

14 November 2018

District Plan Review, Hearings Co-ordinator  
Queenstown Lakes District Council  
10 Gorge Road  
**QUEENSTOWN 9300**

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**ADJOURNED HEARING: 09 - RESORT ZONES - CHAPTER 41 – UPDATE  
IN RESPECT OF RESOLUTION OF JACKS POINT PLAN CHANGE 44**

**Introduction**

1. I act for the Schrantzes, who are submitters in respect of the Chapter 41 of the Plan Review process.
2. I understand that the hearing is adjourned (as stated on the Council's current webpage). Decisions on the various stage 1 matters are not expected (again, as stated on the Council's website) until the "1<sup>st</sup> quarter of 2018". The purpose of this letter is to bring to the Panel's attention the relevant outcomes of the resolution of appeals in respect of Plan Change 44.

**Fresh and relevant information that should be received**

3. Although the hearing has been adjourned, this is a case where the information is fresh (ie not available to the Panel at the time of its hearing, as it did not exist), and material (given the same subject and area matter involved). The key fact is that the Panel is being asked to review the operative plan provisions (now finally adopted), and it is in the interests of justice to allow it to be received by the Panel.
4. The amendments ordered by the Court include provisions that in substitution of a rule that had been proposed equivalent to General Rule 41.3.2.6 sought by the Council's planner in reply. Proposed General Rule 41.3.2.6 stated:

The existence of a farm building either permitted or approved by resource consent under rules 41.2.5.21 shall not be considered the permitted baseline for residential or other nonfarming activity development within the Rural Zone.

5. Instead of a directly equivalent rule, the parties agreed and the Court approved:
  - (a) New site standard 12.2.5.1.ii (e)

In the Hanley Downs part of the zone within the Peninsula Hill Landscape Protection Area and the O/S part of the Tablelands, where resource consent has been obtained for a farm building (whether or

not it has been implemented), there shall be no further application for a change in activity that does not comply with the Structure Plan, or for any additional non-farm building.

(b) New assessment matter 12.5.2.ii (g):

In the Hanley Downs part of the zone within the Peninsula Hill Landscape Protection Area and the O/S part of the Tablelands, where consent is sought for a change in activity, or for additional non-farm buildings, and a farm building has already been consented:

- (i) where resource consent for a farm building has been obtained but that consent has not been implemented, when considering the environment as might be modified by the unimplemented consent, the unimplemented consent shall not be used as justification for the activity sought, except for the purpose of considering any cumulative adverse effects; and
- (ii) where resource consent for a farm building has been obtained and that consent has been implemented, the existence of that farm building shall not be used as justification for the activity sought and particular regard shall be had to the cumulative effects of allowing that activity.

- 6. The information can be received and considered by the Panel on its face, without the need for additional evidence or commentary as to the meaning or weight to be given to the final PC44 provisions. It is not therefore considered necessary for the hearing to be re-opened from its adjourned state or for further submissions and evidence to be sought from any of the parties in respect of the updated information.
- 7. The Panel will have heard evidence in the course of the hearing about the relevance of PC44 (or otherwise), and that does not need to be repeated.

**Attachments**

- 8. To assist the Panel, the following documents are **attached** for tabling:
  - (a) The “final” consent memorandum filed with the Court. This provides the background to the matters that were outstanding at the time.
  - (b) The consent orders made by the Court, including the amendments directed to be made to the Plan.
- 9. The Council’s online version of the Operative Plan now includes these changes and can be accessed at: <http://www.qldc.govt.nz/planning/district-plan/volume-1-district-plan/section-12-special-zones-resort-zones-milbrook-jacks-point-and-waterfall-creek/>.

Yours faithfully  
James Gardner-Hopkins



**JGH BARRISTER**

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**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**ENV-2016-CHC-028 AND 029**

**UNDER** The Resource Management Act 1991

**IN THE MATTER** of an appeal under clause 14(1) the  
First Schedule of the Resource  
Management Act 1991

**BETWEEN** **HENLEY DOWNS LAND HOLDINGS  
LIMITED AND HENLEY DOWNS  
FARM HOLDINGS LIMITED**

**and**

**JACKS POINT RESIDENTS AND  
OWNERS ASSOCIATION**

**Appellants**

**AND** **QUEENSTOWN LAKES DISTRICT  
COUNCIL**

**Respondent**

**AND** **RCL QUEENSTOWN PTY LTD**

**Applicant**

**AND** **MARGARET WILLIAMS and  
RICHARD BRABANT  
s274 Party**

**AND** **ALEXANDER and JAYNE  
SCHRANTZ  
s274 Party**

**AND** **FONG TABLELANDS LIMITED  
s274 Party**

**AND** **JACKS POINT RESIDENTS &  
OWNERS ASSOCIATION  
INCORPORATED  
s274 Party**

**AND** **NEW ZEALAND TRANSPORT  
AGENCY  
s274 Party**

**AND** **TRUSTEES of the TRIUMPH TRUST  
s274 Party**

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**REPLACEMENT SECOND MEMORANDUM OF CONSENT**  
**24 July 2017**

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**MAY IT PLEASE THE COURT:****Introduction**

1. This is the replacement second Consent Memorandum filed in relation to the appeals against the Queenstown Lakes District Council's ("**Council**") decisions on private Plan Change 44: Hanley Downs ("**PC44**"). This replacement second Consent Memorandum replaces the second Consent Memorandum dated 21 July 2017. This replacement second Consent Memorandum amends the relief agreed in paragraph 20, and the corresponding provisions in the Consent Order, as a result of a PHC on 21 July and then a Judicial Settlement Conference on 24 July 2017.
2. The first Consent Memorandum was dated 31 March 2017. It was signed by all parties except Mr and Mrs Schrantz ("**the Schrantzes**"). The explanation and changes recorded in that Consent Memorandum stand and are not repeated or addressed in this Second Consent memorandum, except to the extent that this Memorandum makes additional changes. Subject to those additional changes and the explanation given in this memorandum, the Schrantzes adopt and accept the position recorded in the First Consent Memorandum.
3. The Schrantzes identified three matters of particular concern to them within the scope of PC44, which were particularised in the memorandum of counsel date 26 May 2017. Agreement could not be reached between the parties at that time, and the appeals were timetabled for hearing. Evidence was exchanged by the appellants,<sup>1</sup> the Council, and the Schrantzes.
4. No other s274 parties were taking an active part in the proceedings. One of the section 274 parties, the New Zealand Transport Agency, has subsequently withdrawn from the proceedings.
5. The proceedings were to be heard in Queenstown from 24-26 July 2017. However, the Schrantzes, the appellants and the Council had continued to engage in without prejudice discussions and, on 20 July 2017, reached agreement on a basis of how the Schrantzes concerns could be resolved within the boundaries of PC44. This Consent Memorandum records the agreement reached, including the amendments on two topics to the

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<sup>1</sup>Henley Downs Land Holdings Limited and Henley Downs Farm Holdings Limited ("**Henley Downs**") and Jacks Points Residents and Owners Association ("**JPROA**").

changes agreed by the parties (other than the Schrantzes) recorded in the first Consent Memorandum.

6. This memorandum has been signed by the Schrantzes, the appellants and the Council. They have satisfied themselves that the amendments sought to the Plan in the draft Consent Order:
  - (a) Are within the Court's jurisdiction.
  - (b) Conform to the requirements and objectives of the Resource Management Act 1991 including in particular Part 2.
7. The memorandum is being served on the other s274 parties at the same time as being filed with the Court. Directions are respectfully sought for the s274 parties to confirm their agreement to the amendments identified in this Consent Memorandum by Wednesday 26 July 2017, (or earlier should the Court require certainty sooner).

#### **The Schrantzes' concerns**

8. The Schrantzes originally sought retention of certain aspects of the decisions version of PC44 (being the version recommended by independent commissioners and adopted by the Council). The appellants had been seeking a return to the Operative Plan provisions, ie the status quo before PC44. Through their evidence the Schrantzes sought a 'modified' set of changes falling between the decisions version and that sought by the appellants (and agreed by the parties other than the Schrantzes) as recorded in the first Consent Memorandum.
9. The main issues became:
  - (a) Whether additional policy direction was appropriate to assist in the protection of the landscape and amenity values of the Peninsula Hill ONL(WB) from inappropriate development.
  - (b) The activity status of farm buildings on the Peninsula Hill Landscape Protection Area and Tablelands O/S activity areas.
  - (c) The status of subdivision on the Peninsula Hill Landscape Protection Area and Tablelands O/S activity areas

#### **Policy direction**

10. The decision version contained Policy 3.21, which was:
- To avoid adverse effects on the landscape and amenity values of the Peninsula Hill ONL(WB) from subdivision and development
11. Rather than relying on the district wide objectives and policies relating to ONL-WB, the Schrantzes supported a modified version of Policy 3.21 to give greater specificity and “signposting” to the landscape and amenity values of the Peninsula Hill ONL to a consent authority when considering applications for consent and informing their evaluation (within the scope of any matters reserved for discretion or control).
12. The appellants and Council were concerned that even a modified Policy 3.21 was unnecessary, had been introduced as part of a wider package, and was potentially problematic in its application.
13. The Schrantzes, the appellants and the Council are all agreed that:
- (a) the district wide objectives and policies relating to ONL-WB apply to that part of the Peninsula Hill ONL within PC 44;
  - (b) the policies that apply to the JPZ generally contain a solid basis from which to protect landscape values<sup>2</sup>; and
  - (c) where relevant, regard must be had to district wide objectives and policies relating to the ONL-WB when considering a consent application under s104(1)(b)(iv) in respect of the Peninsula Hill ONL.
14. On this basis, and given the agreement reached in respect of the other matters recorded below, the Schrantzes have agreed not to pursue the inclusion of a modified Policy 3.21.

**Status of buildings in the parts of Peninsula Hill Landscape Protection Area and the Tablelands part of the O/S activity areas within the PC 44 boundary**

15. The decisions version provided for all buildings in the Peninsula Hill Landscape Protection Area and the Tablelands part of the O/S Activity Area to be non-complying. The position under the first Consent

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<sup>2</sup> As found in *Wakatipu Environment Society Inc v Queenstown Lakes District Council* C90/2005, at [40]

Memorandum would have seen farm buildings as controlled as they are in the Operative Plan, with other activities (not meeting the structure plan site standard for the O/S Activity Area, including Residential and Visitor Accommodation activities) being non-complying.

16. While the Schrantzes welcomed the 'blanket' protection afforded by non-complying status, they recognised that appropriate provision needed to be made for farm buildings given the purpose of the O/S activity areas for pastoral and arable farming and endemic revegetation.
17. The parties are agreed, rather than non-complying status for farm buildings, that it is appropriate that they should be provided for as:
  - (a) Controlled activities in the Tablelands part of the O/S Activity Area; and
  - (b) Restricted Discretionary activities in the Peninsula Hill Landscape Protection Area part of the O/S Activity Area within the PC 44 boundary with discretion restricted to:
    - the external appearance of buildings with respect to the effects on visual amenity values and landscape values of the area and coherence with any surrounding buildings; and
    - infrastructure and servicing; and
    - associated earthworks and landscaping;
    - access;
    - location, including the effects of building location on visual amenity values and landscape values; and
    - compliance with any relevant Council approved development controls and design guidelines.
18. The above changes are given effect to in the **attached** Draft Consent order by changes to Rules 12.2.3.2.vii (c), 12.2.3.5.xi and new Rule 12.2.3.3 (d).
19. In addition, the Schrantzes had a concern, particularly if the activity status was downgraded from non-complying that consents might be obtained for farm buildings and then used as a baseline or considered part of the environment for the purpose of discounting effects of future applications (eg to convert a farm building for use as residential or visitor accommodation, or add additional buildings).

20. The appellants and the Council did not think it was likely in practice, particularly as farm buildings have been a controlled activity since the Operative District Plan provisions were made operative in 2012. Furthermore, cumulative effects and policy issues would be carefully taken into account in determining any such application for a change in use or further development. To address the Schrantzes' concern however, the appellants and the Council have agreed to the inclusion of a new site standard (12.2.5.1.ii (e)) and new assessment matter 12.5.2.ii (g). This replaces an earlier site standard that had been agreed by the parties in the original Second Consent Memorandum, to respond to the Court's concerns that the original drafting may not have been lawful. The Schrantzes, the appellants and the Council agree that the following re-formulation addresses those concerns and is lawful:

New site standard 12.2.5.1.ii (e)

*In the Hanley Downs part of the zone within the Peninsula Hill Landscape Protection Area and the O/S part of the Tablelands, where resource consent has been obtained for a farm building (whether or not it has been implemented), there shall be no further application for a change in activity that does not comply with the Structure Plan, or for any additional non-farm building.*

New assessment matter 12.5.2.ii (g)

*(g) In the Hanley Downs part of the zone within the Peninsula Hill Landscape Protection Area and the O/S part of the Tablelands, where consent is sought for a change in activity, or for additional non-farm buildings, and a farm building has already been consented:*

*(i) where resource consent for a farm building has been obtained but that consent has not been implemented, when considering the environment as might be modified by the unimplemented consent, the unimplemented consent shall not be used as justification for the activity sought, except for the purpose of considering any cumulative adverse effects; and*

*(ii) where resource consent for a farm building has been obtained and that consent has been implemented, the existence of that farm building shall not be used as justification for the activity sought and particular regard shall be had to the cumulative effects of allowing that activity.*

**Status of subdivision in the Peninsula Hill Landscape Protection and Tablelands O/S activity areas**

21. The decisions version provided for subdivision in the Peninsula Hill Landscape Protection and the Tablelands part of the O/S Activity Area as a restricted discretionary activity. The position under the first Consent Memorandum was for subdivision to be controlled as it is in the Operative Plan.
22. The Schrantzes were concerned that controlled status for subdivisions (which cannot be declined) could result in subdivided sites that cannot be

developed or for which the Council comes under significant pressure to allow development given an expectation that subdivided sites must come with some ability for development.

23. The appellants and the Council consider however that given that the regime is underpinned by the Structure Plan and associated rules relating to activities and buildings there is no expectation that development could occur simply because a site is subdivided. Any building that is not in accordance with the Structure Plan is non-complying.
24. On the basis of the emphasis on this framework, together with the position adopted in respect of activity status of farm buildings recorded above, the Schrantzes agreed that controlled activity status for subdivision is appropriate.

#### **Miscellaneous**

25. Errors in the draft Consent Order appendix A2 as lodged have also been corrected in the draft Consent Order attached, deleting all references to R(HD-SH)3, which does not exist.

#### **District Plan Review**

26. As acknowledged in the first Consent Memorandum, the Queenstown Lakes District Plan is under review. Stage 1 was publicly notified on 26 August 2015 ("**DPR Stage 1**"), which included, in Chapter 41, the land subject to PC44 as part of the Jacks Point Zone ("**JPZ**").
27. Decisions on the DPR Stage 1 are expected in the first quarter of 2018.
28. This consent memo resolves the appeals on PC 44 as it relates to the Operative District Plan and is without prejudice to the parties' ability to advance their respective positions through the DPR Stage 1 process. As part of this settlement, however, Henley Downs, JPROA and the Schrantzes have agreed to meet in good faith to address matters relating to the DPR Stage 1.

#### **Consent Order sought**

29. The Schrantzes, the appellants and the Council respectfully request:
- (a) That the Court direct the remaining s274 parties to confirm their agreement to the amendments recorded in this memorandum by

26 July 2017, or earlier if the Court directs, which modify the amendments agreed to by all the parties other than the Schrantzes in the first Consent Memorandum; and

(b) Unless a s274 party objects, that the Court endorse the agreement reached by issuing a Consent Order in terms of the attached draft Order which contains all changes from both the first and second Consent Memoranda, and the amended Structure Plan.

30. On the basis of the agreed changes, both the Henley Downs and JPROA Appeals are resolved in their entirety.

31. The parties agree that costs lie where they fall.

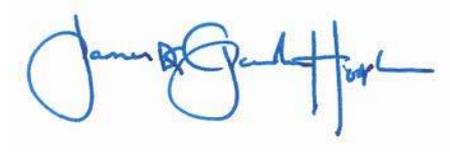
DATED 24 July 2017



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M A Baker-Galloway

Counsel for Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited and for Jacks Point Residents and Owners Association



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J D K Gardner-Hopkins

Counsel for Alexander and Jayne Schrantz



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A H Balme

Counsel for Queenstown Lakes District Council

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act  
1991 ("Act")

AND

IN THE MATTER of appeals under clause 14(1) of the  
First Schedule of the Act

BETWEEN HENLEY DOWNS FARM  
HOLDINGS LIMITED AND HENLEY  
DOWNS LAND HOLDINGS  
LIMITED

ENV-2016-CHC-000028

AND JACKS POINT RESIDENTS AND  
OWNERS ASSOCIATION

ENV-2016-CHC-000029

Appellants

AND QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

AND RCL QUEENSTOWN PTY LIMITED  
Applicant

Principal Environment Judge L.J Newhook sitting alone under s 279 of the Act  
In Chambers at Auckland

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CONSENT ORDER

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- [A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeals are resolved as set out in Appendices A1 – A4 and the Structure Plan, attached to and forming part of this Consent Order.
- [B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.

## REASONS

### Introduction

- [1] These appeals relate to the Council's decision on proposed private Plan Change 44: Henley Down Zone to the Queenstown Lakes District Plan.
- [2] The parties have now reached an agreement that will resolve the two appeals by consent.
- [3] In making this order the Court has read and considered the appeals and the two consent memoranda of the parties dated 31 March 2017 and 21 July 2017.
- [4] The following parties have given notice of an intention to become parties under s274 of the Act and have signed the memorandum setting out the relief sought.
- [i] Jacks Point Residents and Owners Association Incorporated;
- [ii] Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited;
- [iii] Margaret Joan Williams and Richard Bryan Brabant;
- [iv] Fong Tablelands Limited;



[v] Alexander Schrantz and Jayne Schrantz;

[vi] Trustees of the Triumph Trust.

[5] New Zealand Transport Agency (NZTA) also gave notice of an intention to become a party under s274 of the Act. NZTA signed the first consent memorandum dated 31 March 2017. However, on 19 June 2017 the New Zealand Transport Agency withdrew from the proceedings.

[6] No other person has given notice of an intention to become a party under s274.

[7] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

(a) All parties to the proceedings have executed the memoranda requesting this order or otherwise provided their acceptance;

(b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

#### Order

[8] Therefore the Court orders, by consent, that:

[9] The Queenstown Lakes District Council is to amend private Plan Change 44 to the operative Queenstown Lakes District Plan as set out in Appendices A1 – A4 and the Structure Plan, attached to and forming part of this Consent Order.

[10] Appeals ENV-2016-CHC-28 and ENV-2016-CHC-29 are resolved in full by this Consent Order;



[11] There is no order as to costs.

DATED at Auckland this 7<sup>th</sup> day of August 2017.



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L J Newhook  
Principal Environment Judge



# Appendix 1





# APPENDIX 1

## Amendments to Operative District Plan Provisions As Recommended

Changes are denoted by underline for additions and ~~strikethrough~~ for deletions

## 12. Special Zones

**Resort Zones – Millbrook, Jacks Point and Waterfall Park**

**Rural Visitor Zones – Cecil Peak, Walter Peak, Cardrona, Blanket Bay, Arthurs Point, Arcadia Station and Windermere**

**Penrith Park Zone**

**Bendemeer Zone**

**Remarkables Park Zone**

**Hydro Generation Zone**

**Quail Rise Zone**

**Meadow Park Zone**

**Frankton Flats Zone**

**Ballantyne Road Mixed Use Zone**

**Three Parks Zone**

**Kingston Village Zone**

### Introduction

There are areas within the district, which require special zones. These are resort zones, visitor zones, business zones, hydro generation zones and residential zones.

### 12.1 Resort Zones

#### 12.1.1 Resources and Activities

##### i Millbrook Resort and Jacks Point

The Council recognises the potential of the Millbrook Resort and Jacks Point to contribute to visitor and economic development within the District. This will arise from increased employment and visitor activity generated by the zones. Both zones provide for golf courses and a range of outdoor and indoor sporting and recreational activities. In Millbrook Resort hotel and other visitor accommodation exist along with support facilities and services. Similar developments are proposed for Jacks Point. The Resort zone recognises the special amenities of the rural area in which the development is located and provides for the on-going implementation of the activities of the resort.

The residential activity areas of Hanley Downs are distinctive from other parts of the Jacks Point Zone for their ability to absorb a greater density of development within a large central area. Recognising that land appropriate for residential development is a finite resource within the Wakatipu Area, it is important to realise the ~~an~~ opportunity to accommodate more intensive development and complementary activities.

##### ii Waterfall Park Resort

Waterfall Park is an established visitor facility, the main feature being the spectacular waterfall located in Mill Creek which flows through the centre of the property, and it provides outdoor recreation, entertainment areas and a restaurant. Given the importance of visitor industry to the District's economy, it is important to enable Waterfall Park to further develop and to provide a range of facilities.

#### 12.1.2 Values

##### i Millbrook Resort

The site contains four elements, which contribute to amenity and importance of the zone.



Firstly, the zone site is located within the Wakatipu Basin formation surrounded by an outstanding mountain landscape. Within the Basin glacial outwash gravels have created a contrasting landscape of rolling lowland hills, terraces and lakes.

Secondly, the site was one of the earliest developed farms in the District. The property was settled by the Butel family (origin France) who came to the area during the Arrowtown goldrush in the early 1860s. Instead of mining they set up a wheat farm and flour mill operation to provide for the rapidly expanding Arrowtown population. The original stone buildings housing the mill, stables, implement shed and blacksmith shop still remain, and many of the original implements and machinery are still on the property.

Thirdly, the site has been maintained in a high quality sward of pasture grasses. A large number of mature trees exist on the site, many of which date back to the first settlers. The tree species are predominantly European deciduous hardwoods including oaks, maples and walnuts. These mature trees give the farm an outstanding parkland character. Finally, the site lies within a high quality environment in terms of its scenic, visual and climatic values, clean air and open vistas.

#### ii Waterfall Park Resort

The site lies within a high quality scenic environment adjacent to the Millbrook Resort Zone. Waterfall Park is unique to the District in that it is a visitor attraction resulting from a naturally occurring geological feature. The existing recreational areas and amphitheatre are located adjacent to the waterfall and continue along part of Mill Creek. The restaurant facility, reception area and car park are located on the north eastern boundary looking out on the waterfall and recreational areas.

#### iii Jacks Point

Jacks Point is situated in the basin floor, surrounded by the outstanding natural landscape of *The Remarkables Range*, Peninsula Hill and Lake Wakatipu.

The proposed zone has a varying landform across the site, comprising hummocky to channelled topography in the east by Kingston Road, a central valley which is flat to slightly undulating and an elevated schist

ridge adjacent to Lake Wakatipu, the highest point of which is known as Jacks Point and lakeside terraces extending around Homestead Bay, where recreational access to Lake Wakatipu can be provided. Homestead Bay is the first point south of Kelvin Peninsula where public access to the lake is available.

It is this variable topography and the resulting low visibility from surrounding areas that lead to a report commissioned by the Council in 1993 to identify a large portion of the site as being suitable for future development. As the site has been in pastoral management for many decades, there is little remnant native vegetation, except on the steep bluff dropping off into Lake Wakatipu. Most tree or shrub vegetation is in the form of recently planted as well as mature shelter belts and the ever present briar and Matagouri.

### 12.1.3 Resource Management Issues

#### i Provision of Essential Services

Development may result in a considerable number of persons residing within the Zones, either as visitors or permanent residents. The provision of adequate sewage disposal, water supply and refuse disposal services is important in terms of ensuring the protection of ground water quality.

#### ii Visual Amenities

Development in the Zones must take into account potential conflict with nearby activities, with the productive use of adjoining rural land and the need to protect visual amenity of the environment because of their location.

Jacks Point has particular landscape and visual amenity issues due to its visibility from Lake Wakatipu, State Highway 6 (a scenic rural road) and adjoining mountain peaks. The surrounding land features, such as *The Remarkables*, Peninsula Hill and Lake Wakatipu are all regarded as having outstanding natural qualities in terms of section 6(a) of the Resource Management Act and it is important that any development in this location is considered in relation to those qualities.

#### iii Traffic Safety and Access



Protection of the road network from activities which reduce safety and efficiency is desirable.

**iv Pollution of Lake Hayes and Mill Creek (Millbrook and Waterfall Park Resorts)**

Lake Hayes is a shallow water body with a depth of 33 m. Nutrients entering the lake from its catchment are high, arising from numerous limestone outcrops which are easily eroded and readily transported by water run-off. Grazing of stock comprises the major land use within the catchment and continual topdressing and other nutrient enrichment of pastures has meant run-off entering watercourses is excessively high in phosphate and nitrate levels. This is particularly the case with Mill Creek.

**v Historical Character (Millbrook Resort)**

The site contains a unique history. The remaining large trees, grassed slopes and the historic design of the buildings is an important element in preserving the special value of Millbrook for the enjoyment of present and future residents and visitors.

**vi Natural Character (Waterfall Park Resort)**

The site contains a unique natural feature. The quality of the development is an important element in the preservation and enhancement of the waterfall for the enjoyment of present and future residents and visitors.

**vii Public Access (Jacks Point)**

Jacks Point is the only resort zone that adjoins a major natural lake. Public access to and along lakes are a matter of national importance in achieving the purpose of the Act. Significant opportunity exists through the development of this zone to enhance public access to the shores of Lake Wakatipu. Homestead Bay provides additional opportunities for public access to, and enjoyment of, the Lake.

**viii Ability to absorb change (Hanley Downs)**

The characteristics of the Hanley Downs area mean that many parts of it (particularly the central valley) are able to accommodate a greater intensity and scale of residential development, without compromising landscape and natural values.

## 12.1.4 Objectives and Policies

### Objective 1 - Millbrook Resort Zone

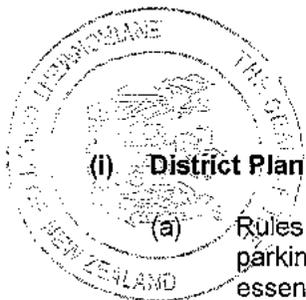
*Visitor, residential and recreation activities developed in an integrated manner with regard for landscape, heritage, ecological, water and air quality values and minimal impact on adjoining neighbours and roads.*

#### **Policies:**

- 1.1 *To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.*
- 1.2 *To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.*
- 1.3 *To require the external appearance of buildings to have regard to landscape and heritage values of the site.*
- 1.4 *To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to minimise the impact on neighbouring activities, the road network and the landscape amenity of the Basin.*
- 1.5 *To protect and enhance the important heritage features on the site, particularly the original farm buildings and tree plantings.*
- 1.6 *To require adequate on-site car parking.*
- 1.7 *To control air emissions for visual amenity purposes.*
- 1.8 *To control the take-off and landing of aircraft.*

#### **Implementation Methods**

The objective and associated policies will be implemented through a number of methods including:



### (i) District Plan

- (a) Rules relating to the location of activities, external appearance, parking, air emission, helicopter activities and the provision of essential services.
- (b) Controls on development to protect the catchment of Mill Creek and Lake Hayes.
- (c) District Plan rules to protect the important heritage features on the site.

