhance these features or values. The relief sought by the submitter is as follows:¹²⁷

"Objective 27.2.4- Identify and where possible incorporate and enhance natural features and heritage values within subdivision design."

¹²⁵ Submission points 117.23, 339.68, 426.18, 632.14, 706.60.

¹²⁶ Further submitters FS1217.15, FS1219.15, FS1252.15, FS1277.18, FS1316.14, FS1275.188, FS1283.128.

¹²⁷ Submission point 806.180.

Discussion

- 18.74. I do not support the deletion of [notified](#) Objective 27.2.4 as sought by Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks). The objective gives effect to Strategic Direction Objective 3.2.3.2 which seeks to "[p]rotect the District's cultural heritage values and ensure development is sympathetic to them." As a consequence, I recommend rejection of submission 632.14.
- 18.75. I support, in part, the relief sought by Submitter 806 (Queenstown Park Limited) to [notified](#) Objective 27.2.4 and consider that the objective would be clearer if it referred to 'heritage values' as opposed to just 'heritage'. I also consider that referencing to 'within subdivision design' better integrates with Strategic Objective 3.2.5.1 of the PDP.
- 18.76. Lastly, I note that the term 'natural features' is open to interpretation and is not immediately clear that this relates solely to ONFs or the term encapsulates a broader range of natural features. The supporting policies to [notified](#) Objective 27.2.4 provide for indigenous biodiversity values and as a consequence, I recommend that the objective is amended to ensure that it avoids any ambiguity for plan users.
- 18.77. I have also amended [notified](#) Objective 27.2.4 to be structured more like an outcome statement, through the removal of verbs at the front of the Objective. This amendment reflects good planning and resource management practice.

Recommendation

- 18.78. I accept, in part, submission points 117.23, 339.68, 426.18, 632.14, 706.60, and 806.180. These amendments are shown in the Revised Chapter at **Appendix 1**.
- 18.79. I recommend rejection of submission 632.14.
- 18.80. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

[Notified](#) Policies 27.2.4.1 to 27.2.4.7 and New Policy 27.2.4.8

- 18.81. Submitters 339 (Evan Alty) and 706 (Forest and Bird NZ) support Policies 27.2.4.1, 27.2.4.2, 27.2.4.3, 27.2.4.7 as notified [\[pg.4\]](#).¹²⁸ Submitter 378 (Peninsula Village Limited and Wanaka Bay Limited) supports [notified](#) Policy 27.2.4.7 [\[pg.5\]](#).¹²⁹

128 Submission points 339.69, 339.70, 339.71, 339.72 and 706.61, 706.62 706.63, 706.64.

129 Submission point 378.72.

18.82. Submitter 806 (Queenstown Park Limited) seeks that [notified](#) Policy 27.2.4.1 be amended given that, in the submitter's opinion, it is not always possible to achieve the enhancement of biodiversity, riparian, and amenity values. The submitter seeks that the policy be amended as follows:¹³⁰

"27.2.4.1 Enhance biodiversity, riparian and amenity values by incorporating Incorporate existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces, as a means of mitigating effects and where possible enhancing biodiversity, riparian and amenity values."

18.83. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) seeks that [notified](#) Policy 27.2.4.1 be amended so the text reads "Where possible and practical enhance ...".¹³¹

18.84. Submitter 809 (Queenstown Lakes District Council) seeks that [notified](#) Policy 27.2.4.1 be amended to include the words "and protecting" into the policy.¹³²

18.85. Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks) seeks that [notified](#) Policies 27.2.4.2, 27.2.4.3, 27.2.4.4, 27.2.4.5, 27.2.4.6 be deleted, which was opposed by 35 further submissions.¹³³ Submitter 806 (Queenstown Park Limited) also seeks the deletion of [notified](#) Policy 27.2.4.5.

18.86. Submitter 806 (Queenstown Park Limited) seeks that [notified](#) Policy 27.2.4.3 be amended to delete the prescriptive nature of this policy through deleting the words "The Council will support" and include the word "Encourage" at the front of the policy.¹³⁴

18.87. Submitter 117 (Maggie Lawton) seeks that [notified](#) Policy 27.2.4.3 be amended to add reference to the "protection of areas and features of significance" and to provide for the "passive solar design of dwellings".¹³⁵

18.88. With respect to Policy 27.2.4.4, Submitter 806 (Queenstown Park Limited) seeks clarification as to the meaning of "unacceptable loss" and considers that the relative significance of the site should be a consideration.¹³⁶

130 Submission point 806.182.

131 Submission point 453.16.

132 Submission point 809.21.

133 Further submitters FS1217.16, FS1219.16, FS1252.16, FS1277.19, FS1316.15, FS1275.189, FS1283.129, FS1217.17, FS1219.17, FS1252.17, FS1277.20, FS1316.16, FS1275.190, FS1283.130, FS1217.18, FS1219.18, FS1252.18, FS1277.21, FS1316.17, FS1275.191, FS1283.131, FS1217.19, FS1219.19, FS1252.19, FS1277.22, FS1316.18, FS1275.192, FS1283.132, FS1217.20, FS1219.20, FS1252.20, FS1277.23, FS1316.19, FS1275.193, FS1283.133.

134 Submission point 806.183.

135 Submission point 117.24.

136 Submission point 806.184.

18.89. Further, Submitter 806 seeks that [notified](#) Policy 27.2.4.6 be amended as follows:¹³⁷

"27.2.4.6 Encourage subdivision design to ~~protect and~~ incorporate and where possible protect archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wahi tapu and other taonga."

18.90. [Notified](#) Policy 27.2.4.7 [\[pg.5\] \[now re-numbered\]](#) is supported by Submitters 378 (Peninsula Village Limited and Wanaka Bay Limited) and 706 (Forest and Bird NZ).

18.91. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) seeks that [notified](#) Policy 27.2.4.7 [\[now re-numbered\]](#) be amended so that the second bullet point reads "... *landscape features that the value of land so reserved be off-set against the development contribution...*".¹³⁸

18.92. Submitter 806 (Queenstown Park Limited) seeks that [notified](#) Policy 27.2.4.7 [\[now re-numbered\]](#) be extended so that it also encourages initiatives for provision of public access to natural features and heritage.¹³⁹

18.93. Submitter 809 (Queenstown Lakes District Council) seeks that [notified](#) Policy 27.2.4.7 [\[now re-numbered\]](#) be amended so that the second bullet point reads:¹⁴⁰

- *"Where a reserve is to be set aside to provide protection to vegetation and landscape features, but whether the value of ~~the~~ that land reserved should not be off-set against the development contribution to be paid for open space and recreation purposes."*

18.94. Further, Submitter 809 seeks that a new Policy 27.2.4.8 be included to support [notified](#) Objective 27.2.4 which would read:¹⁴¹

"27.2.4.8 Ensure that new subdivisions and developments recognise, incorporate and where appropriate, enhance existing established protected vegetation and where practicable ensure that this activity does not adversely impact on protected vegetation."

137 Submission point 806.186.

138 Submission point 453.17.

139 Submission point 806.187.

140 Submission point 809.22.

141 Submission point 809.5.

Discussion

- 18.95. Strategic direction 3.2.3 *Goal* provides for the protection of our natural environment and ecosystems. In my opinion, the wording of [notified](#) Policy 27.2.4.1 is effective in responding to the outcomes of Strategic direction 3.2.3 *Goal* and accords with the outcomes afforded under section 6(a) and section 7(c) of the RMA. I consider that including reference to "Where possible and practical enhance...", as sought by Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd), would weaken the intent of the policy.
- 18.96. The amendment sought by Submitter 809 (Queenstown Lakes District Council) to include the words 'and protecting' is however considered necessary in order to make the policy more effective, given that [notified](#) Objective 27.2.4 only seeks to identify, incorporate and enhance the values listed.
- 18.97. [Notified](#) Policy 27.2.4.2 directly responds to [notified](#) Objective 27.2.4 and as such, deleting it, as sought by Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks), is not considered effective in responding to the outcomes of the objective.
- 18.98. While I support the policy direction of [notified](#) Policy 27.2.4.3 [[redrafted 27.2.5.13](#)], the direction afforded by the policy relates to the use of joint stormwater and flood management networks and in my opinion will be more effective in giving effect to the direction afforded under [notified](#) Objective 27.2.5, than the outcomes reflected within [notified](#) Objective 27.2.4. As a consequence, I consider that [notified](#) Policy 27.2.4.3 be relocated so as to integrate with the infrastructure provisions supporting [notified](#) Objective 27.2.5.
- 18.99. In relation to the relief sought by Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks), I do not support the deletion of [notified](#) Policy 27.2.4.4 given that it seeks to respond to matters under section 6(f) of the RMA. However, I question whether the existing policy wording is effective in directing the protection of historic heritage from inappropriate subdivision, use, and development, required under section 6(f) of the RMA and the higher order Strategic Policy outcomes of the PDP. The use of the word 'encourage' at the front of this policy does not, in my opinion, correlate with the direction afforded under section 6(f) of the RMA, which, I believe, is more explicit. I note that Objective 26.5.1 and supporting policies 26.5.1.1 and 26.5.1.2 of Chapter 26 (Historic Heritage)¹⁴² reflect a stronger policy direction than [notified](#) Policy 27.2.4.4. In my

142 As recommended within Appendix 1 to the section 42 officers report to Chapter 26.

opinion, there should be consistency in how each responds to matters under section 6(f) of the RMA. As a consequence, I recommend amendments to [notified](#) Policy 27.2.4.4 to ensure that it is more effective in achieving the purpose of the RMA by starting the policy with the words 'provide for'.

18.100. While I agree with Submitter 806 (Queenstown Park Limited) that reference to "unacceptable loss" of archaeological sites within [notified](#) Policy 27.2.4.4 may not be easily defined, the intent of the policy to avoid unacceptable loss of archaeological sites is particularly strong and in my opinion should be retained.

18.101. I do not believe that [notified](#) Policy 27.2.4.5 [\[now deleted\]](#) is required to be retained, in order to respond to the resource management issues raised within the section 32 evaluation and is already addressed by [notified](#) Policy 27.2.1.6. [Notified](#) Policy 27.2.4.5 [\[now deleted\]](#) simply duplicates a process that is already entrenched in the RMA and other legislation. [Notified](#) Policy 27.2.4.5 [\[now deleted\]](#) seeks to ensure opportunity for the input of the applicable agencies where the subdivision and resultant development could modify or destroy an archaeological site. In my opinion, the outcome of this policy is replicating the statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 ('**HNZ Act**'). Should a subdivision application generate the potential to modify or destroy an archaeological site or heritage item listed under the HNZ Act, then a determination will be required on a case by case basis as to whether Heritage NZ is considered an affected party or not. This process is provided for under [notified](#) Rule 27.9.2 (which does not exempt notification).

18.102. In my opinion, [notified](#) Policy 27.2.4.6 [\[redraft 27.2.4.5\]](#) is effective in implementing the outcomes of [notified](#) Objective 27.2.4. As a consequence I do not support its deletion as requested by submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks).

18.103. In my opinion, the relief sought by Submitter 806 (Queenstown Park Limited) is not any more effective than Policy 27.2.4.6 as notified. In addition to this, I do not believe that the proposed amendment adequately responds to matters raised under section 6(e) and (f) of the RMA.

18.104. I support the intent of Policy 27.2.4.7 as notified, which gives effect to Strategic Direction 3.2.4 Goal through encouraging initiatives that provide for the protection of the District's natural environment and ecosystems. The amendments sought by Submitters 453 (Paterson Pitts Partners (Wanaka) Ltd), 806 (Queenstown Park Limited), and 809

(Queenstown Lakes District Council) are not considered to make [notified](#) Policy 27.2.4.7 [\[now re-numbered\]](#) any more effective. As such, I do not support the amendments proposed.

- 18.105. I have considered Submitter 809's (Queenstown Lakes District Council Parks Team) proposed Policy 27.2.4.8 which would support [notified](#) Objective 27.2.4. I consider that the proposed policy broadens the scope of the policy framework under [notified](#) Objective 27.2.4 to better give effect to Strategic Direction 3.2.4 Goal, through the protection of the District's natural environment and ecosystems. As a consequence, I recommend that an amended version of this policy be included in support of [notified](#) Objective 27.2.4, with the exception that the policy is amended so that it seeks to *'ensure that subdivision and development recognises, incorporates and where appropriate, enhances existing established protected indigenous vegetation'*.

Recommendation

- 18.106. I recommend that Policy 27.2.4.1 be retained as notified. The relief sought by Submitters 806, 809 and 453 do not make the policy more effective in achieving the outcomes of the Strategic Directions Chapter, or purpose of the RMA. As a consequence, I recommend rejection of submission 806.182 and 809.21.
- 18.107. I recommend that Policy 27.2.4.2 be retained as notified. As a consequence, I recommend rejection of submission 632.15.
- 18.108. I recommend that Policy 27.2.4.3 [\[redrafted Policy 27.2.5.13\]](#) be retained as notified. However I recommend that it is relocated so as to inform the policy direction under [notified](#) Objective 27.2.5. I do not support the amendments sought by submitters to this policy. In the case of Submitter 117 (Maggie Lawton), the relief sought by this submitter is already covered by [notified](#) Policy 27.2.4.7 [\[redrafted Policy 27.2.4.6\]](#) and issues relating to passive solar design of dwellings is a matter covered under the Subdivision Guidelines referred to under [notified](#) Policy 27.2.1.2. As a consequence, I recommend rejection of submission points 632.16 and 117.24.
- 18.109. For the reasons I have set out in paragraph 18.100 of this evidence, I recommend that Policy 27.2.4.4 be retained as this accords with Strategic Direction Objective 3.2.3.2, section 6(f) of the RMA.

- 18.110. Given that notified Policy 27.2.4.5 duplicates a process that is already entrenched in the RMA and other legislation, I agree with Submitters 632 and 806 that notified Policy 27.2.4.5 be deleted.
- 18.111. I recommend that Policy 27.2.4.6 be retained as notified. As a consequence, I recommend rejection of submission points 632.19 and 806.186.
- 18.112. I recommend that Policy 27.2.4.7 be retained as notified and therefore reject submission points 453.17, 806.187 and 809.22.
- 18.113. I recommend adoption of the Council Parks Teams' proposed new Policy 27.2.4.8, in part, included to support notified Objective 27.2.4, subject to the amendment set out in paragraph 8.105 of this evidence. As a consequence, I recommend that submission point 809.5 be accepted.
- 18.114. The above recommended amendments are set out in the Revised Chapter at **Appendix 1**. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

Notified Objective 27.2.5 and Policies 27.2.5.1 to 27.2.5.18

- 18.115. Notified Objective 27.2.5 [pg.5] received a number of submissions, including three submissions seeking amendments.
- 18.116. Submitter 805 (Transpower NZ Ltd) seeks the following amendments:¹⁴³

"Require provision of infrastructure and services ~~are provided~~ to lots and developments whilst ensuring that subdivision or development does not adversely affect the safe, effective or efficient functioning of regionally significant infrastructure, such as the National Grid, ~~in anticipation of the likely effects of land use activities on those lots and within overall developments.~~"

- 18.117. Further, Submitter 805 (Transpower NZ Ltd) seeks the following additional policy be added in support of notified Objective 27.2.5:¹⁴⁴

To manage the effects of subdivision on the safe, effective and efficient operation, maintenance, upgrading and development of the National Grid by ensuring

143 Submission point 805.62.

144 Submission point 805.64.

that subdivision is managed around the National Grid to avoid subsequent land use from restricting the operation, maintenance, upgrading and development of the National Grid.

- 18.118. Submitter 635 (Aurora Energy Limited) seeks the following amendments to **notified** Objective 27.2.5:¹⁴⁵

"Require infrastructure and services ~~to be~~ provided to ~~new lots and subdivision and developments, within the District. in anticipation of the likely effects of land use activities on these lots and within overall developments.~~"

- 18.119. Further, Submitter 635 (Aurora Energy Limited) seeks the following additional policy be added in support of **notified** Objective 27.2.5:¹⁴⁶

*Policy xxx - Avoid, remedy or mitigate reverse sensitivity effects on infrastructure.
Explanation: Subdivision and subsequent land use and development can increase the potential for reverse sensitivity effects on infrastructure. Infrastructure and network utility operators provide an important essential service to the Queenstown Lakes District and Wider National Networks. To ensure the continuation of this essential service the presence and function of the infrastructure should be recognised and careful consideration given to preventing the establishment and expansion of sensitive activities located in the vicinity of infrastructure.*

- 18.120. Submitter 632 (RCL) seeks that **notified** Objective 27.2.5 and Policies 27.2.5.17 and 27.2.5.18 be deleted,¹⁴⁷ which was opposed by 21 further submitters.¹⁴⁸ Further, Submitter 632 recommends a number of additional policies and include:

*New policy Manage stormwater to provide for public safety and where opportunities exist to maintain and enhance water quality*¹⁴⁹

*New policy – When connecting to Council reticulated infrastructure ensure that there is sufficient capacity for the proposed development or that necessary upgrades can be reasonably expected to be undertaken.*¹⁵⁰

*New policy Have regard to the design, location and direction of lighting to provide for public safety and reduce upward light spill*¹⁵¹

145 Submission point 635.35.

146 Submission point 635.35.

147 Submission point 632.20, 632.27, 632.28.

148 Further submitters FS1217.21, FS1219.21, FS1252.21, FS1277.24, FS1316.20, FS1275.194, FS1283.134, FS1217.28, FS1219.28, FS1252.28, FS1277.31, FS1316.2, FS1275.201, FS1283.141, FS1217.29, FS1219.29, FS1252.29, FS1277.32, FS1316.28, FS1275.202, FS1283.142.

149 Submission points 632.49.

150 Submission points 632.51.

151 Submission point 632.53.

- 18.121. In relation to [notified](#) Policy 27.2.5.1 [\[pg.5\]](#), Submitter 805 (NZ Transport Agency) seeks amendments to the policy to add the words "a safe and".¹⁵²
- 18.122. Submitter 798 (Otago Regional Council) requests that in considering subdivisions and development, provisions require the inclusion of links and connections to public transport services and infrastructure, not just walking and cycling linkages.¹⁵³
- 18.123. Submitter 632 (RCL) seeks that [notified](#) Policies 27.2.5.2 [\[pg.5\]](#), 27.2.5.4 [\[pg.5\]](#), 27.2.5.13 [\[pg.7\]](#) are amended as follows:

"27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access along roads ~~and to is provided to all lots created by subdivision and to all developments.~~"

27.2.5.4 Encourage the design of subdivision and roading networks to recognise and accommodate pre-existing topographical features where this will not compromise design outcomes and the efficient use of land ~~to ensure the physical and visual effects of subdivision and roading are minimised.~~¹⁵⁴

27.2.5.13 ~~Treating and dispose ing~~ of sewage ~~is provided for~~ in a manner that is ~~consistent with~~ maintains ing public health and avoids or mitigates adverse effects on the environment.¹⁵⁵

"27.2.5.16 ~~To e~~ Ensure adequate provision is made for the supply and installation of reticulated energy, ~~including street lighting,~~ and communication facilities while: ~~• Providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations and~~ ~~• Ensure the method of reticulation is appropriate for the~~ having regard to effects on visual amenity values of the area by generally requiring services are underground;"¹⁵⁶

- 18.124. Submitter 289 (A Brown) seeks amendments to [notified](#) Policy 27.2.5.5 [\[pg.5\]](#) to require all new and replacement lighting in the District to be downward facing using energy efficient light bulbs.¹⁵⁷ Further, the submitter supports [notified](#) Policy 27.2.5.12 [\[pg.6\]](#) and seeks that collection of stormwater from roads be designed so that it does not run into our lakes and rivers.