### (ii) Other Methods

- (a) Encourage a reduction in the use of fertiliser in the catchment.
- (b) Encourage the establishment of planted stream bank buffer strips with stock excluded.
- (c) Encouraging the re-establishing wetlands and ponds in Mill Creek.
- (d) Controlling the discharge of pollutants that can enter Lake Hayes.

### Explanation and Principal Reasons for Adoption

The Council considers that development within the Zone should recognise the particular nutrient enrichment problems associated with Mill Creek and Lake Hayes. In order to achieve this objective the Council has not provided for farming uses within the Zone.

The Council and Millbrook have an agreement whereby Millbrook have paid a contribution toward connection to the Arrowtown Lower Shotover Treatment Plant pipeline.

Millbrook has also contributed to the upgrading of the Arrowtown Water Scheme to enable that scheme to supply Millbrook's anticipated fully developed potable water requirements. The Council has supplied water to the boundary of the zone as part of that agreement.

The operators of the complex will also be required to deposit all refuse at a Council approved landfill.

Full development of the Zone will extend into the next century. A comprehensive range of sporting, leisure and visitor activities can be undertaken within the Zone together with conference, commercial, hotel and other residential uses. The focus of the sporting activities will be the golf courses with the provision of other activities and residential use linked to this. The central area of the Zone will be comprised of the Millbrook Village, on the periphery of which will be other recreational activities and clusters of residential dwellings of different types.

In order to facilitate the staged development within the Zone the Council believes a Structure Plan, which recognises the activities, character and amenities of the Zone and the area, is essential. The purpose of the Structure Plan is to provide for and enhance the amenities of the area and ameliorate any adverse effects of development.

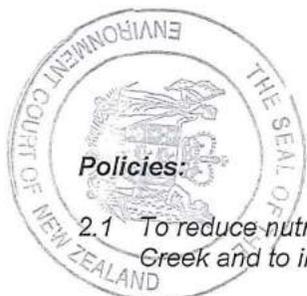
To ensure the special amenities of the Zone and the outstanding character of the surrounding landscape are protected, buildings will require consent in terms of their external appearance. The assessment matters are directed at ensuring and enhancing the special character of the particular activity sections within the Zone as defined by the Structure Plan.

An extensive number of mature trees are established on the Millbrook site many dating back to the first settlers. These mature trees give the farm a parkland character.

The Wakatipu Basin including Arrowtown and Frankton provide the living environment for a significant number of the District's residents. As such it is important to protect the air clarity and quality of the basin as well as minimise noise impact from aircraft on surrounding living environments.

### Objective 2 - Waterfall Park Resort Zone

*Development of visitor, residential and recreational facilities for permanent residents and visitors. Conserving and enhancing the natural and scenic values contained within the property and its setting. Developing and servicing the property to avoid adverse effects on the landscape, Mill Creek and ecological values.*



- Policies:**
- 2.1 *To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.*
  - 2.2 *To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.*
  - 2.3 *To ensure buildings and other structures erected within the zone are appropriate to the area in which they are located, with regard to external appearance.*
  - 2.4 *To require all development to be located in accordance with the Structure Plan.*
  - 2.5 *To protect and enhance the important natural feature on the site.*
  - 2.6 *To require adequate on-site vehicle parking and manoeuvring.*
  - 2.7 *To control air emissions for visual amenity purposes.*
  - 2.8 *To protect and enhance Mill Creek as an important brown trout spawning habitat.*

#### **Implementation Methods**

The objective and associated policies will be implemented through a number of methods including:

##### **(i) District Plan**

- (a) Rules relating to the location of activities, external appearance of buildings, parking, air emission and the provision of essential services.
- (b) Controls on development to protect the catchment of Mill Creek and Lake Hayes.

- (c) District Plan rules to protect the important natural features on the site.

##### **(ii) Other Methods**

- (a) Encourage a reduction in the use of fertiliser in the catchment.
- (b) Encourage the establishment of planted stream bank buffer strips with stock excluded.
- (c) Encourage the re-establishing wetlands and ponds in Mill Creek.
- (d) Controlling the discharge of pollutants that can enter Lake Hayes.

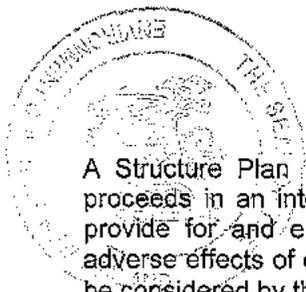
#### **Explanation and Principal Reasons for Adoption**

The Council considers development within the zone should recognise the particular nutrient enrichment problems associated with Mill Creek and Lake Hayes. In order to achieve this objective the Council has not provided for farming uses within the zone.

Water supply for development in the zone will be provided from a connection to a Council owned and operated reticulated water supply, should a connection be made between the Arrowtown and Lake Hayes Council owned water supply system. Alternatively, a community owned water supply for the zone will be developed from a suitable internal water source such as a bore within the zone.

Sewage effluent from development within the zone will be discharged into a Council owned and operated reticulated sewage treatment and disposal system if available. Alternatively, on-site disposal of treated waste which provides for measures to prevent contamination and nutrient loadings in the Mill Creek catchment is considered appropriate. Such treatment and disposal options within the Zone would be required to be operated as a community owned facility.

Waste and refuse generated within the Zone will be required to be deposited at a Council approved landfill site. Such sites are prohibited within the zone.



A Structure Plan is included as part of the Zone to ensure development proceeds in an integrated manner. The purpose of the Structure Plan is to provide for and enhance the amenities of the area and ameliorate any adverse effects of development. Minor amendments to the Structure Plan will be considered by the Council through the resource consent procedure.

To ensure the special amenities of the Zone and the surrounding landscape are protected, buildings will require consent in terms of their external appearance. The assessment matters are directed at ensuring and enhancing the special character of the particular activities permitted within the Zone as identified by the Structure Plan.

### **Objective 3 - Jacks Point Resort Zone**

***To enable development of an integrated community, incorporating residential activities, visitor accommodation, small-scale commercial activities and outdoor recreation - with appropriate regard for landscape and visual amenity values, integrated servicing, provision and management of open space and public access issues; and to provide for the more efficient use of land at Hanley Downs.***

#### **Policies:**

- 3.1 To maintain and protect views into the site when viewed from the lake, and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway.
- 3.2 To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental values on or off the site.
- 3.3 To require the external appearance, bulk and location of buildings to have regard to the landscape values of the site.
- 3.4 To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to mitigate the impact on neighbouring activities, the road network and landscape values.
- 3.5 To control the take-off and landing of aircraft within the zone.

- 3.6 To provide public access from the State Highway to the lake foreshore and to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu.
- 3.7 To ensure that subdivision, development and ancillary activities on the Tablelands and Jacks Point are subservient to the landscape.
- 3.8 To provide for local biodiversity through:
  - The protection and enhancement of existing ecological values, in a holistic manner;
  - Reduction in grazing around wetland areas; and
  - The provision of links between grey shrublands, wetlands and the lakeshore escarpment, including where appropriate indigenous vegetation links between activity areas.
- 3.9 To ensure that development within the sensitive areas of the Zone results in a net environmental gain.
- 3.10 To ensure that residential development is not readily visible from the State Highway.
- 3.11 To ensure that subdivision and development does not compromise those visual amenity values associated with the southern entrance to Queenstown.
- 3.12 To provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.
- 3.13 To ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay.
- 3.14 To provide for farming and associated activities in appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape.



3.15 To avoid mining activities which do not contribute to the sustainable development of the Jacks Point Zone.

**The following policies relate specifically to that part of the Jacks Point Resort Zone known as Hanley Downs**

3.16 To use a Structure Plan for the Hanley Downs area to establish the spatial layout of development within the zone and diversity of living and complementary activities, taking into account:

- a. Integration of activities and servicing with other parts of the Jacks Point Resort Zone
- b. Landscape and amenity values
- c. Road, open space and trail networks
- d. Visibility from State Highway 6 and Lake Wakatipu

3.17 To ensure subdivision and development incorporates the road connections, state highway mitigation, open space, access connections and trails shown on the Hanley Downs Structure Plan.

3.18 To provide a diversity of living accommodation at a range of densities, including opportunities for living at low densities.

3.19 To recognise the Residential (Hanley Downs) Activity Area as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone, while recognizing the need to provide for lower densities at the edge of the Residential (Hanley Downs) Activity Area and where the land adjoins lower density areas within Jacks Point beyond the Hanley Downs area.

3.20 To require a comprehensively designed landscape edge at the northern edge to the zone along the interface with State Highway 6 that mitigates the visual impact of development within the Residential (Hanley Downs-State Highway) Activity Areas on the State Highway.

3.21 To avoid adverse effects on the landscape and amenity values of the Peninsula Hill ONL(WB) from subdivision and development.

3-223.21 To enable commercial activities within the Residential (Hanley Downs) Activity Area, designed to service the needs of the local community, where they can locate along or near primary roads.

3-233.22 To enable commercial and community activities (such as local convenience shops and possibly a primary school) and visitor accommodation, provided residential amenity, health and safety are protected or enhanced through:

- a. Compatible hours of operation and noise;
- b. A high standard of building design;
- c. The location and provision of open space, buffers and setbacks;
- d. Appropriate landscape mitigation;
- e. The design of vehicle access and car parking; and
- f. An appropriate scale of activity and form of building development.

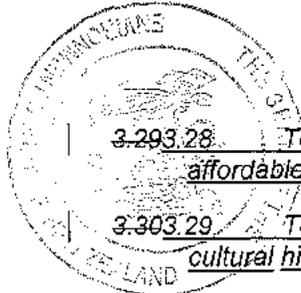
3-243.23 To use residential development controls to protect privacy, provide access to sunlight, achieve design cohesion and to provide appropriate opportunities for outdoor living.

3-253.24 To provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.

3-263.25 To avoid Industrial activities.

3-273.26 To provide safe and efficient road access from State Highway 6.

3-283.27 To ensure provision of integrated infrastructure services, roading and vehicle access.



(b) Jacks Point Stakeholders Deed

3.293.28 To enable built forms and development layouts conducive to affordable housing

3.303.29 To promote landscape planting in keeping with the natural or cultural history of the area.

3.313.30 To promote the co-location of similar activities where this can help manage adverse effects or promote an efficient or legible built form.

3.323.31 To promote consistent landscape treatment at the edges of the Residential (Hanley Downs) Activity Areas

3.333.32 To make use of practical opportunities for watercourses to contribute to stormwater management, public amenity, recreation and biodiversity.

3.343.33 To discourage rear sites, particularly in areas which provide for high density residential development, and encourage buildings to address the street.

3.353.34 To require roads to be designed with regard to the needs of all users, including cyclists and pedestrians, and (where relevant) potential public transport and recognise the role of roads in contributing to the amenity values of Jacks Point particularly the "gateway" function of Woolshed Road immediately to the south of its intersection with State Highway 6.

#### **Implementation Methods**

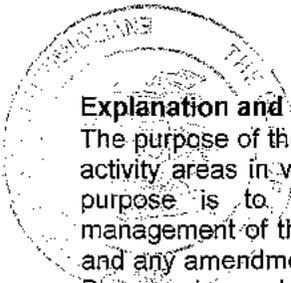
The objective and associated policies will be implemented through a number of methods including:

##### **(i) District Plan**

- (a) Adherence to a structure plan to ensure comprehensive and integrated development within a zone.
- (b) Rules assigned to avoid, remedy or mitigate the effects of use and development of land

##### **(ii) Other Methods**

- (a) Development Controls and Design Guidelines in respect of buildings and landscaping.



### **Explanation and Principal Reasons for Adoption**

The purpose of the Jacks Point Plan is twofold. The first purpose is to identify activity areas in which development is appropriately managed. The second purpose is to ensure the long term comprehensive and integrated management of the zone. The Structure Plan forms part of the District Plan and any amendment to it requires a Plan Change. Deviations to the Structure Plan can be made through the resource consent process, the significance of the deviation determining the status of the resource consent application (i.e. controlled, discretionary or non-complying).

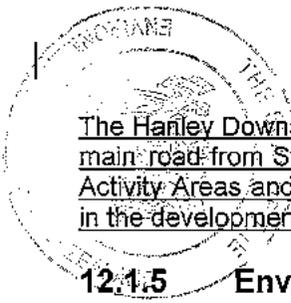
The protection of visual amenity and landscape values are of critical importance in the development of the zone and its successful integration into the wider outstanding natural landscape. This is achieved in part through the Structure Plan and in part through the external appearance, bulk and location of buildings constructed within the zone.

Water supply for development in the zone is proposed to be provided from either a bore within the zone or extracted from Lake Wakatipu. Both methods will result in an uncontained plentiful supply.

Sewage effluent from development within the zone is proposed to be discharged on-site through a high quality treatment method that provides for measures to prevent contamination and nutrient loadings into Lake Wakatipu. Waste and refuse generated within the zone is required to be deposited at a Council approved landfill site.

The Stakeholders Deed embodies the agreement reached between the primary landowners of the Coneburn Land and the Council, ensuring that the land within the Zone will be developed in a coordinated and harmonious manner and that the environmental and community outcomes envisaged by the Deed will be achieved.

Hanley Downs is the name given to the northern part of the Jacks Point Zone. Some additional policies and rules apply to this part of the Zone along with a Structure Plan. The Structure Plan and associated provisions are designed to achieve an integrated approach to development which incorporates a range of densities.



The Hanley Downs Structure Plan shows a number of features, including the main road from State Highway 6, key roading connections in and out of the Activity Areas and key landscape features that are to be taken into account in the development process.

### **12.1.5 Environmental Results Anticipated**

#### **i The following environmental results are anticipated in Millbrook Resort and Jack's Point:**

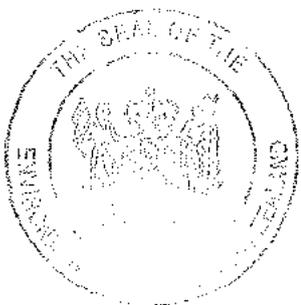
- (a) Preservation of the open space and rural amenity.
- (b) Preservation and enhancement of the recreational facilities while conserving the key physical and scenic values of the area namely:
  - i recognition of the predominant land forms surrounding the site particularly the peaks and mountain ranges.
  - ii recognition and enhancement of the important vegetation on the site.
  - iii recognition and enhancement of the important natural and visual resources that dominate the site.
- (c) Provision of a range of accommodation facilities while ensuring the quality of the local environment is maintained.
- (d) Exclusion or mitigation of activities which cause adverse environmental effects through the use of performance standards.
- (e) Ensuring traffic safety on local roads and State Highway 6.
- (f) Maintenance and enhancement of the water quality of Mill Creek and Lake Hayes.
- (g) A resort at Millbrook which complements the rural and alpine environment of the Wakatipu Basin in both its design and general visual appearance.

- (h) Enhancing public access to the lake foreshore from State Highway 6 and facilitating increased use and enjoyment of Lake Wakatipu (Jacks Point).
- (i) Completion of a public walkway connecting Jardine's Park (Kelvin Heights) with the public recreation area south of Lakeside Estates (Jack's Point).

#### **ii The following environmental results are anticipated in Waterfall Park Resort:**

- (a) Preservation and enhancement of the amenity values of the waterfall and Mill Creek which dominate the site and provide its scenic and visual values.
- (b) Provision of a range of passive recreational activities, open space, residences and resort services in positions which ensure that the quality of the environment is maintained.
- (c) Development of a resort which complements the natural features of the site in terms of design and visual appearance.
- (d) Exclusion or mitigation of activities which cause adverse environmental effects through the use of performance standards.
- (e) Preservation and enhancement of Mill Creek as a spawning bed for brown trout.

## Appendix 2





# RESORT ZONES RULES – PC 44 Amendments

## Amendments to Operative District Plan Provisions As Recommended

Changes are denoted by underline for additions and ~~strikethrough~~ for deletions.

## 12.2 Resort Zone Rules

### 12.2.1 Zone Purposes

The purpose of the Millbrook Resort Zone is to provide for a visitor resort of high quality covering approximately 200ha of land near Arrowtown. Millbrook provides for recreational, commercial, residential and visitor activities and the general amenity of the Zone is one of higher density development enclaves located in the open rural countryside with well landscaped grounds. The Zone provides for golf courses and a range of other outdoor and indoor sporting and recreational activities. Hotel and residential accommodation are provided for, together with support facilities and services.

The purpose of the Waterfall Park Resort Zone is to provide for open space and passive recreational activities in conjunction with residential, visitor accommodation and commercial activities in a high amenity environment.

The purpose of the Jacks Point Zone is to provide for residential and visitor accommodation in a high quality sustainable environment comprising of ~~two~~ a village, a variety of recreation opportunities and community benefits, including access to public open space and amenities.

The anticipated village and associated residential activities at Jacks Point will be sustainable in their nature, constituting mixed density development, best practice methods of waste disposal and longevity in their quality and built form. The preparation of development controls and design guidelines, in conjunction with provisions of the District Plan and other methods, will ensure that the villages contribute to providing for the social, economic and cultural wellbeing of the wider community, while also assisting in ecological enhancement and the seamless integration of the built and

natural environment.

In addition, the zoning anticipates an 18-hole championship golf course, a luxury lodge, small-scale commercial activities, provision for educational and medical facilities, craft and winery activities, outdoor recreation and enhanced access to and enjoyment of Lake Wakatipu.

Note: For the purposes of these rules the terms "Jacks Point Zone" and "Jacks Point Resort Zone" are interchangeable.

### 12.2.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter.

- |  |                 |
|--|-----------------|
| (i) Heritage Protection                                    | - Refer Part 13 |
| (ii) Transport   | - Refer Part 14 |
| (iii) Subdivision, Development and Financial Contributions | - Refer Part 15 |
| (iv) Hazardous Substances                                  | - Refer Part 16 |
| (v) Utilities  | - Refer Part 17 |
| (vi) Signs   | - Refer Part 18 |
| (vii) Relocated Buildings and Temporary Activities         | - Refer Part 19 |

### 12.2.3 Activities

#### 12.2.3.1 Permitted Activities

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

#### 12.2.3.2 Controlled Activities

The following shall be **Controlled Activities** provided they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site and Zone Standards**. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

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# RESORT ZONES RULES – PC 44 Amendments

## i Recreation Facilities

- (a) In the Waterfall Park Resort Zone recreation facilities for active and passive purposes. Provided in those areas shown as O/P on the Structure Plan, facilities for passive and active recreation shall not include buildings or structures.

## ii Visitor Accommodation

In the Waterfall Park Resort Zone all Visitor Accommodation.

## iii Administration

In the Waterfall Park Resort Zone administration and servicing of facilities with the Zone, including storage, maintenance and depot facilities.

## iv Community Activities

In the Waterfall Park Resort Zone community activities limited to crèches and other child care facilities, conference and theatre facilities.

## v Dams and Other Structures

In the Waterfall Park Resort Zone structures for the retention of water, ponds, streams, water races, drains, channels and pipes.

## vi Education Facilities

In the Waterfall Park Resort Zone education facilities.

All activities from i to vii above are controlled in respect of the following matters:

- (a) Location and external appearance of buildings
- (b) Setback from roads
- (c) Setback from internal boundaries
- (d) Vehicle access and street layout
- (e) Outdoor living space
- (f) Street scene including landscaping
- (g) Enhancement of ecological and natural values
- (h) Provision for internal walkways, cycle ways and pedestrian linkages
- (i) Noise
- (j) Hours of operation.

## vii Buildings

- (a) In the Millbrook Resort Zone buildings which comply with Figure 1 Structure Plan – Millbrook Resort Zone with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (b) In the Waterfall Park Resort Zone buildings with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (c) In the Jacks Point Zone, excluding the R(HD) and R(HD-SH) Activity Areas and the Peninsula Hill Landscape Protection Area at Hanley Downs, buildings which comply with the relevant Jacks Point Structure Plan with the exercise of the Council's control being limited to:
  - the external appearance of buildings with respect to the effect of visual values of the area and coherence with surrounding buildings; and
  - infrastructure and servicing; and
  - associated earthworks and landscaping;
  - access;
  - location; and
  - compliance with any relevant Council approved development controls and design guidelines.



# RESORT ZONES RULES – PC 44 Amendments

(d) In the Jacks Point Zone, residential buildings located within the Homesite Activity Areas (HS Activity Areas), with the exercise of the Council's control being limited to:

- the external appearance of buildings with respect to the effect on visual and landscape values of the area;
- the protection and enhancement of Wetland areas within and adjacent to the site;
- infrastructure and servicing;
- associated earthworks and landscaping;
- access and parking
- bulk and location
- exterior lighting; and
- compliance with any relevant Council approved development controls and design guidelines.

## viii Parking, Loading and Access

(a) In the Millbrook Resort, Jacks Point (excluding Hanley Downs) and Waterfall Park Zones parking, loading and access in respect of the location and design of access points and their impact on the safety and efficiency of the surrounding road network, and the number of parking spaces to be provided.

## ix Landscaping and public access (Jacks Point Zone)

(a) The design of the Lakeshore, Peninsula Hill and the Highway Landscape Protection Areas and provision of public access to Lake Wakatipu through the zone, and for planting within the Open Space - Foreshore Activity Area in respect of:

- All landscaping;
- Species proposed;
- Long term management considerations;
- The maintenance of view shafts;
- Integration with adjoining land uses;
- Mode of access, i.e. walking, cycle or motor vehicle;
- Alterations to the alignment of the public access route shown on the structure plan.

(b) The design of the State Highway mitigation at the location at Hanley Downs shown on the Structure Plan, with the Council's control limited to:

- i. The creation of a comprehensively designed landscape edge to the northern part of the zone;
- ii. Mitigation of the visual impacts of potential building development within Activity Areas (R(HD-SH) – 1, ~~and R(HD-SH)-2 and R(HD-SH) – 3;~~
- iii. Maintaining views across the zone to the mountains to the west of Lake Wakatipu;
- iv. Compatibility with flood hazard mitigation measures;
- v. Appropriate plant species, height at planting and at maturity; and
- vi. Provision for on-going maintenance and ownership.

Comment [AL1]: correction



# RESORT ZONES RULES – PC 44 Amendments

## x Earthworks

In the Jacks Point Zone, earthworks associated with golf course development, that exceed 1,000m<sup>3</sup> in volume and/or 2,500m<sup>2</sup> of exposed topsoil at any time.

## xi Outline Development Plan - Residential Activity Areas

In the Jacks Point area of the Jacks Point Resort Zone (excluding Hanley Downs), the Outline Development Plan of any Residential (R) Activity Area lodged with the council for approval pursuant to Rule 12.2.5.1(viii), in respect of:

- (a) Rooding pattern.
- (b) Indicative subdivision design and lot configuration and allotment sizes.
- (c) Compliance with the relevant Density Master Plan.
- (d) Mitigation measures to ensure that no building will be readily visible from State Highway 6.
- (e) Mitigation measures to ensure that no building in the central valley will be readily visible from Lake Wakatipu.
- (f) Proposed setbacks from roads and internal boundaries.
- (g) Pedestrian links through the (R) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas.
- (h) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
- (i) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
- (j) The maintenance of view shafts.
- (k) The relationship and preservation of public use of and access to

public open spaces.

- (l) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.

## xii Outline Development Plan - Village Activity Areas

In the Jacks Point area of the Jacks Point Resort Zone (excluding Hanley Downs), the Outline Development Plan of any Village (V) Activity Area lodged with the Council for approval pursuant to Rule 12.2.5.1(viii), in respect of:

- (a) Rooding pattern.
- (b) Indicative subdivision design and configuration and allotment sizes.
- (c) Proposed setbacks from roads and internal boundaries.
- (d) Pedestrian links through the (V) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas,
- (e) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
- (f) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
- (g) The maintenance of view shafts.
- (h) The relationship and preservation of public use of and access to public open spaces.
- (i) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.



# RESORT ZONES RULES – PC 44 Amendments

(i) Within the Homestead Bay Area (Figure 3) the Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan will:

- Demonstrate compliance with the Site and Zone Standards in relation to proposed activities, building coverage limits, building distribution across the village and limits on height and building bulk.
- Specify the controls necessary in order to provide for visual breaks between buildings on both a vertical (west-east) and horizontal (north-south) plane across the village when viewed from the lake.
- Take into account the other matters over which the Council exercises control listed above in items (a) to (h).

### xiii Medium Density Residential Development - Hanley Downs

Within the R(HD) A – G, and R(HD-SH) 1 ~~and R(HD-SH) – 3~~ Activity Areas located within the Hanley Downs area of the Jacks Point Resort Zone, any residential activity which results in either:

- (a) three or more attached residential units; or
- (b) a density that exceeds one residential unit per 400m<sup>2</sup> of net site area.

With the Council's control limited to external appearance, access and car parking and associated earthworks and landscaping.

Except that this rule shall not apply to:

- i. A single residential unit on any site contained within a separate certificate of title

### 12.2.3.3 Restricted Discretionary Subdivision Activities

(a) In the Jacks Point area of the Jacks Point Resort Zone (excluding Hanley Downs), any subdivision occurring within any Residential (State Highway) Activity Area R(SH) Activity Area), with the exercise of Council's discretion limited to the cumulative effect of subdivision and development on landscape and amenity values, particularly as viewed from State Highway 6.

(b) Commercial activities, community activities and visitor accommodation, located within the R(HD) and R(SH-HD) Activity Areas located within the Hanley Downs area of the Jacks Point Resort Zone, including the addition, alteration or construction of associated buildings, with the Council's discretion restricted to:

- (a) Location, scale and external appearance of buildings, access and carparking and associated earthworks and landscaping.
- (b) Whether commercial activities and community activities principally meet the needs of local residents

Comment [AL2]: correction

(c) Premises licensed for the sale of liquor (including both off-licences and on-licences) located within the R(HD) and R(HD-SH) Activity Areas located within the Hanley Downs area of the Jacks Point Resort Zone, with the Council's discretion restricted to:

- (a) Location
- (b) Scale of the activity including whether or not it principally meets the needs of local residents
- (c) Residential amenity values
- (d) Noise
- (e) Hours of operation
- (f) Car parking and traffic generation



# RESORT ZONES RULES – PC 44 Amendments

(a) In the Peninsula Hill Landscape Protection Area at Hanley Downs, buildings which comply with the relevant Jacks Point Structure Plan with the exercise of the Council's discretion being limited to:

- the external appearance of buildings with respect to the effects on visual amenity values and landscape values of the area and coherence with any surrounding buildings; and
- infrastructure and servicing; and
- associated earthworks and landscaping; and
- access;
- location, including the effects of building location on visual amenity values and landscape values; and
- compliance with any relevant Council approved development controls and design guidelines.

- associated earthworks and landscaping;
- access and parking;
- bulk and location;
- exterior lighting; and
- compliance with any relevant Council approved development controls and design guidelines.

- (c) In the Jacks Point Zone, within any Homesite Activity Area (HS Activity Area), the addition of any building which results in a total building footprint greater than 1000m<sup>2</sup> within that Activity Area, with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.2(vii)(d) above.
- (d) In the Jacks Point Resort Zone excluding Hanley Downs, buildings directly associated with services (refer definition) which do not comply with the relevant Structure Plan, with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.4(i)(b) above.

## 12.2.3.4 Discretionary Activities

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

### i Buildings

- (a) In the Millbrook Zone all buildings which do not comply with Figure 1 Structure Plan – Millbrook Resort Zone.
- (b) In the Jacks Point Zone, buildings located within the Lodge Activity Areas (L Activity Areas), with the exercise of the Council's discretion being limited to:
  - the external appearance of buildings with respect to the effect on visual and landscape values of the area;
  - infrastructure and servicing;

### ii Residential Units

- (a) In the Waterfall Park Zone all residential activities provided that the maximum number of residential units within the zone shall not exceed 100.

### iii Airports

- (a) Limited to a single helicopter landing area in the Millbrook Resort Zone
- (b) Limited to helicopter landing areas in the Jacks Point Zone.

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



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## v Vegetation (Jacks Point Zone)

In the Jacks Point Zone:

- (a) Within the Highway Landscape Protection Area (refer Structure Plan) - the planting and/or growing of any tree which may or does obscure views from the State Highway to the mountain peaks beyond the zone.
- (b) Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) - the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Peninsula Hill escarpment (i.e. grey shrubland and tussock grassland on exposed sites and beech forest on sheltered sites).
- (c) Within the Lake Shore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Lake Wakatipu foreshore (i.e. broadleaf forest, grey shrubland and tussock grassland plant communities).
- (d) Within the Tablelands (refer Structure Plan), the planting and/or cultivation of any exotic vegetation, with the exception of:
  - (i) grass species if local and characteristic of the area; and
  - (ii) other vegetation if it is:
    - less than 0.5 metres in height; and
    - less than 20 square metres in area; and
    - within 10 metres of a building; and
    - intended for domestic consumption.
- (e) Anywhere within the zone the planting and/or growing of the following tree species:
  - Pinus muricata; or
  - Pinus contorta; or
  - Pinus nigra.

## vi Earthworks (Jacks Point Zone)

In the Jacks Point Zone, earthworks which are not associated with a subdivision, the construction, addition or alteration of any building, or golf course development, **and** do not comply with the site and zone standards for earthworks, with the exercise of Council's discretion being limited to:

- The protection of amenity values;
- The protection of adjoining sites;
- Any other necessary environmental protection measures; and
- The potential impacts on sites of cultural and archaeological heritage value.

## vii Golf Course Development (Jacks Point Zone)

With the exception of one 18-hole golf course in accordance with Zone Standard 12.2.5.2(i) (d), any golf course development, with the exercise of Council's discretion being limited to:

- The community's desire for an additional golf course; and
- Whether the proposed golf course will assist in providing economic, social and cultural wellbeing of the community.

## viii Outdoor Swimming Pools and Tennis Courts (Jacks Point Zone)

In the Jacks Point Zone, any tennis court located within the smaller of the two Lodge Areas as depicted on Structure Plan 4 – Jacks Point Zone and any outdoor swimming pool located within the Tablelands (except spa pools less than 9m<sup>2</sup> and located within any Homesite or Lodge Activity Area) shall be a restricted discretionary activity, with the exercise of Council's discretion being limited to:

- Associated earthworks and landscaping;
- Colour;
- Fencing;
- Consistency with any council approved development controls and design guidelines for the area.

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## ix Mining

In the Jacks Point Zone, the mining of rock and/or aggregate and/or gravel, for use within that Zone.

## x Health and Education Services

In the Jacks Point Zone (excluding Hanley Downs), health and education services and facilities, with the exercise of Council's discretion being limited to:

- The potential for the proposed activity to compromise the provision of existing community health and education services within the Wakatipu basin; and
- The extent to which the proposed activity is necessary and assists in the development of a sustainable community at Jacks Point.

## xii Within the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone, Commercial Recreation Activities – Hanley Downs Commercial recreation activities within Hanley Downs

## xiii Building within the Highway Landscape Protection Area identified on the Structure Plan in the Hanley Downs area of the Jacks Point Resort Zone except buildings that comply with the Jacks Point Structure Plan O/S or OSL Activity Areas in Site Standard 12.2.5.1i. (See also Rule 12.2.3.2 vii (c).)

## xiv Service Activities in the Residential (Hanley Downs) Activity Areas.

## xv Building prior to subdivision – Hanley Downs

The construction of any new building (excludes extensions to existing buildings) in:

- R(HD)-A

- R(HD)-B

- R(HD)-C

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- R(HD)-D

- R(HD)-E

prior to a subdivision having been consented in that area.

## xvi State Highway Mitigation – Hanley Downs

Within Activity Areas R(HD-SH)-1, and R(HD-SH)-2 ~~and R(HD-SH)-3~~, any building development prior to the implementation of the State Highway mitigation approved through Rule 12.2.3.2(ix)(b).

Comment [AL3]: correction

## xvii Flood Hazard Mitigation – Hanley Downs

Any building within Activity Area R(HD-SH) – 1, R(HD-SH) – 2, ~~R(HD-SH) – 3~~ R(HD) -A, R(HD) – C and R(HD) – D:

Comment [AL4]: correction

(a) Prior to the construction of the flood bank, required to mitigate the flood hazard risk in relation to each activity area.

(b) In respect of Activity Area R(HD-SH)-2, located outside of any residential building platform created by subdivision, pursuant to Rule 15.2.3.3(xi).

xviii Any activity which is not listed as a **Non-Complying Activity** or a **Prohibited Activity** and which does not comply with one or more of the **Site Standards** shall be a **Discretionary Activity**.

## 12.2.3.5 Non-Complying Activities

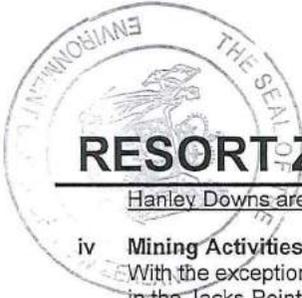
The following shall be **Non-Complying Activities**, provided that they are not listed as a **Prohibited Activity**:

### i **Factory Farming**

### ii **Farming**

In the Millbrook Resort and Waterfall Park Resort Zones all farming activities.

### iii **Forestry Activities**, excluding harvesting of existing forestry within the



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## Hanley Downs area of the Jacks Point Resort Zone

### iv Mining Activities

With the exception of the mining of rock and/or aggregate and/or gravel in the Jacks Point Zone, as provided for by rule 12.2.3.4 (ix).

### v Industrial and Service Activities

With the exception of service activities in the Jacks Point Zone

### vi Airports

Airports **other than**

- (a) the use of land and water for an emergency landings, rescues and fire fighting
- (b) a single helicopter landing approved as a discretionary activity under rule 12.2.3.4 (v) in the Millbrook Resort Zone.
- (c) helicopter landing areas approved as a discretionary activity under Rule 12.2.3.4(iii) in the Jacks Point Zone.

### vii Buildings

- (a) In the Waterfall Park Resort Zone buildings within 7 m of Mill Creek.
- (b) In the Jacks Point Resort Zone, **excluding the R(HD) and R(HD-SH) activity areas of the Hanley Downs Area, excluding Hanley Downs**, all buildings which do not comply with the relevant Structure Plan.

**Except** any building authorised pursuant to Rule 12.2.3.4(i) (d)

### viii Residential Flat

Except in the Jacks Point Zone.

### ix Wetlands

In the Jacks Point Zone, any development, landscaping and/or earthworks within 7 metres of any wetland area identified on the relevant structure plan.

**Except** any landscape planting undertaken for riparian and or ecological enhancement purposes, the removal of any pest plant species or the erection of any pedestrian walkway structures.

### x Outdoor Tennis Courts (Jacks Point Zone)

In the Jacks Point Zone any outdoor tennis court located within the Tablelands Area except for any tennis court located within the smaller of the two Lodge Areas as depicted on Structure Plan 4 – Jacks Point Zone (refer to rule 12.2.3.4 viii).

**xi** In the Hanley Downs area of the Jacks Point Resort Zone building ) within the Peninsula Hill Landscape Protection Area, Lake Shore Landscape Protection Area or on the Tablelands identified on the Structure Plan, **except buildings that comply with the Jacks Point Structure Plan O/S, OSL or G Activity Areas in Site Standard 12.2.5.1.i. (See also Rule 12.2.3.2 vii (c) and 12.2.3.3 (c))**

**xii** Any activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone Standards**, shall be a **Non-Complying Activity**.

## 12.2.3.6 Prohibited Activities

The following shall be **Prohibited Activities**

- i Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.
- ii Planting the following trees in the Hanley Downs area of the Jacks Point Resort Zone:
  - a) Radiata Pine (Pinus radiata)
  - b) Bishops pine (Pinus muricata)
  - c) Contorta or lodgepole pine (Pinus contorta)
  - d) Ponderosa pine (Pinus ponderosa)
  - e) Scots pine (Pinus sylvestris)
  - f) Douglas fir (Pseudotsuga menziesii)
  - g) European larch (Larix decidua)
  - h) Corsican pine (Pinus nigra)



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- i) Mountain Pine/Dwarf Mountain pine (*Pinus mugo*)
- j) Maritime pine (*Pinus pinaster*)
- k) Sycamore
- l) Hawthorn
- m) Boxthorn

### 12.2.4 Non-Notification of Applications

- (a) In the Jacks Point Zone the design and layout of the Highway and Lakeshore Landscape Protection Areas and Open Space – Foreshore Activity Area under Rule 12.2.3.2(ix) and any variation of the Public Access Route shown on the Jacks Point Structure Plans may be publicly notified under section 94 of the Act.
- (b) Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with section 93 of the Act, unless special circumstances exist in relation to any such application:
  - (i) All applications for **Controlled** Activities.
- (c) Other than provided for by the Act, the following restricted discretionary activities will be considered without public notification but notice may be served on those persons considered to be adversely affected if those persons have not given their written approval:
  - (i) Rule 12.2.3.3(b) Commercial activities, community and visitor accommodation within Hanley Downs that also comply with site standard 12.2.5.1(i)(b)
  - (ii) The sale of liquor, pursuant to Rule 12.2.3.3(c) that also complies with site standard 12.2.5.1(i)(b)
  - (iii) Rule 12.2.5.1(iii)(c) and (d) Setbacks from Roads and Internal Boundaries
  - (iv) Rule 12.2.5.1 (iv) Access (Jacks Point Resort Zone), only in respect of the New Zealand Transport Agency

### 12.2.5 Standards – Activities

#### 12.2.5.1 Site Standards

##### i. Structure Plan

The siting of buildings and activities within the Resort Zone must be in conformity with the Activity Areas of the relevant **Structure Plans** as set out below and in Figure 1 to this Rule, except for Accessory, Utility and Service Buildings less than 40m<sup>2</sup> floor area in the Millbrook and Waterfall Park Zones. The location of activities as provided for by the Structure Plan is restricted to the following:

- (a) Residential Activities Area (R(JP)) - the use of this area is restricted to Residential Activities.
- (b) Residential Hanley Downs (R(HD) and R(SH-HD)) – the use of this area is restricted to Residential Activities, Community Activities, Visitor Accommodation and Commercial Activities limited to a total of 500m<sup>2</sup> GFA of commercial activity within the entire Residential Hanley Downs (R(HD) and R (SH-HD)) Activity Areas.
- (c) Village Area (V) – In the Jacks Point and Millbrook Resort Zones the use of this area is restricted to Residential and Visitor Accommodation Activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities. In the Jacks Point Zone, small-scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities are also allowed in this area. In the Waterfall Park Resort Zone the use of this area is restricted to Residential and Visitor Accommodation Activities including bars and restaurants, theatres, conference, cultural and resort facilities and office and administration activities ancillary to the above activities.



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- (d) Recreation Activities (F) - the use of this area is restricted to recreation activities.
- (e) Golf Course and Open Space (G) - the use of this area is restricted to outdoor recreation activities and open space provided that up to two residential units may be established on Lot 6 DP 22166.
- (f) Open Space, Landscaping and Passive Recreation (O/P) - the use of this area is restricted to outdoor recreation activities and open space.
- (g) Resort Services (S) - the use of this area is restricted to service and maintenance facilities for other activities in the Zone.
- (h) Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants, and conference or meeting facilities.
- (i) Home site Activity Area (HS Activity Area) - the use of this area is restricted to Residential Activities and, in addition, a maximum of one residential unit per HS Activity Area.
- (j) Wetland (W) – Structures are restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhance of biodiversity and ecological values.
- (k) Open Space Golf (G/F) – the use of this area is restricted to the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices, sales and commercial instruction.
- (l) Open Space Landscape Protection/Farming (OSL) – activities in this area are restricted to farming, fencing, trail formation, farm access tracks and recreation activities..
- (m) Open Space Residential Amenity (OSA) and Open Space Area – the use of these areas is restricted to recreational amenities/playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services
- (n) Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities, provided that:
- (i) No more than 15 building platforms are permitted within the Activity Area;
  - (ii) Those 15 building platforms referred to in (i) above are confined to 3 or 4 clusters; and
  - (iii) No building is to be erected prior to the horticultural activity being approved by the Council and planted.
- (o) Open Space - Foreshore (OSF) - the use of this area is restricted to the regeneration of native endemic species over 80% of the land area, and retention of open space.
- (p) Open Space (O/S) - the use of this area is restricted to pastoral and arable farming and endemic revegetation.
- (q) Open Space - Residential (OSR) - the use of this area is restricted to 12 low level, low impact residential dwellings set within a regenerating foreshore environment, provided that:
- (i) Prior to any development occurring within any allotment located within the Open Space - Residential Activity Area, at least 50% of that allotment must be planted with native vegetation.
- (r) Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and farming related activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation.
- (s) Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use



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## ii Structure Plan – Hanley Downs

(a) Within the Hanley Downs part of the Jacks Point Resort Zone, development shall be undertaken in general accordance with the Hanley Downs Structure Plan. For the purposes of interpreting this rule, the following shall apply:

- (i) A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and its intersection with State Highway 6, shall be acceptable
  - (ii) Trails and secondary roads may be otherwise located and follow different alignments provided that the final alignment enables a similar journey
  - (iii) Open Space Areas are shown indicatively, with their exact location and dimensions to be established through the subdivision process. Development prior to such subdivision occurring which would preclude the creation of these open spaces shall be deemed to be contrary to this rule.
- (b) Development shall facilitate a road connection at all Key Road Connections shown on the Hanley Downs Structure Plan which will enable vehicular access to roads which connect with the Primary Road, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.
- (c) Woolshed Road immediately south of its intersection with State Highway 6 is to exhibit a "gateway" function through its design and landscaping.
- (d) Within any Open Space Area delineated by subdivision, in accordance with Rule 12.2.5.1 ii (a)(iii) above and Rule 15.2.6.2 vii (d), there shall be no building.

(e) In the Hanley Downs part of the zone within the Peninsula Hill Landscape Protection Area and the O/S part of the Tablelands where resource consent has been obtained for a farm building

(whether or not it has been implemented), there shall be no further application for a change in activity that does not comply with the Structure Plan, or for any additional non-farm building.

(e)

## iii Setback from Roads and Internal Boundaries

- (a) No building or structure shall be located closer than 6m to the Zone boundary, **except:**
- (i) in the Jacks Point Zone (excluding the Boating Facilities (BFA) Activity Area ~~and at Hanley Downs~~) no building or structure shall be located closer than 20m to the Zone boundary.
  - (ii) This rule shall not apply to the Boating Facilities (BFA) Activity Area in the Jacks Point Zone ~~or at Hanley Downs.~~
- (b) In the Millbrook Resort Zone no building shall be located within the following minimum setback distances from Malaghan Road or the Arrowtown Lake Hayes Road;
- (i) Buildings for Residential Accommodation, Recreation 10m Activities, Retail Activities
  - (ii) Buildings for Visitor Accommodation 20m
- (c) Within the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone buildings for all activities, except for buildings located on sites smaller than 550 m<sup>2</sup> created pursuant to subdivision Rule 15.2.6.2 (i) (b), shall be subject to the following internal setback rules:
- (i) Two setbacks of 4.5m, with all remaining setbacks of 2m;  
or
  - (ii) One setback of 6m, one setback of 3.5m and all other setbacks of 2m.

Except that:

- a. Any building may encroach into a setback by up to 1m for an area no greater than 6m<sup>2</sup> provided the component of



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~~the building infringing the setback has no windows or openings.~~

- ~~b. Buildings ancillary to a residential unit, including garages, may encroach into the setback where they are no more than 3.5m in height and where no windows or openings are orientated toward an internal boundary.~~
- c. No setbacks are required when buildings share a common wall at the boundary.
- d. Commercial activities, community activities and visitor accommodation buildings shall have an internal setback of 4.5 metres from any boundary shared with a residential activity.

The Council's exercise of discretion is restricted to the bulk, height and proximity of the building façade to the boundary and the impact on the amenity values of neighbours.

- (d) In the Residential (Hanley Downs) Activity Area of the Jacks Point Resort Zone:
- a. Buildings for commercial activities, community activities and visitor accommodation buildings shall be set back at least 3 m from a road boundary.
- b. For all other activities, except for residential activities on sites smaller than 550m<sup>2</sup> created pursuant to subdivision Rule 15.2.6.2(i)(b) buildings shall be set back 4.5m from the road boundary.

The Council's discretion is restricted to the effects of bulk, height and proximity on residential amenity values, loss of daylight and access to sunlight.

### iv. Access (Jacks Point Resort Zone)

- (f) ~~Access to the Jacks Point Zone shall be from the Transit New Zealand approved access, located as detailed in Figure 4 Jacks Point Zone and constructed in accordance with Figure 4 Jacks Point Zone: Transit Approved Intersection~~

~~Design.~~

- (g) ~~The approved access referred to in (a) above shall be established prior to:~~

- ~~— The completion of a golf course or any public recreation facilities within the Zone~~
- ~~— Any new residential dwellings within the Zone being occupied~~

~~Advisory Note: A 'Traffic Management Plan' is required to be submitted to Transit New Zealand from any persons using Woolshed Road in relation to construction and/or development at Jacks Point Zone.~~

- (a) Access to the Jacks Point Resort Zone from State Highway 6 shall be only at the intersections at Maori Jack Road or Woolshed Road, as shown on the Structure Plan.
- (b) The Woolshed Road access shall not be used until that road's intersection with State Highway 6 has been upgraded, completed and available for use, except as provided for through the approval of a Traffic Management Plan by the NZ Transport Agency (refer Advisory Note i below).
- (c) The Woolshed Road intersection upgrade is to be completed and available for use prior to the occupation of any new building (consented after 28 January 2016) within the Hanley downs area of the Jacks Point Resort Zone.

The Council's discretion is restricted to the safe and efficient functioning of the road network.

### Advisory Notes:

- i. A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency by any person/s wishing to use Woolshed Road in relation to construction within the Jacks Point Resort Zone.
- ii. The upgrade of the intersection of Woolshed Road and State



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Highway 6 will require approval from the NZ Transport Agency. The expectation of the NZ Transport Agency is that the existing crossing points CP60, CP62 and CP63 will be permanently and physical closed when the intersection upgrade is completed.

## v Outdoor Living Space - Hanley Downs

(a) Within the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone the minimum provision of outdoor living space for each residential unit and residential flat at the ground floor level contained within the net area of the site shall be:

(i) For three or more attached units or for sites smaller than 550 m<sup>2</sup> created pursuant to subdivision Rule 15.2.6.2 (i) (b), 20m<sup>2</sup> contained in one area with a minimum dimension of 3m;

ii. In all other instances 36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m.

(b) The minimum provision of outdoor living space for each residential unit and residential flat above ground floor level shall be 8m<sup>2</sup> contained in one area with a minimum dimension of 2m.

Note – for the avoidance of doubt, a residential unit or flat that meets the requirements for outdoor living space at ground floor level need not provide additional outdoor living space at floors above ground level.

(c) The outdoor living space shall be readily accessible from a living area.

(d) No outdoor living space shall be occupied by:

i. any building, other than an outdoor swimming pool or accessory building of less than 8m<sup>2</sup> gross floor area.

ii. a driveway or parking space.

iii. areas to be used for the storage of waste and recycling.

## vi Planting (Jacks Point Zone)

(a) No buildings shall be erected within a Homesite Activity Area (HS Activity Area) unless and until an area as specified within this rule has been revegetated with native vegetation. The area required to be revegetated for the purposes of this rule shall be the greater of 3,000m<sup>2</sup> or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated. The area to be revegetated may, at the election of the owner of lot or title, be situated all or partly within the lot or title within which the Homesite Activity Area is situated and/or all or partly in another location(s) agreed by the Council. For the purposes of this rule no account shall be taken of any native vegetation existing at the date of application for subdivision consent to create the lot or title within which the Homesite Activity Area is located.

(b) Within the R(HD) and R(HD-SH) Activity Areas of Hanley Downs area of the Jacks Point Resort Zone, any native vegetation required to be planted in terms of any rule shall:

i. Include species appropriate to the ecosystems of the area being planted.

ii. Be capable of reaching 80% canopy closure for the ecosystem type being planted.

iii. Have any invasive plant pests eradicated at the time of planting.

iv. Be maintained, with any plants that die or are deceased being replaced.

(c) Within the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone, there shall be no clearance of indigenous vegetation that is less than 20 metres from a water body/wetland unless it is for the construction of public walkways up to 1.5 metres in width provided that the indigenous vegetation is not listed as a threatened plant species in Appendix 9.



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### vii Fencing (Jacks Point Zone)

(i) There shall be no fences or walls within the boundary of any lot or title within the Tablelands Area of the Jacks Point Zone outside of any Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock and for the purpose of demarcating private land from land accessible to the public as a result of the creation of public walkways additional to those walkways identified as "Public Access Route" on Figure 1 and Figure 2 – Jacks Point Zone. Any such fencing shall be post and wire only.

(ii) In the R(HD) and R(HD-SH) Activity Areas at Hanley Downs, except for sites smaller than 550m<sup>2</sup> created pursuant to subdivision Rule 15.2.6.2(i)(b), fences located within a setback from a road shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be erected within the road setback for a maximum of half of the length of the road boundary of the site.

### viii Earthworks

The following limitations apply to all earthworks (as defined within this Plan) within the Jacks Point Zone, **except** for earthworks associated with:

- A subdivision
- The construction, addition or alteration of any building; and
- Golf course development.

#### 1 Volume of Earthworks

- (a) The total volume of earthworks does not exceed **100m<sup>3</sup>** (or **200m<sup>3</sup>** at Hanley Downs) per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m<sup>2</sup>** (or **400m<sup>2</sup>** at Hanley Downs) in area within

that site (within a 12 month period).

- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m<sup>3</sup> (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
- (i) expose any groundwater aquifer;
  - (ii) cause artificial drainage of any groundwater aquifer;
  - (iii) cause temporary ponding of any surface water.

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

- (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe from the site boundary (See interpretative diagram 6). Except where the cut of fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.
- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height or any fill shall not exceed 2 metres.

#### 3 Environmental Protection Measures

- (a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be



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revegetated within 12 months of the completion of the operations.

- (b) Any person carrying out earthworks shall:
- (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
  - (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- (c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

#### 4 Protection of Archaeological sites and sites of cultural heritage

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

#### ix **Density Master Plan (Jacks Point Resort Zone)**

- (a) No residential development shall take place within any Jacks Point Residential Activity Area (R(JP) Activity Area) identified on Structure Plan 4 - Jacks Point Zone until a Density Master Plan has been

lodged with the Council in respect of all R(JP) and V(JP) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(JP) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(JP) Activity Area in order to achieve the required overall average density of between 10-12 dwellings per hectare across all of the R(JP) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(JP) Activity Areas.

- (b) An amended Density Master Plan may be lodged with the council in respect of all R(JP) Activity Areas from time to time - with the effect of amending densities within individual R(JP) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(JP) Activity Areas.
- ~~(c) No residential development shall take place within any Hanley Downs Residential Activity Area (R(HD) Activity Area) identified on Structure Plan 2 - Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(HD) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(HD) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(HD) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(HD) Activity Areas.~~
- ~~(d) An amended Density Master Plan may be lodged with the Council in respect of all R(HD) Activity Areas from time to time - with the effect of amending densities within individual R(HD) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(HD) Activity Areas.~~
- (c) No residential development shall take place within any R(JP) Activity Area, or R(HD) Activity Area which does not comply with



# RESORT ZONES RULES – PC 44 Amendments

the current Density Master Plan lodged with the Council pursuant to previous subparagraphs of this rule.

## x Outline Development Plan (Jacks Point Zone, excluding Hanley Downs)

- (a) No subdivision or development shall take place within an individual Residential (R) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2 (xi) with respect to all of that area.
- (b) No subdivision or development shall take place within any Residential (R) Activity Area which does not comply with an Outline Development Plan in respect of that area approved by the Council pursuant to the preceding rule.
- (c) No subdivision or development shall take place within any Village (V) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2(xii) with respect of all of that (V) area.
- (d) No subdivision or development shall take place within any (V) Area which does not comply with an Outline Development Plan in respect of that (V) Area approved by the Council pursuant to the preceding rule.

## xi Nature and Scale of Activities

In the Jacks Point Zone the maximum net floor area (as defined) for any commercial activity shall be 200m<sup>2</sup>.

## xii Density (Jacks Point zone – Village Activity Areas)

No development shall take place within any Jacks Point Village Activity Area (V(JP) Activity Area) identified on Structure Plan 4 – Jacks Point Zone which does not comply with the following standards:

- (a) building coverage across the whole V(JP) Activity Area shall not exceed 60%;

(b) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;

(c) A minimum of 1/6 (by floor area) of the 60% building coverage shall be used for commercial purposes.

~~(b) No development shall take place within any Hanley Downs Village Activity Area (V(HD) Activity Area) identified on Structure Plan 2 – Jacks Point Zone which does not comply with the following standards:~~

~~(i) building coverage across the whole V(HD) Activity Area shall not exceed 60%;~~

~~(ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;~~

~~(iii) a minimum of 1/6 (by floor area) of the 60% building coverage shall be used for commercial purposes.~~

## xiii Building Height (Lodge Activity Area – Jacks Point Zone)

In the Lodge Activity Area of the Jacks Point Zone, any building between 5 metres and 7.5 metres in height with the exercise of Council's discretion being limited to height.

## xiv Building Coverage – Hanley Downs

On any site within the R(HD) and R(HD-SH) Activity Areas of the Jacks Point Resort zone, buildings shall not exceed a maximum building coverage of 50%, except:

(a) A medium density residential development authorised pursuant to Rule 12.2.3.2xiii where a maximum building coverage of 70% shall apply.

(b) Any non-residential activity authorised by Rule 12.2.3.3(b) where a maximum building coverage of 70% shall apply.

(c) This rule shall not apply to sites smaller than 550m<sup>2</sup> created



# RESORT ZONES RULES – PC 44 Amendments

pursuant to subdivision Rule 15.2.6.2(i)(b).