152 Submission point 719.134.

153 Submission point 798.49.

154 Submission points 632.47 and 632.47.

155 Submission points 632.50.

156 Submission point 632.52.

157 Submission point 289.18.

18.125. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) has made a number of submissions to the infrastructure policies and seeks the following:

- (a) Opposes [notified](#) Policy 27.2.5.4 as the submitter considers that the policy is too open to differing interpretation;¹⁵⁸
- (b) Amendments to [notified](#) Policy 27.2.5.5 by adding "... in accordance with Council's transport strategies" in the final bullet point;¹⁵⁹
- (c) Opposes [notified](#) Policy 27.5.2.9 as the submitter considers that water recycling is better addressed as part of building not at the time of subdivision;¹⁶⁰
- (d) Opposes [notified](#) Policy 27.2.5.11 as these matters are covered by development contributions;¹⁶¹
- (e) Amendments to [notified](#) Policy 27.2.5.12 to add "... where possible and practical";¹⁶² and
- (f) Amendments to [notified Policy](#) 27.2.5.15 to add "... with upgrades credited against development contributions."¹⁶³

Discussion

18.126. In relation to the submissions received on [notified](#) Objective 27.2.5, I accept, in part, the submission by Submitter 635 (Aurora Energy Limited). The objective as notified does not read like an outcome statement. I consider that the suggested amendments will better align the Strategic Objectives 3.2.8 Goal and 3.2.8.1 of the Strategic Directions chapter.

18.127. The relief sought by Submitter 805 (Transpower NZ Ltd) to [notified](#) Objective 27.2.5 is not supported, as it changes the outcome of the objective. That said, I support the intent of the submitter's relief and consider that it would be effective for Chapter 27 to cross reference to the policy outcomes set out in Chapter 30 (Utilities and Renewable Energy). I discuss this in more detail in the paragraphs to follow.

18.128. Transpower NZ Ltd's proposed new policy seeks to ensure that subdivision is managed to avoid subsequent land use from restricting the operation, maintenance, upgrading and development of the National Grid. I recommend that the relief sought by both Submitter 805 (Transpower NZ Ltd) and Submitter 635 (Aurora Energy Limited) be

158 Submission point 453.18.

159 Submission point 453.19.

160 Submission point 453.20.

161 Submission point 453.21.

162 Submission point 453.22.

163 Submission point 453.23.

accepted, in part. However, I consider that it is more appropriate for the relief to be directed under [notified](#) Objective 27.2.2 as opposed to the Infrastructure policies. This is because the issue raised relates to the siting and design of subdivision close to transmission networks, not the establishment of new infrastructure. Protecting infrastructure of national and regional significance from adverse effects (including reverse sensitivity effects) is entrenched within the higher order National Policy Statement on Electricity Transmission 2008 (**NPSET**),¹⁶⁴ and Objective 3.5 and Policy 3.5.1 of the PRPS. As a consequence, I recommend a new Policy 27.2.2.10 be included which reads as follows:

"Policy 27.2.2.10 - Manage subdivision within or near to electricity transmission corridors to facilitate good amenity and urban design outcomes, while minimising potential reverse sensitivity effects on the transmission network."

- 18.129. The recommended relief ensures that Chapter 27 gives effect to Strategic objective 3.2.8 Goal which seeks to provide for the ongoing operation and provision of infrastructure, and supporting Objective 3.2.8.1 and Policy 3.2.8.1.1,¹⁶⁵ while cross referencing to policy outcomes set out in Chapter 30 (Utilities and Renewables).
- 18.130. In relation to [notified](#) Policy 27.2.5.1, the Code of Practice¹⁶⁶ states "development design shall ensure connectivity to properties and roads that have been developed, or that have the potential to be developed in the future." Given that the Code of Practice considers the potential of infrastructure capacity at the time of subdivision, I recommend that [notified](#) Policy 27.2.5.1 is amended to delete the word 'expected' in the second line and be replaced with the word 'potential'. This better aligns with the manner in which infrastructure is considered at the time of subdivision.
- 18.131. Further, I support the amendment to [notified](#) Policy 27.2.5.1 sought by Submitter 805 (NZ Transport Agency), which provides for a clearer meaning to the policy intent.
- 18.132. I recommend that [notified](#) Policy 27.2.5.2 be retained as notified. In my opinion, none of the suggested amendments make the policy more effective.

164 Policy 10 - In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

165 Revised Strategic Directions Chapter -Council's right of reply version 7-4-16.

166 At section 3.2.5, page 69 of the Code of Practice.

- 18.133. Submitter 798 (Otago Regional Council) requests that in considering subdivisions and development, provisions require the inclusion of links and connections to public transport services and infrastructure. I note that this outcome is already referenced within [notified](#) Policy 27.2.5.3. I consider that the relief sought by the submitter can be achieved through the repositioning of 'public transport linkages' to the front of the policy. I believe that this proposed amendment will make the intent of the policy clearer. The submitter has also requested a similar outcome with regard to Policy 27.2.5.5, and I recommend changes to the ninth bullet point in this policy to also reflect the relief sought by the Otago Regional Council.
- 18.134. I accept, in part, the amendments to [notified](#) Policy 27.2.5.4 recommended by Submitter 632 (RCL), as I believe that the proposed amendments will improve the clarity and administration of the policy. I recommend that the policy be recast in order to achieve these efficiencies.
- 18.135. With respect to Policy 27.2.5.5, this policy covers a range of design matters that seek to give effect to the direction of [notified](#) Objective 27.2.5. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) seeks reference to the Council's transport strategies in the final bullet point of this policy. I do not consider that this addition is necessary at this point in time, given that these matters will likely be integrated within the PDP as part of the Stage 2 Review process once the Transport Chapter is notified. I also consider that the amendment recommended to [notified](#) Policy 27.2.5.3 (as sought within the submission by the Otago Regional Council and discussed in paragraph 18.133 above) will achieve enhanced focus on links and connections to public transport services and infrastructure.
- 18.136. I have considered the matters raised in relation to the amendment sought by submitter 289 (A Brown) to [notified](#) Policy 27.2.5.5 to require all new and replacement lighting in the District to be downward facing using energy efficient light bulbs. I believe that the outcome sought by the submitter is impractical and would constitute a significant policy shift. In addition to this, I consider that this change would require a significantly more detailed section 32 evaluation prior to it being adopted. In terms of managing the effects of light spill, the Council has a strategy to manage the impact of street and public space lighting on the night sky.¹⁶⁷ I note that the fifth bullet point to [notified](#) Policy 27.2.5.5 references 'the provision for and standard of street lighting, having particular regard to the avoidance of upward light spill'. I consider that the policy would be

167 Southern Light: A lighting strategy for the Queenstown. QLDC. Adopted 15 December 2006.

improved by adding the words 'siting', 'location' and referencing 'night sky' as suggested by the submitter.

- 18.137. I note that submitter 632 (RCL) seeks that a new policy be added,¹⁶⁸ which essentially reflects the outcomes in the fifth bullet point to [notified](#) Policy 27.2.5.5. However, the submitter seeks inclusion of the words 'provide for public safety', which I support. Collectively, the changes will improve the clarity and administration of the PDP and better align with the intent of the policy. As a consequence, I accept, in part, the relief sought within submission point 632.53
- 18.138. I support Policies 27.2.5.6, 27.2.5.7, 27.2.5.8, 27.5.2.9, 27.2.5.10 as notified and consider these give effect to the direction of [notified](#) Objective 27.2.5, through requiring reticulated water supply, stormwater disposal, sewage treatment and disposal systems, and consideration of water conservation measures at the time of subdivision. Further, [notified](#) Policy 27.2.5.10 seeks to ensure that appropriate water supply, design and installation is provided to meet the capacity and demand needs of lots within the subdivision (including for fire fighting purposes). Therefore it is important to respond to subdivision activities within rural living zones. In light of the above, I do not believe that the amendments proposed are more effective or efficient, therefore I do not support the proposed changes.
- 18.139. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) is opposed to [notified](#) Policy 27.5.2.9 as the submitter considers that water recycling is better addressed as part of building not at the time of subdivision. I disagree with the submitter, as there may be times (including where subdivisions are undertaken in locations which are not connected to Council water infrastructure) when water conservation measures are an appropriate consideration at subdivision stage. Submitter 632 (RCL) seeks the words 'where practicable' inserted at the beginning of [notified](#) Policy 27.5.2.9. However as the policy only seeks to 'encourage', or help to achieve water conservation measures, I do not consider the relief sought by this submitter is necessary to make the policy more effective. As a consequence, I reject these submission points and recommend that [notified](#) Policy 27.5.2.9 be retained as notified.
- 18.140. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) is opposed to [notified](#) Policy 27.5.2.11 as the submitter considers these matters are covered by development contributions. Development contributions are defined by the provisions of Part 8 Sub-

168 Submission point 632.53.

part 5 and Schedule 13 of the Local Government Act 2002 (**LGA 2002**). To make use of these provisions Council must adopt a Policy on Development Contributions as Part of the Council's Ten Year Plan ('**TYP Development Contribution Policy**'). The policy is annually updated to ensure that it is aligned with fiscal implications of growth within the District over any given year. From a policy perspective, the ODP is supported with an existing policy framework that references the Council's Long Term Community Plan Development Contributions Policy.¹⁶⁹ While I consider that referencing the Council's TYP Development Contribution Policy within notified Policy 27.5.2.11 is not necessarily required, given that development contributions are determined under the LGA 2002, I consider that the guidance provided to plan users by retaining notified Policy 27.2.5.11 assists with the implementation of the Plan. As a consequence, I do not accept this submission point and recommend that Policy 27.5.2.11 be retained as notified.

- 18.141. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) seeks amendments to notified Policy 27.2.5.12 to add "... where possible and practical" at the front of the policy. I do not consider that the amendment to the policy is appropriate given that the policy provides for a broad range of stormwater design options, including consideration of viable alternative designs for stormwater management. As a consequence, I do not support the relief sought by the submitter. I do, however, consider that the first bullet point to the policy could be improved by deleting the words 'Recognise and encourage'. I consider that the policy would have a clearer intent if it read 'having regard to:....Viable alternative design...'
- 18.142. Further, Submitter 289 (A Brown), while supporting Policy 27.2.5.12, seeks that stormwater collection from roads should be designed, so that it does not run into lakes and rivers. I do not consider the relief sought by the submitter to be practicable (and is a matter reinforced by Mr Glasner), given the volumes of stormwater generated during high rainfall events and the existing design of the roading network's stormwater system. However, the fifth bullet point in this policy requires consideration of disposal of stormwater run-off, including the control of water-borne contaminants, litter and sediments, and the control of peak flow. As such, I consider that the Policy as proposed is providing much of the relief that the submitter is seeking.
- 18.143. Submitter 632 (RCL) seeks a new policy, which provides for the management of stormwater to provide for public safety and where opportunities exist to maintain and enhance water quality.¹⁷⁰ In my opinion, part of the relief sought by RCL can be

169 Refer to Section 15.1.3 and Objective 1 and supporting policies 1.6 and 1.7 of the ODP.

170 Submission points 632.49.

achieved through the inclusion of the words 'maintain and enhance water quality' to [notified](#) Policy 27.2.5.12. Presently none of the infrastructure policies under [notified](#) Objective 27.2.5 refer to the 'maintenance and enhancement of water quality'. This is a central outcome of Strategic Directions Objective 3.2.4.6 and as a consequence, [notified](#) Policy 27.2.5.12 would be more effective by including the suggested relief.

- 18.144. Further, Submitter 632 (RCL) seeks that [notified](#) Policy 27.2.5.14 be amended to make the policy more concise, while maintaining the central thrust of the policy. In my opinion, the changes provide for a clearer meaning to the policy intent and as a consequence will improve the clarity and administration of the PDP. I therefore accept the relief sought.
- 18.145. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) seeks amendments to [notified](#) Policy 27.2.5.15 to add "... with upgrades credited against development contributions". The intent of [notified](#) Policy 27.2.5.15 is to ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity. The intent of this policy accords with the way in which subdivision design is advanced under the Code of Practice, which states "development design shall ensure connectivity to properties and roads that have been developed, or that have the potential to be developed in the future."¹⁷¹ I consider that [notified](#) Policy 27.2.5.15 is appropriately worded as it stands and aligns with the Code of Practice. As a consequence, I reject this submission point and recommend that Policy 27.5.2.15 be retained as notified.
- 18.146. Submitters 179 (Vodafone NZ), 191 (Spark Trading NZ Limited), 781 (Chorus New Zealand Limited) and 421 (Two Degrees Mobile Limited) seek that Policy 27.5.2.16 be retained as notified. Submitters 632 (RCL)¹⁷² and 635 (Aurora Energy Limited)¹⁷³ seek specific amendments to [notified](#) Policy 27.5.2.16 [\[pg.7\]](#). In particular submitter 635 seeks amendments to bullet point two, to only require the placement underground where this is 'technically and operationally feasible'. I do not accept this relief. The policy as notified reads '..generally requiring services are underground', which implies that it may not be required in all instances. I accept the relief of those submitters seeking that Policy 27.5.2.16 be retained as notified. This is on the basis that the policy provides for clear guidance on the need to for energy and telecommunications to be provided at the time of subdivision and therefore gives effect to the direction of [notified](#) Objective 27.2.5.

171 At section 3.2.5, page 69 of the Code of Practice.

172 Submission point 632.52.

173 Submission point 635.36.

18.147. Submitter 632 (RCL) seeks that Policies 27.2.5.17 and 27.2.5.18 be deleted. I support Policies 27.2.5.17 and 27.2.5.18 as notified and consider these give effect to the direction of [notified](#) Objective 27.2.5, by ensuring easements are provided and are an appropriate size, location and length for intended uses.

Recommendation

18.148. With respect to [notified](#) Objective 27.2.5, I accept, in part, the submission by Submitter 635 (Aurora Energy Limited). The objective as notified does not read like an outcome statement, and I have recommended further amendments, broadly in line with Submitter 635's suggested amendments.

18.149. I accept (in part) the submission by submitter 805 (Transpower NZ Ltd) relating to the addition of a policy identifying the need to appropriately manage the reverse sensitivity effects associated with development adjoining infrastructure corridors. As such, it is recommended that Policy 27.2.2.10 be inserted under [notified](#) Objective 27.2.2, generally in accordance with the direction identified in the submission.

18.150. I recommend that [notified](#) Policy 27.2.5.1 is amended to delete the word 'expected' in the second line and be replaced with the word 'potential', which better aligns with the manner in which infrastructure is considered at the time of subdivision via the Code of Practice. I accept the amendment to [notified](#) Policy 27.2.5.1 sought by Submitter 805 (NZ Transport Agency), which provides for a clearer meaning to the policy intent.

18.151. I recommend amendments to [notified](#) Policy 27.2.5.3 in response to Submitter 798's (Otago Regional Council) request that in considering subdivisions and development, provisions require the inclusion of links and connections to public transport services and infrastructure. The Submitter has also requested a similar outcome to [notified](#) Policy 27.2.5.5, and I recommend changes to the ninth bullet point in this policy to also reflect the relief sought by the Otago Regional Council. As a consequence, I accept submission points 798.49 and 798.50.

18.152. I accept, in part, the amendments to [notified](#) Policies 27.2.5.4 and 27.2.5.5 recommended by Submitter 632 (RCL). I accept the amendments to [notified](#) Policy 27.2.5.13 as sought by Submitter 632. As a consequence, I accept, in part, submission point 632.47 and 632.53 and accept submission point 632.50.

18.153. As I have set out in paragraph 18.138 of this evidence, I support the retention of Policies 27.2.5.6, 27.2.5.7, 27.2.5.8, 27.5.2.9, 27.2.5.10, 27.2.5.11, 27.2.5.12, 27.5.2.16, 27.2.5.17 and 27.2.5.18.

18.154. The amendments explained above are shown in the Revised Proposal at **Appendix 1**. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

Notified Objective 27.2.6 and Policies 27.2.6.1 to 27.2.6.2

18.155. Submitter 632 (RCL) seeks that notified Objective 27.2.6 [pg.7] and supporting notified Policy 27.2.6.1 be deleted [pg.7],¹⁷⁴ which was opposed by 14 further submissions.¹⁷⁵

Discussion and Recommendation

18.156. I consider that notified Objective 27.2.6 and supporting notified Policy 27.2.6.1 are important mechanisms that assist in making Plan users aware of the need for development contributions and the upgrading of existing infrastructure as a consequence to subdivision and development activity. However, I consider that notified Policy 27.2.6.2 [now deleted] is largely redundant if the 'Council's TYP Development Contribution Policy' was referred to within notified Policy 27.2.6.2 [now deleted]. I believe that combining these two policies would result in a more efficient Chapter. Therefore, I recommend that Objective 27.2.6 be retained as notified, however notified Policy 27.2.6.1 be amended to integrate reference to the 'Council's TYP Development Contribution Policy' and that notified Policy 27.2.6.2 be deleted. Hence, I recommend that the submission of Submitter 632 (RCL) be rejected.

Notified Objective 27.2.7 and Policies 27.2.7.1 to 27.2.7.2

18.157. Submitter 632 (RCL) seeks that notified Objective 27.2.7 [pg.8] and supporting notified Policy 27.2.7.2 be deleted [pg.8],¹⁷⁶ which was opposed by 14 further submissions.¹⁷⁷

18.158. Submitters 378 (Peninsula Village Limited and Wanaka Bay Limited) and 373 (Department of Conservation) support notified Objective 27.2.7.

18.159. Submitter 632 (RCL) seeks that notified Policy 27.2.7.1 is amended as follows:¹⁷⁸

174 Submission points 632.29 and 632.30.

175 Further submitters FS1217.30, FS1219.30, FS1252.30, FS1277.33, FS1316.29, FS1275.203, FS1283.143, FS1217.32, FS1219.32, FS1252.32, FS1277.35, FS1316.31, FS1275.205, FS1283.145.

176 Submission point 632.32 and 632.33.

177 Further submitters FS1217.33, FS1219.33, FS1252.33, FS1277.36, FS1316.32, FS1275.206, FS1283.146, FS1217.34, FS1219.34, FS1252.34, FS1277.37, FS1316.33, FS1275.207, FS1283.147.

178 Submission point 632.55.

"Policies 27.2.7.1 Create esplanades reserves or strips ~~where opportunities exist, particularly where they would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits~~" (with remaining text in policy recommended to be deleted)

Discussion and Recommendation

- 18.160. I do not support the deletion of **notified** Objective 27.2.7 and **notified** Policy 27.2.7.2 as sought by Submitter 632 (RCL). Both provisions provide guidance on relevant matters identified in sections 229 and 230 of the RMA, which set out the purpose of and meaning of esplanade reserves and strips. As a consequence, I consider that the objective and policy are effective responses in guiding plan users on these provisions of the RMA, and the need to provide for consideration to esplanade requirements at the time of subdivision.
- 18.161. The amendments sought to **notified** Policy 27.2.7.1 by RCL, while making the policy more concise, reduces the extent of the guidance provided within the six bullet points supporting this policy. These bullet points are largely promulgated on the purpose structure set out in section 229 of the RMA, which set out a broad range of matters where Council may consider when taking esplanade reserves and strips at the time of subdivision. In my opinion, the amendments proposed by RCL to **notified** Policy 27.2.7.1 provide for a clearer policy. However I also consider that the bullet points should be retained. Collectively, the changes proposed will make the policy clearer and therefore be more effective to administer. As a consequence, I accept, in part, submission point 632.55.
- 18.162. I consider that collectively, **notified** Objective 27.2.7 and Policies 27.2.7.1 and 27.2.7.2 are effective in responding to matters raised under section 229 and 230 of the RMA and therefore should be retained.
- 18.163. These recommended amendments are shown in the Revised Chapter at **Appendix 1**.