## xv Building Colours – Hanley Downs

In the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone any building shall result in:

- (a) At least 70% of the total painted or galvanised external surface of buildings (excluding roofs and windows) having a reflectance value of between 0 and 35%;
- (b) Roof colours that shall have a reflectance value of 20% or less, and be in the range of browns, greys and black.

## 12.2.5.2 Zone Standards

### i Residential Units

- (a) In the Millbrook Resort Zone the maximum number of residential units permitted is 450. These units must be located in accordance with the Structure Plan, provided until such time as 27 golf holes are completed, only 300 residential units are permitted.
- (b) In the Waterfall Park Resort Zone the maximum number of residential units permitted is 100. The units must be located in accordance with the Structure Plan.
- (c) In the Jacks Point Zone (**excluding** the Homestead Bay area)
  - (i) Until such time as 18 golf holes are constructed, only 200 residential units and a 60 room lodge are permitted.
  - (ii) No residential dwelling may be occupied until 18 golf course holes have been constructed.
- (d) In the Homestead Bay area of the Jacks Point Zone, no residential units may be constructed until 80% of the freehold land within the Open Space - Foreshore Activity Area has been planted with native endemic species.

### ii Building Height

- (a) In the Millbrook Resort Zone the maximum height of buildings shall be:
  - (i) Hotels, clubhouses, conference and theatre facilities restaurants, retail and residential buildings - 8m
  - (ii) Filming towers - 12m
  - (iii) All other buildings and structures – 4m
- (b) In the Waterfall Park Resort Zone the maximum height of buildings shall be:
  - (i) Accommodation, clubhouses, conference, theatre facilities restaurants, and residential buildings - 8m
  - (ii) Filming towers, aerials, chimneys - 12m
  - (iii) All other buildings and structures - 4m
- (c) In the Jacks Point Resort Zone, the maximum height of buildings shall be:
  - (i) Village (V) Activity Areas 1  
0m
  - (ii) Farm buildings 1  
0m
  - (iii) Residential (R, R(SH) and R(HD)) Activity Areas  
8m
  - (iv) Open Space/Vineyard (OS/V) Activity Area  
8m
  - (v) Farm Buildings and Craft (FBA) Activity Area



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8m

Resort Zone:

(vi) Lodge (L) Activity Areas

7.5m

i. In addition to the maximum height of buildings above, within all R(HD) activity areas, except for:

(vii) All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event).

4m

a. Sites smaller than 550m<sup>2</sup> created pursuant to Rule 15.2.6.2(i)(b)

b. A Medium Density Residential Development authorised by Rule 12.2.3.2xiii

(d) **Except** in the following Homesite Activity Areas (HS Activity Areas), where the maximum height shall be 5m above the datum level specified for that Activity Area:

no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° and commencing at 2.5m above ground level at any given point along any internal site boundary.

## HS Activity Area

## HS Activity Area

Number	Datum (masl)	Number	Datum (masl)
HS1	372.0	HS19	372.0
HS2	381.0	HS20	377.2
HS3	381.0	HS21	372.5
HS4	377.0	HS22	374.0
HS5	388.0	HS23	371.5
HS6	382.0	HS24	372.4
HS7	379.0	HS25	373.0
HS8	386.5	HS26	378.1
HS9	389.0	HS27	388.0
HS10	395.0	HS28	392.6
HS11	396.0	HS29	385.5
HS12	393.0	HS30	395.9
HS13	399.0	HS31	393.7
HS14	403.0	HS32	384.8
HS15	404.0	HS33	385.8
HS16	399.5	HS34	399.0
HS17	394.5	HS35	405.0
HS18	392.5	HS36	400.3

**Except that:**

a. A gable or dormer may encroach beyond the recession lines where it is:

i. no greater than 1m in height and width measured parallel to the nearest adjacent boundary

ii. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.

b. A recession line restriction shall not apply to accessory buildings nor common walls shared at a boundary and parts of buildings that do not extend beyond the length of that wall.

c. For:

a. Any non-residential activity authorised pursuant to Rule 12.2.3.3(b)

b. Any medium density housing development authorised pursuant to Rule 12.2.3.2xiii

c. Sites smaller than 550m<sup>2</sup> created pursuant

(e) Within the R(HD) and R(HD-SH) Activity Areas of the Jacks Point



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to Rule 15.2.6.2(i)(b)

the maximum height of buildings may exceed the maximum height stated in Rule 12.2.5.2ii(c) above, up to a maximum of 3 storeys or 10m (whichever is lesser).

## iii Jacks Point Zone – Homestead Bay

In the Jacks Point Zone – Homestead Bay Village Area the following limitations to development shall apply:

The building coverage within the Homestead Bay Village Area shall be a maximum of 21,500 m<sup>2</sup>. Buildings shall be distributed across the whole village area, incorporating visual breaks, and avoiding any concentration

in any one part of that area. The buildings shall provide a variety of living accommodation.

## iv Glare

- (a) All fixed lighting shall be directed away from adjacent roads and properties.
- (b) In all parts of the Jacks Point Resort Zone other than the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area and in all other resort zones, any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish.
- (c) No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.
- (d) In the R(HD) and R(HD-SH) Activity Areas of the -Hanley Downs part of the Jacks Point Resort Zone, no activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.

## v Servicing

- (a) All services, with the exception of stormwater in the Hanley Downs area of the Jacks Point Resort Zone, are to be reticulated underground.

- (b) In the Millbrook Resort Zone all effluent disposal shall be reticulated to the Shotover Sewerage Treatment Plant.

## vi Site Coverage

- (a) In the Millbrook Resort, Jacks Point (excluding Homestead Bay and Hanley Downs) and Waterfall Park Resort Zones the maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings. **Excludes** weirs, filming towers, bridges and roads and parking areas.
- (b) In the Homestead Bay area of the Jacks Point Zone (Structure Plan 3 - Jacks Point Zone) the maximum site coverage shall not exceed 2.5% of that area. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings. Excludes weirs, filming towers, bridges, roads and parking areas.

## vii Nature and Scale of Activities

**Except** within those areas of the Structure Plan identified as the Village Centre:

- (a) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.
- (b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming activities in the Jacks Point Zone

## viii Retail Sales

- (a) In the Waterfall Park Zone no goods shall be displayed, sold or offered for sale from a site **except**:
  - (i) goods grown, reared or produced on the site;



## RESORT ZONES RULES – PC 44 Amendments

- (ii) within those areas of the Structure Plan identified as the Village Centre.
- (b) In the Millbrook Resort Zone no goods or services shall be displayed, sold or offered for sale from a site **except**:
- (i) goods grown, reared or produced on the site;
  - (ii) goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within those areas of the Structure Plan identified as Recreation Facilities.
  - (iii) Within those areas of the structure Plan identified as the Village Centre

### ix Noise

- (a) In the Millbrook Resort and Jacks Point Zones sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within the Residencies Activities Areas shown on Figure 1 and the Structure Plans:

(i)	daytime	(0800 to 2000 hrs)	50 dB $L_{Aeq}(15 \text{ min})$
(ii)	night-time	(2000 to 0800 hrs)	40 dB $L_{Aeq}(15 \text{ min})$
(iii)	night-time	(2000 to 0800 hrs)	70 dB $L_{AFmax}$

- (be) In the Waterfall Park Zone sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within this zone:

(iv)	daytime	(0800 to 2000 hrs)	50 dB $L_{Aeq}(15 \text{ min})$
(v)	night-time	(2000 to 0800 hrs)	40 dB $L_{Aeq}(15 \text{ min})$
(vi)	night-time	(2000 to 0800 hrs)	70 dB $L_{AFmax}$

- (c) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (d) The noise limits in (a), (b), and (c) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803: 1999.
- (e) The noise limits in (a), (b), and (c) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.
- (f) Within the Hanley Downs area of the Jacks Point Resort Zone, any residential activities located within 80 m of the seal edge of State Highway 6, shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA  $L_{eq}(24 \text{ hour})$  in bedrooms and 40 dBA ( $L_{eq}(24 \text{ hour})$  for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.

### x Fire Fighting

In the Millbrook Resort, Jacks Point and Waterfall Park Resort Zones a fire fighting reserve of water shall be maintained. The storage shall meet the Fire Service Code of Practice 1992.

Comment [CF5]: correction

### xi Water Quality

In the Millbrook Resort and Waterfall Park Resort Zones activities shall be assessed as to their potential effects on the water quality of Mill Creek and Lake Hayes in terms of siltation and nutrient loading. No activity shall compromise the existing water quality or vegetation.



# RESORT ZONES RULES – PC 44 Amendments

## xii Refuse Management

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

## xiii Atmospheric Emissions

- (a) Within any premises in the Millbrook Resort, and Waterfall Park Resort Zones the best practicable means shall be adopted to minimise the emission of smoke, smell and other air pollutants from the premises and to render any air pollutant harmless and inoffensive.
- (b) In the Millbrook Resort and Waterfall Park Resort Zones feature open fireplaces are permitted in the clubhouse and other communal buildings including bars and restaurants. There shall be no other solid fuel fires.

## xiv Temporary and Permanent Storage of Vehicles

In the Jacks Point Zone, within the Tablelands Area (refer Structure Plan), but excluding the Homesite and Lodge Activity Areas (HS and L Activity Areas), there shall be no temporary or permanent siting of:

- Motor vehicles, trailers, caravans, boats or similar objects;
- Storage containers, workshops, offices, sheds, huts or similar structures (other than public toilets and shelter); and
- Scaffolding or similar construction materials.

**Except** for temporary filming towers erected during an event and for no more than 7 days either side of an event.

## xv Location and Scale of Commercial Activities (Hanley Downs area)

- a) The total floor space of all commercial activities in the R(HD) A to G and R(HD-SH)-1, and R(HD-SH)-2 and R(HD-SH)-3 Activity Areas shall not exceed 500m<sup>2</sup>.
- b) Retail activities shall be located within 120 metres of the

Primary Road shown on the Structure Plan or within 120 metres of its final formed location if the location is varied pursuant to Rule 12.2.5.1ii(a)(i).

## xvi Wilding trees (Hanley Downs area)

No landscape plan submitted as part of any resource consent application shall propose to permanently retain wilding trees (as listed as a prohibited activity in Rule 12.2.3.6.ii).

## xvii Access (Hanley Downs area)

Each unit shall have legal access to a formed road.

## xviii Density (Hanley Downs)

- (a) Within the Hanley Downs area, the average density of residential units within each of the Residential Activity Areas shall be as follows:

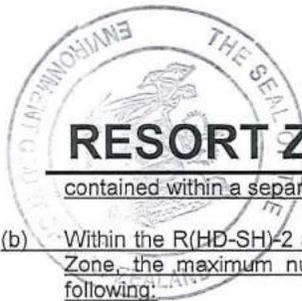
Activity Area	Net density (dwellings per Ha)
R(HD-SH) – 1	12 -22
R(HD-SH) – 2	1.4
<b>R(HD-SH) – 3</b>	<b>12 – 22</b>
R(HD) – A	17 – 26
R(HD) – B	17 – 26
R(HD) – C	15 – 22
R(HD) – D	17 – 26
R(HD) – E	25 – 45
R(HD) – F	4 – 22
R(HD) – G	2 - 10

Comment [AL7]: correction

Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space, access or roading and excludes sites used for non-residential activities. If part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred within that Activity Area.

Comment [AL6]: correction

**Except** that this rule shall not apply to a single residential unit on any site



## RESORT ZONES RULES – PC 44 Amendments

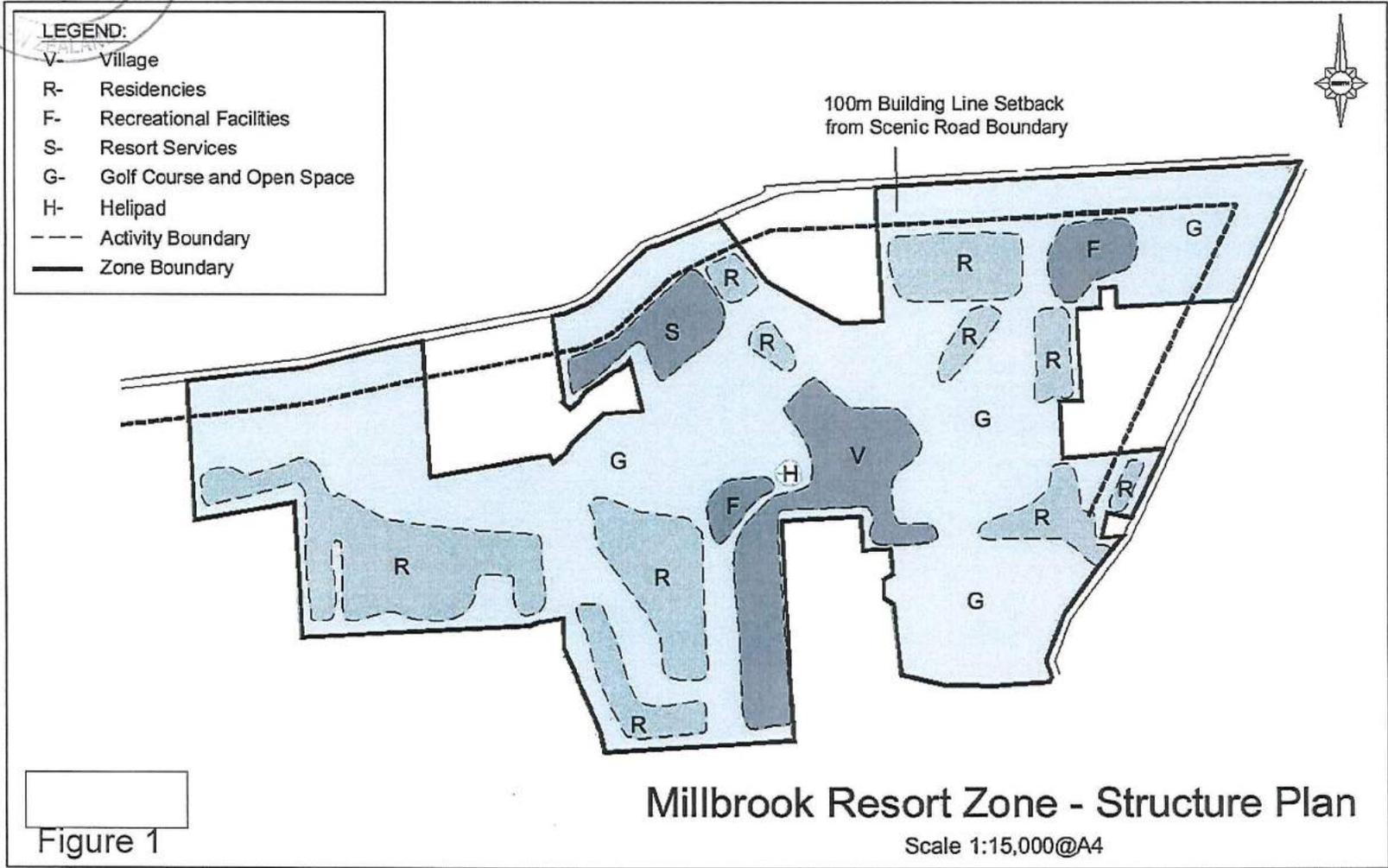
contained within a separate certificate of title.

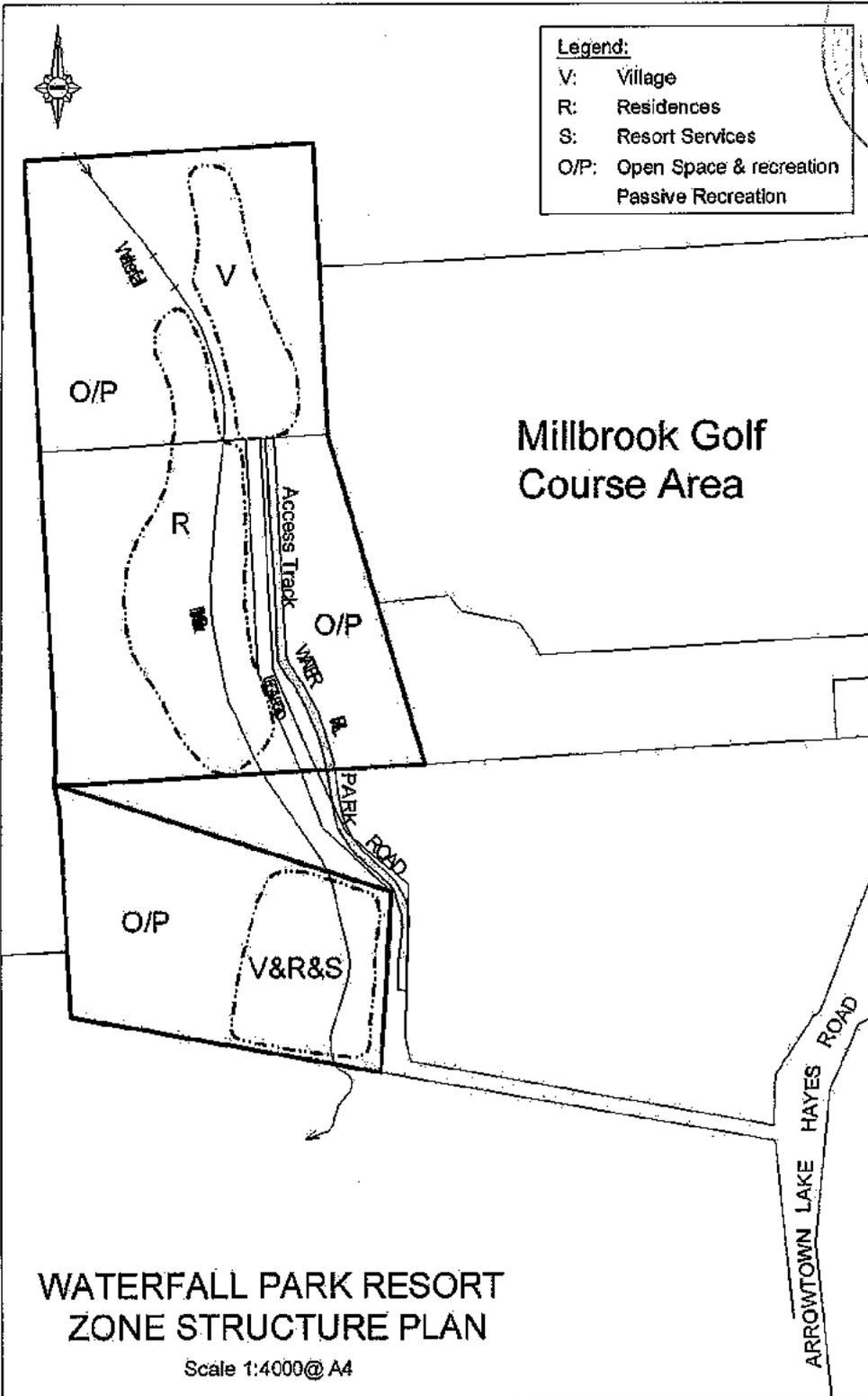
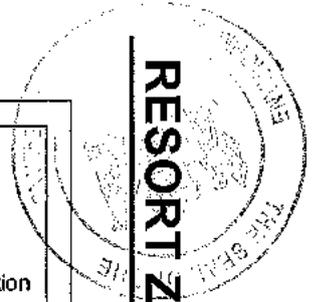
- (b) Within the R(HD-SH)-2 and R(HD)-G Activity Areas of the Jacks Point Resort Zone, the maximum number of residential units shall be restricted to the following:

<u>Activity Area</u>	<u>Maximum number of Residential Units</u>
R(HD-SH) – 2	7
R(HD)-G	8



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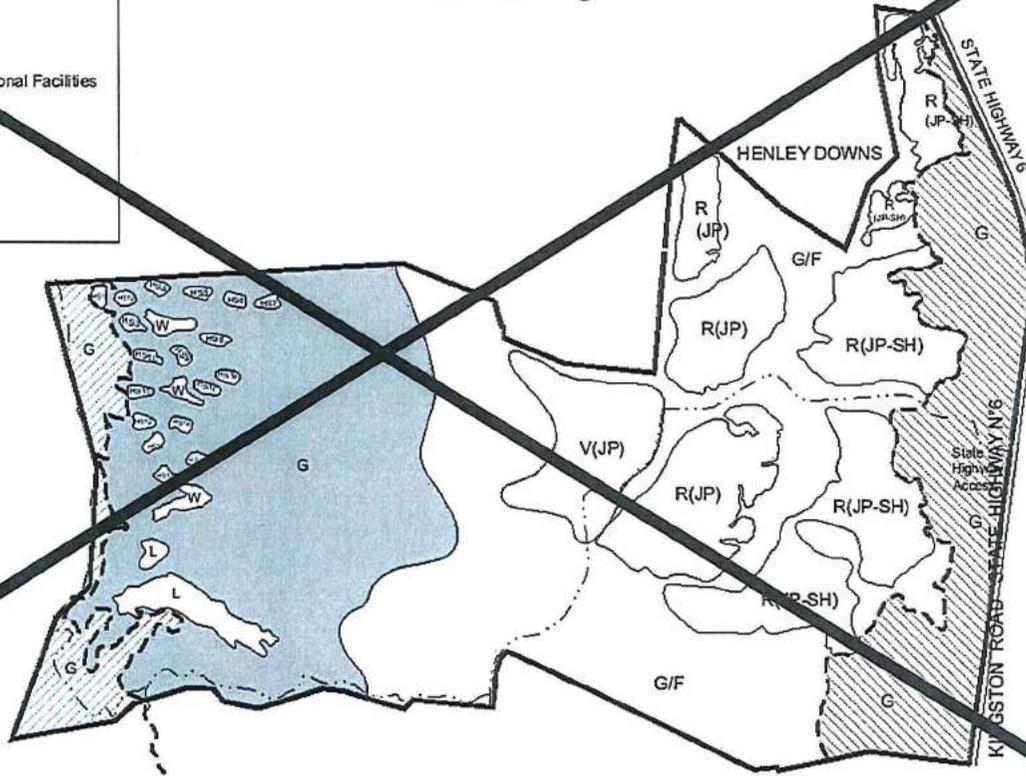
# RESORT ZONES RULES – PC 44 Amendments

## FIGURE 1 Jacks Point Zone - Jacks Point

Scale 1:20000 @ A4



KEY	
L	Lodge
V(JP)	Village - Jacks Point
R(JP)	Residential - Jacks Point
R(JP-SH)	Residential - Jacks Point, State Highway
HS	Tablelands / Homesites
W	Wetlands
G	Golf Course and Open Space
G/F	Golf Course, Open Space & Recreational Facilities
	Lakeshore Landscape Protection Area
	Highway Landscape Protection Area
	Public Access Route
	Tablelands (Includes Homesites & Wetlands within Shaded area)

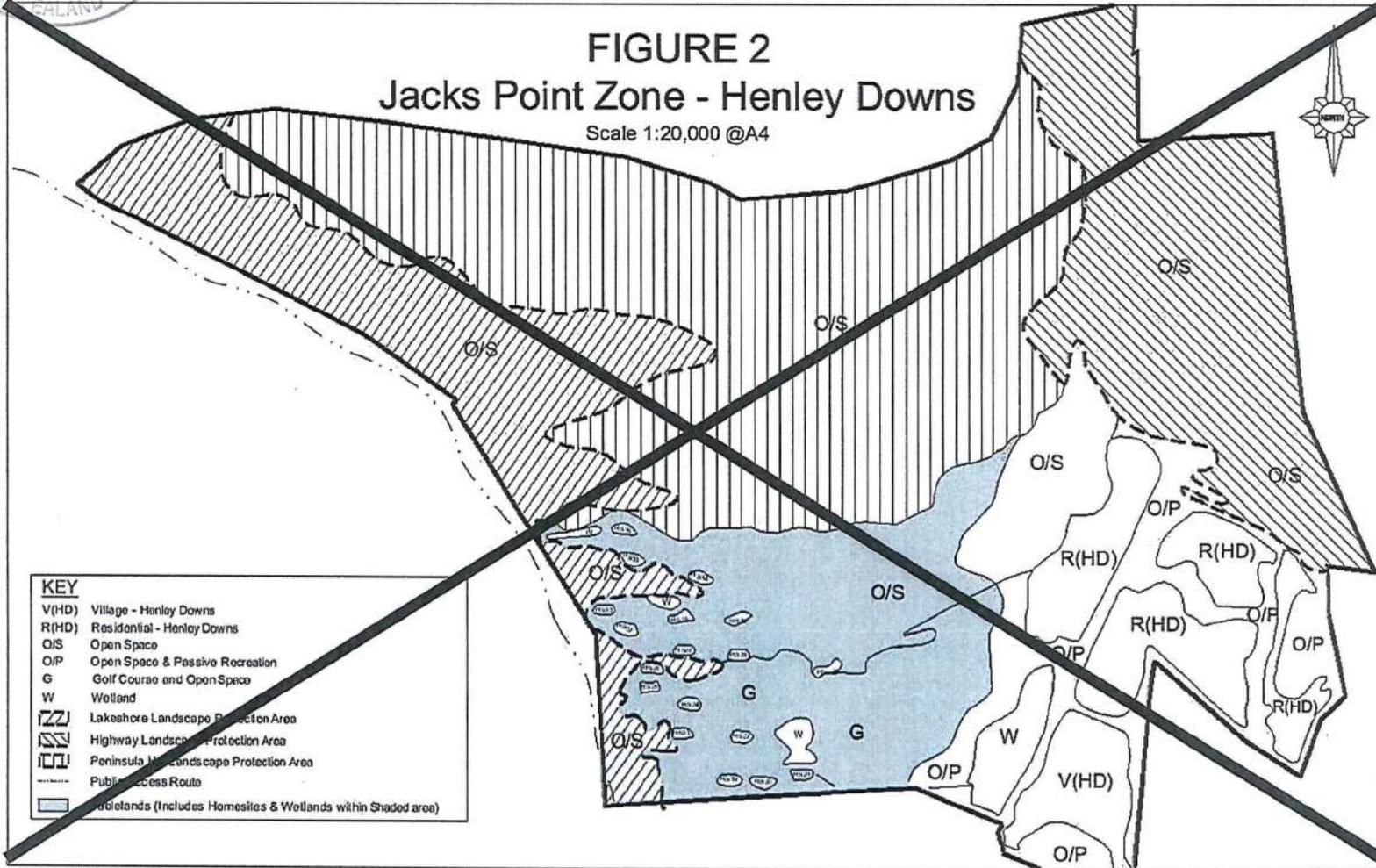




# RESORT ZONES RULES – PC 44 Amendments

## FIGURE 2 Jacks Point Zone - Henley Downs

Scale 1:20,000 @A4





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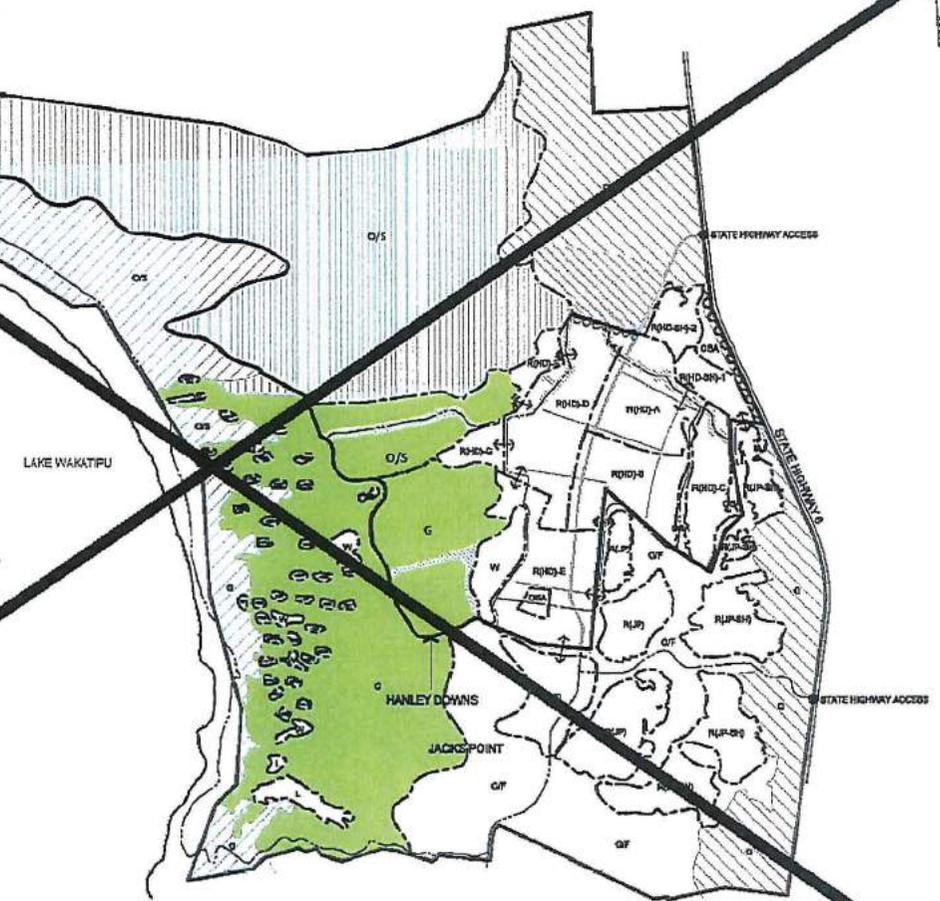
## Structure Plan

Jacks Point Resort Zone - Hanley Downs and Jacks Point

scale 1:25,000 (A4), 1:50,000 (A3)

KEY	
R(HD)	Residential (Hanley Downs)
R(HD-SH)	Residential (Hanley Downs – State Highway)
OSL	Open Space Landscape Protection/Farming
OSA	Open Space Residential Amenity
W	Wetland
L	Lodge
V(JP)	Village (Jacks Point)
R(JP)	Residential (Jacks Point)
R(JP-SH)	Residential (Jacks Point – State Highway)
HS	Tablelands Homesites
G	Golf Course and Open Space
G/F	Golf Course, Open Space and Recreational Facilities
O/S	Open Space
—	Activity Area
—	Public Access Route (location indicative)
—	Secondary Road Access (location indicative)
—	Primary Road Access (location indicative)
↔	Key Road Connections (location indicative)
▨	Open Space Area

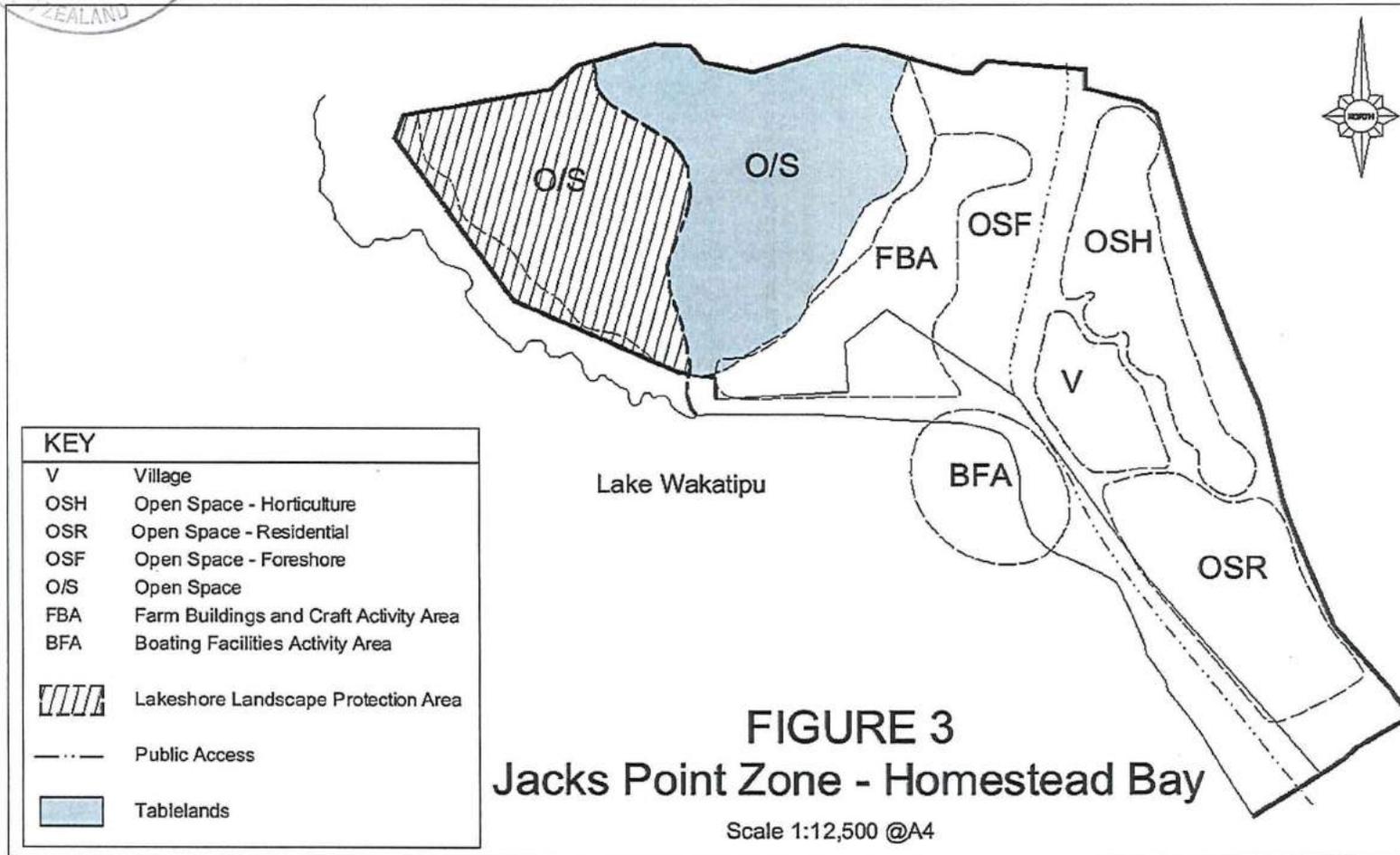
OVERLAYS	
▨	Highway Landscape Protection Area
▨	Peninsula Hill Landscape Protection Area
▨	Lake Shore Landscape Protection Area
~	State Highway Mitigation
~	Road Bank / State Highway Mitigation
▨	Tablelands (includes Homesites and Wetlands within shaded area)



Comment [AL8]: See separate amended plan

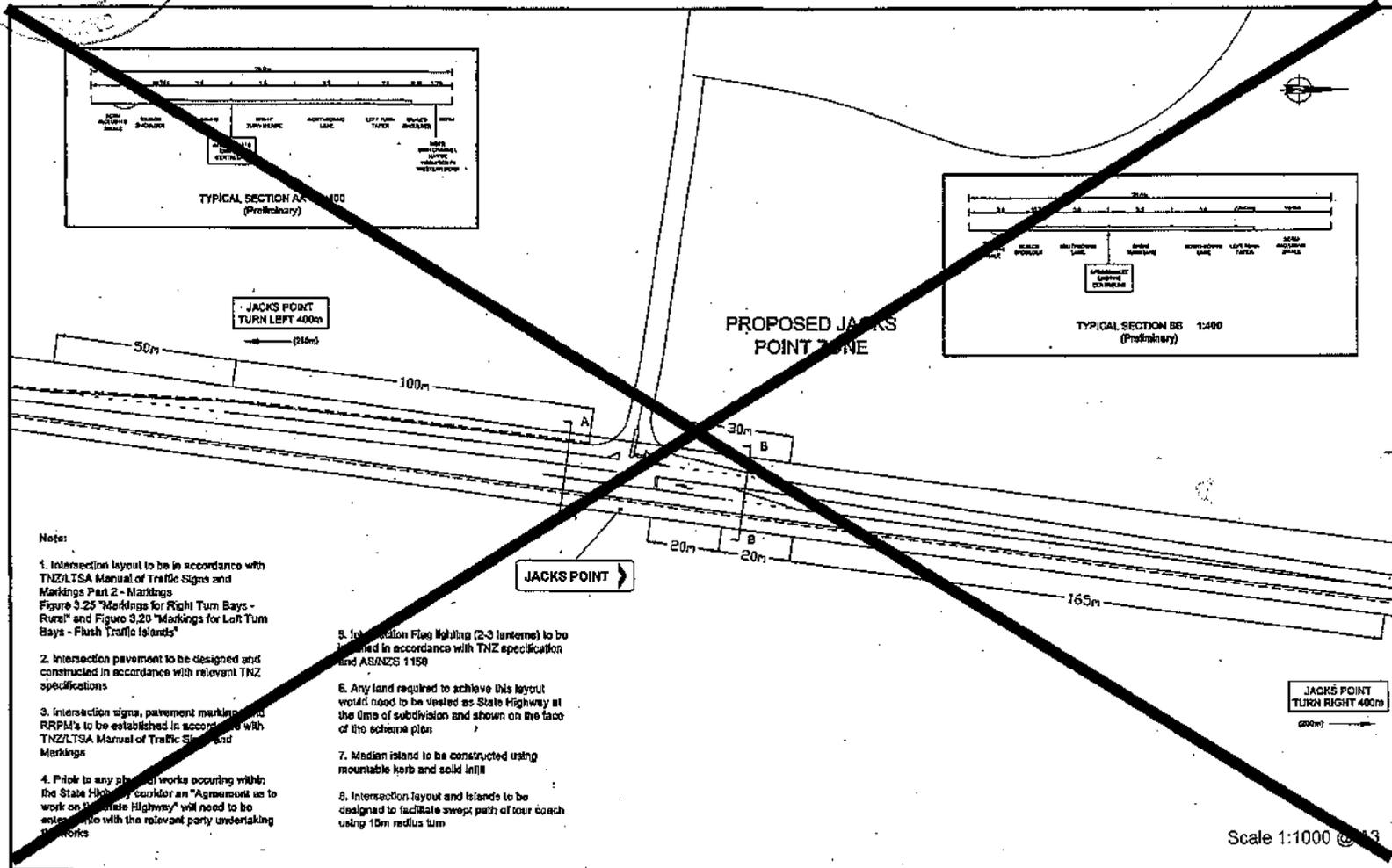


# RESORT ZONES RULES – PC 44 Amendments





# RESORT ZONES RULES – PC 44 Amendments



**Note:**

1. Intersection layout to be in accordance with TNZ/LTSA Manual of Traffic Signs and Markings Part 2 - Markings Figure 3.25 "Markings for Right Turn Bays - Rural" and Figure 3.20 "Markings for Left Turn Bays - Flush Traffic Islands"
2. Intersection pavement to be designed and constructed in accordance with relevant TNZ specifications
3. Intersection signs, pavement markings and RRP/Is to be established in accordance with TNZ/LTSA Manual of Traffic Signs and Markings
4. Prior to any physical works occurring within the State Highway corridor an "Agreement as to work on the State Highway" will need to be entered into with the relevant party undertaking the works
5. Intersection Flag lighting (2-3 lanterns) to be installed in accordance with TNZ specification and AS/NZS 1158
6. Any land required to achieve this layout would need to be vested as State Highway at the time of subdivision and shown on the face of the scheme plan
7. Median island to be constructed using mountable kerb and solid in-fill
8. Intersection layout and islands to be designed to facilitate swept path of tour coach using 15m radius turn

## Appendix 3



## Amendments to Operative District Plan Provisions As Recommended

Changes are denoted by underline for additions and ~~strikethrough~~ for deletions

### 15.2 Subdivision, Development and Financial Contributions Rules

#### 15.2.1 Statement

Control of the subdivision of land is one of the functions of a territorial authority. The subdivision of land cannot take place unless authorised by a rule in the Plan or a resource consent. The subdivision of land for purposes of land tenure can have effects on land use expectations and is the framework for the provision of services to future activities.

#### 15.2.2 General Provisions

##### 15.2.2.1 Definition of Subdivision of Land

Subdivision of land has the same meaning as in section 218 of the Act.

##### 15.2.2.2 Relevant Sections of the Act

All applications are subject to Part VI and X of the Act, with particular reference to sections 104, 105, 106, 108, 219, 220 and 230-237G.

##### 15.2.2.3 Legal Road Frontage

Section 321 of the Local Government Act 1974 shall apply to all subdivisions.

##### 15.2.2.4 Regional Council Requirements

Attention is drawn to the need to obtain relevant consents from the **Otago Regional Council** relating to matters such as, water supply, stormwater and sewage disposal, earthworks, vegetation clearance and structures in the beds of lakes and rivers. It may also be necessary to obtain approval from other relevant agencies.

##### 15.2.2.5 Transit New Zealand Requirements

Attention is drawn to the need to obtain a notice of consent from the Minister of Transport for all subdivisions on state highways which are declared Limited Access Roads. See Appendix 1A of the District Plan for sections of state highways which are LAR. Transit New Zealand should be consulted and a request made for a Minister's notice under section 93 of the Transit New Zealand Act 1989.

##### 15.2.2.6 Non-Notification of Applications

- (i) Any application for resource consent under the Subdivision Rules for Controlled Subdivision Activities and Discretionary Subdivision Activities where the exercise of the Council's discretion is limited, need not be notified and the written approval of affected persons need not be obtained. If the Council considers special circumstances exist it may require the application to be notified.
- (ii) Prior to any application for resource consent being processed under Rule 15.2.10.2(i) on a non-notified basis pursuant to section 94(2) of the Resource Management Act 1991 written approval of the Otago Regional Council must be provided to the Queenstown Lakes District Council.
- (iii) 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.

##### 15.2.2.7 Joint Hearings

Any land use consent application arising from non-compliance with rules in this Plan as a result of a proposed subdivision shall be considered jointly with the subdivision consent application. In some circumstances consideration of

a resource consent application may require a joint hearing with one or more additional consent authorities.

### 15.2.2.8 Application of Assessment Matters

- (i) The following are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- (ii) In addition to the applicable provisions of the Act, the Council shall also apply the relevant *Assessment Matters* set out in the following rules.
- (iii) In the case of Controlled and Discretionary Subdivision Activities, where the exercise of the Council's control or discretion is restricted to specified matter(s), the assessment matters taken into account shall only be those relevant to that/those matter(s).
- (iv) In the case of *Controlled Subdivision Activities*, the assessment matters shall only apply in respect to *conditions* that may be imposed on a consent.
- (v) In the case of *Controlled Subdivision Activities*, the application would only be declined pursuant to section 106 of the Act (Natural Hazards).
- (vi) Where a subdivision is a *Discretionary Subdivision Activity* because it does not comply with one or more of the relevant Site Subdivision standards, but is also specified as a *Controlled Subdivision Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Subdivision Activity when considering the imposition of conditions on any consent to the Discretionary Subdivision Activity.

## 15.2.3 Subdivision Activities

### 15.2.3.1 Permitted Subdivision Activities

There shall be no Permitted Subdivision Activities.

### 15.2.3.2 Controlled Subdivision Activities

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

The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

- (i) Boundary adjustment in the Rural General Zone, provided that:
  - (a) Each of the lots must have a separate certificate of title; and
  - (b) Any approved residential building platform must be retained in its approved location; and
  - (c) No new residential building platforms shall be identified and approved as part of a boundary adjustment; and
  - (d) There must be no change in the number of residential building platforms or residential buildings per lot; and
  - (e) There must be no change in the number of non-residential buildings per lot; and
  - (f) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards; and
  - (g) No additional saleable lots shall be created; and
  - (h) If one of the lots contains no building or residential building platform then no smaller lot shall be created without a building or residential building platform on it;

in respect of:



- The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
  - Boundary treatment;
  - Easements for access and services.
- (ii) The subdivision of land for the purposes of creating an Open Space Zone and public access easements throughout that zone.
- (iii) In the Ballantyne Road Mixed Use Zone subdivision that is in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i.
- (iv) Any rear site created in the Three Parks Zone following or combined with a comprehensive commercial development or multi-unit development shall be a controlled activity

### 15.2.3.3 Discretionary Subdivision Activities

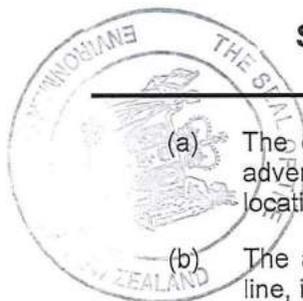
**Except** where specified as a Controlled Activity in Rule 15.2.3.2 above, and except where specified as a non-complying Activity in 15.2.3.4 below:

- (i) Any subdivision which complies with all the Zone Subdivision Standards but does not comply with any one or more Site Subdivision standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.
- (ii) Any subdivision of a lot in any zone, which complies with all of the Zone Subdivision Standards, but which contains an Area of Significant Indigenous Vegetation listed in Appendix 5 or a Heritage Item or Archaeological Site listed in Appendix 3, shall be a **Discretionary Subdivision Activity**.
- (iii) Any subdivision of land in the Penrith Park Zone north of the Visual Amenity Line as shown on the Penrith Park Plan 'A' shall be a **Discretionary Subdivision Activity**.

- (iv) In the Rural Residential zone at the north of Lake Hayes, the further subdivision of any allotment, including balances that had previously been used to calculate the average allotment size under Rule 15.2.6.2(iv).
- (v) In the Gibbston Character Zone all subdivision and location of residential building platforms shall be a **Discretionary Activity**.
- (vi) In the Rural General Zone all subdivision and location of residential building platforms shall be a Discretionary Activity, except any subdivision of land zoned Rural General pursuant to Rule 15.2.3.3 (vii) (Kirimoko Block - Wanaka)
- (vii) Any subdivision complying with the principal roading layout depicted in the Kirimoko Structure Plan shown on Page 7-59 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties) shall be a Restricted Discretionary Activity.

The Council's discretion will be limited to the following:

- Any earthworks required to create any vehicle accesses of building platforms
  - The design of the subdivision including lot configuration and roading patterns
  - 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 contained within part 7 of this District Plan
  - The protection of native species as identified on the structure plan as green network
- (viii) Within the Shotover Country Special Zone, any subdivision within 32m either side of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line shall be a Restricted Discretionary Activity with the Council's discretion restricted to:



- (a) The extent to which the subdivision design mitigates potential adverse effects on the transmission line, for example through the location of roads, reserves and open space under the line;
- (b) The ability for maintenance and inspection of the transmission line, including ensuring access;
- (c) The extent to which the design and development will minimise risk or injury and/or property damage from the transmission line;
- (d) The extent to which potential adverse effects from the transmission line including visual impact are mitigated, for example through the location of building platforms and landscape design;
- (e) The location of any building platforms;
- (f) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)
- (ix) Within the R(HD) and R(HD SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone, all subdivision shall be a restricted discretionary activity, where the Council's discretion is restricted to:
- (a) The matters of discretion specified in Rules 15.2.6 to 15.2.18.
- (b) Consistency with the Structure Plan, including the provision of Public Access Routes, Primary Road Access, Secondary Road Access and Key Road Connections.
- (c) The provision of access to the State Highway through the intersection of Woolshed Road (Rule 12.2.5.1(iv)).
- (d) Diversity of lot sizes and density.
- (x) Within the R(HD) Activity Areas of the Jacks Point Resort Zone, the Council reserves discretion over those matters listed in (ix) above, and the following:
- (a) The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area
- (b) Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.
- (c) Road and street designs.
- (d) The location and suitability of proposed open spaces
- (e) Commitments to remove wilding trees
- (f) Any appropriate legal mechanism required to secure control over future built development on sites smaller than 550m<sup>2</sup> created pursuant to Rule 15.2.6.2(i)(b).
- (xi) Within the R(HD-SH) Activity Areas of the Jacks Point Resort Zone the Council reserves discretion over those matters listed in (ix) above, and the following:
- (a) The visual effects of subdivision and development on landscape and amenity values as viewed from State Highway 6.
- (b) The location of building platforms within Activity Area R(HD-SH) – 2 with respect to the mitigation of flood hazard risk.
- (c) The provision of a flood hazard mitigation bund alongside Activity Area R(HD-SH) – 2.
- (d) Whether State Highway mitigation approved under Rule 12.2.3.2ix(b) has been implemented.
- (xii) Within open space areas O/S, OSL and G at Hanley Downs, the Council reserves discretion over those matters listed in (ix) above, and the following:
- (a) Mechanisms to provide for the protection of open space within the Peninsula Hill Landscape Protection Area, Lake Shore Landscape Protection Area and Highway Landscape Protection Area.
- (b) The protection of ecological values.
- (c) A consistent land management framework



### 15.2.3.4 Non-Complying Subdivision Activities

- (i) Any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a **Non-Complying Subdivision Activity**.
- (ii) The further subdivision of any allotment, including balances, that had previously been used to calculate the average allotment size under Rule 15.2.6.3(ii).
- (iii) The subdivision of a residential flat from a residential unit.
- (iv) Any subdivision within an Open Space Zone, further to the subdivision pursuant to 15.2.3.2 (ii).
- (v) **Peninsula Bay**  
Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2.(ii).
- (vi) **Kirimoko Block**  
Any subdivision that is not in general accordance with the location of the principal roading and reserve network contained with the Kirimoko Structure Plan shown on Page 7-59 shall be a Non-complying Activity.
- (vii) Any subdivision of land zoned Low Density Residential Zone on the Kirimoko Block prior to a walkway being constructed to QLDC Standards from Aubrey Road to Peninsula Bay and an easement in gross for such a walkway being registered against all servient titles.
- (viii) Kirimoko Block – Wanaka: Any subdivision of land zoned Rural General proposed to create a lot entirely within the Rural General Zone, to be held in a separate certificate of title.
- (ix) Kirimoko Block – Wanaka: 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 which has included in its legal boundary land zoned Rural General.

- (x) In the Ballantyne Road Mixed Use Zone subdivision shall be a **Non-complying** Activity when it is not in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i

If none of these rules (vi – ix) are offended by the subdivision proposal then it is restricted discretionary in accordance with Rule 15.2.3.3 (vii)

- (xi) **The Three Parks Zone** - Any subdivision which is not in accordance with an approved Outline Development Plan or Comprehensive Development Plan.

Note: The intention of this rule is to ensure that an Outline Development Plan or Comprehensive Development Plan is submitted and approved prior to a subdivision consent being applied for.

- (xii) **The Three Parks Zone** – Any subdivision which is not in accordance with the Three Parks Structure Plan, unless a variation has been expressly approved as part of a subsequent, more detailed ODP or CDP, except that:

- i All, subzone boundaries, and key connection points shown as 'fixed' on the Three Parks Structure Plan may be moved up to 20 metres and all collector roads shown on the Three Parks Structure Plan may be moved up to 50 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting; and
- ii All roads and other elements shown as 'indicative' on the Three Parks Structure Plan may be moved or varied provided they are generally in accordance with and achieve the Three Parks Structure Plan and the relevant objectives and policies.
- iii All Open Spaces shown on the Three Parks Structure Plan may be moved or varied provided they are generally in the same location; are of the same or greater scale; provide the same or an improved level of landscape mitigation (particularly in respect of ensuring a green buffer from SH 84); and provide the same or an improved level of functionality.

Note: For the avoidance of doubt, an Outline Development Plan or Comprehensive Development Plan which in any way obstructs or does not specifically provide for the roading connections to land or roads adjoining the zone, in the manner shown on the Three Parks Structure Plan will be processed as a non-complying activity.

- (xiii) **The Three Parks Zone** – Any subdivision of the Open Space areas shown on the Three Parks Structure Plan or approved by an Outline Development Plan or Comprehensive Development Plan.
- (xiv) **The Three Parks Zone** – Any subdivision within the Deferred Urban subzone.

### 15.2.3.5 Prohibited Subdivision Activities

- (i) Subdivision within Activity Area 7a of the Mount Cardrona Station Special Zone

### 15.2.3.6 Assessment Matters for Resource Consents

- (i) The assessment matters to which the Council will have regard in relation to Controlled Subdivision Activities, and Discretionary Subdivision Activities where the exercise of the Council's discretion is limited to a particular matter(s), are specified in Subdivision Rules 15.2.6 to 15.2.19.
- (ii) In considering whether or not to grant consent or impose conditions in respect to Discretionary Subdivision Activities specified in Rule 15.2.3.3 above, where the exercise of the Council's discretion is not limited, the Council shall have regard to, but not be limited by, the following assessment matters:
  - (a) **Subdivision of Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites**
    - (i) The effect of the subdivision on the character of the conservation area, heritage item or archaeological site and its environs, its important values, the reasons for its listing, and the ability of the public to enjoy and appreciate its features, where appropriate.

- (ii) Whether the subdivision enables identification and protection of areas containing nature conservation values.
- (iii) Whether the lot size and dimensions are sufficient and appropriate to provide protection to the area, item or site.
- (iv) Whether the subdivision enables or enhances the retention of the essential character and values of the area, item or site, including any proposed preservation programme.
- (v) Whether the subdivision will allow development on, or use of, the site without adversely affecting the character and values of the area, item or site and its environs.
- (vi) Any need to restrict the location or bulk of future buildings on the lot.

### (b) Subdivisions of Land in the Rural General, Rural Lifestyle, Gibbston Character, Bendemeer Zones the Rural Residential area at the north of Lake Hayes, and the Quail Rise Zone (Activity Area R2)

- (i) The extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and enhances:
  - (a) rural character
  - (b) landscape values
  - (c) heritage values
  - (d) visual amenity
  - (e) life supporting capacity of soils, vegetation and water
  - (f) infrastructure, traffic access and safety
  - (g) public access to and along lakes and rivers
- (ii) The extent to which subdivision, the location of residential building platforms and proposed development may adversely affect adjoining land uses.
- (iii) The extent to which subdivision, the location of residential building platforms and proposed development may be serviced by a potable water supply, reticulated sewerage or on-site sewage disposal within the lot, telecommunications and electricity.

- (iv) The extent to which subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation, particularly within the Rural Lifestyle Zone at Makarora.

Also refer to Part 15.2.10.1.