Notified Objective 27.2.8 and Policies 27.2.8.1 to 27.2.8.2

- 18.164. Submitter 632 (RCL) seeks that **notified** Objective 27.2.8 [pg.8] be deleted,¹⁷⁹ which was opposed by seven further submissions.¹⁸⁰

179 Submission point 632.34.

180 Further submitters FS1217.35, FS1219.35, FS1252.35, FS1277.38, FS1316.34, FS1275.208, FS1283.148.

- 18.165. Submitter 383 (QLDC Corporate Submission) seeks the deletion of the words: "and where appropriate, provide exemptions from the requirement of esplanade reserves" from notified Objective 27.2.8.¹⁸¹
- 18.166. As I have already discussed under Issue 2 (at section 12 of this evidence) Submitter 806 (QPL) has sought that notified Objective 27.2.8 provide for boundary adjustments as a controlled activity, and I have recognised that they do not create a demand for services.¹⁸²
- 18.167. Submitter 719 (NZ Transport Agency) seeks amendments to the fourth bullet point of notified Policy 27.2.8.2 to include the words "The location of existing or proposed accesses and easements for access and services."¹⁸³

Discussion and Recommendation

- 18.168. I do not support the deletion of notified Objective 27.2.8, as sought within the submission by Submitter 632 (RCL). The objective, as amended is effective in guiding boundary adjustment subdivisions. As a consequence, I reject submission point 632.34.
- 18.169. In relation to the submissions received on notified Objective 27.2.8, I accept the submission by Submitter 383 (QLDC Corporate Submission) that the words "and where appropriate, provide exemptions from the requirement of esplanade reserves" be deleted. The objective as notified does not read like an outcome statement, rather, it reads more like a policy. As such, I have recast the objective and accept the deletion of the identified words on the basis that the intent of the objective and supporting notified Policy 27.2.8.1 is to provide for cross lease and unit title subdivision. This is governed by rule 27.6.1.1 (proposed rule 17.4.1 as included in **Appendix 1**) (which are a permitted activity) and consequently are unlikely to generate the need for esplanade reserves.
- 18.170. I support the relief sought by NZTA to notified Policy 27.2.8.2 on the basis that it is consistent with the reference to "existing and proposed accesses in bullet point two". Consequently, the amendment maintains a more effective linkage between the two bullet points. Given the foregoing, I accept the relief sought by NZTA under submission point 719.140.

181 Submission point 383.48.

182 Submission point 806.190.

183 Submission point 719.140.

18.171. I have addressed the recommended controlled activity rule for boundary adjustments under Issue 2 of this evidence. I note, for completeness, that I have broadly adopted the four bullet points under [notified](#) Policy 27.2.8.2 as the matters that Council has restricted its control in my recommended rule (set out under **Appendix 1** of this evidence).

19. **ISSUE 10 CHANGES TO NON-COMPLYING ACTIVITY STANDARDS UNDER [NOTIFIED](#) RULE 27.4.2**

19.1. The following section addresses submissions to the non-complying activities listed under [notified](#) Rule 27.4.2 [[redrafted Rule 27.5.14 to 27.5.18](#)].

19.2. Submitter 762 (Jacks Point) generally supports [notified](#) Rule 27.4.2(a) [[redrafted Rule 27.5.13](#)], where it exempts Jacks Point from the default position of non-complying activity status. An addition is sought to insert restricted discretionary activities to more correctly reflect the status of the location specific [notified](#) rules 27.8.9.1 and 27.8.9.2 [[redrafted Rule 27.7.11](#)], which trigger discretionary and restricted discretionary activities status respectively.¹⁸⁴ I note that Submitter 632 (RCL)¹⁸⁵ seeks similar relief to submitter 762. The relief sought by both submitters was opposed by 13 further submissions.¹⁸⁶

19.3. Submitters 166 (Aurum Survey Consultants), 350 (Dalefield Trustee Ltd), 631 (Cassidy Trust) seek to exclude Rural Residential zone or their own properties from [notified](#) rule 27.4.1(b) [[redrafted Rule 27.5.15](#)], which relates to the further subdivision of an allotment that has been used to calculate the average the minimum average densities of a subdivision.¹⁸⁷

19.4. Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) highlights that [notified](#) Rule 27.4.2(d) [[redrafted Rule 27.5.17](#)], lacks clarity.¹⁸⁸

19.5. Submitter 166 (Aurum Survey Consultants) also seeks separate relief that [notified](#) Rule 27.4.2 and [notified](#) Rule 27.4.2 (e) [[redrafted Rule 27.5.18](#)] be deleted.¹⁸⁹

Discussion and Recommendation

¹⁸⁴ Submission point 762.1.

¹⁸⁵ Submission point 632.62.

¹⁸⁶ Further submissions FS1217.113, FS1219.113, FS1252.113, FS1277.149, FS1283.105, FS1316.110, FS1217.63, FS1219.63, FS1252.63, FS1277.66, FS1316.62, FS1275.236, FS1283.176.

¹⁸⁷ Submission points 166.9, 350.8, 631.5.

¹⁸⁸ Submission point 453.24.

¹⁸⁹ Submission points 166.17 and 166.18.

- 19.6. I acknowledge the issue raised by Submitter 762 (Jacks Point), however note that the relief sought by the Submitter would reduce non-compliance with either notified rules 27.8.9.1 and 27.8.9.2 [redrafted Rule 27.7.11.1] to a restricted discretionary activity. Under notified Rule 27.8.9.1 [redrafted Rule 27.7.11.1] a subdivision activity that fails to comply with the Jacks Point Structure Plan located within Chapter 41 is a Discretionary Activity. Conversely, subdivision failing to comply with standards for the Jacks Point Zone Conservation Lots (namely the Farm Preserve 1 (FP-1) Activity Area) is a restricted discretionary activity. In my opinion, non-compliance with the Jacks Point Structure Plan should be retained as a discretionary activity as this provides for greater control should subdivision activity not accord with this Structure Plan (refer redrafted rule 27.5.11). In terms of the issue raised by submitter 762, relating to the differing activity statuses in the location specific notified Rules 27.8.9.1 and 27.8.9.2 (pg.27), this matter has now been addressed through the integration of these rules into a new table supporting rules for Zone and Location Specific Standards (refer renumbered redrafted Rules 27.7.11.1 and 27.7.11.2). Submission points 762.1 and 632.62 are therefore rejected.
- 19.7. In relation to those submitters seeking the exclusion of the Rural Residential, Rural Lifestyle zone averages or where this relates to their own property from notified Rule 27.4.2(b), for the reasons that I have set out in Section 14 of this evidence, I do not support changes to the minimum lot sizes (including the removal of the calculation of the minimum allotment densities for the Rural Lifestyle and Rural Residential Zones). The minimum lot area provisions for each of these respective zones are considered effective for managing rural living opportunities with each of these respective zones. As a consequence, I reject submission points 166.9, 350.8, 631.5.
- 19.8. I do not support the relief sought by Submitter 166 (Aurum Survey Consultants) who seeks the deletion of notified Rule 27.4.2 and notified Rule 27.4.2 (e) (redrafted Rule 25.5).¹⁹⁰ In my opinion, these rules are effective in managing potential adverse effects associated with non-compliance with the standards set out under notified Rule 27.4.2. For this reason, I do not support the deletion of these rules and reject submission points 166.17 and 166.18.
- 19.9. In relation to the issues raised by Submitter 453 (Paterson Pitts Partners (Wanaka) Ltd) regarding notified Rule 27.4.2(d), that they lack clarity, I note that a similar rule exists under Rule 15.2.3.4(ii) of the ODP, which states that the subdivision of a residential flat from a residential unit is a non-complying activity. I note that the definition of residential

190 Submission points 166.17 and 166.18.

flat¹⁹¹ under the PDP specifically refers to a residential flat being on the same site and held in the same ownership as the residential unit. Under the LDRZ provisions (set out in Chapter 7 of the PDP) the only instance where a residential flat is permitted to be subdivided off from a main dwelling that it is ancillary to is when the residential flat is considered to be a residential unit.¹⁹² Therefore it may be considered under rules 7.4.9, 7.4.10.1 and 7.4.10.2, subject to compliance with other performance standards. Given the definition of 'residential flat' which requires the flat to be on the same site and held in the same ownership as the residential unit, I consider that the rule could be made clearer by removing reference to 'except where this is permitted in the LDRZ', which would align with existing 15.2.3.4(ii) of the ODP. Given this, I accept, in part, submission point 453.24 ([refer redrafted rule 27.5.17](#)).

19.10. The above amendments are set out in the Revised Chapter in **Appendix 1**.

20. **ISSUE 11 CHANGES TO 27.5 RULES – STANDARDS FOR SUBDIVISION ACTIVITIES**

20.1. The following section addresses submissions to 27.5 Rules – Standards for Submission Activities from 27.5.1.1 to 27.6.1 as notified.

Rule 27.5.1.1 – Identification of Building Platforms at the time of Subdivision

20.2. Submitter 367 (John Borrell) seeks amendments notified rule 27.5.1.1 so that the building platform in the Rural Lifestyle zone has a maximum area of 600m².¹⁹³ This was opposed by two further submissions.¹⁹⁴

Discussion and Recommendation

20.3. Submitter 367 (John Borrell) considers that the building platform in the Rural Lifestyle Zone should be smaller than the Rural Zone reflecting the smaller building size permitted

191 Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:

- Has a total floor area not exceeding 70m², not including the floor area of any garage or carport;
- contains no more than one kitchen facility;
- is limited to one residential flat per residential unit; and
- is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party. Notes:
 - A proposal that fails to meet any of the above criteria will be considered as a residential unit.
 - Development contributions and additional rates apply.

192 Means a residential activity (including a dwelling) which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.

193 Submission point 367.5.

194 FS1150.13 and FS1325.13.

and the more closely settled environment. The submitter considers that a smaller platform enables a more accurate assessment, both by neighbours and planners, of the effects of future buildings.

- 20.4. Further submitters (ORFEL Limited) and FS1325.13 (Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited) oppose the suggested change to this rule to limit the size of any building platform created at the time of subdivision to 600m². Both further submitters support the proposed 1,000m² maximum building platform size, leaving the discretion for the subdivider/applicant to create smaller platforms if necessary and that the 1,000m² maximum area is an appropriate area to accommodate building within this zone.
- 20.5. I agree with the further submitters that the residential building platform size should be considered at the time of subdivision and should be of a size that is suitably flexible to enable suitable site-specific responses. Based on my own experience, it is often the case that developers/subdividers require the flexibility in building platform sizes when advancing subdivision applications. When dealing with sites that are less sensitive it is typical for residential building platforms to be identified at 1,000m² in area, while in more sensitive landscape settings, it is more common for platform sizes to be reduced in size so as to ensure that the effects of buildings can be suitably contained.
- 20.6. Having considered the monitoring reports for both the Rural Lifestyle Zone and Rural General Zones, there were no issues identified regarding the need to reduce the size of residential building platforms. As a consequence, I consider that this rule is effective in providing suitable flexibility and certainty for future lot owners and the relief sought by Submitter 367 (John Borrell) could reduce this with respect to the Rural Lifestyle Zone.
- 20.7. I recommend that Rule 27.5.1.1 be retained as notified and reject submission point 367.5.

21. **ISSUE 12 CHANGES TO 27.5.4 STANDARDS RELATING TO SERVICING AND INFRASTRUCTURE**

- 21.1. The following section addresses submissions to the Rules – Standards relating to Servicing and Infrastructure under notified rule 27.5.4 [pg.14 \[redrafted rule 27.7.15\]](#).
- 21.2. Submitter 166 (Aurum Survey Consultants) seeks clarification as to whether it is the intention of the Council to revert from 2100L/day back to 1000L/day, given that notified rule 27.5.4.3 [pg.14 \[redrafted rule 27.7.15.3\]](#) refers to a minimum 1,000L/per day. The

submitter seeks clarification on what the minimum supply will be where a communal supply does exist.¹⁹⁵

21.3. Submitters 179 (Vodafone NZ), 191 (Spark Trading NZ Limited), 781 (Chorus New Zealand Limited) seek a new standard that "*The provision of telecommunications services to each allotment to the requirements of the telecommunications network provider.*"¹⁹⁶

21.4. Further, Submitters 191 (Spark Trading NZ Limited) and 179 (Vodafone NZ) seeks the inclusion of a new standard as follows:¹⁹⁷

"27.5.4.5 That each building be able to connect to the electricity and telecommunications networks to ensure occupants have access to network services of their choice. The minimum connection standard is the installation of separate ducting for each network between the building termination point to the exit pit for each network or overhead when connecting to an existing overhead network."

21.5. Submitter 421 (Two Degrees Mobile Limited) seeks additional standards for the following:¹⁹⁸

"Telecommunication reticulation to all allotments in new subdivisions.

Insert a new standard requiring that connection to the telecommunication network be provided for each building."

Discussion and Recommendations

21.6. Mr Glasner (the Council's Chief Engineer) has responded to Submitter 166 (Aurum Survey Consultants) who questions the Council's intent under notified rule 27.5.4.3 [pg.14 \[redrafted rule 27.7.15.3\]](#). The notified rule refers to a minimum 1,000L/per day.

21.7. Mr Glasner sets out that the Code of Practice requires 2,100 L/day (based on 700l/person x average of 3 people/dwelling) per dwelling.¹⁹⁹ This covers potable and irrigation water supply. Mr Glasner explains that if a person provides a potable supply of 1000L/day they will meet the Council's requirement provided they can demonstrate what supply will be available for irrigation. The 2,100L/day referenced by Aurum Survey Consultants is the requirement for a reticulated system where use outside of potable

195 Submission point 166.13.

196 Submission points 179.13, 191.11, 781.12.

197 Submission point 191.12 and 179.14.

198 Submission point 421.11.

199 At paragraph 7.4.

water, such as irrigation, must be considered. Where a system is not reticulated then the uses outside of potable water use are not considered and therefore the requirement is to provide for 1000l/day of potable water per dwelling. Based on the above, I am satisfied that Rule 27.5.4.3 be retained as notified and that any additional requirements for the provision for irrigation demand will need to be addressed at the time of subdivision approval.

21.8. **Notified** Policy 27.2.5.16 (fourth bullet point) seeks to generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves. Given the intent of **notified** Policy 27.2.5.16, I agree with Submitters 179 (Vodafone NZ), 191 (Spark Trading NZ Limited), and 781 (Chorus New Zealand Limited) who seek a new standard that telecommunications services to each allotment be provided to the requirements of the telecommunications network provider. Currently, notified rule 27.5.4 is not supported by such a method and therefore does not adequately respond to **notified** Objective 27.2.5 and **notified** Policy 27.2.5.16. I therefore recommend that a new rule be included that requires telecommunications services to each allotment (other than lots for access, roads, utilities and reserves) [**redrafted rule 27.7.15.4**]. I do not support a rule requiring buildings to be connected to telecommunication networks, as this extends beyond the scope of the policy framework supporting subdivision. As a consequence, I accept, in part, submission points 179.13, 191.11, 781.12.

21.9. These amendments are shown in the Revised Chapter at **Appendix 1**.

22. **ISSUE 13 CHANGES TO LOCATION – SPECIFIC OBJECTIVES, POLICIES AND PROVISIONS**

22.1. The following section addresses submissions to the Location – Specific Objectives and Policies and Provisions.

Amendments to the Subdivision Chapter Layout

22.2. A number of submitters including 632 (RCL), 636 (Crown Range Holdings Ltd), 643 (Crown Range Enterprises), 688 (Justin Crane and Kirsty Mactaggart), 693 (Private Property Limited), 702 (Lake Wakatipu Stations Limited)²⁰⁰ have sought that Chapter 27 be amended so that it is consistent with other Chapters in the PDP, including through

200 Submission points 632.4, 636.11, 643.16, 688.10, 693.16, 702.13.

using tables and ensuring that all objectives and policies are located at the beginning of the section.

Discussion and Recommendation

- 22.3. I accept, in part, the relief sought by these submitters as it relates to the rule framework under the District Wide Rules in part 27.4 and the Location Specific Standards under rule 27.8.1 (and supporting rules 27.8.2, 27.8.3, 27.8.5, 27.8.6, 27.8.7, and Rule 27.8.9). In my opinion, the rule framework would be easier to administer if the relevant rules were relocated to a table format so that the following structure was used:
- (a) District Wide (under supporting Table 27.5 - [redrafted rules 27.5.2 to 27.5.20](#));
 - (b) Minimum Site Areas (under Table 27.6 - [redrafted rule 27.6.1](#)); and
 - (c) New Table 27.7 (to include the Location Specific Standards from notified Rule 27.8.1 and supporting Rules 27.8.2, 27.8.3, 27.8.5, 27.8.6, 27.8.7, and Rule 27.8.9 - [redrafted rules 27.7.1 to 27.7.12](#))).
- 22.4. I consider that setting the rules out in this manner makes them more effective for plan administration and for plan users.
- 22.5. Further, in terms of efficiencies in plan administration, I support the relocation of the location specific objectives and policies to the start of the Chapter (so as to sit beneath the District Wide Objectives and policies). This is on the proviso that it is clear to plan users that the location specific policy framework is in addition to the District wide objectives and policies in Part 27.2. On this basis, I support the relocation of the Location specific objectives and policies from Section 27.7 (as notified) to Section 27.3 [\[redrafted Objective 27.3 to Policy 27.3.15.2\]](#).
- 22.6. Further, I note that a number of the location specific objectives and policies are worded with reference to matters of discretion (examples include 27.7.3 [\[redrafted rule 27.7.2\]](#), Policy 27.7.6.1 [\[redrafted rule 27.7.3\]](#), 27.7.7.4 [\[redrafted rule 27.5.6\]](#), Policy 27.7.14.2 [\[redrafted rule 27.7.1\]](#) to 27.7.14.8, 27.7.18.1, and 27.7.20 [\[redrafted rule 27.7.4\]](#)). It is difficult to determine whether these are policies or rules and in my opinion, would benefit from being transferred to the new Table 27.7 (to include the Location Specific Standards). This will remove any uncertainty as to their purpose and provide better clarity for plan users.
- 22.7. Given the above, I accept, in part, submission points 632.4, 636.11, 643.16, 688.10, 693.16, 702.13. These amendments are shown in the Revised Chapter at **Appendix 1**. I

note that the restructuring of the chapter has not been shown in tracked changes, only amendments to the specific provisions due to other submissions.

Kirimoko, Wanaka

22.8. Submitter 809 (Queenstown Lakes District Council Parks Team) seeks amendments to notified Policy 27.7.2.8 as follows:²⁰¹

~~Minimise~~ Avoid disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.