- (v) Consideration of the long term development of the entire property.
- (vi) Whether the subdivision will result in the loss of the life supporting capacity of soils.
- (vii) In the Bendemeer Special Zone the extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and does not compromise the ice sculptured legibility of the land within the zone particularly when viewed from State Highway 6 to the south of the zone, Morven Ferry and Arrow Junction Roads and any other public places to the south, excluding the Crown Range Road.
- (viii) Subdivision and location of residential building platforms in R2 (Design Urban Edge) Activity Area of the Quail Rise Zone – Controlled Activity

In considering the subdivision design of the R2 (Design Urban Edge) Activity Area the Council shall consider:

- a. The location of residential building platforms in positions where future houses will not be visible from State Highway 6. In determining this the Council shall take into account the deferment of residential development within the R2 (Design Urban Edge) Activity Area for five years from the completion of the landscaping works in the G (Design Urban Edge) Activity Area to allow growth in the vegetation screening;
- b. Structure landscaping work within the R2 (Design Urban Edge) Activity Area to compliment the purpose of the G (Design Urban Edge) Activity Area landscaping work, including the protection of any existing trees proposed landscaping and earthworks;

- c. Street lighting designed to avoid any potential effects of street lighting when viewed from State Highway 6 by means of design, location and height of such street lighting;
- d. The need for covenants or consent notices on the resultant titles as follows:
  - (i) Acknowledging that the purpose of landscaping work within the G (Design Urban Edge) and R2 (Design Urban Edge) Activity Area is to make buildings within the R2 (Design Urban Edge) Activity Area not visible from SH 6; and
  - (ii) Prohibiting and future landowner from making complaints, request or resource consent applications to the Council for the topping or removal of vegetation from the G (Design Urban Edge) Activity Area.
- (ix) In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:
  - a. 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 (ie. open space held in one title whether jointly or otherwise).
  - b. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.
- (x) In considering whether or not to grant consent or impose conditions in respect of subdivision and the location of residential building platforms in the Rural General Zone, the Council shall apply Rules 5.4.1 and 5.4.2.1 and shall have regard to, but not be limited to, the relevant assessment matters in Rules 5.4.2.2 and 5.4.2.3

**(c) Gibbston Character Zone – Assessment Matters**

- A) Effects on Gibbston Valley's character

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on Gibbston Valley's character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;
- (ii) whether the scale and nature of the development will compromise the productive potential, amenity or character of the surrounding Gibbston Valley;
- (iii) whether the development will degrade the amenity or character of the surrounding Gibbston Valley by causing over-domestication of the landscape.

B) Visibility of development

In considering whether the development will result in a loss of the viticultural or arcadian pastoral character of the landscape the Council shall have regard to whether and the extent to which:

- (i) the proposed development is highly visible when viewed from any public roads and other public places which are frequented by the public, or is visible from SH6;
- (ii) development which is highly visible or visible pursuant to (i) above is appropriate within Gibbston Valley;
- (iii) the proposed development is likely to be visually prominent such that it dominates or detracts from views otherwise characterised by viticultural or cultural landscapes.
- (iv) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography;
- (v) the subject site and wider visual amenity landscape of which

it forms part is enclosed by any confining elements of topography and/or vegetation;

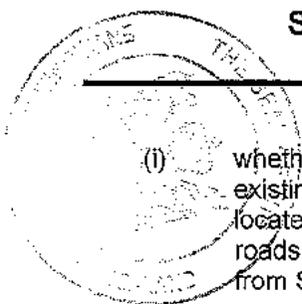
- (vi) any residential building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
  - (vii) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the viticultural landscape particularly with respect to elements which are inconsistent with the existing natural topography;
  - (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units.
- C) Rural Amenities

In considering the potential effect of the proposed development on rural amenities, the following matters shall be taken into account:

- (i) whether the proposed development maintains adequate and appropriate visual access to open space and views across Arcadian pastoral landscape from SH6 and other public places; and from adjacent land where views are sought to be maintained;
- (ii) whether the proposed development compromises the ability to undertake viticultural activities on surrounding land;
- (iii) whether the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting, curb and channelling and impervious surfaces other than roads, particularly in relation to SH6 frontages;
- (iv) whether landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front SH6.

D) Form and Density of Development

In considering the appropriateness of the form and density of development the following matters shall be taken into account:



- (i) whether and to what extent there is the opportunity to utilise existing natural topography to ensure that the development is located where it is not highly visible when viewed from any public roads and other public places frequented by the public, or visible from SH6.
- (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 (ie. open space held in one title whether jointly or otherwise).
- (iii) whether and to what extent development is concentrated in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state;
- (iv) whether and to what extent the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.

E) Cumulative Effects of Development on the Landscape

In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative adverse effects on the viticultural or Arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:

- (i) the assessment matters detailed in (a) to (d) above;
- (ii) the nature and extent of existing development within the vicinity or locality;
- (iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;
- (iv) whether further development as proposed will visually

compromise the existing viticultural and Arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;

- (v) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).

Note: For the purposes of this assessment matter the term "vicinity" generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from:

- State Highway 6, or
- from any other public roads or public place frequented by the public and which is readily visible from that other public road or public place; or
- from adjacent or nearby residences.

The "vicinity or locality" to be assessed for cumulative effect will vary in size with the scale of the landscape i.e. when viewed from the road, this "vicinity", will generally be 1.1 kilometre in either direction.

**15.2.4 Developments**

**15.2.4.1 General Provisions**

- (i) The following rules apply only to the Hydro Generation Sub-Zone.
- (ii) In considering any resource consent application in relation to financial contributions, Rule 15.2.5 shall apply.

### 15.2.4.2 Activities

The following shall be **Controlled Activities**. The matters in respect of which the Council has reserved control are listed with each activity.

- (i) Development within the Hydro Generation Zone. Council's control shall be limited to matters specified in 15.2.5.

### 15.2.4.3 Assessment Matters for Resource Consents

In considering whether or not to impose conditions in respect to developments in the Hydro Generation Zone, the Council shall have regard to, but not be limited by, the assessment matters for subdivision consent relating to water supply, stormwater disposal, sewage treatment and disposal, trade waste disposal, energy supply and telecommunications, property access, open space and recreation (as specified in the relevant subdivision standard) as though the application for the development was for a subdivision activity.

In addition, the Council may take into account any provision made as part of an application for a development to provide or include any of the items set out in Clause 15.2.4.2 (i) and (ii) above.

## 15.2.5 Financial Contributions

### 15.2.5.1 Purpose

The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development via the imposition of development contributions. The Council has now formulated a development contribution policy as part of its Long Term Community Plan and actively imposes development contributions via this process.

The rules in this section of the plan are therefore limited to the imposition of a financial contribution as a condition of a resource consent for a development as follows:

- (a) In relation to a development within the Hydro Generation Zones.

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.

### 15.2.5.2 Financial Contributions for Open Space and Recreation - Developments

#### i Hydro Generation Activities

##### Purpose

A financial contribution may be included as a condition of a resource consent for any other development for the purposes of providing land and/or facilities for open space, recreation and public amenity within the Hydro Generation Zone.

##### Form

- (a) Payment of money
- (b) Land
- (c) Any combination of the above.

##### Maximum Contribution for Hydro Generation Activities

0.5% of the value of the development once that value exceeds \$5,000,000.00

##### Value of Development

The value of development shall be the cost of the development at the date on which the resource consent is granted, and shall include the cost of all improvements forming part of the development but not include the value of the site of the proposed development.

#### ii Credit

If, preceding the lodging of the application for a resource consent for any development, any payment in respect of the subdivision of the land comprising the site of the proposed development has been made to the

Council for the purposes of providing land and/or facilities for open space and recreation, the amount of that payment shall be deducted from the maximum amount payable.

### 15.2.5.3 General Provisions - Financial Contributions for Open Space and Recreation (Hydro Generation Zone only)

- (i) These provisions shall apply to all financial contributions made for the purposes of open space and recreation on subdivision or development within the Hydro Generation Zone.
- (ii) All financial contributions shall be GST inclusive.
- (iii) Where the financial contribution is or includes a payment of money, the Council may specify in the condition:
  - (a) The amount to be paid by the consent holder or the method by which the amount of the payment shall be determined;
  - (b) How payment is to be made, including whether payment is to be made by instalments;
  - (c) When payment shall be made;
  - (d) Whether the amount of the payment is to bear interest and if so, the rate of interest;
  - (e) If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted;
  - (f) Whether there are any penalties to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
- (iv) Whether financial contribution is or includes land, the value of the land shall be determined by the Council. In granting a consent the Council shall in its decision give reasons for its assessment of the value of the land.

- (v) Whether financial contribution is or includes land, the Council may specify:
  - (a) The location and area of the land;
  - (b) When and how the land is to be transferred to or vested in the Council.
- (vi) The Council may require a bond to be given for the performance of any condition requiring that a financial contribution be made. The value of the bond will be a maximum of 200% of the cost of the financial contribution, depending on the length of time the bond is to be in place and according to the nature of the proposal for which the bond is required to secure.

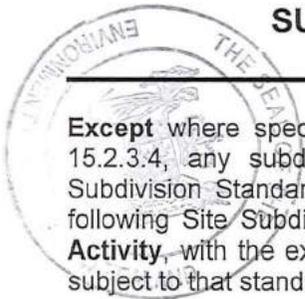
## 15.2.6 Lot Sizes, Averages and Dimensions

### 15.2.6.1 Controlled Subdivision Activities - Lot Sizes and Dimensions

**Except** where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- i Lot sizes and dimensions for subdivisions of land in the Town Centre, Corner Shopping Centre, Remarkables Park, Resort and Visitor Zones.
- ii Sizes and dimensions of lots for access, utilities, reserves and roads.
- iii There will be no minimum lot sizes or areas for hydro development activities and subdivision.

### 15.2.6.2 Site Subdivision Standards - Lot Sizes and Dimensions



**Except** where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all of the Zone Subdivision Standards, but does not comply with any one or more of the following Site Subdivision Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

**i Lot Sizes**

- (a) No lots to be created by subdivision, including balance lots, shall have a net area less than the minimum specified for each zone in the Table below, **except** as provided for in 15.2.6.3 (c), (d), and (e) below.

Zone	Minimum Lot Area
Hydro Generation	20 hectares

(b) The minimum lot size for subdivision within the Residential (Hanley Downs) Activity Area (R(HD) and R(HD-SH)) of the Jacks Point Resort Zone shall be 550m<sup>2</sup>.

**ii Lot Dimensions**

The dimensions of all lots created by subdivision in the following zones, other than lots for access, utilities, reserves and roads, shall be such that they can accommodate a square of the dimensions specified below:

Residential and Township Zones	<b>15m x 15m</b>
Rural-Residential Zone	<b>30m x 30m</b>

**iii Certification of Allotments**

Applications for certification of allotments on an existing Survey Plan pursuant to section 226(1)(e)(ii) of the Act are to be in accordance with the requirements of the District Plan. Allotments for certification are required to have all services to the boundary and roading as if the allotment were of a subdivision application. All title boundaries to be created by certification that are within proximity to

structures must not create a non-complying structure in accordance with the Building Act 1991 or a non-complying activity in accordance with the District Plan.

**iv Lot Averages**

- (a) The total lots to be created by subdivision, including balance lots, shall not be less than the average specified for each zone:

Zone	Average
Rural Residential at the North end of Lake Hayes	8000m <sup>2</sup>
Shotover Country Special Zone - Activity Areas 1a – 1e	750 m <sup>2</sup>

- (b) For the purposes of calculating any average, the following three titles at the north of Lake Hayes shall 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

- (c) 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

Zone	Average
Quail Rise Zone Activity Area R1	1500m <sup>2</sup>

- (d) In the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone, subdivisions shall comply with the density requirements set-out in Rule 12.2.5.2xviii.

v **Boundary Planting – Rural Subdivision sub-zone at Bobs Cove**

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

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.

vi **Shotover Country Special Zone – Park and Ride Facility**

Areas developed as part of any park and ride facility shall vest in Council as Local Purpose Reserve (car parking).

vii **Hanley Downs Structure Plan**

In that part of the Jacks Point Resort Zone covered by the Hanley Downs Structure Plan, subdivision shall be in general accordance with the Hanley Downs Structure Plan. 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 its intersection with State Highway 6, shall be acceptable

(b) Trails and secondary roads may be otherwise located and follow different alignments provided that alignment enables a similar journey

(c) Subdivision shall facilitate a road connection at all Key Road Connections shown on the Hanley Downs Structure Plan which will enable vehicular access to roads which connect with the Primary Road, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.

(d) Open Space Areas are shown indicatively, with their exact location and dimensions to be established through the subdivision process.

**15.2.6.3 Zone Subdivision Standards – Lot Sizes and Dimensions**

Any subdivision of land that does not comply with any one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**.

**i Lot Sizes**

(a) No lots to be created by subdivision, including balance lots, shall have a net area less than the minimum specified for each zone in the Table below, **except** as provided for in (c), (d) and (e) below.

Zone	Minimum Lot Area
Rural Residential (excluding Rural Residential sub-zone at Bob's Cove)	4000m <sup>2</sup>
Rural Residential at Bob's Cove sub-zone	No minimum – Controlled Activity  Provided the total lots to be created by subdivision (including the balance of the site within the zone) shall have an average of at least 4000m <sup>2</sup>
In the Ferry Hill Rural Residential sub-zone	4000m <sup>2</sup> – with up to a maximum of 17 rural residential allotments
Rural General	No minimum discretionary activity
Hydro Generation	No minimum – Controlled Activity
Gibbston Character	No Minimum – Discretionary Activity
Rural-Lifestyle	In all Rural Lifestyle Zones (except the Makarora Rural Lifestyle Zone): 1 ha provided that the total lots to be created by subdivision (including balance of the site within the zone) shall not have an average less than 2 hectares  In the Makarora Rural Lifestyle Zone the total lots to be created by subdivision (including balance of the site within the zone) shall not have an average less than 2 hectares.
Resort (excluding the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of Jacks Point Resort Zone)	No Minimum – Controlled Activity
Rural Visitor	No Minimum – Controlled Activity
Remarkables Park	Activity Area 1 600m <sup>2</sup> Activity Areas 2a-8 – No Minimum controlled activity

Low Density Residential	Arthurs Point 800m <sup>2</sup> Queenstown Heights Area 1500m <sup>2</sup> Wanaka 700m <sup>2</sup> Elsewhere 600m <sup>2</sup>
High Density Residential	450m <sup>2</sup>
Residential Arrowtown (Historic)	800m <sup>2</sup>
Frankton Flats Special Zone	No minimum – Controlled Activity
Deferred Rural Lifestyle 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.
Deferred Rural Lifestyle (Buffer)	The land in this zone shall be held in a single allotment

Note: In the Deferred Rural Lifestyle zones, deferment will be lifted at the point when a separate allotment for the Rural Lifestyle (Buffer) zone has been created. During the deferment, the rules of the Rural General zone shall apply, except that the creation of the allotment to form the buffer zone shown on the planning maps is a controlled activity.

Zone	Minimum Lot Area
The Townships:	
Kingston	800m <sup>2</sup>
Glenorchy	800m <sup>2</sup>
Lake Hawea	800m <sup>2</sup>
Luggate	800m <sup>2</sup>
Kinloch	800m <sup>2</sup>
Makarora	1000m <sup>2</sup>
Albert Town	800m <sup>2</sup>
Riverside Stage 6 Subzone A	<ul style="list-style-type: none"> <li>50-55% of lots will be developed to a minimum area of 400m<sup>2</sup></li> <li>Average lot size: 600m<sup>2</sup></li> <li>Maximum lot size: 800m<sup>2</sup></li> </ul>
Riverside Stage 6 Subzone B	<ul style="list-style-type: none"> <li>Average lot size: 800m<sup>2</sup> (minimum 700m<sup>2</sup>, maximum 1000m<sup>2</sup>)</li> </ul>
Riverside Stage 6 Subzone C	<ul style="list-style-type: none"> <li>Minimum 1,000m<sup>2</sup>, maximum 2000m<sup>2</sup></li> </ul>
Penrith Park	Activity Area 1 3000m <sup>2</sup> Activity Area 2 1000m <sup>2</sup>
Bendemeer	Activity Area 1 1500m <sup>2</sup> Activity Area 2 2000m <sup>2</sup> Activity Area 3 2500m <sup>2</sup> Activity Area 4 3000m <sup>2</sup> Activity Area 5 4000m <sup>2</sup> Activity Area 6 6000m <sup>2</sup> Activity Area 7 7000m <sup>2</sup> Activity Area 8 50000m <sup>2</sup> Activity Area 9 17500m <sup>2</sup> Activity Area 10 7500m <sup>2</sup> Activity Area 11 20 hectares
Queenstown Town Centre	No Minimum – Controlled Activity

Zone	Minimum Lot Area
Quail Rise	Activity Area G,R, R1, R2 and R2 (Design Urban Edge) and R2 (A)-(D) – no minimum Activity Area RR 4000m <sup>2</sup>
Wanaka Town Centre	No Minimum – Controlled Activity
Arrowtown Town Centre	No Minimum – Controlled Activity
Business	200m <sup>2</sup>
Industrial	200m <sup>2</sup>

Zone	Minimum Lot Area
<b>Three Parks</b>	
LDR (Three Parks)	No minimum – controlled activity
MDR subzone (Three Parks)	No minimum – controlled activity
Commercial Core (Three Parks) –	No minimum – controlled activity
Business (Three Parks) –	1000 m <sup>2</sup> ;  Except that the minimum lot size shall be 200m <sup>2</sup> 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.
Tourism and Community Facilities subzone (Three Parks)	2000 m <sup>2</sup>  <i>The purpose of this rule is to encourage comprehensive, large lot developments.</i>
Shotover Country Special Zone	Activity Area 1a - 1e 500 m <sup>2</sup> Activity Area 2a 300 m <sup>2</sup> Activity Area 2b and 2c 450 m <sup>2</sup> Activity Area 3 450 m <sup>2</sup> Activity Area 4 2500 m <sup>2</sup> Activity Area 5a - 5e No minimum

No minimum allotment size shall apply in the Low and High Density Residential Zones and the Shotover Country Special Zone where each allotment to be created, and the original allotment, all contain at least one residential unit.

Zone	Minimum Lot Area
Ballantyne Road Mixed Use Zone	Activity Area C – 3000m <sup>2</sup> Activity Area D – 1000m <sup>2</sup> All other Activity Areas - No minimum lot size. All subdivision shall be in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i.

The following minimum and maximum allotment sizes shall apply within the Kingston Village Special Zone:

Zone	Minimum Lot Area
Kingston Village Special Zone	Activity Area 1a: Minimum 350m <sup>2</sup> maximum 500m <sup>2</sup>
	Activity Area 1b: Minimum 450m <sup>2</sup> Maximum 700m <sup>2</sup>
	Activity Area 1c: Minimum 700m <sup>2</sup>
	Activity Area 2, 3 and 4: No minimum

Within the Kingston Village Special Zone all subdivision will be undertaken in general accordance with the Kingston Village Special Zone Structure Plan.

- (i) No minimum allotment size shall apply in Activity Area 1(a) of the Kingston Village Special Zone where the subdivision is lodged concurrently with and is for the purposes of comprehensive housing or a retirement village undertaken pursuant to discretionary activity 12.28.3.3(vi)
- (ii) Bulk Title  
Within the Kingston Village Special Zone, the maximum lot size shall not apply where:
  - a. the proposed lot size is greater than 1000m<sup>2</sup>; and
  - b. the subdivision application identifies how it will achieve the lot sizes and framework of the Kingston Village Special Zone Structure Plan, in particular, how the above minimum and

maximum lot sizes can be achieved at a later stage (i.e. the next subdivision); and

- c. The road layout of the Road Layout Plan within the Kingston Village Special Zone Subdivision Guidelines (2010) is achieved.

Subdivisions in all Activity Areas must result in lots capable of accommodating buildings and uses in accordance with the permitted and controlled activity rules and site and zone standards for the particular zone in which the site(s) is located, and the requirements of Section 14 – Transport.

Zone	Minimum Lot Area
Mount Cardrona Station Special Zone	Activity Area 1 - No minimum
	Activity Area 2a - 200m <sup>2</sup>
	Activity Area 2b - 250m <sup>2</sup>
	Activity Area 3 - 500m <sup>2</sup>
	Activity Area 4 - 1000m <sup>2</sup>
	Activity Area 5a and 5b- No minimum
	Activity Area 6 - No minimum
Activity Area 7 - No minimum	

Except:

In the Mount Cardrona Station Special Zone:

- (i) No minimum allotment size shall apply in Activity Area 2a and 2b where each allotment to be created and the original allotment all contain at least one residential unit. This exclusion shall not apply where any of the lots to be created contains only a secondary unit.  
NB: For the purposes of this Rule, the term residential unit does not include secondary unit.

- (ii) Activity Area 3, 3a and 3b shall have a minimum allotment size of 500m<sup>2</sup>, except where a comprehensive subdivision plan creating more than 5 allotments is lodged, in which case the average allotment size shall be 500m<sup>2</sup>, with a minimum of 400m<sup>2</sup>.

**(b) Boundary Adjustments**

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.

*Note: This standard does not apply to the Rural General zone. Refer to Rule (bb) below.*

**(bb) Boundary Adjustments - Rural General Zone**

The standards for lot sizes for allotments created by boundary adjustment in the Rural General Zone are:

- (i) each of the existing lots must have a separate Certificate of Title.
- (ii) Any approved residential building platform must be retained in its approved location; and
- (iii) No new residential building platforms shall be identified and approved as part of the boundary adjustment; and
- (iv) There must be no change in the number of residential building platforms or residential buildings per lot; and
- (v) There must be no change in the number of non-residential buildings per lot; and
- (vi) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards;
- (vii) No additional saleable lots shall be created.

**(c) The standards for lot sizes for allotments created by boundary adjustment in the Rural General Zone are:**

- (i) each of the existing lots must have a separate Certificate of Title.

- (ii) Any approved residential building platform must be retained in its approved location; and
- (iii) No new residential building platforms shall be identified and approved as part of the boundary adjustment; and
- (iv) There must be no change in the number of residential building platforms or residential buildings per lot; and
- (v) There must be no change in the number of non-residential buildings per lot; and
- (vi) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards;
- (vii) No additional saleable lots shall be created.

**(d) Access, Utilities, Roads and Reserves**

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above, there shall be no specified minimum lot sizes or dimensions in any zone for lots for access, utilities, roads and reserves.

**(e) Savings as to Previous Approvals (Existing Use Rights)**

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above:

there shall be no minimum lot sizes or dimensions in any zone, for vacant shares of fee simple titles over which there is/are existing cross leases or company leases or for unit titles where a proposed unit development plan has been granted subdivision consent, provided all relevant rules applicable within the zone are complied with by the building(s) erected or to be erected on the respective cross lease, company lease or unit title; where a certificate of compliance has been issued for a building and that certificate has not lapsed, and where a lot is to be created after the erection of that building, or the subdivision and building consents are issued in conjunction, the minimum area of the lot shall be the area of the site of the building as approved by the certificate of compliance.

**(f) Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites**

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above, there shall be no specified minimum lot sizes or dimensions in any zone for lots containing Areas of Outstanding Natural Conservation Value listed in Appendix 5 or Heritage Items or Archaeological Sites listed in Appendix 3, provided:

- (i) the area of the land contained within the lot shall only be that area sufficient for the protection of the listed area, site or item;
- (ii) any balance area of land, which does not conform with the requirements of 15.2.6.2 and 15.2.6.3 i(a) above, shall be amalgamated with land in an adjoining Certificate of Title;
- (iii) a certificate is provided to the Council from the Department of Conservation in the case of areas in Appendix 5 or the New Zealand Historic Places Trust in the case of sites or items in Appendix 3, certifying that the area, site or item is worthy of protection.

**(g) Riverside Stage 6 – Albert Town**

Any subdivision of the Riverside Stage 6 site at Albert Town shall include consent notice on each resultant certificate of title that requires:

- (i) adherence to the built form guidelines;
- (ii) adherence to insulation requirements; and
- (iii) restrictions on the use of solid fuel burners;
- (iv) for any habitable room within 80m of the State Highway 6 carriageway either:
  - adherence to building standard AS/NZS2107:2000, and provision of a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level; or
  - adherence to the requirements set out in the Noise Insulation Construction Schedule, table 1 in part 15.2.6.3(i)(g)

as contained within the Riverside Stage 6 Outline Development Master Plan approved pursuant to Rule 9.2.5.2(viii).

For the purpose of providing secondary rear access lanes the minimum width of any secondary rear access lane shall be 5m (min) and 6m (max).

Any subdivision of the Riverside Stage 6 site at Albert Town shall include a covenant on each resultant certificate of title within Subzone 'C' that prevents the further subdivision of these allotments.

**(h) Mount Cardrona Station Special Zone**

- (i) A covenant shall be registered on the title of each allotment within the Zone in favour of the Council that requires that any building shall be assessed by the Mount Cardrona Station Design Review Board, and that the building shall be constructed in accordance with the terms of the Design Review Board's approval for that building.

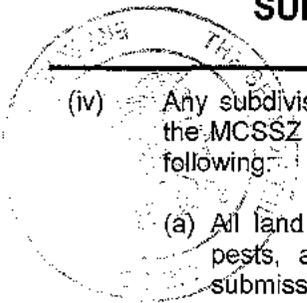
**Note:**

The Design Review Board shall comprise of at least four members agreed by the Council and the developer and shall include persons qualified in the following professions:

- i. landscape architect
- ii. architect
- iii. resource management planner
- iv. urban designer

When assessing the design of any building the Design Review Board shall be guided by the Mount Cardrona Station Design Guidelines dated September 2008.

- (ii) No allotments shall be created that transect the boundary between Activity Areas 1, 1a, 1b, 2a, 2b, 3, 3a, 3b, 4, 5a or 5b and the adjacent Activity Area 6, 6a, 7 or 7a except those allotments created for the purposes of roads, access lots including driveways and walkways, reserves and or utilities.
- (iii) All subdivision shall be in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.



- (iv) Any subdivision consent creating an allotment or allotments within the MCSSZ shall include a condition or conditions providing for the following:
  - (a) All land shall be cleared of exotic weed species and animal pests, and maintained in that state. This shall require the submission of a Weed Management Plan.
  - (b) Clause (a) above shall be complied with on a continuing basis by the subdividing owner and subsequent owners and shall be the subject of consent notices to be registered under the Land Transfer Act 1952.
  - (c) This clause may be applied in stages as subdivision through the Zone proceeds.
- (v) Prior to certification under section 224(c) of the Act in respect of the 200<sup>th</sup> residential lot within the MCSSZ, at least 350m<sup>2</sup> of gross floor area suitable for use for commercial purposes shall be constructed within Activity Area 1a.

	Combined superficial density:	no thicker than 10mm gypsum plaster board.  Minimum of not less than 25kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m <sup>2</sup> on each side of structural elements.
	Mass walls	190mm concrete block, strapped and lined internally with 10mm gypsum plaster board, or 150mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6mm laminated glazing
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminium with compression seals	
Skillion Roof	Cladding:	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking: Frame:	17mm plywood (no gaps) Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m <sup>3</sup> )
	Ceiling:	Two layers of 10mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> )
	Combined superficial density:	Combined mass of cladding and lining of not less than 25kg/m <sup>2</sup> with no less than 10kg/m <sup>2</sup> on each side of structural

Table 1: Noise insulation construction schedule

Building element	Minimum construction requirement	
External walls of habitable rooms	Stud walls: Exterior cladding	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm)*
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required in cavity for all external walls. Minimum 90mm wall cavity.
	Interior lining:	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m <sup>2</sup> (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be

Pitched Roof (all roofs other than skillion roofs)	Cladding: Eframe:  Ceiling: Combined superficial density:	elements. 0.5mm profiled steel or tiles, or membrane over 15mm thick ply. Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required for all ceilings. 12mm gypsum plaster board. Combined mass with cladding and lining of not less than 25kg/m <sup>2</sup>
Floor areas open to outside	Cladding:  Combined superficial density:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply. Floors to attain a combined mass not less than 25kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers)
External Door to Habitable Rooms	Solid core door (min 25kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	

Notes:

- \* The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.
- In determining insulation performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the joining capping and guttering detail used in normal construction.

ii Lot Averages

- (a) The total lots to be created by subdivision(s), including balance lots, shall not be less than the average specified for each zone:

Zone	Average
Rural Residential at Bob's Cove	4000m <sup>2</sup>

sub-zone	
Rural Lifestyle	2ha

- (b) For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, in the Rural Lifestyle Zone is deemed to be 4 hectares.

iii Building Platforms - Rural-General, Rural-Lifestyle, Gibbston Character, Bendemeer (Activity Areas 1-8 only).

(a) In the Rural Lifestyle and Bendemeer

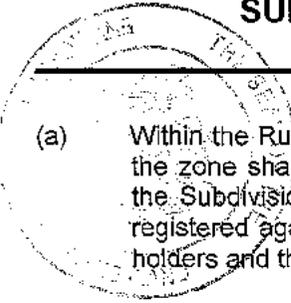
every allotment created shall have one Residential Building Platform approved at the time of subdivision of not less than 70 m<sup>2</sup> in area and not greater than 1000 m<sup>2</sup> in area.

(b) In the Rural General (and Gibbston Character) Zones

Every allotment created shall have one Residential Building Platform approved at the time of the subdivision of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area, **excluding lots created for the following purposes:**

- (i) access lots, including driveways and walkways;
- (ii) land subject to restrictive covenant, consent notice or other legal instrument that:
  - (a) prohibits buildings in the future; or
  - (b) protects nature conservation values; or
  - (c) maintains and enhances open space;
- (iii) esplanade strips or reserves;
- (iv) utilities;
- (v) boundary adjustments.
- (vi) any allotment created pursuant to a subdivision under Rule 15.2.3.3 (vii)

iv Development Areas and Undomesticated Areas within the Rural Residential sub-zone at Bob's Cove

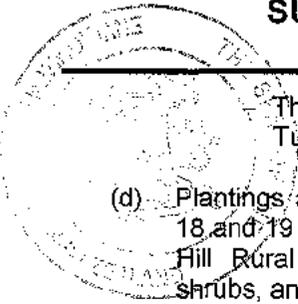
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- (a) Within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots 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
- 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.
- (e) 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.

**v Building Platforms - Quail Rise Zone R2 (Design Urban Edge) and R2(D) Activity Areas**

Every allotment created for residential purposes shall have one Residential Building Platform approved at the time of subdivision. That Residential Building Platform shall be no greater than 30% of the net site area.

**vi The Ferry Hill Rural Residential Sub-Zone**

- (a) Notwithstanding 15.2.6.3i(a) above, 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.
- (b) 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.
- (c) Any application for subdivision consent shall:
- (i) Provide for the creation of the landscape allotments(s) referred to in (b) above;
  - (ii) Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in (b) above;
  - (iii) Be accompanied by a Landscape Plan which 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:
    - 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 which enhances naturalness; and



That residential development is subject to screening along Tucker Beach Road,

- (d) 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.

Plantings elsewhere may include Lombardy poplar, willow, larch, maple as well as indigenous species.

- (e) The on-going maintenance of plantings established in terms of (c) 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.
- (f) 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.
- (g) 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 as shown as "NO BUILD ZONE" on Paterson Pitts Partners Ltd Building Platform Locations Plan No Q.4700.04-3C, which plan is reproduced at Page 5-43 of the District Plan. 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.

**vii The creation of rear sites in the Three Parks Zone**

- (a) In any subzone other than the MDR subzone, no more than 10% of all sites shown on a subdivision scheme plan may be "rear sites"; and
- (b) In the MDR subzone, there shall be no rear sites shown on a subdivision scheme plan; provided that

- (c) Any rear sites resulting from the subdivision of an existing building shall not be deemed to be 'rear sites' for the purpose of either standard 15.2.6.3 (vii)(a) or 15.2.6.3 (vii)(b).

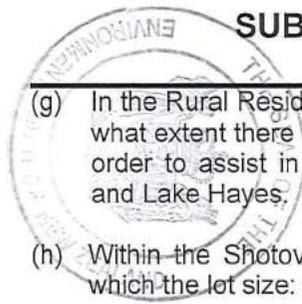
Note: Refer Section D for a definition of 'rear site'.

**15.2.6.4 Assessment Matters for Resource Consents**

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

**i Lot Size and Dimensions**

- (a) Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone;
- (b) Whether the lot is of sufficient size, given the nature of the intended development and site factors and characteristics, for on-site disposal of sewage, stormwater or other wastes to avoid adverse environmental effects beyond the boundaries of the lot.
- (c) Whether the proposed lot is of a suitable slope to enable its safe and effective use for its anticipated purpose or land use, having regard to the relevant standards for land uses in the Zone.
- (d) The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access.
- (e) Whether the lot is to be amalgamated and included in the same Certificate of Title with an adjoining parcel of land.
- (f) Whether there is the opportunity to enable the protection or restoration of a listed or non-listed heritage item or site which is considered to be of sufficient merit for its preservation or protection to be promoted in the context of a particular development.



(g) In the Rural Residential zone at the north of Lake Hayes, whether and to what extent there is the opportunity to protect or restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes.

(h) Within the Shotover Country Special Zone, whether and the extent to which the lot size:

- (i) Can be achieved without undermining or adversely affecting desirable urban outcomes promoted by the relevant Outline Development Plan.
- (ii) Will achieve greater efficiency in the development and use of the land resource.
- (iii) Will assist in achieving affordable or community housing.
- (iv) Can be adequately serviced without adverse effect on infrastructural capacity.
- (v) Will achieve residential amenities such as privacy and good solar orientation.

(i) In the **R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Zone, where subdivision of land within any Residential (Hanley Downs) Activity Area (R(HD) and R(HD-SH)) results in allotments less than 550m<sup>2</sup> in area –**

i. The extent to which such sites are configured:

- a. with good street frontage
- b. to enable sunlight to existing and future residential units
- c. to achieve an appropriate level of privacy between residential units.

ii. The extent to which parking, access and landscaping are configured in a manner which:

- a. minimises the dominance of parking areas (including

garages) and driveways at the street edge

- b. provides for efficient use of the land
- c. maximises pedestrian and vehicular safety
- d. addresses nuisance effects such as from vehicle lights.

iii. The extent to which:

- (a) Public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
- (b) Design parameters are to be secured through an appropriate legal mechanism, with respect to:
  - i. height
  - ii. building mass
  - iii. window sizes and locations
  - iv. building setbacks
  - v. fence heights, locations and transparency
  - vi. building materials and
  - vii. landscaping

in order to address:

- i. Solar access
- ii. Coherence with the character of the neighbourhood or other parts of Jacks Point
- iii. Quality of private open space
- iv. Privacy
- v. Controls to avoid bland, monotonous or excessively repetitious built forms
- vi. Passive surveillance of public spaces
- vii. The visual impression of buildings when viewed from the street
- viii. Waste management arrangements
- ix. Potential effects on the cost of building

- (c) A design review process is necessary or appropriate and, if proposed, the robustness of this process.

## 15.2.7 Subdivision Design

### 15.2.7.1 Controlled Subdivision Activities - Subdivision Design

**Except** where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following matters:

- The location of pedestrian access;
- The location of building platforms;
- The provision and/or use of open stormwater channels and wetland areas;
- Orientation of lots to optimise solar gain for buildings and developments;
- The effect of potential development within the subdivision on views from surrounding properties;
- The design, dimensions and location of, and access to, lots in Residential or Rural-Residential Zones, which adjoin Rural Zones;
- The scale and nature of earthworks and the disposal of excess material.
- The concentration or clustering of built form in the Makarora Rural Lifestyle Zone to areas with high potential to absorb development while retaining areas which are more sensitive in their natural state.

In addition to the above, the following matters with respect to the Kingston Village Special Zone

- The consistency of the subdivision plan with the Kingston Village Special Zone Structure Plan.

In the Deferred Rural Lifestyle (A) and (B) and Deferred Rural Lifestyle (Buffer) zones, the Council reserves control over the following matters:

- lot boundaries;
- planting and fencing;
- the visibility of development from public places;
- the provision of services;
- the maintenance of visual access across Arcadian pastoral landscapes from public places;
- the relationship of buildings to the roading pattern of the area.

The purpose of these additional controls is:

- the protection of the natural quality of the landscape;
- the avoidance of arbitrary lines and patterns in the landscape;
- the reduction of the visibility of developments;
- the retention of more sensitive areas of the landscape in a natural or pastoral state;
- the protection of views from public places.

Within the Mount Cardrona Station Special Zone, the Council reserves control over the following matters:

- Whether the subdivision design is in general accordance with Structure Plan A- Mount Cardrona Station Structure Plan.
- Whether the subdivision has been approved by the Design Review Board and is consistent with the Mount Cardrona Station Design Guidelines (2008).
- Location and form of pedestrian access.
- Provision for stormwater management.
- Orientation of lots to maximise solar gain.
- The scale and nature of earthworks and the disposal of excess material.
- Design of roads to provide a rural character and pedestrian friendly

environment.

- The allotment created can be adequately accessed and serviced (including for bulk reticulation) to provide for the maximum capacity of that allotment for subdivision and/or land use.

### 15.2.7.2 Site Subdivision Standards – Subdivision Design

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all the Zone Subdivision Standards, but does not comply with one or more of the following Site Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion being limited to the matter(s) subject to that standard(s).

### 15.2.7.3 Assessment Matters for Resource Consents

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

- The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.
- The provision for, and safety and practicality of, pedestrian access including unsealed walking tracks, the relationship of these to reserves (existing or proposed); access to the lakes and rivers, and the opportunities for enhancing a rural walkways network in the Wakatipu Basin.
- The provision for, safety and practicality of, using open stormwater channels and wetland areas.
- The relationship and orientation of lots, particularly in respect of land in adjoining zones, and the ability to create an attractive and interesting edge between development in the Residential and Rural-Residential Zones and adjoining Rural Zones and at the edges of the urban parts of Hanley Downs.
- The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in

domination of surrounding properties by buildings on the lot(s).

- The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.
- The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.
- In the Jacks Point Zone, within any Residential (State Highway) Activity Area R(SH), the council shall consider the extent to which subdivision, the location of building platforms and proposed development and landscaping.
  - Ensures that buildings and other structures are not readily visible from State Highway 6;
  - Maintains and enhances the important landscape values associated with the southern entrance to Queenstown.
  - Maintains and enhances the landscape and visual amenity values of the Jacks Point Zone and surrounding environment, particularly when viewed from State Highway 6; and
  - Maintains and enhances any significant view corridors from State Highway 6 through and beyond the Jacks Point Zone.
- In the Bob's Cove rural Residential Zone (excluding the Bob's Cove Sub-zone) the need to provide for street lighting in the proposed subdivision. If street lighting is required in the proposed subdivision to satisfy the councils 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 preferably pointing down.
- In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:
  - 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 (ie. open space held in one title whether jointly or otherwise).

- (b) whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.

In addition to the above, the following matters with respect to the Kingston Village Special Zone:

- (xi) The consistency of the subdivision with the Structure Plan for Kingston, including:
- (ii) Consistency with the Road Layout Plan and Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010);
  - (iii) Providing open space and recreation areas as the development progresses;
  - (iv) Achieving the range of section sizes, concentrating highest density within Activity Area 1a;
  - (v) Providing for rear access lanes;
  - (vi) Avoiding sections that result in garages and backs of houses facing the street;
  - (vii) Achieving section layout that provides maximum solar access for future dwellings;
  - (viii) Landscaping of the street and open spaces that reflects the character of the existing Kingston Township;
  - (ix) Avoidance of cul-de-sacs unless they are short and completely visible from its intersection with a through street.
- (xii) In addition to the above, within the Mount Cardrona Station Special Zone the extent to which:
- (a) The subdivision design is in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.
  - (b) The subdivision is consistent with the Mount Cardrona Station Design Guidelines (2008) and the recommendations of the Design Review Board.
  - (c) The objectives and principles of SNZ: HB 44:2001 have been

achieved.

- (d) The development is staged in a logical manner, ensuring that adverse effects on amenity values of the site and its surrounds are as far as possible retained throughout the construction phase.
  - (e) Roads are designed in accordance with the Roding Schedule contained in the Mount Cardrona Station Design Guidelines (2008) and contribute to a 'rural' character, avoiding kerb and channelling and wide road widths, and creating a pedestrian friendly environment.
  - (f) Road widths and other traffic calming measures are utilised within the Village Precinct to enable the creation of a pedestrian friendly environment.
  - (g) Ford crossings within Activity Area 6 are encouraged in order to maintain a rural character.
  - (h) Pedestrian footpaths and trails to be in accordance with the Mount Cardrona Station Design Guidelines (2008) and any relevant engineering standards.
- (xiii) In addition to the above, within the Residential (Hanley Downs) Activity Area (R(HD) and R(HD-SH)) of the Jacks Point Resort Zone, the extent to which:
- (a) Street blocks are designed and sized to be walkable.
  - (b) Subdivision layout, in so far as is practical, minimises the numbers of rear sites.
  - (c) Street and lot configuration is likely to encourage building designs with visual connections from habitable rooms to the street.
  - (d) Within R(HD)-A to E connectivity is promoted with unnecessarily meandering roads avoided.
  - (e) Where employed, cul-de-sacs should be short and straight if practical.
  - (f) A range of housing choice may be promoted through some diversity in section sizes.
  - (g) Small lot and medium density housing located in a manner which readily provides for access to public accessible open space
  - (h) The Primary Access Route shown on the Structure Plan is designed in a way to facilitate future public transport
  - (i) Appropriate road designs are employed to accommodate all users, including cyclists and pedestrians, accounting for safety, amenity and efficiency. Road cross sections may need to be

submitted to allow this matter to be assessed.

- (j) Proposed open spaces and walkways are likely to feel safe, including through benefiting from passive surveillance from surrounding uses.
- (k) Public open spaces are provided in locations that maximise benefits to the wider community.
- (l) Safety and amenity values have been appropriately accounted for in relationships between open spaces, roads and developable lots. This includes attention to passive surveillance of open spaces.
- (m) In order to ensure buildings are not highly visible from State Highway 6, landscaping such as planting or mounding is proposed.
- (n) Proposed landscaping utilises native species or species in keeping with the historical character of the site.
- (o) Landscape planting and street materials in the open spaces between the Hanley Downs Residential Activity Area and the balance of Jacks Point promotes a coherent or graduated transition in character
- (p) Public safety and convenience is not unduly compromised and best practice in street lighting is utilized to mitigate the effects of light spill
- (q) In order to ensure buildings are not highly visible from State Highway 6:
  - a. specific height or colour controls for buildings are necessary for parts of the zone.
  - b. conditions are necessary to prescribe that development not occur until landscaping has been undertaken, existing vegetative screening secured and/or a succession plan for existing vegetation put in place.
- (r) Detailed design has occurred at the interface with development that exists in the Jacks Point Resort Zone outside the Hanley Downs area.

## 15.2.8 Property Access

### 15.2.8.1 Controlled Subdivision Activities - Property Access

Except where specified as Discretionary or Non-Complying Subdivision

Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency.
- The number, location, provision and gradients of access from roads to lots for vehicles, cycles and pedestrians, their safety and efficiency.
- The standards of construction and formation of roads, private access, service lanes, pedestrian access, accessways and cycle ways.
- The provision and vesting of corner splays or rounding at road intersections.
- The naming of roads and private access.
- The provision for and standard of street lighting.
- Any provisions for 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.

In addition to the above, in the Kingston Village Special Zone;

- Consistency of the road layout and design with the Road Layout Plan and associated cross sections contained within the Kingston Village Special Zone Subdivision Guidelines (2010).
- The provision of rear access lanes, which shall be between 4m and 5m in width.
- The provision of walkways and cycleways in association with the provision of open swales.
- Management of access across the Kingston Flyer Railway line between the existing Kingston Township and the Kingston Village

## Special Zone.

- Within the Shotover Country Special Zone, whether and the extent to which methods are proposed to:
  - (a) Establish a vehicle link between Stalker Road and Howards Drive
  - (b) Enable public transport
  - (c) Integrate facilities for cycle and pedestrian access
  - (d) Provide on-street parking
  - (e) Direct light spill from street lighting downwards
  - (f) Align vehicle access in accordance within the Structure Plan, with a maximum variation allowed of 30 metres from the centreline of primary roads and 20 metres from the centreline of secondary roads.
  - (g) Provide intersection points located within 20 metres of that shown on the Structure Plan.
  - (h) Ensure that adequate and appropriate bus stops are provided for when the roading network is designed and constructed.
  - (i) Mitigate the landscape and visual impacts of road construction down terrace slopes.
  - (j) Maintain the functionality of roadside swales at the time shared roads or individual driveways are being constructed, including the extent to which a consent notice is necessary to ensure future owners are made aware of this obligation (where vehicle crossing places are not being formed at the time of subdivision).
  - (k) Provide for appropriate installation, maintenance and uniform design (including materials) of temporary and permanent vehicle crossing places.

**15.2.8.2 Site Subdivision Standards - Landscaping and Recreational Access**

- (i) This Rule shall only apply to subdivision of land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes which is zoned Low Density Residential or Rural Residential as shown on Planning Map 30.
- (ii) 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.
- (iii) 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.

**15.2.8.3 Assessment Matters for Resource Consents**

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

- (i) The safety and efficiency of the roading network and the proposed roading pattern, having regard to the roading hierarchy, standards of design, construction for roads and private access.
- (ii) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
- (iii) The provisions of the Council's Code of Practice for Subdivision in respect of the design and construction of roads and private access, with the exception of the Mount Cardrona Station Special Zone, where roads and private access shall be designed and constructed in accordance with the Roding Schedule contained within the Mount Cardrona Station Design Guidelines (2008).

- (iv) The account taken of safe, pleasant and efficient pedestrian movement, provision of space for cyclists, amenity values of the street and opportunities for tree planting in the open space of the road way to enhance the character and amenity of the neighbourhood.
- (v) The need to provide pedestrian accessway facilities in circumstances where the roading network does not provide sufficient or direct access or easy walking access to facilities in the vicinity.
- (vi) The need to provide cycle ways in circumstances where the roading network does not enable sufficient or direct cycle routes through the locality.
- (vii) The need to provide alternative access for car parking and vehicle loading in the Business, Town Centre, Corner Shopping Centre or Industrial Zones by way of vested service lanes at the rear of properties.
- (viii) Any impact of roading and access on lakes and rivers, ecosystems, drainage patterns and the amenities of adjoining properties.
- (ix) The need to provide for appropriate standards of street lighting or private access lighting having regard to the classification of the road or the access.
- (x) The need to provide distinctive names for roads and private vehicular access. The name to be agreed by the Council.
- (xi) Any need to make provision for future roads to serve surrounding land or for road links that need to pass through the subdivision.
- (xii) In the Ferry Hill Rural Residential sub-zone the extent to which:
- the number of accesses to roads is minimised
  - 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.
- (xiii) Within the Mount Cardrona Station Special Zone, the extent to which:

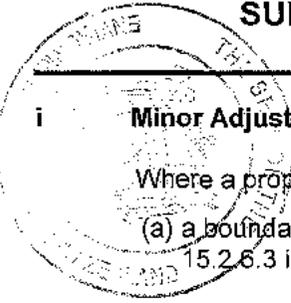
- (a) Roading location and design is in general accordance with the Structure Plan A - Mount Cardrona Station Structure Plan.
- (b) Roading is designed in a manner reflecting a rural environment, avoiding the use of kerb and channelling, and instead using techniques such as planted swales.

#### 15.2.8.4 Zone Subdivision Standards – Shotover Country Special Zone – Access onto State Highway 6

- (i) This rule applies to subdivision of land situated south of State Highway 6 which is zoned Shotover Country Special Zone as shown on Planning Map 30 ("Shotover Country") in addition to any other applicable subdivision rules.
- (ii) Subject to subclause (iii) below, there shall be no restriction under this rule on the subdivision or subdivisions of land within Shotover Country which, when taken cumulatively, results in up to 450 lots being made available for residential development and use.
- (iii) No resource consent shall be granted for subdivision or subdivisions of land within Shotover Country which, when taken cumulatively, results in more than 450 lots ("SH6 Roundabout Trigger Land") being made available for residential development and use unless:
- (a) The SH6 Roundabout Works have been completed and are available for public use; or
- (b) Any such resource consent includes a condition requiring that the SH6 Roundabout Works must be completed prior to the issuing of a s224 certificate for any SH6 Roundabout Trigger Land.

#### 15.2.9 Esplanade Provision

##### 15.2.9.1 Exemptions from Provision of Esplanade Reserves or Strips



**i Minor Adjustments**

Where a proposed subdivision is either:

(a) a boundary adjustment in accordance with Rules 15.2.6.2 i or 15.2.6.3 i(a); or

(b) a minor adjustment to an existing cross lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the addition of an accessory building, or the relocation of accessory buildings; then section 230 of the Act shall not apply to the subdivision consent.

**ii Road Designations, Utilities and Reserves**

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 to the subdivision consent.

**15.2.9.2 Controlled Subdivision Activities - Esplanade Provision**

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- i The provision of easements to provide access to and from a lake or river.
- ii The location of the boundaries of esplanade reserves, esplanade strips and/or access strips.
- iii The terms and conditions of instruments creating esplanade strips or access strips.

**15.2.9.3 Site Subdivision Standards - Esplanade Provision**

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all of the Zone Subdivision Standards, but does not comply with any one or more of the following Site Subdivision Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

**i Esplanade Reserves**

When considering creation of an esplanade reserve or strip the Council will consider the following criteria.

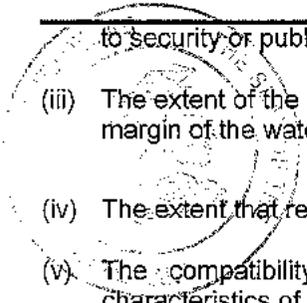
Whether the area:

- (a) has high actual or potential value as habitat for or associated with native species (section 6(c) Resource Management Act 1991);
- (b) comprises significant indigenous vegetation;
- (c) is considered to comprise an integral part of an outstanding natural feature or landscape;
- (d) must be protected, as a reserve, in order to safeguard the life supporting capacity of the adjacent lake and river (which must be of high conservation value for its habitat and/or landscape/natural character values);
- (e) is important for public access/recreation.

**15.2.9.4 Assessment Matters for Resource Consents**

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

- (i) The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act.
- (ii) The appropriateness of creating an esplanade reserve or strip in relation



- to security or public safety concerns.
- (ii) The extent of the public's ability to obtain access to and along the margin of the water body.
- (iv) The extent that recreational use will be assisted or hindered.
- (v) The compatibility of the proposed reserve or strip with physical characteristics of the land.
- (vi) The extent to which the natural character and visual quality of the area will be preserved.
- (vii) The extent to which natural hazards will be mitigated.
- (viii) The future use and purpose of any existing building that would otherwise encroach on, or be within, a reserve or strip.
- (ix) The need for and practicality of easements being created to provide public access to lakes and rivers, where appropriate, through consultation and negotiation with the landowner.
- (x) The safety of any access point to the esplanade reserve, esplanade strip or access strip from arterial roads.
- (xi) The provisions of relevant foreshore management plans and in the case of the Rural Residential zone at the North end of Lake Hayes, the Lake Hayes Management Strategy (1995) and any amendments thereto.

**15.2.10 Natural and Other Hazards**

**15.2.10.1 Controlled Subdivision Activities - Natural and Other Hazards**

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of:

- (i) The effect of the following natural and other hazards on the land within the subdivision;
  - (a) Erosion
  - (b) Flooding and Inundation
  - (c) Landslip
  - (d) Rockfall
  - (e) Alluvion
  - (f) Avulsion
  - (g) Unconsolidated Fill
  - (h) Soil Contamination
  - (i) Subsidence.
- (ii) The effect of the subdivision on the impact of the following natural and other hazards on the site or on other land in the vicinity.

**15.2.10.2 Site Subdivision Standard – Natural and Other Hazards**

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land (including the identification of any building platforms) which complies with all of the Zone Subdivision Standards, but does not comply with any one or more of the following Site Subdivision Standards shall be a Discretionary Subdivision Activity, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

- (i) Natural Hazards within the Makarora Rural Lifestyle Zone

No building platform shall be identified within any area identified on the QLDC Hazards Register as being an area subject to any natural hazards including erosion, flooding and inundation, landslip, rockfall, alluvion, avulsion or subsidence. Council's control shall be limited the assessment matters detailed in 15.2.10.3 below.

(ii) Natural Natural Hazards in the R2(D) Activity Area of the Quail Rise Zone

No building platform shall be identified within any R2(D) Activity Area of the Quail Rise Zone being an area subject to natural hazards including uncertified fill, erosion and possible debris flow from Ferry Hill to the north west. Council's control shall be limited to the relevant assessment matters detailed in 15.2.10.3 below.

(iii) Within the R(HD-SH) – 2 Activity Area of the Jacks Point Resort Zone, any subdivision activity shall provide for flood hazard mitigation through the formation of a bund (flood bank) alongside the boundary with the State Highway, as shown on the Structure Plan.**15.2.10.3 Assessment Matters for Resource Consents**

In considering whether or not to grant consent or impose conditions in respect to natural and other hazards, the Council shall have regard to, but not be limited by, the following:

- (i) The likelihood of the lots and infrastructure in the subdivision, and any anticipated use or development of the lots, being subject to the effects of any natural or other hazard, the degree to which the hazard could result in damage, destruction and/or loss of life, and the need to avoid or mitigate any potential damage or danger from the hazard.
- (ii) Any potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities as a result of the effects of natural or other hazards.
- (iii) Any need for conditions to avoid or mitigate potential damage or danger from the hazard, such as the provision of works, location and type of services, minimum floor heights and locations for buildings, and location and quantity of fill or earthworks.
- (iv) Whether a lot should be restricted from development on parts or all of the site, as a result of the effects of natural or other hazards.