22.9. Submitter 656 (Crescent Investments Limited) seeks that the existing matters of discretion set out under 27.7.3 are amended as follows:²⁰²

- *"Any earthworks required to create any road, vehicle accesses ~~of~~, building platform or modify the natural landform;*
- *The design of the subdivision including lot configuration, servicing and roading patterns and design (including footpaths and walkways);*
- *Creation and planting of road reserves;*
- *The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;*
- *The protection of native species as identified on the structure plan as green network."*

201 Submission point 809.23.

202 Submission point 656.1.

22.10. Further, Submitter 656 (Crescent Investments Limited) seeks [notified](#) Rule 27.8.3.4 be amended so that any subdivision shall be designed so as to achieve, during a 1 in 100 year flood event, a rate of post development stormwater runoff that is no greater than the pre-development situation.²⁰³

Discussion and Recommendation

22.11. While I support the intent of the relief sought by submitter 809 (Queenstown Lakes District Council Parks Team) to [notified](#) Policy 27.7.2.8, in my opinion, the change is not required for the policy to adequately give effect to [notified](#) Objective 27.7.2 [[redrafted Objective 27.3.2](#)]. Further, the need to 'avoid' all disturbance to existing native plant remnants may not be achievable in all instances and as a consequence may unduly fetter the implementation of this area. As a consequence, I reject submission point 809.23.

22.12. I accept the amendments sought by Submitter 656 (Crescent Investments Limited) to [notified](#) 27.7.3 (which has been relocated to new Table 27.7 - Location Specific Standards) as this provides greater clarity to the plan user and more effectively responds to [notified](#) Objective 27.7.2 and supporting policies [[redrafted Objective 27.3.2](#)].

22.13. Mr Glasner (Council's Chief Engineer) provides a response to Submitter 656's (Crescent Investments Limited) suggested amendments to Rule 27.8.3.4. Mr Glasner considers that the Code of Practice currently requires developments to achieve, during a 1 in 20 year event, a rate of post development stormwater runoff that is no greater than the pre-development situation.²⁰⁴ Mr Glasner considers that if the Council required all infrastructure to be designed to ensure post development stormwater runoff is no greater than the pre-development situation in a 1 in 100 year event then systems would be over designed for the vast majority of the time.²⁰⁵ He notes that this may add significantly to Council maintenance costs for these over designed systems, consequently, I reject submission point 656.2.

Jacks Point Zone

22.14. Submitter 762 (Jacks Point) seeks amendments to the Jacks Point provision by inserting a new heading below [notified](#) Policy 27.7.14.1 [[redrafted rule 27.11.1](#)], to read as follows

203 Submission point 656.2.

204 At paragraph 7.1.

205 At paragraph 7.4.

"27.14.2 Matters of discretion for subdivision within the Jacks Point Zone". This was opposed by five further submissions and gained support from one further submitter.²⁰⁶

- 22.15. Submitter 632 (RCL) seeks that [notified](#) provision 27.7.14.7 be deleted and considers that the matters of control/discretion provided to the Council means that this rule is unnecessary.²⁰⁷ This relief was opposed by seven further submissions.²⁰⁸ Further, RCL also seeks the deletion of [notified](#) provision 27.7.14.8 on the basis that the submitter considers that the provisions covered within this provision are covered elsewhere.²⁰⁹ This relief was opposed by seven further submissions.²¹⁰

Discussion and Recommendation

- 22.16. I have already discussed my concerns about the lack of clarity around the provisions referenced as matters of discretion (examples include [notified](#) 27.7.3, Policy 27.7.6.1, 27.7.7.4, Policy 27.7.14.2 to 27.7.14.8, 27.7.18.1, and 27.7.20). This is a matter that Submitter 762 (Jacks Point) has sought to resolve by inserting a new heading below [notified](#) Policy 27.7.14.1, to read as follows "27.14.2 Matters of discretion for subdivision within the Jacks Point Zone". As I have discussed at paragraph 22.3 above, I consider that the clarity of these provisions would be greatly enhanced through being transferred to the new Table 27.7 (to include the Location Specific Standards). This will remove any uncertainty as to their purpose and provide better clarity for plan users. As a consequence, the relief sought by the submitter should be adequately addressed by my suggested amendments, which are shown in the Revised Chapter at **Appendix 1**.
- 22.17. I do not support the deletion of provisions [notified Rules](#) 27.7.14.7 and 27.7.14.8 and consider that the provisions are effective in guiding good subdivision and design outcomes for the Jacks Point Zone. I reject submission points 632.65 and 632.66.

206 FS1217.117, FS1219.117, FS1252.117, FS1277.153, FS1283.109, FS1316.114.

207 Submission point 632.65.

208 FS1217.66, FS1219.66, FS1252.66, FS1277.69, FS1316.65, FS1275.239, FS1283.179.

209 Submission point 632.66.

210 FS1217.67, FS1219.67, FS1252.67, FS1277.70, FS1316.66, FS1275.240, FS1283.180.

23. **ISSUE 14 AMENDMENTS TO RULE 27.9.1 AND 27.9.2**

- 23.1. A number of submission points have been received on the Non-Notification of Applications notified rule 27.9.1 [redrafted rule 27.9.1] and the exemption clause under notified rule 27.9.2 [redrafted rule 27.9.2].
- 23.2. Submitters 613 (Treble Cone Investments Limited) and Submitter 610 (Soho Ski Area Limited and Blackmans Creek No. 1 LP) seek amendments to rule 27.9.1 to provide for an exemption for subdivision within the Ski Area Sub Zone.²¹¹
- 23.3. Further, Submitter 433 (Queenstown Airport Corporation) seeks amendments to Rule 27.9.2 to provide for the normal test for notification to be applied to subdivision applications that are "*located within the Air Noise Boundary or Outer Control Boundary at Queenstown or Wanaka Airports.*"²¹² This relief was opposed by the further submissions of FS1097.385 (Queenstown Park Limited) and FS1117.147 (Remarkables Park Limited).

Discussion and Recommendation

- 23.4. In relation to the request by Submitters 613 (Treble Cone Investments Limited) and Submitter 610 (Soho Ski Area Limited and Blackmans Creek No. 1 LP) to exempt subdivision activities undertaken within the Ski Area Sub Zone from notification under notified rule 27.9.1, I do not support the submitter relief. While I appreciate that the activities undertaken within the Ski Area Sub Zone are relatively permissive under Chapter 21 of the PDP, I still consider that there is the potential for subdivision activities within these areas to create arbitrary lines in these sensitive landscape settings. As a consequence, there is a need for the effects of subdivision activities within the sub-zone to be considered on a case-by-case basis. I reject submission points 613.18 and 610.18.
- 23.5. In its submission, QAC considers that in some instances, such as the subdivision of land within close proximity to Airports, it would be appropriate for the subdivision consent application to be served on QAC. As noted, this relief is opposed by Queenstown Park Limited and Remarkables Park Limited. While I acknowledge the reverse sensitivity concerns raised by QAC, the relief sought to notified Rule 27.9.2 [redrafted Rule 27.9.2] has the potential to place constraints on subdivision activities that could be appropriately advanced within urban zones adjoining the Queenstown Airport where issues around reverse sensitivity have already been well catered for via amendments under PC35. I do consider that there may be instances, such as development around Wanaka Airport where such an approach could be warranted. However, as it stands I do not support the

211 Submission points 613.18 and 610.18.

212 Submission point 433.99.

'catch all response' advanced by QAC. In addition, subdivision of Rural Zoned land around Wanaka would in most circumstances be a discretionary activity, and could be notified. In my opinion, the suggested amendment has the potential to unnecessarily constrain subdivision activity around the Queenstown Airport. I consider that it would be appropriate for QAC to respond to this matter at the hearing.

23.6. As a consequence of amendments made to the rule framework under Rules 27.4 and 27.6, I have sought further amendments to rule 27.9.1(a) to specifically exempt controlled activity boundary adjustments from being notified or limited notified. Further, I have amended rule 27.9.1(b) to specifically exempt controlled activity and restricted discretionary subdivision activities from being notified or limited notified [\[redrafted rule 27.9.1\]](#).

23.7. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

24. **ISSUE 15 NEW PROVISIONS SOUGHT THROUGH SUBMISSIONS**

24.1. I have already responded to submissions seeking specific relief to the District Wide objectives and policies at Section 18 of this evidence. The following section responds to submissions that specifically seek the inclusion of objectives, policies or methods that are not otherwise provided for in Chapter 27.

24.2. Submitter 805 (Transpower New Zealand Limited) seek an additional objective in section 27.2 to respond to reverse sensitivity effects on regionally significant infrastructure. This relief was supported by further submissions by Aurora Energy Limited and New Zealand Defence Force.²¹³ The wording of such an Objective is suggested to be:

"To avoid subdivision and the establishment of land use activities that could adversely affect (including through reverse sensitivity) the operation, maintenance, upgrading and development of regionally significant infrastructure, such as the National Grid."

213 Further submissions FS1121.20 and FS1211.31.

- 24.3. Further, Submitter 635 (Aurora Energy Limited) seeks a new method to respond to the policy framework sought within their policy responses to Chapter 27. Transpower New Zealand Limited through further submission FS1301.12 sought that the term 'critical electricity line' referred to in Aurora submission below be amended to refer to the term 'electricity distribution line corridor'. Aurora's suggest method reads as follows:²¹⁴

"Insert new Rule in subdivision section as follows:

Rule XX

Restricted Discretionary Activity - Subdivision

1. Subdivision within 32m of the centre line of a Critical Electricity Line, or within 32m from the designation boundary of a substation shall be a restricted discretionary activity.

(See submission for diagram)

Classification of Subdivision in Vicinity of Critical Electricity Lines

When considering any restricted discretionary activity under Rule xxx, discretion will be restricted

to:

i. the safe and efficient operation and maintenance of the electricity supply network, including:

a. The use, design and location of buildings; and

b. The mature size, growth rate, location, and fall zone of any associated tree planting, including landscape planting and shelterbelts; and

c. Compliance with NZECP 34:2001; and

d. Effects on public health and safety; and

e. Effects on access to CEL's, designated substations and associated infrastructure for maintenance purposes.

For restricted discretionary activities under Rule xxx the relevant network utility operator will be considered an affected party under s 95E of the Resource Management Act, 1991."

- 24.4. I note that the relief sought by Aurora is similar to the relief sought by Transpower to Chapter 30 – Utilities and Renewable Energy.²¹⁵ I consider that Transpower's relief to Chapter 30 is relevant to the consideration of the relief sought by Aurora under its submission point 635.42. As a consequence, I have considered Transpower's relief in submissions points 805.95 and 805.13 under this section of my evidence.

214 Submission point 635.42.

215 Submission point 805.95.

24.5. Transpower seeks the following relief to Chapter 30 – Utilities and Renewable Energy:²¹⁶

Add New Rule Rule 30.5.15

Subdivision of land in any zone within the National Grid Subdivision Corridor is a restricted

discretionary activity if it complies with the following standard:

a) All allotments shall identify a building platform for the principal building and any dwelling, to

be located outside the National Grid Yard.

Matters of Discretion:

a) Impacts on the operation, maintenance, upgrade and development of the National Grid.

b) The ability of future development to comply with NZECP34:2001.

c) Technical details of the characteristics and risks on and from the National Grid infrastructure.

d) The ability of the applicant to provide a complying building platform.

e) Location, design and use of the proposed building platform or structure as it relates to the

National Grid transmission line.

f) The risk of electrical hazards affecting public or individual safety, and the risk of property

damage.

g) The nature and location of any vegetation to be planted in the vicinity of the National Grid

transmission lines.

Add new Rule:

Rule 30.5.16

Any subdivision of land in any zone within the National Grid Subdivision Corridor which does

not comply with the restricted discretionary activity standard (a) under Rule 1 is a non-complying activity."

24.6. Further, Transpower seeks the following relief to Chapter 2 – Definitions as this relates to the definition of 'National Grid Corridor':²¹⁷

"Amend the definition to:

216 Submission point 805.95.

217 Submission point 805.13.

National Grid Subdivision Corridor: means the area measured either side of the centreline of

above ground National Grid line as follows:

16m for the 110kV lines on pi poles

32m for 110kV lines on towers

37m for the 220kV transmission lines

Note: The National Grid Corridor and National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated."

Discussion and Recommendation

- 24.7. I support, in part, the relief sought by Submitter 805 (Transpower New Zealand Limited) who seek an additional objective be included within section 27.2 to respond to reverse sensitivity effects on regionally significant infrastructure at the time of subdivision. However, as I have set out in paragraph 18.127 to 18.128 of this evidence, I recommend that the relief sought by submitter 805 (Transpower NZ Ltd) be achieved through a new Policy 27.2.2.10 to be inserted under [notified](#) Objective 27.2.2.
- 24.8. I accept, in part, the submission by submitter 635 (Aurora Energy Limited) who seeks a new method to respond to the policy framework sought within its policy responses to Chapter 27. As notified Chapter 27 does not include methods controlling subdivision activity within close proximity to the National Grid Corridor. In my opinion, it is more effective for Chapter 27 to regulate subdivision activities than have these controls solely imbedded within a separate chapter of the PDP, as there is the potential that they could be overlooked by plan users. I also consider that it is more effective for a method to be included within Chapter 27 to ensure that this gives effect to the policy direction set out within the NPSET, Objective 3.5 and Policy 3.5.1 of the PRPS and Strategic Direction 3.2.8 Goal and supporting 3.2.8.1 Objective and 3.2.8.1.1 Policy, which seek to provide for the ongoing operation and provision of infrastructure. I also note, for completeness, that a method included within Chapter 27 would assist with informing the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (**NESETA**), which itself does not impose controls on subdivision activity.
- 24.9. I note that existing Rule 15.2.3.3(viii) of the ODP provides for a similar restricted discretionary activity rule framework as this relates to the Frankton – Cromwell A 110kV high voltage transmission line that extends through Shotover Country Special Zone. While the Shotover Country Special Zone does not form part of Stage 1 of the District

Plan Review, I do consider that a similar restricted discretionary activity rule that applied to all subdivision activity within 32 metres of 'National Grid Corridor'²¹⁸ would be effective in responding to Strategic Direction 3.2.8 Goal. I therefore accept, in part, the relief advanced by Submitter 635 (Aurora Energy Limited) and the amendment suggested by Submitter 805 (Transpower New Zealand Limited). This change is shown in the Revised Chapter at **Appendix 1**. [\[redrafted Rule 27.5.7\]](#)

- 24.10. Aurora's proposed method contains terminology that does not appear to be defined under the PDP. Their method refers to 'Critical Electricity Line', which is open to interpretation. I consider that Transpower's submission to Chapter 30 – Utilities and Renewable Energy²¹⁹ is more precise in that it links back to the definition of 'National Grid Corridor' (albeit the submitter seeks to integrate reference to 'subdivision' within this existing definition to ensure that the definition is consistent with the NPSET). Further, Transpower's suggested method also refers to the need for "*All allotments shall identify a building platform for the principal building and any dwelling, to be located outside the National Grid Yard*".
- 24.11. While I support the intent of this rule, I consider that it would be appropriate for the submitter to respond to both the need for the amendment to the definition of 'National Grid Corridor' and any implications of the above clause (including amendments to the definition of 'Regionally Significant Infrastructure'²²⁰) at the hearing.
- 24.12. Subject to further clarification by Submitter 805 (Transpower New Zealand Limited) on the matters discussed above, I agree that non-compliance with the matters of discretion listed in Transpower's submission to Chapter 30 – Utilities and Renewable Energy²²¹ be adopted into the District Wide standards that support subdivision activity and subject to amendments to this provision to ensure that it does not result in implications for subdivision boundary adjustments.
- 24.13. This change is shown in the Revised Chapter at **Appendix 1**. A further evaluation of the recommended provisions has been undertaken pursuant to section 32AA and is included in **Appendix 4** to this evidence.

218 As defined under the PDP.

219 Submission point 805.95.

220 Revised Chapters -Council's right of reply version 7-4-16.

221 Submission point 805.95.

25. **ISSUE 16 – NEW ZEALAND FIRE SERVICE (NZFS) SUBMITTER 438**

- 25.1. The NZFS requests that standards are inserted into 27.4 Rules – Subdivision that require compliance with the NZFS Code of Practice SNZ PAS 4509:2003²²² in relation to water supply and access in non-reticulated areas. The requested relief would provide for the insertion of a new standard and matter of discretion which includes the requirement to comply with the NZFS Code of Practice SNZ PAS 4509:2003.²²³
- 25.2. Further, NZFS also seeks amendments to notified Policy 27.2.5.10 to make specific reference to the NZFS Code of Practice SNZ PAS 4509:2008.²²⁴
- 25.3. NZFS has also made a significant number of further submissions²²⁵ to those submitters seeking a controlled activity status for subdivision under Rule 27.4.1. The NZFS within these further submissions seeks the inclusion of fire fighting water supply as a matter over which Council will restrict its control, and seeks specific reference be made to the NZFS Code of Practice SNZ PAS 4509:2008.
- 25.4. While I support the relief sought in principle by NZFS, I question whether this is necessary. The QLDC and NZFS have a memorandum of understanding (**MOU**) that sets out the requirements for firefighting provisions in non-reticulated areas. The MOU requires 20,000 litres of water for a firefighting reserve, whilst the Code of Practice requires 45,000 litres. Most subdivision activity undertaken within the District is assessed in accordance with SNZ PAS 4509: 2008, which is set out in the Code Practice and in all cases subdivision approvals are supported with conditions that link back to the Code of Practice.

222 Note that the Standards referenced in the submission, and those used by the QLDC for assessing subdivision and development is: SNZ PAS 4509: 2008.

223 Refer primary submission 438.39.

224 Refer primary submission 438.38.

225 Refer further submission points FS1125.13, FS1125.39, FS1125.40, FS1125.20, FS1125.22, FS1125.23, FS1125.24, FS1125.25, FS1125.26, FS1125.27, FS1125.28, FS1125.29, FS1125.30, FS1125.31, FS1125.32, FS1125.33, FS1125.34, FS1125.35, FS1125.38, FS1125.15, FS1125.16, FS1125.18, FS1125.19, FS1125.37.

Recommendation

- 25.5. I have recommended that subdivision activity be a Restricted Discretionary Activity under Rule 27.4.1 (as notified). One of the recommended matters over which I recommend Council restricts its discretion is 'water supplies for fire fighting purposes'. This accords with the ODP matter of control under rule 15.2.11.1 (Controlled Subdivision Activities – Water Supply) and accords with [notified](#) Policy 27.2.5.10 (bullet point two) of the PDP. This goes some way to provide for part of the relief sought by the NZFS in its further submissions listed under footnote 225.
- 25.6. As a consequence, I recommend that submission point 438.38 and 438.39 be rejected and that further submissions listed in footnote 225 be accepted (in part) on the basis that 'water supplies for fire fighting purposes' is listed as a matter of which the Council has restricted its discretion. Importantly, in the event that inadequate water supply is provided at the time of subdivision to achieve the standards set out in the Council's Code of Practice, the Council can refuse consent.
- 25.7. These recommended amendments are shown in the Revised Chapter at **Appendix 1**.

26. **ISSUE 17 - SUBMISSIONS DEFERRED FROM OTHER HEARING STREAMS**

- 26.1. A number of submission points have been deferred from other hearing streams so that they can be determined as part of Chapter 27. I address these in turn below.
- 26.2. Firstly, Submitter 383 (Queenstown Lakes District Council) has sought the deletion of the (subdivision) rules from chapter 26 (Historic Heritage) and include them within Chapter 27 (include reference to chapter 27 as a new rule in the Historic Heritage chapter – 26.4.1.5).²²⁶ These rules include:
- (a) Rule 26.6.2 Subdivision of any site containing all or part of a protected feature is a Discretionary Activity; and
 - (b) Under Table 6 (Heritage Landscapes), Rule 26.6.21 sets out that subdivision within a Heritage Landscape is Discretionary Activity.
- 26.3. The above rules duplicate [notified](#) Rules 27.5.1.4 and 27.5.1.5 and as a consequence the section 42A Officer for Chapter 26 (Historic Heritage) has recommended that the relief sought by Submitter 383 be accepted. However, as a consequence there are a number

226 Submission point 383.45.

of submissions points to rule 26.6.2 that are now more appropriately dealt with as part of Chapter 27.

- 26.4. Submitters 672 (Watertight Investments Ltd) and 688 (Justin Crane and Kirsty Mactaggart) seek that rule 26.6.2 be amended so that subdivision of any site containing all or part of a protected feature is a restricted discretionary activity, restricted to the impact of the proposed subdivision on the heritage values of the protected item(s).²²⁷ Given the identical nature of rule 27.5.1.4 with rule 26.6.21 it is appropriate that the relief sought by these submitters be addressed as part of Chapter 27.
- 26.5. Submitter 560 (Spruce Grove Trust) seeks that 'complying' subdivision within the Arrowtown Residential Historic Management Zone (**ARHMZ**) provisions are processed as a controlled activity consent, as per the ODP provisions.²²⁸
- 26.6. Submitter 423 (Carol Bunn) in the context of Chapter 26 sought to allow subdivision of historic buildings so that they can be maintained, upgraded or restored to residential buildings.²²⁹ This is a general submission to Chapter 26, which has been deferred to Chapter 27.

Recommendation

- 26.7. As I have set out in paragraph 10.58 of this evidence, I support the retention of rules 27.5.1.4 to 27.5.1.7 as retaining a discretionary activity status and as a consequence recommended that submission points 672.23 and 688.19 be rejected.
- 26.8. As I have set out in paragraph 10.58 of this evidence, I support a restricted discretionary activity regime applying to subdivision activities under rule 27.4.1 (as notified), which also applies to the ARHMZ. As a consequence, the relief sought by Submitter 560 is supported (in part).
- 26.9. As I have set out in paragraph 10.58 of this evidence, I support the retention of **notified** rules 27.5.1.4 to 27.5.1.7 as retaining a discretionary activity status [**redrafted rules 27.5.9, 27.5.10, 27.5.11 and 27.5.12**] and as a consequence recommend that submission points 423.4 be rejected.

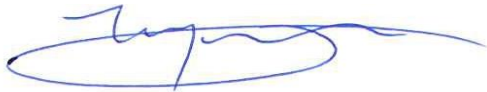
227 Submission points 672.23 and 688.19.

228 Submission point 560.3.

229 Submission point 423.4.

27. **CONCLUSION**

- 27.1. On the basis of my analysis within this evidence, I recommend that the changes within the Revised Chapter in **Appendix 1** are accepted.
- 27.2. The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan and Strategic Direction goals in an effective and efficient manner, and give effect to the purpose and principles of the RMA.



Nigel Bryce
Consultant Planner
~~29 June 2016~~
19 July 2016

SUBDIVISION and DEVELOPMENT 27

Key:

Red text for additions as at 19 July 2016, which updates referencing in response to the Panel's Minute dated 7 July 2016 concerning references to PDP provisions.

Black underlined text for additions and strike-through text for deletions or relocated, Appendix 1 to Nigel Bryce's s42A report, dated 29 June 2016.

27 Subdivision and Development

27.1 Purpose

Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District's economy. The council will support subdivision that is well designed, is located in the appropriate locations anticipated by the District Plan with the appropriate capacity for servicing and integrated transportation.

All subdivision requires resource consent as a discretionary activity unless specified as a permitted activity. It is recognised that subdivisions will have a variable nature and scale with different issues to address. Good subdivision design, servicing and the management of natural hazards are underpinned by logic and a shared objective to create healthy, attractive and safe places.

Comment [RC1]: Consequential amendment as a consequence of changes to rule framework.

Comment [RC2]: Submission 383.47

Good subdivision creates neighbourhoods and places that people want to live or work within, and should also result in more environmentally responsive development that reduces car use, encourages walking and cycling, and maximises access to sunlight.

Good subdivision design will be encouraged by the use of the QLDC Land Development and Subdivision Code of Practice, and the QLDC Subdivision Design Guidelines. These are guiding principles to give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals. Proposals at odds with these documents are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the purpose of the RMA.

Except where specific provisions are provided to assess subdivision, such as the Rural, Gibbston and Rural Lifestyle Zones, the subdivision chapter is the primary method to ensure that the District's neighbourhoods are quality environments that take into account the character of local places and communities.

27.2 Objectives and Policies – district wide

27.2.1 **Objective - Subdivision will create quality environments that ensure the District is a desirable place to live, visit, work and play.**

Policies

27.2.1.1 Require subdivision infrastructure to be consistent with the QLDC Land Development and Subdivision Code of Practice constructed and designed to an appropriate standard that is fit for purpose, while recognising opportunities for innovative design.

Comment [RC3]: Officer suggested amendment given that Code of Practice refers specifically to 'subdivision infrastructure.'

Comment [RC4]: Submission 248.9, 567.16, FS1117.225, 806.170, 632.6, 806.171

SUBDIVISION and DEVELOPMENT 27

- 27.2.1.2 Support subdivision that is consistent with the QLDC Subdivision Design Guidelines, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.
- 27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed to the anticipated land use of the applicable zone.
- 27.2.1.4 Where minimum allotment sizes are not proposed achieved, the extent to which any adverse effects are mitigated or compensated by achieving providing:
- desirable urban design outcomes.
 - greater efficiency in the development and use of the land resource.
 - affordable or community housing.
- 27.2.1.5 The Council recognises that there is an expectation by future landowners that the effects and resources required of by anticipated land uses will have been resolved through the subdivision approval process.
- 27.2.1.6 Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.
- 27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that are undertaken only for ownership purposes and will not require the provision of services.
- 27.2.2 **Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.**

Comment [RC5]: Submission 453.12

Comment [RC6]: Grammatical change as a consequence of submission 453.12

Comment [RC7]: Submission 453.13

Policies

- 27.2.2.1 Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.
- 27.2.2.2 Ensure subdivision design maximises the opportunity for buildings to front the road.
- 27.2.2.3 Locate Open spaces and reserves are located in appropriate locations having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas and are a practicable size for their intended use.
- 27.2.2.4 Subdivision will have good and integrated connections and accessibility to existing and planned areas of employment, community activities and facilities, services, trails and trail connections, public transport and adjoining neighbourhoods.
- 27.2.2.5 Subdivision design will provide for safe walking and cycling connections that reduce vehicle dependence within the subdivision.
- 27.2.2.6 Subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists.

Comment [RC8]: Submission 632.44

Comment [RC9]: Grammatical change as a consequence of submission 632.44

Comment [RC10]: Submission 524.45

Comment [RC11]: Submission 671.5 and 625.13

SUBDIVISION and DEVELOPMENT 27

- 27.2.2.7 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.
- 27.2.2.8 Encourage informal surveillance of streets and the public realm for safety by requiring that the minority of allotments within a subdivision are fronting, or have primary access to, cul-de-sacs and private lanes.
- 27.2.2.9 ~~Encourage~~ Promote informal surveillance for safety ~~by ensuring through overlooking of~~ open spaces and transport corridors ~~from are visible and overlooked by~~ adjacent sites and dwellings and by effective lighting.
- 27.2.2.10 Manage subdivision within or near to electricity transmission corridors to facilitate good amenity and urban design outcomes, while minimising potential reverse sensitivity effects on the transmission network.
- 27.2.3 ~~Objective - Recognise~~ The potential of small scale and infill subdivision be recognised and provided for while acknowledging that the opportunities to undertake comprehensive their design are limited limitations.

Comment [RC12]: Submission 632.59

Comment [RC13]: Submission 805.64, 635.37, 719.134

Comment [RC14]: Grammatical change as a consequence of submission 632.60

Policies

- 27.2.3.1 Acknowledge that small scale subdivision, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.6 and 27.2.2.8.
- 27.2.3.2 While acknowledging potential limitations, encourage small scale and infill subdivision to:
- Ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;
 - Where possible, locate lots so that they over-look and front road and open spaces;
 - ~~Where possible, a~~ Avoid the creation of multiple rear sites, unless this is not practicable;
 - Where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;
 - Identify and create opportunities for connections to services and facilities in the neighbourhood.

Comment [RC15]: Submission 453

- 27.2.4 ~~Objective - Identify, incorporate and enhance~~ nNatural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.

Comment [RC16]: Officer suggested amendment to remove any ambiguity around the term 'natural features'.

Comment [RC17]: Grammatical change to read more like an outcome statement, and submission 806.180.

Policies

SUBDIVISION and DEVELOPMENT 27

- 27.2.4.1 Enhance biodiversity, riparian and amenity values by incorporating existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces.
- 27.2.4.2 Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage items and protected features scheduled or identified in the District Plan.
- 27.2.4.3 ~~The Council will support subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise.~~
- 27.2.4.4 ~~Encourage~~ Provide for the protection of heritage and archaeological sites, and avoid the unacceptable loss of archaeological sites.
- 27.2.4.5 ~~Ensure opportunity for the input of the applicable agencies where the subdivision and resultant development could modify or destroy any archaeological sites.~~
- 27.2.4.6 ~~27.2.4.5~~ Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wahi tapu and other taonga.
- 27.2.4.7 ~~27.2.4.6~~ Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to:
- i. Whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection;
 - ii. Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes.
- 27.2.4.7 ~~Ensure that new subdivisions and developments recognises, incorporates and where appropriate, enhances existing established protected indigenous vegetation.~~
- 27.2.5 ~~Objective - Require i-Infrastructure and services are provided to new lots subdivisions and developments. in anticipation of the likely effects of land use activities on these lots and within overall developments.~~

Comment [RC18]: Resiting of notified Policy 27.2.4.3 to redrafted Policy 27.2.5.13

Comment [RC19]: Officer suggested amendment to better align policy with RMA provisions

Comment [RC20]: Submissions 632 and 806

Comment [RC21]: Notified Policy 27.2.4.6, now redrafted Policy 27.2.4.5.

Comment [RC22]: Notified Policy 27.2.4.7, now redrafted Policy 27.2.4.6.

Comment [RC23]: Proposed New Policy 27.2.4.7

Comment [RC24]: Submission 809.5

Comment [RC25]: Submission 635.35

Policies

Transport, Access and Roads

- 27.2.5.1 Integrate subdivision roading with the existing road networks in an a safe and efficient manner that reflects expected potential traffic levels and the provision for safe and convenient walking and cycling.

Comment [RC26]: Submission 719.134

Comment [RC27]: Officer suggested amendment given that Code of Practice is based on 'potential' demand not expected.

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- 27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.
- 27.2.5.3 Provide linkages to public transport networks, trail, walking, and cycling networks and public transport linkages, where useful linkages can be developed.
- 27.2.5.4 ~~The design of subdivision and roading networks to recognise~~ To ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features. ~~to ensure the physical and visual effects of subdivision and roading are minimised.~~
- 27.2.5.5 Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways within subdivisions are provided for by having regard to:
- The location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency.
 - The number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency.
 - The standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails.
 - The provision and vesting of corner splays or rounding at road intersections.
 - The provision for and standard of street lighting, having particular regard to the siting and location, the provision for public safety and to the avoidance of upward light spill on the night sky.
 - The provision of appropriate tree planting within roads.
 - Any requirements for widening, formation or upgrading of existing roads.
 - Any provisions relating to access for future subdivision on adjoining land.
 - The provision of public transport routes and improved linkages to public transport routes and bus shelters.

Comment [RC28]: Submission 798.49

Comment [RC29]: Submission 632.47

Comment [RC30]: Submission 671.5 and 625.13

Comment [RC31]: Submission 632.53

Comment [RC32]: Submission 289.18

Comment [RC33]: Submission 798.50

Water supply, stormwater, wastewater

- 27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.

Water

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- 27.2.5.7 Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.
- 27.2.5.8 Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.
- 27.2.5.9 Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.
- 27.2.5.10 Ensure appropriate water supply, design and installation by having regard to:
- i. The availability, quantity, quality and security of the supply of water to the lots being created;
 - ii. Water supplies for fire fighting purposes;
 - iii. The standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
 - iv. Any initiatives proposed to reduce water demand and water use.
- 27.2.5.11 Ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with the Council's 10 Year Plan Development Contributions Policy.

Stormwater

- 27.2.5.12 Ensure appropriate stormwater design and management by having regard to:
- i. ~~Recognise and encourage~~ Viable alternative design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas;
 - ii. The capacity of existing and proposed stormwater systems;
 - iii. The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
 - iv. The location, scale and construction of stormwater infrastructure;
 - v. The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through, ~~including~~ the control of water-borne contaminants, litter and sediments, and the control of peak flow.

Comment [RC34]: Officer suggested amendment to improve policy.

Comment [RC35]: Submission 632.49

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27.2.5.13 The Council will support subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise, provided maintenance and operation requirements are acceptable to Council if the assets are to be vested.

Comment [RC36]: Resiting of existing Policy 27.2.4.3

Comment [RC37]: Officer suggested amendment

Wastewater

27.2.5.14 Treating and disposing of sewage is provided for in a manner that is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.

Comment [RC38]: Submission 632.50

27.2.5.15 Ensure appropriate sewage treatment and disposal by having regard to:

- i. The method of sewage treatment and disposal;
- ii. The capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;
- iii. The location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.

27.2.5.16 Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

Energy Supply and Telecommunications

27.2.5.17 To ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:

- i. Providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;
- ii. Ensure the method of reticulation is appropriate for the visual amenity values of the area by generally requiring services are underground;
- iii. Have regard to the design, location and direction of lighting to avoid upward light spill, recognising the night sky as an element that contributes to the District's sense of place;
- iv. Generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.

Easements

27.2.5.18 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.

27.2.5.19 Ensure that easements are of an appropriate size, location and length for the intended use.

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27.2.6 Objective - Cost of services to be met by subdividers.

Policies

27.2.6.1 In accordance with Council's 10 Year Plan Development Contributions Policy, R require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), that are attributable to the effects of the subdivision or development, including where applicable:

Comment [RC39]: Officer suggested amendment

- i. roading, walkways and cycling trails;
- ii. water supply;
- iii. sewage collection, treatment and disposal;
- iv. stormwater collection, treatment and disposal;
- v. trade waste disposal;
- vi. provision of energy;
- vii. provision of telecommunications and computer media;
- viii. provision of reserves and reserve improvements.

27.2.6.2 Contributions will be in accordance with Council's 10 Year Plan Development Contributions Policy.

Comment [RC40]: Consequential amendment as a result of amendment in Policy 27.2.6.1

27.2.7 Objective - Create esplanades where opportunities arise.

Policies

27.2.7.1 Create esplanades reserves or strips where opportunities exist, particularly where the subdivision would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits is of large scale or has an impact on the District's landscape. In particular, Council will encourage esplanades where they:

Comment [RC41]: Submission 632.55

- i. are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access;
- ii. have high actual or potential value with regard to the maintenance of indigenous biodiversity;
- iii. comprise significant indigenous vegetation or significant habitats of indigenous fauna;
- iv. are considered to comprise an integral part of an outstanding natural feature or landscape;
- v. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river;

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- vi. would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land.

27.2.7.2 To use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in Section 230 of the Resource Management Act 1991.

27.2.8 **Objective - Facilitate b Boundary adjustments, cross-lease and unit title subdivision are provided for. , and where appropriate, provide exemptions from the requirement of esplanade reserves.**

Comment [RC42]: Grammatical change to read more like an outcome statement

Comment [RC43]: Submission 383.48

Policies

27.2.8.1 Enable minor cross-lease and unit title subdivision of existing units without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.

27.2.8.2 Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:

- i. The location of the proposed boundaries;
- ii. In rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
- iii. Boundary treatment;
- iv. The location of existing or proposed accesses and Easements for access and services.

Comment [RC44]: Submission 719.140

27.3 Location-specific objectives and policies

In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.

Comment [RC45]: Relocated from Notified Section 27.7 (page 15)

27.3.1 **Objective - Peninsula Bay, Ensure effective public access is provided throughout the Peninsula Bay land.**

Comment [RC46]: Relocated from Notified Objective 27.7.1 (page 15)

Policies

27.3.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.

Comment [RC47]: Relocated from Notified Policy 27.7.1.1 (page 15)

27.3.1.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.

Comment [RC48]: Relocated from Notified Policy 27.7.1.2 (page 15)

27.3.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation

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resource, with excellent linkages, and opportunities for different community groups.

Comment [RC49]: Relocated from Notified Policy 27.7.1.3 (page 15)

- 27.3.2 **Objective - Kirimoko, Wanaka – To create a liveable urban environment that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.**

Comment [RC50]: Relocated from Notified Objective 27.7.2 (page 16)

Policies

- 27.3.2.1 Protect the landscape quality and visual amenity of the Kirimoko Block and preserve sightlines to local natural landforms.

Comment [RC51]: Relocated from Notified Policy 27.7.2.1 (page 16)

- 27.3.2.2 Protect the natural topography of the Kirimoko Block and incorporate existing environmental features into the design of the site.

Comment [RC52]: Relocated from Notified Policy 27.7.2.2 (page 16)

- 27.3.2.3 Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies (all zoned Low Density Residential) and that visually sensitive areas such as the spurs are left undeveloped (building line restriction area).

Comment [RC53]: Relocated from Notified Policy 27.7.2.3 (page 16)

- 27.3.2.4 Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.

Comment [RC54]: Relocated from Notified Policy 27.7.2.4 (page 16)

- 27.3.2.5 Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.

Comment [RC55]: Relocated from Notified Policy 27.7.2.5 (page 16)

- 27.3.2.6 Provide for road and walkway linkages to neighbouring developments.

Comment [RC56]: Relocated from Notified Policy 27.7.2.6 (page 16)

- 27.3.2.7 Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.

Comment [RC57]: Relocated from Notified Policy 27.7.2.7 (page 16)

- 27.3.2.8 Minimise disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.

Comment [RC58]: Relocated from Notified Policy 27.7.2.8 (page 16)

- 27.3.2.9 Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.

Comment [RC59]: Relocated from Notified Policy 27.7.2.9 (page 16)

- 27.3.2.10 Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.

Comment [RC60]: Relocated from Notified Policy 27.7.2.10 (page 16)

- 27.3.3 **Objective - Large Lot Residential Zone between Studholme Road and Meadowstone Drive - ~~Ensure protection of~~ Landscape and amenity values in recognition of the zone's low density character and transition with rural areas be recognised and protected.**

Comment [RC61]: Grammatical change to read more like an outcome statement

Comment [RC62]: Relocated from Notified Objective 27.7.4 (page 17)

Policies

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27.3.3.1 Have regard to the impact of development on landscape values of the neighbouring rural areas and features of these areas, with regard to minimising the prominence of housing on ridgelines overlooking the Wanaka township.

Comment [RC63]: Relocated from Notified Policy 27.7.4.1 (page 17)

27.3.3.2 Subdivision and development within land identified as 'Urban Landscape Protection' by the 'Wanaka Structure Plan 2007' shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines.

Comment [RC64]: Relocated from Notified Policy 27.7.4.2 (page 17)

27.3.4 **Objective - Bob's Cove Rural Residential Zone (excluding sub-zone) – Recognise & The special character of the Bob's Cove Rural Residential Zone is recognised and provided for.**

Comment [RC65]: Grammatical change to read more like an outcome statement

Comment [RC66]: Relocated from Notified Objective 27.7.5 (page 17)

Policies

27.3.4.1 Have regard to the need to provide for street lighting in the proposed subdivision. If street lighting is required in the proposed subdivision to satisfy the Council's standards, then in order to maintain the rural character of the zone, the street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on the night sky.