- (v) Whether a minimum floor height should be specified for buildings in situations where inundation is likely and damage to structures could occur, but the land may not be suitable for filling.
- (vi) In relation to flooding and inundation from any source, the Council shall have regard to the following:
  - (a) The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
  - (b) Any proposed boundary drainage to protect surrounding properties;
  - (c) Any effect of such filling or boundary drainage on the natural character or hydrological functions of wetlands;
  - (d) The adequacy of existing outfalls and any need for upgrading;
  - (e) Any need for retention basins to regulate the rate and volume of surface run-off.
- (vii) In relation to erosion, falling debris, slope instability or slippage:
  - (a) The need for certification by a Registered Engineer that each lot is suitable for the erection of buildings designed in accordance with NZS 3604;
  - (b) Any need for registration of consent notices on the Certificate of Title;
  - (c) Any need for conditions relating to physical works to limit the instability potential.
- (viii) In relation to landfill and subsidence, the need for the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title of the lots in the subdivision.

(ix) In relation to contaminated sites, the need for conditions to avoid, mitigate or remedy the effects of the land contamination, including removal to approved disposal points.

(x) In relation to any land filling or excavation, the following factors:

- (a) The effects on the infrastructure of surrounding properties;
- (b) The effects on the natural pattern of surface drainage;
- (c) The effects on stormwater drainage systems;
- (d) The type of and placement of fill material;
- (e) Mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
- (f) Remedies necessary during emergencies.

## 15.2.11 Water Supply

### 15.2.11.1 Controlled Subdivision Activities - Water Supply

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- The availability, quantity, quality and security of the supply of water to the lots being created;
- Water supplies for firefighting purposes;
- The standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- Within the Mount Cardrona Station Special Zone, the initiatives proposed to reduce water demand and water use.

### 15.2.11.2 Discretionary Activity - Water Supply

Water supply to lots outside the special rating areas will be a discretionary activity with the Council's discretion limited to lot size, location, soil quality, the source of the water and the location of adjacent effluent disposal points.

### 15.2.11.3 Zone Subdivision Standards - Water Supply

Any subdivision of land which does not comply with any one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**.

- (i) All lots, other than lots for access, roads, utilities and reserves, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:
  - (a) To a Council or community owned and operated reticulated water supply:
    - i All Residential, Industrial, Business, Town Centre Corner Shopping Centre, Remarkables Park and Airport Mixed Use Zone;
    - ii Township Zones at Lake Hawea, Albert Town, Luggate, Glenorchy and Kingston;
    - iii Rural-Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes.
    - iv Rural Visitor Zone at Arthurs Point;
    - v Resort Zone, Millbrook and Waterfall Park.
    - vi Kingston Village Special Zone
  - (ii) 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.

(iii) 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.

(a) Except within the Mount Cardrona Station Special Zone where:

i every allotment, other than allotments for access, roads, reserves, open space or utilities, shall be connected to the one reticulated restricted potable water supply.

ii the reticulated restricted potable water supply shall be capable of meeting fire fighting requirements, including provision for 24 hour storage at average levels of demand; and

iii where bulk water meters are not provided every allotment connected to the reticulated restricted water supply shall be provided with a water meter at the frontage to the allotment to measure the consumption of water on that allotment.

iv A consent notice shall be placed on each certificate of title restricting the use of reticulated restricted water supply for potable use; any water used for irrigation must be sourced from a separate supply (for example rain water or recycled greywater).

(iii) The provisions of the Council's Code of Practice for Subdivision in respect of the construction and installation of the water supply system.

(iv) The suitability of the proposed water supply for fire fighting purposes having regard to the density and nature of development anticipated and the availability of a public reticulated water supply system.

(v) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public water supply utility.

(vi) The requirements of any Regional Rules or the need to obtain water permits from the Otago Regional Council.

(vii) Any need to make provision for future water supply systems to serve surrounding land.

(viii) In addition to the above, within the Kingston Village Special Zone, the ability to stage subdivision and development in order to ensure water supply can be provided efficiently and effectively.

(ix) Within the Mount Cardrona Station Special Zone, the extent to which:

- Initiatives to reduce water use, including education of future landowners and restrictions on irrigation, have been proposed.
- Techniques to reuse and recycle water, including the recycling of greywater, have been proposed.
- The collection of rainwater and its use for household water supply and irrigation is provided.

#### 15.2.11.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to water supply the Council shall have regard to, but not be limited by, the following:

- (i) The need to ensure the availability of a secure supply of potable water of adequate quantity to provide for the needs of the anticipated land uses on all of the lots within the subdivision.
- (ii) The suitability of the proposed water supply for the needs of the land uses anticipated.

#### 15.2.12 Stormwater Disposal

##### 15.2.12.1 Controlled Subdivision Activities - Stormwater Disposal

Except where specified as Discretionary or Non-Complying Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control of the following matters:

- The capacity of existing and proposed stormwater systems;
- The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- The location, scale and construction of stormwater infrastructure;
- The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including the control of water-borne contaminants, litter and sediments, and the control of peak flow;

In addition to the above, within the Kingston Village Special Zone:

- The use of open swales throughout the Kingston Village Special Zone, in accordance with the Structure Plan and the Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010).

### 15.2.12.2 Zone Subdivision Standard – Stormwater

Any subdivision of land which does not comply with one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**.

A catchment stormwater management plan for the Shotover Country Zone shall be lodged for approval by the Council within 12 months after the zone becomes operative and shall be approved by Council prior to any development in the zone. For the purposes of this Rule the required catchment stormwater management plan:

- (a) Shall include:
- (i) identification of the catchment area boundary;
  - (ii) anticipated stormwater runoff volume at maximum development potential;

- (iii) indicative secondary overflow paths for a 100 year ARI event or a 1% AEP event;
  - (iv) proposed stormwater management options which are to be adopted at the time of subdivision, such as piping, open swales, etc;
  - (v) proposed stormwater treatment and disposal options, including treatment facility options for roading, public carparking areas and commercial carparking areas;
  - (vi) flexibility to enable alternative options to be explored prior to obtaining engineering approval required for subsequent subdivision consents;
- (b) Shall not be required to include:
- (i) detailed engineering design;
  - (ii) investigation into individual lot onsite stormwater disposal;
- (c) Shall be approved by the Council subject to a condition that the consent applicant obtain any required discharge permit from the Otago Regional Council.

### 15.2.12.3 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to stormwater disposal, the Council shall have regard to, but not be limited by the following:

- (i) The adequacy of the proposed means of collecting and disposing of stormwater from the roof of all existing or potential buildings and hard surfacing, in terms of the avoidance or mitigation of adverse effects on the site, other properties in the vicinity, or the receiving environment, whether land or water;
- (ii) The appropriateness of requiring a piped connection from each lot to a public stormwater reticulation system, or of requiring piped outfalls to be

provided to each lot to be connected to a public reticulation system at a later date;

- (iii) Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse effects;
- (iv) The provisions of the Council's Code of Practice in respect to the construction and installation of the stormwater disposal system;
- (v) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containing of contamination from roads and paved areas and of siltation;
- (vi) The practicality of retaining open natural lake or river systems for stormwater disposal in preference to piped or canal systems and any impacts of stormwater disposal on existing lakes and rivers;
- (vii) The requirements of any Regional Rules or the need to obtain discharge permits from the Otago Regional Council;
- (viii) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes;
- (ix) Any need for conditions relating to ongoing maintenance of stormwater infrastructure;
- (x) Any need to make provision for future stormwater disposal systems to serve surrounding land

In addition to the above, within the Kingston Village Special Zone:

- (xi) Consistency with the Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010).
- (xii) The ability to stage development to ensure the efficient and effective management of stormwater systems during development.
- (xiii) Within the Mount Cardrona Station Special Zone, the extent to which:

- Natural flow paths have been used in the design of stormwater management systems.
- Techniques have been adopted to ensure that
  - (i) The rate of stormwater discharge remains equal to or less than that of pre-development; and
  - (ii) The quality of water in that discharge remains equal to or better than that of pre-development.

In addition to the above, within the Shotover Country Special Zone:

- (xiv) Any potential adverse effects of future accesses (from the road carriageway into a lot) on the efficiency and effectiveness of stormwater swales.
- (xv) An evaluation of long term maintenance costs of low impact design stormwater disposal solutions compared to standard kerb and channel solutions

### 15.2.13 Sewage Treatment and Disposal

#### 15.2.13.1 Controlled Subdivision Activities - Sewage Treatment and Disposal

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

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

- Easements over private land for access to the nearest public or community owned point of disposal.

### 15.2.13.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to sewage treatment and disposal, the Council shall have regard to, but not be limited by, the following:

- The capacity, availability, and accessibility of the Council's reticulated sewage treatment and disposal system to serve the proposed subdivision;
- Where a Council reticulated system is not available, or a connection is impractical, the adequacy of proposals and solutions for treating and disposing of sewage;
- The provisions of the Council's Code of Practice in respect to the construction and installation of the sewage treatment and disposal system;
- The requirements of any Regional Rules or the need to obtain a discharge permit from the Otago Regional Council;
- Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sewage treatment and disposal purposes;
- Any need to make provision for future sewage reticulation, treatment and disposal to serve surrounding land.
- In addition to the above, within the Kinston Village Special Zone;

the ability to stage subdivision and development in order to ensure efficient and effective provision of a reticulated sewage treatment and disposal system that serves the proposed subdivision, the Kingston Village Special Zone, and the existing Kingston Township.

(viii) In the case of the Mount Cardrona Station Special Zone:

- The need to adopt sustainable solutions to sewage treatment and disposal.
- Whether alternative methods based on sustainable design solutions have been considered.

### 15.2.14 Trade Waste Disposal

#### 15.2.14.1 Controlled Subdivision Activity - Trade Waste Disposal

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in the Business, Industrial, Town Centre and Corner Shopping Centre Zones, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of trade waste disposal.

#### 15.2.14.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to trade waste disposal, the Council shall have regard to, but not be limited by, the following:

- Whether any proposal to create lots for any business or other activity generating trade wastes will have the potential to discharge wastes to a disposal system;
- Whether the volume or type of trade waste generates a need for appropriate pre-treatment and/or disposal systems to be provided;
- Any consents required for discharge of contaminants from the Otago Regional Council in conjunction with the subdivision consent;
- The provisions of the Council's Code of Practice for Subdivision in respect of the installation of trade waste sewers;
- Any need for conditions relating to ongoing maintenance of trade waste disposal infrastructure.

## 15.2.15 Energy Supply and Telecommunications

### 15.2.15.1 Controlled Subdivision Activity - Energy Supply and Telecommunications

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of:

- The adequacy and installation of any electrical supply system, gas supply systems and telecommunications system;
- 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.
- Within the Mount Cardrona Station Special Zone, the provision for alternative energy sources.

#### Notes:

- (1) *In the event that a gas network operator ceases the supply of gas, all installations shall be removed from the bulk supply site and pipelines securely sealed.*
- (2) *Where a gas supply is proposed as an alternative form of energy, the necessary land use consent for a bulk gas supply tank on a separate lot, shall be obtained.*
- (3) *A consent notice may be registered on the Certificate of Title to a bulk gas supply site requiring that in the event the operator ceases supply the bulk supply site be amalgamated with an adjoining lot, unless it is a fully complying lot for the respective zone.*

### 15.2.15.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to energy supply and telecommunications, the Council shall have regard to, but not be limited by, the following:

- (i) Where the subdivision involves construction of new roads or formed private access, the installation of an extended reticulation system, at the subdividers' cost, having regard to the Council's Code of Practice;
- (ii) The adequacy and proximity of the proposed reticulated system to be installed by the subdivider;
- (iii) Any need for a lot as a site for a public utility for electricity or gas supply or telecommunications;
- (iv) Alternative systems available and acceptable where other systems are not available or practical;
- (v) Adequacy and proximity to reticulated services.
- (vi) Within the Mount Cardrona Station Special Zone, the extent to which:
  - Subdivision design and layout assists in lot layout and configuration that achieves good solar gain for each dwelling.
  - Adequate energy supply is provided to the site, but opportunities to reduce energy use throughout the site and use alternative energy sources are encouraged.

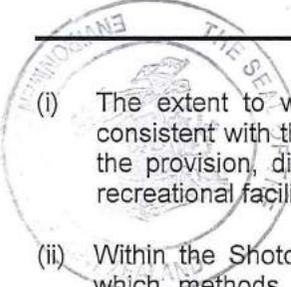
## 15.2.16 Open Space and Recreation

### 15.2.16.1 Controlled Subdivision Activities - Open Space and Recreation

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone which complies with all of the Zone and Site Standards, is a **Controlled Subdivision Activity** with the Council reserving control in respect of the provision of land and/or facilities for open space and recreation.

### 15.2.16.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to open space and recreation, the Council shall have regard to, but not be limited by, the following:

- 
- (i) The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;
  - (ii) Within the Shotover Country Special Zone, whether and the extent to which methods have been proposed to establish trails through the development generally as shown on the Structure Plan which connect to existing and planned trail links to Lake Hayes Estate and Old School Road
  - (iii) Within the Shotover Country Special Zone, whether and extent to which reserves to be provided assist to achieve appropriate provision of local and neighbourhood reserves throughout the zone.

## 15.2.17 Protection of Vegetation and Landscape

### 15.2.17.1 Controlled Subdivision Activities - Vegetation and Landscape

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of:

- The protection of vegetation and landscape features;
- Provision for street scape planting within the road and public spaces;
- The preservation and enhancement of the indigenous vegetation, within the 'Forest Hill' Rural Residential zone, and the removal and control of wilding pines.
- **Within the R(HD) and R(HD-SH) Activity Areas of the Hanley Downs area of the Jacks Point Resort Zone, measures to provide for the establishment and management of open space, including native vegetation, within the open space areas shown on the Hanley Downs Structure Plan.**

### 15.2.17.2 Site Standard – Vegetation

- (i) Within the Shotover Country Special Zone, a consent notice or other legal mechanism shall be registered against the relevant certificate(s) of title to ensure that future landowners are made aware of the following obligations and restrictions:
  - (a) With respect to any site containing land within a Terrace Buffer Area identified on the Structure Plan, the requirement to establish and maintain landscape planting in accordance with Rule 12.30.5.1.vii.
  - (b) With respect to any site containing land within the Wetland Setback identified on the Structure Plan, Rule 12.30.5.2.xiii provides that no buildings shall be constructed within the Wetland Setback.
  - (c) Indigenous vegetation established within Area 5b shall not be removed.
  - (d) With respect to any site containing land within the Riverside Protection Area, the requirement to keep that land free of certain plant pest species in accordance with Rule 12.30.5.2.xii.
  - (e) With respect to any site containing land within Activity Area 5b (Open Space - Escarpment), the requirement to keep that land free of certain plant pest species and to select plants from a specified plant list in accordance with Rule 12.30.5.2.xi.
  - (f) With respect to any site within Activity Area 5d (Wetland), the requirement to keep that land free of certain plant pest species and to select plants from a specified plant list in accordance with Rule 12.30.5.2.xi.

### 15.2.17.3 Zone Subdivision Standard – Vegetation

Any subdivision of land within the Shotover Country Special Zone that does not comply with any one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**:

- (i) Prior to any subdivision (excluding boundary adjustments) of any land containing part of Activity Area 5b, the Riverside Protection Area and/or 5d, all plant pests shall be removed from the relevant part of Activity Area 5b, the Riverside Protection Area and/or 5d, being gorse, broom, briar, tree-lupin, hawthorn, crack willow, buddleia, Californian thistle, and any other Pest Plant as specified in the Regional Pest Management Strategy for Otago except crack willow along the edge of the Shotover River.
- (ii) Prior to subdivision (excluding boundary adjustments) where the site to be subdivided includes part of Activity Area 5b, planting shall take place within the relevant part of Activity Area 5b which:
- (a) Comprises the species detailed in Appendix 1 – Plant List, Part 1: Terrace Escarpment/Grey Shrubland Areas (Activity Area 5b); and
  - (b) Will achieve 25% site coverage (canopy closure) once the planting reaches maturity.
- (iii) Prior to any subdivision within the zone (excluding boundary adjustments), methods shall be implemented to exclude stock from Activity Area 5d.
- (iv) A consent notice or other legal mechanism shall be registered against the relevant certificate(s) of title to any applicable lot to achieve the following ongoing obligations:
- (a) Any planting required to be implemented under this rule shall be maintained for a period of 5 years during which time any plant which dies, is removed, or becomes diseased shall be replaced by the subdivider responsible for creating the relevant lot and by the lot owner.
- (vi) Prior to any subdivision within the zone (excluding boundary adjustments):
- (a) A qualified heritage consultant shall detail steps required to stabilise the Hicks Cottage in Activity Area 4, in order to prevent further deterioration pending long term restoration; and
  - (b) Those steps shall be implemented.

#### 15.2.17.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to the protection of vegetation and landscape the Council shall have regard to, but not be limited by the following:

- (i) Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity 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;
- (iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetative cover;
- (iv) The extent of any earthworks or roading within the subdivision and the need for additional planting or landscaping;
- (v) Any need to provide continual protection for vegetation and or landscape features within the subdivision, including protection of Heritage Trees listed in Appendix 5.
- (vi) The preservation and enhancement of the indigenous vegetation, over 70 per cent of the net site area within the "Forest Hill" Rural Residential zone, and the removal and control of wilding pines within the zone. For the purpose of this matter net area shall exclude access to sites and the building restriction area within the zone.
- (vii) Within the Bob's Cove sub-zone, whether and the extent to which:
  - (a) Consent notices have been entered into to ensure the effective and permanent protection of the open space and areas of indigenous vegetation; and
  - (b) Methods have been proposed to prevent stock from browsing and otherwise damaging areas of indigenous vegetation by fencing.

(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.

~~(x) Within open space areas O/S, OSL and G shown on the Hanley Downs Structure Plan the extent to which subdivision:~~

~~(a) Restricts grazing within and around wetlands and remnant indigenous communities and schist outcrops containing grey shrubland habitats, including appropriate legal mechanisms to secure this outcome.~~

~~(b) Prevents the loss of grey shrubland habitats~~

~~(c) Removes woody pest plants~~

~~(d) Improves connectivity between the network of ephemeral wetlands and swamps and adjacent Jacks Point and Lakeside public conservation land.~~

~~(xi) Within the R(HD) - E Activity Area of the Hanley Downs area of the Jacks Point Resort Zone, ~~W~~ whether and the extent to which any subdivision adjacent to or including the wetland shown as W on the Hanley Downs Structure Plan makes provision via a Biodiversity Management and Restoration Plan or otherwise for:~~

- ~~1. Methods to control the further spread of willows within the wetland;~~
- ~~2. A programme of progressive limbing and potentially the removal of crack and grey willows from the margins, particularly from the shallow northern end;~~
- ~~3. A programme to kill in-situ willows within the shallow open water to facilitate the natural expansion of Carex sedgeland and Raupo beds and maintenance of open water;~~
- ~~4. Methods to protect the wetland from further unmitigated loss or~~

drainage if disturbed by development; and

5. Reinstating indigenous diversity along the margins of the wetland in order to:

- a) Bolster feeding and breeding habitats through ensuring and securing in perpetuity an appropriately designed buffer (of at least 20 metres) around the wetland; providing for small clearings enabling a view of the water; providing screening of residential activity; providing a variation in wetland habitat and open roosting and foraging areas;
- b) Reinstating diversity lost from the terrestrial and aquatic communities associated with the wetland
- c) Avoiding or minimizing the discharge of contaminants into the wetland through appropriately designed storm water treatment and buffer planting.

## 15.2.18 Easements

### 15.2.18.1 Controlled Subdivision Activity – Easements

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity** with the Council reserving control in respect of the creation or cancellation of easements for any purpose.

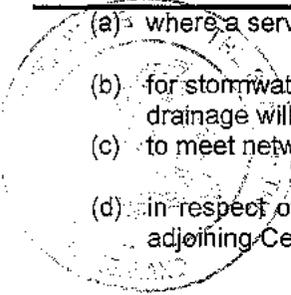
Mount Cardrona Station Special Zone– matters over which control is reserved:

- The provision of public access through Activity Areas 6, 6a, 7 and 7a of the Mount Cardrona Station Special Zone in general accordance with the Mount Cardrona Station Walkways Plan (Structure Plan C).

### 15.2.18.2 Assessment Matters for Resource Consent

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

- (i) The need for easements:

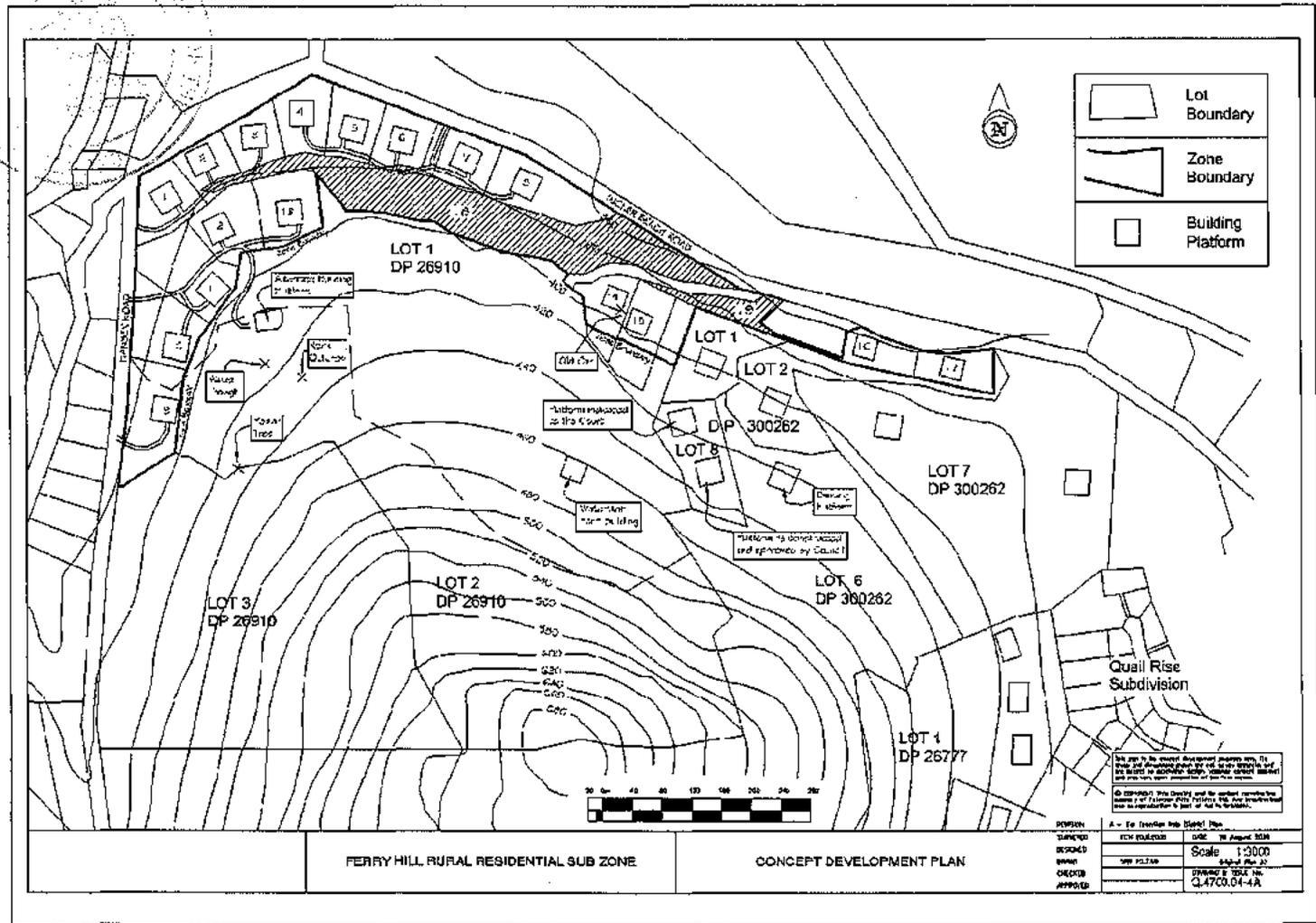


- (a) where a service or access is required by the Council;
- (b) for stormwater passing through esplanade reserves where drainage will be to the wetland, lake or river;
- (c) to meet network utility operator requirements;
- (d) in respect of other parties in favour of nominated lots or adjoining Certificates of Title;
- (e) for private ways and other private access;
- (f) for stormwater treatment and disposal, sewage treatment and disposal, water supply, electricity reticulation, gas reticulation, telecommunications;
- (g) for party walls and floors/ceilings;
- (h) for reticulation servicing with sufficient width to permit maintenance, repair or replacement;
  - (i) for walkways and cycle ways, including access to water bodies.
  - (ii) The need for the cancellation of easements.
- (i) for the provision of public access throughout the Open Space Zone within Peninsula Bay.
- (j) within the Mount Cardrona Station Special Zone the extent to which:
  - (i) public access easements through Activity Area 7 provide access to the historic water races, while ensuring their protection.
  - (ii) access easements provide potential linkages between the site and surrounding walkways, enabling connection between Mount Cardrona Station and the existing Cardrona village.
  - (iii) access easements and easements in gross are in general accordance with the Mount Cardrona Station Walkways Plan (Structure Plan C).

On any boundary adjustment in the Rural General Zone which meets the zone standards the matters in respect of which the Council has reserved control are:

- the location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and existing vegetation patterns and existing or proposed accesses;
- boundary treatment;
- easements for access and services.

15.2.19



## Appendix 4



Add new assessment matter 12.5.2.ii (g)

(g) In the Hanley Downs part of the zone within the Peninsula Hill Landscape Protection Area and the O/S part of the Tablelands, where consent is sought for a change in activity, or for additional non-farm buildings, and a farm building has already been consented.

(i) where resource consent for a farm building has been obtained but that consent has not been implemented, when considering the environment as might be modified by the unimplemented consent, the unimplemented consent shall not be used as justification for the activity sought, except for the purpose of considering any cumulative adverse effects; and

(ii) where resource consent for a farm building has been obtained and that consent has been implemented, the existence of that farm building shall not be used as justification for the activity sought and particular regard shall be had to the cumulative effects of allowing that activity.



# Structure Plan





FIGURE 1

Jacks Point Resort Zone - Hanley Downs and Jacks Point

scale 1:25,000 (A4), 1:12,500 (A2)

Rev E8, 8 November 2016



KEY

- R(HD) Residential (Hanley Downs)
- R(HD-SH) Residential (Hanley Downs - State Highway)
- OSL Open Space Landscape Protection / Farming
- OSA Open Space Residential Amenity
- W Wetland
- L Lodge
- V(JP) Village (Jacks Point)
- R(JP) Residential (Jacks Point)
- R(JP-SH) Residential (Jacks Point - State Highway)
- HS Tablelands Homesites
- G Golf Course and Open Space
- G/F Golf Course, Open Space and Recreational Facilities
- O/S Open Space
- O/P Open Space & Passive Recreation
- Activity Area
- Public Access Route (location indicative)
- Secondary Road Access (location indicative)
- Primary Road Access (location indicative)
- ↔ Key Road Connections (location indicative)
- Open Space

OVERLAYS

- Highway Landscape Protection Area
- Peninsula Hill Landscape Protection Area
- Lake Shore Landscape Protection Area
- State Highway Mitigation
- Flood Bank / State Highway Mitigation
- Tablelands (includes Homesites and Wetlands within shaded area)