Comment [RC67]: Relocated from Notified Policy 27.7.5.1 (page 17)

27.3.5 **Objective - Ferry Hill Rural Residential Sub Zone – Maintain and enhance The visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub Zone to be maintained and enhanced.**

Comment [RC68]: Grammatical change to read more like an outcome statement

Comment [RC69]: Relocated from Notified Objective 27.7.6 (page 17)

Policies

27.3.5.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone located in Chapter 22 (at part 22.7.2).

Comment [RC70]: Consequential amendment as a result of new Location Specific Rules under 27.7 and the relocation of Policy 27.7.6.1 into the rules under 27.7.

27.3.6 **Objective - Makarora Rural Lifestyle Zone – The avoidance or mitigation of the effects of natural hazards are avoided or mitigated and the maintenance and enhancement of landscape character, visual amenity and nature conservation values are maintained or enhanced.**

Comment [RC71]: Grammatical change to read more like an outcome statement

Comment [RC72]: Relocated from Notified Objective 27.7.7 (page 18)

Policies

Natural Hazards

27.3.6.1 Particular regard shall be had to the avoidance or mitigation of natural hazards identified on the Council's hazard register associated with the location of a building platform and future anticipated land uses within the building platform.

Comment [RC73]: Relocated from Notified Policy 27.7.7.1 (page 18)

27.3.6.2 The Council shall be satisfied as to whether consultation has been undertaken with the Otago Regional Council with regard to any matters associated with defences against water, and in particular taken the opportunity to reconcile any potential issues associated with flood defence works encouraged by the Otago Regional Council, and the District Plan's

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objectives, policies and servicing standards for subdivision in the Makarora Rural Lifestyle Zone.

Comment [RC74]: Relocated from Notified Policy 27.7.7.2 (page 18)

Landscape Values, Rural Character

27.3.6.3 In recognition of the landscape values within the Makarora Rural Lifestyle Zone, regard shall be had to the potential merits with the concentration or clustering of built form to areas with high potential to absorb development while retaining areas that are more sensitive in their natural state.

Comment [RC75]: Relocated from Notified Policy 27.7.7.3 (page 18)

27.3.6.4 In considering the appropriateness of the form and density of development, including the identification of building platforms in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:

- i. The extent to which the location and size of proposed building platforms either detracts from or has the potential to enhance landscape values and rural character;
- ii. whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (i.e. open space held in one title whether jointly or otherwise);
- iii. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas that are more sensitive in their natural state.

Comment [RC76]: Relocated from Notified Policy 27.7.7.4 (page 18)

27.3.7 **Objective - Wyuna Station Rural Lifestyle Zone - To provide for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.**

Comment [RC77]: Relocated from Notified Objective 27.7.8 (page 19)

Policies

27.3.7.1 Prohibit or defer development of the zone until such a time that:

- i. the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and proposed zone. This may include the provision of land within the zone for such purpose; or
- ii. the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or
- iii. the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next three years then all lots within the zone shall be required to connect to that reticulated scheme.

Comment [RC78]: Relocated from Notified Policy 27.7.8.1 (page 19)

27.3.8 **Objective - Wyuna Station Rural Lifestyle Zone - Subject to Objective 27.7.7 27.3.7 to enable rural living development is enabled in a way that maintains the visual amenity values that are experienced from**

Comment [RC79]: Grammatical change to read more like an outcome statement

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the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.

Comment [RC80]: Relocated from Notified Objective 27.7.9 (page 19)

Policies

27.3.8.1 The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from Glenorchy Township, Oban Street or the Glenorchy-Paradise Road. Measures to achieve this include:

- i. Prohibiting development over the sensitive areas of the zone via building restriction areas;
- ii. Appropriately locating buildings within the zone, including restrictions on future building bulk;
- iii. Using excavation of the eastern part of the terrace to form appropriate building platforms;
- iv. Using naturalistic mounding of the western part of the terrace to assist visual screening of development;
- v. Using native vegetation to assist visual screening of development;
- vi. The maximum height of buildings shall be 4.5m above ground level prior to any subdivision development.

Comment [RC81]: Relocated from Notified Policy 27.7.9.1 (page 19)

27.3.8.2 Maintain and enhance the indigenous vegetation and ecosystems within the building restriction areas of the zone and to suitably and comprehensively maintain these areas into the future. As a minimum, this shall include:

- i. Methods to remove or kill existing wilding exotic trees and weed species from the lower banks of the zone area and to conduct this eradication annually;
- ii. Methods to exclude and/or suitably manage pests within the zone in order to foster growth of indigenous vegetation within the zone, on an ongoing basis;
- iii. A programme or list of maintenance work to be carried out on a year to year basis on order to bring about the goals set out above.

Comment [RC82]: Relocated from Notified Policy 27.7.9.2 (page 19 and 27-20)

27.3.9 **Objective - Industrial B Zone**

Policies

- i. Reserved for Stage 2 of the District Plan Review.

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27.3.10 Objective - Industrial B Zone

Policies

- i. Reserved for Stage 2 of the District Plan Review.

27.3.11 Objective - Industrial B Zone

Policies

- i. Reserved for Stage 2 of the District Plan Review.

27.3.12 Objective - Industrial B Zone

Policies

- i. Reserved for Stage 2 of the District Plan Review.

27.3.13 Objective - Jacks Point Zone - Subdivision shall have regard to identified location specific opportunities and constraints.

Comment [RC83]: Relocated from Notified Objective 27.7.14 (page 20)

Policies

27.3.13.1 Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.

Comment [RC84]: Relocated from Notified Policy 27.7.14.1 (page 20)

27.3.13.2 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Jacks Point Structure Plan located within Chapter 41.

27.3.13.3 The extent to which the subdivision achieves the matters of control listed under Rule 27.7.1 and as they relate to the Jacks Point Structure Plan located within Chapter 41.

Comment [RC85]: Consequential amendment as a consequence of Redrafted Location Specific Rules under 27.7.1

27.3.14 **Objective – Waterfall Park - Subdivision shall provide for a range of visitor, residential and recreational facilities, sympathetic to the natural setting have regard to identified location specific opportunities and constraints.**

Comment [RC86]: Relocated from Notified Objective 27.7.17 (page 22)

Policies

27.3.14.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Chapter 42.

Comment [RC87]: Relocated from Notified Policy. 27.7.17.1 (page 22)

27.3.14.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.7.1 and as they relate to the Waterfall Park Structure Plan located within Chapter 42.

Comment [RC88]: Consequential amendment as a result of Redrafted Location Specific Rules under 27.7.1.

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27.3.15 **Objective – Millbrook - Subdivision shall provide for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.**

Comment [RC89]: Relocated from Notified Objective 27.7.19 (page 23)

Policies

27.3.15.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Chapter 43.

Comment [RC90]: Relocated from Notified Policy. 27.7.19.1 (page 23)

27.3.15.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.6.1 and as they relate to the Millbrook Structure Plan located within Chapter 43.

Comment [RC91]: Consequential amendment as a consequence of integrating notified 27.7.20.1 (page 27-23) into Redrafted Location Specific Rules under 27.7 (page 27-25/26)

27.4 Other Provisions and Rules

27.4.1 District Wide

The rules of the zone the proposed subdivision is located within are applicable. 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).

Comment [RC92]: Submissions 636.11, 643.16, 688.10, 693.16, 693.17, 702.13

Comment [RC93]: Relocated from Notified Rule 27.3.1 (page 9)

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
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	

~~27.4.2 Earthworks associated with subdivision~~

~~27.4.2.1 Earthworks undertaken for the development of land associated with any subdivision shall not require a separate resource consent under the rules of the District Wide Earthworks Chapter, but shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity.~~

Comment [RC94]: This provision pre-empted the now recently made operative Earthworks Chapter 22 to the ODP and has now been recommended for deletion.

~~27.4.3 Zones exempt from the Proposed District Plan and subdivision chapter~~

~~27.4.3.1 The following zones are not part of the Proposed District Plan: stage 1 (at the date of notification: 26 August 2015) and the subdivision chapter shall not apply to the following:~~

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- a ~~Frankton Flats A Zone~~
- b ~~Frankton Flats B Zone~~
- c ~~Remarkables Park Zone~~
- d ~~Mount Cardrona Station Zone~~
- e ~~Three Parks Zone~~
- f ~~Kingston Village Special Zone~~
- g ~~Open Space Zone~~

27.4.3.2 ~~In addition, all the Special Zones within Chapter 12 of the operative District Plan, except as identified below, are excluded from the proposed District Plan subdivision chapter:~~

- a ~~Jacks Point~~
- b ~~Waterfall Park~~
- c ~~Millbrook~~

Comment [RC95]: The zone exemption rule was provided to assist plan users, however is considered redundant.

27.5 Rules – Subdivision

27.5.1 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

Comment [RC96]: Consequential clarification provision related to the recommended changes to the rules and activity status.

<u>P</u>	<u>Permitted</u>	<u>C</u>	<u>Controlled</u>
<u>RD</u>	<u>Restricted Discretionary</u>	<u>D</u>	<u>Discretionary</u>
<u>NC</u>	<u>Non Complying</u>	<u>PR</u>	<u>Prohibited</u>

	Boundary Adjustments	Activity status
27.5.2	An adjustment to existing cross-lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the conversion from cross-lease to unit title, the addition of an accessory building, or the relocation of accessory buildings providing the activity complies with all other provisions of the District Plan or has obtained a <u>land use resource consent</u> and where a <u>certificate of compliance</u> has been issued under section 223(1)(b) of the Act.	<u>P</u>

Comment [RC98]: Submissions 632.4, 636.11, 643.16, 688.10, 693.16, 702.13

Comment [RC97]: Submission 370.8

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	Boundary Adjustments	Activity status
27.5.3	<p>For boundary adjustment subdivision activities where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <p>(i) In the case of the Rural, Gibbston Character and Rural Lifestyle Zones the building platform is retained in its approved location;</p> <p>(ii) No additional separately saleable lots are created.</p> <p>(iii) the areas of the resultant lots comply with the minimum lot size requirement for the zone (where applicable).</p> <p><u>The matters over which the Council reserves control are:</u></p> <ul style="list-style-type: none"> • <u>The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings and vegetation patterns and existing or proposed accesses;</u> • <u>Boundary treatment;</u> • <u>Easements for existing and proposed access and services.</u> 	C

Comment [RC99]: Submissions 806.176, 806.190, 532.34, 534.35, FS1157.59, 535.35, 762.3, 763.15, 767.17 and 719.140

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	Boundary Adjustments	Activity status
27.5.4	<p><u>For boundary adjustments within Arrowtown’s urban growth boundary and on a site that contains a heritage or any other protected item or schedule in the District where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</u></p> <p>(i) <u>No additional separately saleable lots are created.</u></p> <p>(iii) <u>The areas of the resultant lots comply with the minimum lot size requirement for the zone.</u></p> <p><u>The matters over which the Council reserves control are:</u></p> <ul style="list-style-type: none"> • <u>The impact of the proposed subdivision on the heritage values of the protected item;</u> • <u>In situations where lots are being amalgamated within the Medium Density Residential Zone and Low Density Residential Zone, the extent to which future development will maintain the historic character of the Arrowtown Residential Historic Management Zone;</u> • <u>The location of the proposed boundaries, including their relationship to, existing buildings and vegetation patterns and existing or proposed accesses;</u> • <u>Boundary treatment;</u> • <u>Easements for access and services.</u> 	RD

Comment [RC100]: Submissions 672.23 and 688.19

	Subdivision Activities – District Wide	Activity status
27.5.5	<p><u>All subdivision activities contained within urban areas identified within the District’s Urban Growth Boundaries and including the following zones:</u></p> <ol style="list-style-type: none"> 1. <u>Low Density Residential Zones;</u> 2. <u>Medium Density Residential Zones;</u> 3. <u>High Density Residential Zones;</u> 4. <u>Town Centre Zones;</u> 	RD

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	<p>5. <u>Arrowtown Residential Historic Management Zone;</u></p> <p>6. <u>Large Lot Residential Zones;</u></p> <p>7. <u>Local Shopping Centres;</u></p> <p>8. <u>Business Mixed Use Zones;</u></p> <p>9. <u>Queenstown Airport Mixed Use Zone.</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> • <u>Lot sizes, averages and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;</u> • <u>The extent to which the subdivision design achieves the subdivision and urban design principles and outcomes set out in QLDC Subdivision Design Guidelines;</u> • <u>Property access and roading;</u> • <u>Esplanade provision;</u> • <u>Natural hazards;</u> • <u>Fire fighting water supply;</u> • <u>Water supply;</u> • <u>Stormwater disposal;</u> • <u>Sewage treatment and disposal;</u> • <u>Energy supply and telecommunications;</u> • <u>Open space and recreation; and</u> • <u>Easements.</u> 	
27.5.6	<p><u>All subdivision activities in the District's Rural Residential and Rural Lifestyle Zones</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> • <u>In the Rural Lifestyle Zone the location of building platforms;</u> • <u>Lot sizes, averages and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;</u> • <u>Subdivision design including:</u> <ul style="list-style-type: none"> - <u>the extent to which the design maintains and enhances rural living character, landscape values and visual</u> 	RD

Comment [RC101]: Submissions 370.6, 177.10

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	<p><u>amenity:</u></p> <ul style="list-style-type: none"> - <u>the extent to which the location of building platforms could adversely affect adjoining non residential land uses;</u> - <u>orientation of lots to optimise solar gain for buildings and developments;</u> - <u>the effects of potential development within the subdivision on views from surrounding properties;</u> - <u>In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state;</u> - <u>In the Rural Residential Zone at the north end of Lake Hayes, whether and to what extent there is an opportunity to protect and restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes;</u> <ul style="list-style-type: none"> • <u>Property access and roading;</u> • <u>Esplanade provision;</u> • <u>Natural hazards;</u> • <u>Fire fighting water supply;</u> • <u>Water supply;</u> • <u>Stormwater disposal;</u> • <u>Sewage treatment and disposal;</u> • <u>Energy supply and telecommunications;</u> • <u>Open space and recreation; and</u> • <u>Easements.</u> 	
27.5.7	<p><u>Subdivision of land in any zone within the National Grid Corridor</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <p>a) <u>Whether the allotments are intended to be used for residential or commercial activity and whether there is merit with identifying a building platform to ensure future buildings are located outside the National Grid Yard.</u></p> <p>b) <u>Impacts on the operation, maintenance, upgrade and development of the National Grid.</u></p>	RD

Comment [RC102]: Submission 635.42 and further submission FS1301.12 and 805.95

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	<p>c) <u>The ability of future development to comply with NZECP34:2001.</u></p> <p>d) <u>Technical details of the characteristics and risks on and from the National Grid infrastructure.</u></p> <p>c) <u>The ability of the applicant to provide a complying building platform.</u></p> <p>d) <u>The location, design and use of any proposed building platform as it relates to the National Grid transmission line.</u></p> <p>e) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></p> <p>f) <u>Whether the subdivision would result in the planting of trees or shrubs in the vicinity of the National Grid transmission lines and the potential for effects on the operation and security of the national Grid Transmission Lines.</u></p>	
27.5.8	All subdivision activities in the Rural General and Gibbston Character Zones.	D
27.5.9	The subdivision of land containing a heritage or any other protected item and scheduled in the District Plan. This rule does not apply to boundary adjustments under Rule 27.4.2.	D
27.5.10	The subdivision of land identified on the planning maps as a Heritage Landscape.	D
27.5.11	The subdivision of a site containing a known archaeological site, whether identified and scheduled in the District Plan or not.	D
27.5.12	Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan.	D
27.5.13	Within the Jacks Point Zone, subdivision that does not comply with the standards in Part 27.5 and location specific standards in part 27.8.	D
27.5.14	Subdivision that does not comply with the standards in Part 27.6.5 and location specific standards in part 27.8.	NC
27.5.15	The further subdivision of an allotment that has previously been used to calculate the minimum average densities for	NC

Comment [RC103]: Relocated from Notified Rule 27.5.1.4 (page 13)

Comment [RC104]: Relocated from Notified Rule 27.5.1.5 (page 13)

Comment [RC105]: Relocated from Notified Rule 27.5.1.6 (page 13)

Comment [RC106]: Relocated from Notified Rule 27.5.1.7 (page 13)

Comment [RC107]: Relocated from Notified Rule 27.4.2(a) (page 10)

Comment [RC109]: Relocated from Notified Rule 27.4.2(a) (page 10)

Comment [RC108]: Consequential amendments as a consequence of Redrafted Rule 27.6, which specifically lists non-complying activities

Comment [RC110]: Relocated from Notified Rule 27.4.2(b) (page 10)

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	subdivision in the Rural Lifestyle Zone and Rural Residential Zone.	
27.5.16	The subdivision of land resulting in the division of a building platform.	NC
27.5.17	The subdivision of a residential flat from a the residential unit it is ancillary to, except where this is permitted in the Low Density Residential Zone.	NC
27.5.18	A subdivision under the Unit Titles Act where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.	NC
27.5.19	Any subdivision of land in any zone within the National Grid Corridor, which does not comply with matter of discretion (a) under Rule 27.5.7.	NC
27.5.20	A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use resource consent.	D

Comment [RC111]: Relocated from Notified Rule 27.4.2(c) (page 10)

Comment [RC113]: Relocated from Notified Rule 27.4.2(d) (page 10)

Comment [RC112]: Submission 453.24

Comment [RC114]: Relocated from Notified Rule 27.4.2(e) (page 10)

Comment [RC115]: Submission 805.95

Comment [RC116]: Relocated from Notified Rule 27.4.2(f) (page 10)

~~27.4.1 All subdivision activities are discretionary activities, except otherwise stated:~~

~~27.4.2 The following shall be non-complying activities:~~

- ~~a Subdivision that does not comply with the standards in Part 27.5 and location specific standards in part 27.8. Except within the following zone where any non-compliance shall be a discretionary activity.

 - ~~i. Jacks Point Zone~~~~
- ~~b The further subdivision of an allotment that has previously been used to calculate the minimum average densities for subdivision in the Rural Lifestyle Zone and Rural Residential Zone.~~
- ~~c The subdivision of a building platform.~~
- ~~d The subdivision of a residential flat from the residential unit it is ancillary to, except where this is permitted in the Low Density Residential Zone.~~
- ~~e A subdivision under the Unit Titles Act where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.~~
- ~~f For avoidance of doubt, a Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use resource consent shall be a discretionary activity.~~

Comment [RC117]: Relocated into redrafted Rule 25.5, as per Submissions 632.4, 636.11, 643.16, 688.10, 693.16, 702.13

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27.4.3 The following shall be Restricted Discretionary activities:

- ~~a Subdivision undertaken in accordance with a structure plan or spatial layout plan that is identified in the District Plan. Discretion is restricted to the matters specified in the Location Specific Objectives, Policies and Provisions in Part 27.7.~~

Comment [RC118]: Rule changed to controlled status and relocated to Redrafted Rule 27.7 (page 27-25 below)

27.6 Rules - Standards for Subdivision Activities

- 27.6.1 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.

As per those submitters seeking a controlled activity status where subdivision is undertaken in accordance with a structure plan.

Comment [RC119]: Relocated from Notified Rule 27.5.1 (page 11)

Zone		Minimum Lot Area
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m ²
Airport Mixed Use		No minimum
Industrial	Industrial A	200m ²
	Industrial B	4000m ² Except that the minimum lot size shall be 200m ² where the subdivision is part of a complying combined land use/ subdivision consent application or where each lot to be created, and the original lot, all contain at least one business unit.
Residential	High Density	450m ²
	Medium Density	250m ²
	Low Density	450m ² <u>Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary</u> 600m ²
	Queenstown Heights Sub Zone	1500m ²
	Arrowtown	800m ²

Comment [RC120]: Outside of scope of Stage 1 Zones

Comment [RC121]: Submission 433.99

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Zone		Minimum Lot Area
	Residential Historic Management	
	Large Lot Residential	4000m ² 2000m ² in the following locations: Between Studholme Road and Meadowstone Drive
Township	Makarora	4000m ²
	Kingston	800m ²
	Glenorchy	800m ²
	Lake Hawea	800m ²
	Luggate	800m ²
	Kinloch	800m ²
	Albert Town	600m ²
	Riverside Stage 6 Subzone A	50-55% of lots will be developed to a minimum area of 400m² Average lot size: 600m ² Maximum lot size: 800m ²
	Riverside Stage 6 Subzone B	Average lot size: 800m ² (minimum 700m ² , maximum 1000m ²)
	Riverside Stage 6 Subzone C	Minimum 1,000m ² , maximum 2000m ²
Rural	Rural.	No minimum
	Gibbston Character.	
	Hydro Generation.	
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle at	No minimum, providing the average lot size is not

Comment [RC122]: Outside of scope of Stage 1 Zones

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Zone		Minimum Lot Area
	Makarora.	less than 2 hectares.
	Rural Lifestyle Deferred A and B.	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer.	The land in this zone shall be held in a single allotment
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ²
	Rural Residential Ferry Hill Subzone	4000m ² with no more than 17 lots created for residential activity
	<u>Rural Residential Zone at the north of Lake Hayes</u>	<u>4000m² provided that the total lots to be created by subdivision, including balance lots, shall not be less than an 8,000m² lot average.</u>
Jacks Point	Residential Activity Areas	380m ²
	FP-1 Activity Area	4000m ² Average 2ha
	FP-2 Activity Area	2 hectares Average 40ha
	<u>All other Activity Areas</u>	Subdivision shall comply with the average density requirements set out in Rule 41.5.8.
Millbrook		No minimum
Waterfall Park		No minimum

Comment [RC123]: Submission 26.3

Comment [RC124]: Submission 762.4

27.7 Rules – Zone and Location Specific Standards

	Zone Specific Standards	Activity status

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	Zone Specific Standards	Activity status
27.7.1	<p><u>Subdivision undertaken in accordance with a structure plan, spatial layout plan, or concept development plan that is identified in the District Plan.</u></p> <p><u>Control is restricted to all of the following:</u></p> <ul style="list-style-type: none"> • <u>The extent to which the subdivision is consistent with the relevant location specific objectives and policies in part 27.3;</u> • <u>Lot sizes, averages and dimensions;</u> • <u>Subdivision design, lot configuration, roading patterns (including footpaths and walkways) in accordance with the applicable structure plan or spatial layout plan;</u> • <u>The extent to which the subdivision design achieves the subdivision and urban design outcomes set out in QLDC Subdivision Design Guidelines;</u> • <u>Property access;</u> • <u>Landscaping and vegetation;</u> • <u>Heritage, where applicable;</u> • <u>Esplanade provision;</u> • <u>Natural and other hazards;</u> • <u>Fire fighting water supply;</u> • <u>Water supply;</u> • <u>Stormwater design and disposal;</u> • <u>Sewage treatment and disposal;</u> • <u>Energy supply and telecommunications;</u> • <u>Open space and reserves;</u> • <u>Easements;</u> • <u>Opportunities for enhancement of ecological and natural values;</u> • <u>Provision for internal walkways, cycle ways and pedestrian linkages;</u> • <u>The nature, scale and adequacy of environmental protection measures associated with earthworks.</u> 	C

Comment [RC125]: Submission points 456.30, 632.63, 696.20 and FS1097.638

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	Zone Specific Standards	Activity status
27.7.2	<p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the principal roading layout depicted in the Kirimoko Structure plan shown in part 27.14, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> • Any earthworks required to create any road, vehicle accesses, of building platforms or modify the natural landform; • The design of the subdivision including lot configuration and roading patterns and design (including footpaths and walkways); • Creation and planting of road reserves; • The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13; <p>The protection of native species as identified on the structure plan as green network.</p>	C
27.7.3	<p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Ferry Hill Concept Development Plan shown in part 22.7.2, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> • The subdivision design has had regard to m Minimising the number of accesses to roads; • The location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access; • The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 (as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone); • The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road. 	C

Comment [RC126]: Submission 656.2

Comment [RC127]: Submission 656.2

Comment [RC128]: Relocated from Notified Rule 27.7.3.1 (page 27-16)

Comment [RC129]: Submission 383.50

Comment [RC130]: Relocated from Notified Policy 27.7.6.1 (page 16)

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	Zone Specific Standards	Activity status
27.7.4	<p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Jacks Point Zone Structure Plan identified in 41.7, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> • The provision of public access routes, primary, secondary and key road connections. • Within the R(HD) Activity Areas, the extent to which the structure plan provides for the following matters: <ol style="list-style-type: none"> i. The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area. ii. Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu. iii. Road and street designs. iv. The location and suitability of proposed open spaces. v. Management responses to remove wilding trees. • Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6. • Within the R(HD) Activity Area, the creation of sites sized between 380m² and 550m², without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over: <ol style="list-style-type: none"> i. Building setbacks from boundaries. ii. Location and heights of garages and other accessory buildings. iii. Height limitations for parts of buildings, including recession plane requirements. iv. Window locations. v. Building coverage. vi. Roadside fence heights. • Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including 	C

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	Zone Specific Standards	Activity status
	<p>native vegetation.</p> <ul style="list-style-type: none"> • Within the R(HD) A - E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees). • In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m² in area: <ul style="list-style-type: none"> b The extent to which such sites are configured: <ul style="list-style-type: none"> i. with good street frontage. ii. to enable sunlight to existing and future residential units. iii. To achieve an appropriate level of privacy between homes. c The extent to which parking, access and landscaping are configured in a manner which: <ul style="list-style-type: none"> i. minimises the dominance of driveways at the street edge. ii. provides for efficient use of the land. iii. maximises pedestrian and vehicular safety. iv. addresses nuisance effects such as from vehicle lights. d The extent to which subdivision design satisfies: <ul style="list-style-type: none"> i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership. ii. Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping. 	
27.7.5	Peninsula Bay	
27.7.5.1	Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is consistent with an Outline Development Master Plan that has been lodged with	C

Comment [RC131]: Relocated from Notified Rule 27.7.14.2 (page 20)

Comment [RC132]: Consequential amendment as a consequence of Location Specific Rules under Redrafted Rule 27.7.1

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	Zone Specific Standards	Activity status
	and approved by the Council.	
27.7.6	Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is inconsistent with an Outline Development Master Plan that has been lodged with and approved by the Council.	N
27.7.7	Kirimoko	
27.7.7.1	<ul style="list-style-type: none"> i. Any subdivision that does not comply with the principal roading layout and reserve network depicted in the Kirimoko Structure Plan shown in Part 27.4315 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties). ii. Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title. iii. Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural General. 	N
27.7.8	Bob's Cove Rural Residential sub-zone	
27.7.8.1	<p>Activities that do not meet the following standards:</p> <ul style="list-style-type: none"> i. Boundary Planting – Rural Residential sub-zone at Bobs Cove: <ul style="list-style-type: none"> a. Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and b. Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected. ii. Development Areas and Undomesticated Areas within 	N

Comment [RC133]: Relocated from Notified Rule 27.8.2.1 (page 24)

Comment [RC134]: Relocated from Notified Rule 27.8.3.1 to 27.8.3.3 (page 24)

Comment [RC135]: Relocated from Notified Rule 27.8.5.1 and 27.8.5.2 (page 24/25)

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Zone Specific Standards	Activity status
<p style="text-align: center;">the Rural Residential sub-zone at Bob's Cove:</p> <ul style="list-style-type: none"> a Within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council. b At least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council. c The remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council. d The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and e This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots. f Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council. 	
27.7.9 Ferry Hill Rural Residential sub-zone	

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	Zone Specific Standards	Activity status
27.7.9.1	Any subdivision of the Ferry Hill Rural Residential sub-zone that is inconsistent with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.	N
27.7.9.2	<p>Activities that do not meet the following standards:</p> <ul style="list-style-type: none"> i. Retention of Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone which shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan. ii. Any application for subdivision consent shall: <ul style="list-style-type: none"> a Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above; b Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.6.9.2(i) 27.7.9.2(i) above; c Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure: <ul style="list-style-type: none"> i. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and ii. That residential development is subject to screening along Tucker Beach Road, iii. Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses. iv. Plantings elsewhere may include maple as well as indigenous species. v. The on-going maintenance of plantings established in 	N

Comment [RC136]: Relocated from Notified Rule 27.8.6.1 to 27.8.6.8 (page 25/26)

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	Zone Specific Standards	Activity status
	<p>terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vi. Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vii. Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.</p>	
27.7.10	Ladies Mile	
27.7.10.1	<p>i. Subdivision of land situated south of State Highway 6 (“Ladies Mile”) and southwest of Lake Hayes that is zoned Low Density Residential or Rural Residential as shown on the Planning Maps and that does not meet the following standards:</p> <p style="margin-left: 20px;">a. The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.</p> <p style="margin-left: 20px;">b. No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.</p>	N

Comment [RC137]: Relocated from Notified Rule 27.8.7.1 (page 26)

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	Zone Specific Standards	Activity status
27.7.11	Jacks Point	
27.7.11.1	<p>Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <ul style="list-style-type: none"> a. A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable; b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey; c. Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable; d. Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process. 	D
27.7.11.2	<p>Subdivision failing to comply with standards for the Jacks Point Zone Conservation Lots.</p> <ul style="list-style-type: none"> i. Within the Farm Preserve 1 (FP-1) Activity Area, any subdivision shall: <ul style="list-style-type: none"> a. Provide for the creation and management of open space, which may include native re-vegetation, within the “open space” areas shown on the Structure Plan, through the following: <ul style="list-style-type: none"> (i) The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or (ii) Held within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site from any future building development. <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> i. The visibility of future development from State Highway 	RD

Comment [RC138]: Submission 762.7

Comment [RC139]: Submission 762.7

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	Zone Specific Standards	Activity status
	6 and Lake Wakatipu. ii. Traffic, access. iii. Maintenance or enhancement of nature conservation values. iv. Creation of open space and infrastructure.	
27.7.12	<u>Any subdivision of the Millbrook Resort Zone that is inconsistent with the Mill Brook Resort Zone Structure Plan specified in part 43.7.</u>	D

Comment [RC140]: Relocated from Notified Rule 27.8.9.1 and 27.8.9.2 (page 27)

Comment [RC141]: New Redrafted rule added as there does not appear to be any rule governing non-compliance with Millbrook Resort Zone structure plan.

27.7.12.1 In the following zones, every allotment created for the purposes of containing residential activity shall identify one building platform of not less than 70m² in area and not greater than 1000m² in area.

- a Rural Zone.
- b Gibbston Character Zone.
- c Rural Lifestyle Zone.

Comment [RC142]: Relocated from Notified Rule 27.5.1.1 (page 12)

27.7.12.2 The dimensions of sites in the following zones, other than for access, utilities, reserves or roads, shall be able to accommodate a square of the following dimensions:

Comment [RC143]: Relocated from Notified Rule 27.5.1.2 (page 13)

Zone		Minimum Dimension (m = metres)
Residential	Medium Density	12m x 12m
	Large Lot Urban	30m x 30m
	Township and All others	15m x 15m
Rural Residential	Rural Residential (inclusive of sub-zones)	30m x 30m

27.7.12.3 Lots created for access, utilities, roads and reserves shall have no minimum size.

Comment [RC144]: Relocated from Notified Rule 27.5.1.3 (page 13)

27.5.1.4 ~~The subdivision of land containing a heritage or any other protected item and scheduled in the District Plan shall be a Discretionary activity.~~

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~~27.5.1.5 The subdivision of land identified on the planning maps as a Heritage Landscape.~~

~~27.5.1.6 The subdivision of a site containing a known archaeological site, whether identified and scheduled in the District Plan or not, shall be a discretionary activity.~~

~~27.5.1.7 Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan shall be a Discretionary activity.~~

27.7.13 Subdivision associated with infill development

a The specified minimum allotment size in Rule 27.5.6.1, and minimum dimensions in Rule ~~27.5.1.2~~ 27.7.12.2 shall not apply in the High Density Residential Zone, Medium Density Residential Zone and Low Density Residential Zone where each allotment to be created, and the original allotment, all contain at least one established residential unit (established meaning a Building Code of Compliance Certificate has been issued or alternatively where a Building Code of Compliance Certificate has not been issued, construction shall be completed to not less than the installation of the roof).

Comment [RC145]: Transferred into Redrafted Rule Table 27.5.

Comment [RC146]: Relocated from Notified Rule 27.5.2 (page 13)

Comment [RC147]: Submission 370.7, 453.4, 453.5, 166.11, 169.9, 389.1, and 389.1

27.7.14 Subdivision associated with residential development on sites less than 450m² in the Low Density Residential Zone

27.7.14.1 In the Low Density Residential Zone, the specified minimum allotment size in Rule 27.5.6.1 shall not apply in cases where the residential units are not established, providing;

- a A certificate of compliance is issued for a residential unit(s) or,
- b A resource consent has been granted for a residential unit(s).

In addition to any other relevant matters, prior to certification under S224(c), pursuant to s221 of the Act, the consent holder shall register on the certificate of title of the applicable allotments:

- c That the construction of any residential unit shall be undertaken in accordance with the applicable certificate of compliance or resource consent (applies to the additional undeveloped lot to be created).
- d The maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created).
- e There shall be not more than one residential unit per lot (applies to all lots).

Comment [RC148]: Relocated from Notified Rule 27.5.3 (page 13)

27.7.14.2 Rule 27.7.14.1 shall not apply to the Low Density Residential Zone within the Queenstown Airport Air Noise Boundary and Outer Control Boundary.

Comment [RC149]: Relocated from Notified Rule 27.5.3.1 (page 14)

Comment [RC150]: Submission 433.97 and 433.98

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27.7.15 Standards related to servicing and infrastructure

Comment [RC151]: Relocated from Notified Rule 27.5.4 (page 14)

Water

27.7.15.1 All lots, other than lots for access, roads, utilities and reserves except where irrigation is required, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:

To a Council or community owned and operated reticulated water supply:

a All Residential, Industrial, Business, Town Centre Corner Shopping Centre, and Airport Mixed Use Zone.

~~b Township Zones at Lake Hawea, Albert Town, Luggate, Glenorchy and Kingston.~~

Comment [RC152]: Outside of scope of Stage 1 Zones, therefore recommended for deletion by section 42a officer

b Rural-Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes.

c Resort Zone, Millbrook and Waterfall Park.

Comment [RC153]: Relocated from Notified Rule 27.5.4.1 (page 14)

27.7.15.2 Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.

Comment [RC154]: Relocated from Notified Rule 27.5.4.2 (page 14)

27.7.15.3 Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.

Comment [RC155]: Relocated from Notified Rule 27.5.4.3 (page 14)

27.7.15.4 Telecommunication reticulation to all allotments in new subdivisions (other than lots for access, roads, utilities and reserves).

Comment [RC156]: Submission 179.13, 191.11, 781.12.

27.8 Rules - Exemptions

27.8.1 The following activities are permitted and shall not require resource consent.

27.8.1.1 ~~An adjustment to existing cross-lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the conversion from cross-lease to unit title, the addition of an accessory building, or the relocation of accessory buildings providing the activity complies with all other provisions of the District Plan or has obtained resource consent.~~

Comment [RC157]: Transferred into Redrafted Rule Table 27.5 (Rule 27.5.2)

27.8.1.2 The following activities shall not be considered for the provision of Esplanade reserves or strips:

a Activities that qualify as exempt under rules (27.8.1 6-1.4) above.

Comment [RC158]: Consequential amendment

b Where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve, then section 230 of the Act shall not apply.

Comment [RC159]: Relocated from Notified Rule 27.6.1.2 (page 15)

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~~27.7 Location-specific objectives and policies and provisions methods~~

~~In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.~~

Comment [RC160]: Relocated to renumbered 27.3 – Location specific objectives and policies

~~27.7.1 Objective – Peninsula Bay, Ensure effective public access is provided throughout the Peninsula Bay land.~~

~~Policies~~

~~27.7.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.~~

~~27.7.1.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.~~

~~27.7.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.~~

~~In addition to the above, refer: Open Space Zone Objective 2, Part 20 of the Operative District Plan.~~

Comment [RC161]: Relocated to Renumbered Objective 27.3.1 and Policies 27.3.1.1 to 27.3.1.3

Comment [RC162]: Validity issues with referring to the Operative District Plan in the PDP

~~27.7.2 Objective – Kirimoko, Wanaka – To create a liveable urban environment that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.~~

~~Policies~~

~~27.7.2.1 Protect the landscape quality and visual amenity of the Kirimoko Block and preserve sightlines to local natural landforms.~~

~~27.7.2.2 Protect the natural topography of the Kirimoko Block and incorporate existing environmental features into the design of the site.~~

~~27.7.2.3 Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies (all zoned Low Density Residential) and that visually sensitive areas such as the spurs are left undeveloped (building line restriction area).~~

~~27.7.2.4 Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.~~

~~27.7.2.5 Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.~~

~~27.7.2.6 Provide for road and walkway linkages to neighbouring developments.~~

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~~27.7.2.7~~ Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.

~~27.7.2.8~~ Minimise Avoid disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.

~~27.7.2.9~~ Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.

~~27.7.2.10~~ Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.

~~27.7.3~~ Kirimoko Structure Plan - Matters of Discretion for Restricted Discretionary Activities

~~27.7.3.1~~ In order to achieve Objective 27.7.2 and policies 27.7.2.1 to 27.7.2.10, when assessing any subdivision in accordance with the principal roading layout depicted in the Kirimoko Structure plan shown in part 27.13, in accordance with rule 27.8.2, particular regard shall be had to the following:

- ~~i.~~ Any earthworks required to create any vehicle accesses of building platforms;
- ~~ii.~~ The design of the subdivision including lot configuration and roading patterns;
- ~~iii.~~ Creation and planting of road reserves;
- ~~iv.~~ The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;
- ~~v.~~ The protection of native species as identified on the structure plan as green network;

~~27.7.4~~ Objective – Large Lot Residential Zone between Studholme Road and Meadowstone Drive – Ensure protection of landscape and amenity values in recognition of the zone’s low density character and transition with rural areas be recognised and protected.

Policies

~~27.7.4.1~~ Have regard to the impact of development on landscape values of the neighbouring rural areas and features of these areas, with regard to minimising the prominence of housing on ridgelines overlooking the Wanaka township.

~~27.7.4.2~~ Subdivision and development within land identified as ‘Urban Landscape Protection’ by the ‘Wanaka Structure Plan 2007’ shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines.

Comment [RC163]: Relocated to Renumbered Objective 27.3.2 and Policies 27.3.2.1 to 27.3.2.10 (redrafted page 10).

Comment [RC164]: Transferred into Zone Specific Rule Table 27.7 as matters of control under redrafted Rule 27.7.2 (redrafted page 27).

Comment [RC165]: Relocated to Renumbered Objective 27.3.3 and Policies 27.3.3.1 to 27.3.3.12 (redrafted page 11).

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~~27.7.5 Objective – Bob’s Cove Rural Residential Zone (excluding sub-zone) – Recognise the special character of the Bob’s Cove Rural Residential Zone is recognised and provided for.~~

Policies

~~27.7.5.1 Have regard to the need to provide for street lighting in the proposed subdivision. If street lighting is required in the proposed subdivision to satisfy the Council’s standards, then in order to maintain the rural character of the zone, the street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on the night sky.~~

Comment [RC166]: Relocated to Renumbered Objective 27.3.4 and Policy 27.3.4.1 (redrafted page 11).

~~27.7.6 Objective - Ferry Hill Rural Residential Sub Zone – Maintain and enhance visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub Zone.~~

Comment [RC167]: Relocated to Renumbered Objective 27.3.5 (redrafted page 11).

Policies

~~27.7.6.1 At the time of considering a subdivision application, the following matters shall be had particular regard to:~~

- ~~vi. The subdivision design has had regard to minimising the number of accesses to roads;~~
- ~~vii. the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;~~
- ~~viii. The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone;~~
- ~~ix. The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.~~

Comment [RC168]: Transferred into Zone Specific Rule Table as matters of control under Redrafted Rule 27.7 (Rule 27.7.3)

~~27.7.7 Objective - Makarora Rural Lifestyle Zone – The avoidance or mitigation of the effects of natural hazards and the maintenance and enhancement of landscape character, visual amenity and nature conservation values are maintained or enhanced.~~

Policies

Natural Hazards

~~27.7.7.1 Particular regard shall be had to the avoidance or mitigation of natural hazards identified on the Council’s hazard register associated with the location of a building platform and future anticipated land uses within the building platform.~~

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~~27.7.7.2~~ The Council shall be satisfied as to whether consultation has been undertaken with the Otago Regional Council with regard to any matters associated with defences against water, and in particular taken the opportunity to reconcile any potential issues associated with flood defence works encouraged by the Otago Regional Council, and the District Plan's objectives, policies and servicing standards for subdivision in the Makarora Rural Lifestyle Zone.

~~Landscape Values, Rural Character~~

~~27.7.7.3~~ In recognition of the landscape values within the Makarora Rural Lifestyle Zone, regard shall be had to the potential merits with the concentration or clustering of built form to areas with high potential to absorb development while retaining areas that are more sensitive in their natural state.

~~27.7.7.4~~ In considering the appropriateness of the form and density of development, including the identification of building platforms in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:

- ~~i.~~ The extent to which the location and size of proposed building platforms either detracts from or has the potential to enhance landscape values and rural character;
- ~~ii.~~ whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly held open space (i.e. open space held in one title whether jointly or otherwise);
- ~~iii.~~ whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas that are more sensitive in their natural state.

~~27.7.8~~ **Objective - Wyuna Station Rural Lifestyle Zone - To provide for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.**

Comment [RC169]: Relocated to Renumbered Objective 27.3.6 and Policies 27.3.6.1 to 27.3.6.4 (redrafted page 11 and 12).

Policies

~~27.7.8.1~~ Prohibit or defer development of the zone until such a time that:

- ~~i.~~ the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and proposed zone. This may include the provision of land within the zone for such purpose; or
- ~~ii.~~ the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or
- ~~iii.~~ the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next

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three years then all lots within the zone shall be required to connect to that reticulated scheme.

Comment [RC170]: Relocated to Renumbered Objective 27.3.7 and Policy 27.3.7.1 (redrafted page 12).

~~27.7.9 Objective - Wyuna Station Rural Lifestyle Zone - Subject to Objective 27.7.7, to enable rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.~~

Policies

~~27.7.9.1 The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from Glenorchy Township, Oban Street or the Glenorchy-Paradise Road. Measures to achieve this include:~~

- ~~i. Prohibiting development over the sensitive areas of the zone via building restriction areas;~~
- ~~ii. Appropriately locating buildings within the zone, including restrictions on future building bulk;~~
- ~~iii. Using excavation of the eastern part of the terrace to form appropriate building platforms;~~
- ~~iv. Using naturalistic mounding of the western part of the terrace to assist visual screening of development;~~
- ~~v. Using native vegetation to assist visual screening of development;~~
- ~~vi. The maximum height of buildings shall be 4.5m above ground level prior to any subdivision development.~~

~~27.7.9.2 Maintain and enhance the indigenous vegetation and ecosystems within the building restriction areas of the zone and to suitably and comprehensively maintain these areas into the future. As a minimum, this shall include:~~

- ~~i. Methods to remove or kill existing wilding exotic trees and weed species from the lower banks of the zone area and to conduct this eradication annually;~~
- ~~ii. Methods to exclude and/or suitably manage pests within the zone in order to foster growth of indigenous vegetation within the zone, on an ongoing basis;~~
- ~~iii. A programme or list of maintenance work to be carried out on a year to year basis in order to bring about the goals set out above.~~

Comment [RC171]: Relocated to Renumbered Objective 27.3.8 and Policies 27.3.8.1 to 27.3.8.2 (redrafted page 12 and 13).

~~27.7.10 Objective - Industrial B Zone~~

Policies

- ~~i. Reserved for Stage 2 of the District Plan Review.~~

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~~27.7.11 Objective – Industrial B Zone~~

~~Policies~~

- ~~i. Reserved for Stage 2 of the District Plan Review.~~

~~27.7.12 Objective – Industrial B Zone~~

~~Policies~~

- ~~i. Reserved for Stage 2 of the District Plan Review.~~

~~27.7.13 Objective – Industrial B Zone~~

~~Policies~~

- ~~i. Reserved for Stage 2 of the District Plan Review.~~

27.7.14 Objective – Jacks Point Zone – Subdivision shall have regard to identified location specific opportunities and constraints.

Policies

~~27.7.14.1 Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.~~

~~27.7.14.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.6.1 and as they relate to the Jacks Point Structure Plan located within Chapter 41.~~

- ~~i. Consistency with the Jacks Point Zone Structure Plan identified in 41.7, including the provision of public access routes, primary, secondary and key road connections.~~
- ~~ii. Lot sizes, averages and dimensions.~~
- ~~iii. Subdivision design.~~
- ~~iv. Property access.~~
- ~~v. Esplanade provision.~~
- ~~vi. Natural hazards.~~
- ~~vii. Fire fighting water supply.~~
- ~~viii. Water supply.~~
- ~~ix. Stormwater disposal.~~
- ~~x. Sewage treatment and disposal.~~
- ~~xi. Energy supply and telecommunications.~~
- ~~xii. Open space and recreation.~~
- ~~xiii. Easements.~~

Comment [RC172]: Relocated to Renumbered Objective 27.3.13 and Policy 27.3.13.1 (redrafted page 14).

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xiv. ~~The nature, scale and adequacy of environmental protection measures associated with earthworks.~~

27.7.14.3 ~~In addition to above (provision 27.7.14.1) within the R(HD) Activity Areas, have particular regard to the following matters:~~

- ~~i. The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.~~
- ~~ii. Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.~~
- ~~iii. Road and street designs.~~
- ~~iv. The location and suitability of proposed open spaces.~~
- ~~v. Commitments to remove wilding trees.~~

27.7.14.4 ~~Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.~~

27.7.14.5 ~~Within the R(HD) Activity Area, the creation of sites sized between 380m² and 550m², without limiting any other matters of discretion that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:~~

- ~~i. Building setbacks from boundaries.~~
- ~~ii. Location and heights of garages and other accessory buildings.~~
- ~~iii. Height limitations for parts of buildings, including recession plane requirements.~~
- ~~iv. Window locations.~~
- ~~v. Building coverage.~~
- ~~vi. Roadside fence heights.~~

27.7.14.6 ~~Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.~~

27.7.14.7 ~~Within the R(HD) A – E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).~~

27.7.14.8 ~~In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m² in area:~~

- ~~a. The extent to which such sites are configured:
 - ~~i. with good street frontage.~~
 - ~~ii. to enable sunlight to existing and future residential units.~~~~

Comment [RC173]: Transferred into Rule Table under Rule 27.7 and specifically redrafted Rule 27.7.1 and 27.7.4.

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- iii. ~~To achieve an appropriate level of privacy between homes.~~
- b ~~The extent to which parking, access and landscaping are configured in a manner which:~~
 - i. ~~minimises the dominance of driveways at the street edge.~~
 - ii. ~~provides for efficient use of the land.~~
 - iii. ~~maximises pedestrian and vehicular safety.~~
 - iv. ~~addresses nuisance effects such as from vehicle lights.~~
- e ~~The extent to which subdivision design satisfies:~~
 - i. ~~public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.~~
 - ii. ~~Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.~~

~~**27.7.17 Objective – Waterfall Park – Subdivision shall provide for a range of visitor, residential and recreational facilities, sympathetic to the natural setting have regard to identified location specific opportunities and constraints.**~~

Comment [RC174]: Transferred into Rule Table under Rule 27.7 and specifically redrafted Rule 27.7.4.

Policies

~~27.7.17.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Chapter 42.~~

Comment [RC175]: Relocated to Renumbered Objective 27.3.14 and Policy 27.3.14.1 (redrafted page 14).

~~**27.7.18 Waterfall Park Structure Plan – Matters of for Restricted Discretionary Activities**~~

Comment [RC176]: Transferred into Rule Table 27.6.1

~~27.7.18.1 The District Wide objectives and policies in Part 27.2, with discretion restricted to:~~

- i. ~~Allotment sizes and configuration.~~
- ii. ~~Property access.~~
- iii. ~~Landscaping and vegetation.~~
- iv. ~~Heritage.~~
- v. ~~Infrastructure and servicing (including stormwater design).~~
- vi. ~~Natural and other hazards.~~
- vii. ~~Open space or reserves.~~
- viii. ~~Earthworks.~~
- ix. ~~Easements.~~

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- x. Opportunities for enhancement of ecological and natural values.
- xi. Provision for internal walkways, cycle ways and pedestrian linkages.

Comment [RC177]: Transferred into Redrafted Rule Table 27.6.1

~~27.7.19 Objective – Millbrook – Subdivision shall provide for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.~~

Policies

~~27.7.19.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Chapter 43.~~

Comment [RC178]: Relocated to Renumbered Objective 27.3.15 and Policy 27.3.15.1 (redrafted page 14).

~~27.7.20 Millbrook Structure Plan – Matters of Discretion for Restricted Discretionary Activities~~

~~27.7.20.1 The District Wide objectives and policies in Part 27.2, with discretion restricted to:~~

- i. Allotment sizes and configuration.
- ii. Property access.
- iii. Landscaping and vegetation.
- iv. Heritage.
- v. Infrastructure and servicing (including stormwater design).
- vi. Natural and other hazards.
- vii. Open space or reserves.
- viii. Earthworks.
- ix. Easements.

Comment [RC179]: Transferred into Redrafted Rule Table 27.7.1

27.8 Rules – Location Specific Standards

~~27.8.1 The following standards relate to anticipated subdivision in specified locations. Activities that do not meet these standards shall be a non-complying activity, unless otherwise specified.~~

Comment [RC180]: Transferred into Redrafted Rule Table 27.7

27.8.2 Peninsula Bay

~~27.8.2.1 No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council.~~

Comment [RC181]: Transferred into Redrafted Rule Table 27.7

27.8.3 Kirimoko

~~27.8.3.1 Any subdivision shall comply with the principal roading layout and reserve network depicted in the Kirimoko Structure Plan shown in Part 27.13 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties).~~

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27.8.3.2 Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title.

27.8.3.3 Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural General.

Comment [RC182]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.2)

27.8.4 Industrial B Zone

- i. Reserved for Stage 2 of the District Plan Review.

27.8.5 ~~Bob's Cove Rural Residential sub-zone~~

27.8.5.1 ~~Boundary Planting—Rural Residential sub-zone at Bobs Cove:~~

~~c. Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and~~

~~d. Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected.~~

27.8.5.2 ~~Development Areas and Undomesticated Areas within the Rural Residential sub-zone at Bob's Cove:~~

~~a. Within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council.~~

~~b. At least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.~~

~~c. The remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council.~~

~~d. The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and~~

~~e. This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the~~

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~~Subdivision Plan and given effect to by consent notice registered against the title of the lots.~~

- ~~f Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.~~

Comment [RC183]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.8)

~~27.8.6 Ferry Hill Rural Residential sub-zone~~

~~27.8.6.1 Notwithstanding any other rules, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.~~

~~27.8.6.2 Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.~~

~~27.8.6.3 Any application for subdivision consent shall:~~

- ~~a Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above;~~
- ~~b Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.8.6.2 above;~~
- ~~c Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:
 - ~~i. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and~~
 - ~~ii. That residential development is subject to screening along Tucker Beach Road,~~~~

~~27.8.6.4 Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.~~

~~27.8.6.5 Plantings elsewhere may include maple as well as indigenous species.~~

~~27.8.6.6 The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~

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~~27.8.6.7~~ Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.

~~27.8.6.8~~ Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.

Comment [RC184]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.9)

~~27.8.7~~ Ladies Mile

~~27.8.7.1~~ This Rule shall only apply to subdivision of land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes that is zoned Low Density Residential or Rural Residential as shown on the Planning Maps.

~~a~~ The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.

~~b~~ No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.

Comment [RC185]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.10)

27.8.8 Riverside Stage 6 - Albert Town

- i. Reserved for Stage 2 of the District Plan Review.

~~27.8.9~~ Jacks Point

~~27.8.9.1~~ Jacks Point Structure Plan Subdivision failing to comply with this rule shall be a discretionary activity.

In the Jacks Point Zone, subdivision shall be in general accordance with the Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:

~~a~~ A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;

~~b~~ Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;

~~c~~ Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to

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~~roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;~~

~~d. Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process.~~

~~27.8.9.2 Jacks Point Zone Conservation Lots - Subdivision failing to comply with rule shall be a restricted discretionary activity.~~

~~Within the Farm Preserve 1 (FP-1) Activity Area, any subdivision shall:~~

~~a. Provide for the creation and management of open space, which may include native re-vegetation, within the "open space" areas shown on the Structure Plan, through the following:~~

~~(i) The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or~~

~~(ii) Held within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site from any future building development.~~

~~Discretion is restricted to all of the following:~~

~~i. The visibility of future development from State Highway 6 and Lake Wakatipu.~~

~~ii. Traffic, access.~~

~~iii. Maintenance or enhancement of nature conservation values.~~

~~iv. Creation of open space and infrastructure.~~

Comment [RC186]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.11)

27.9 Rules - Non-notification of Applications

27.9.1 Except where as specified in Rule 27.9.11.2, applications for resource consent for the following activities shall not require the written consent of other persons and shall not be notified or limited-notified;

a. Controlled Activity Boundary adjustments.

b. All controlled and restricted discretionary and discretionary activities, except within the Rural Zone.

Comment [RC187]: Consequential amendments to the rules as a consequence of the changes to the default discretionary activity rule.

27.9.2 Rule 27.9.11.1 does not apply to the following. The provisions of the RMA Act apply in determining whether an application needs to be processed on a notified basis.

Where the application site or activity:

a. Adjoins or has access onto a State highway;

b. Contains an archaeological site or any item listed under the Heritage New Zealand Pouhere Taonga Act 2014;

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- c. Requires the Council to undertake statutory consultation with iwi;
- d. Is in the Makarora Rural Lifestyle Zone and within an area subject to any natural hazards including erosion, flooding and inundation, landslip, rockfall, alluvion, avulsion or subsidence.
- e. Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified basis the written approval as an affected party is required from Transpower New Zealand Limited;
- f. Discretionary activities within the Jacks Point Zone.

27.10 Rules - General provisions

27.10.1 State Highways

27.10.1.1 Attention is drawn to the need to obtain a Section 93 notice consent from the Minister of Transport NZ Transport Agency for all subdivisions with access onto state highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of state highways that are LAR. Where a subdivision will change the use, intensity or location of the access onto the state highway, subdividers should consult with the New Zealand Transport Agency.

Comment [RC188]: Submission 719.144

27.10.2 Esplanades

27.10.2.1 The opportunities for the creation of esplanades are outlined in objective and policies 27.2.7 5. Unless otherwise stated, section 230 of the RMA applies to the standards and process for esplanades.

Comment [RC189]: Submission 809.24

27.11 Natural Hazards

The Natural Hazards Chapter of the District Plan sets a policy framework to address land uses and natural hazards throughout the District. All subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the Act RMA. In addition, in some locations natural hazards have been identified and specific provisions apply.

Comment [RC190]: Submission 806.193

27.12 Development and Financial Contributions

The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development through development contributions. The Council forms a development contribution policy as part of its 10 Year Plan and actively imposes development contributions via this process.

Comment [RC191]: Submission 453.9

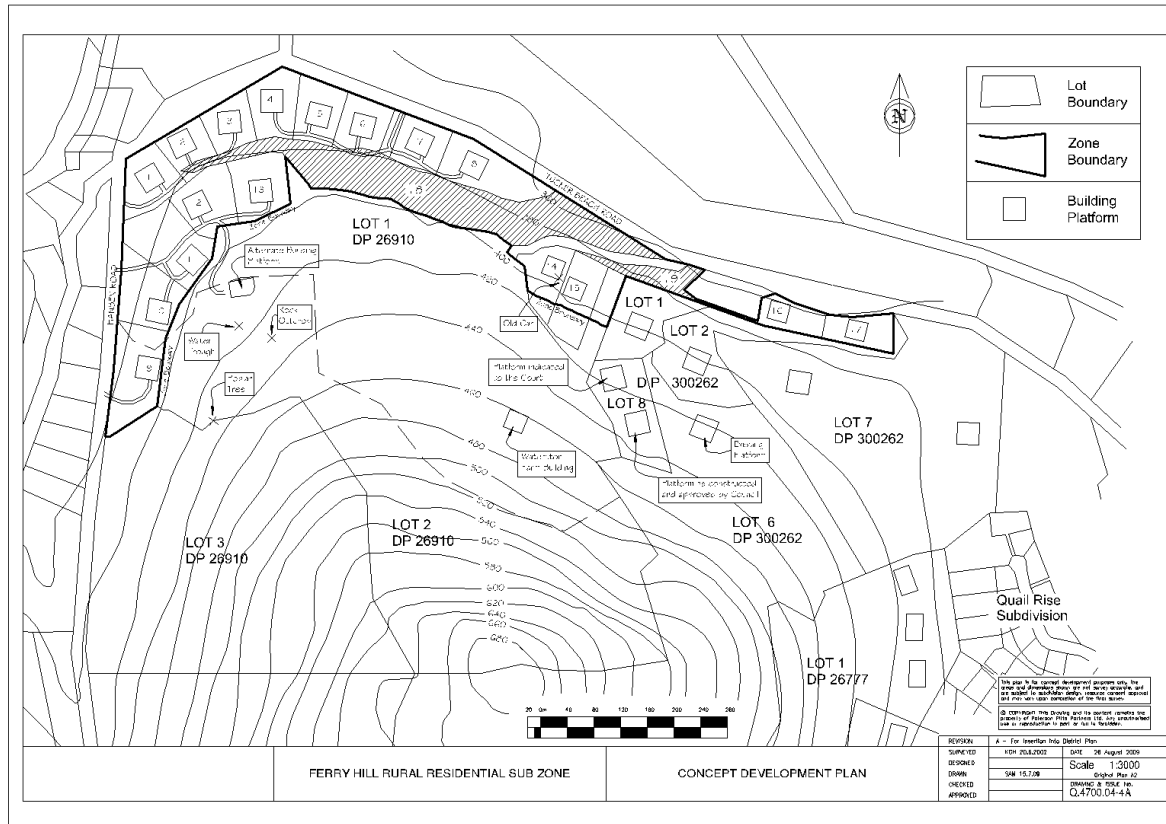
The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

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27.13 Structure Plans and Spatial Layout Plans

27.13.1 Ferry Hill Rural Residential Subzone



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27.13.2 Kirimoko Structure Plan

