

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 09
– Resort Zones

**REPLY OF VICTORIA SIAN JONES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

41 JACKS POINT CHAPTER

24 February 2017

 **Simpson Grierson**
Barristers & Solicitors

S J Scott
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

TABLE OF CONTENTS

1. INTRODUCTION2

2. FURTHER INFORMATION / CLARITY TO ASSIST THE PANEL4

3. GENERAL DRAFTING IMPROVEMENTS TO THE OBJECTIVES, POLICIES, RULES, STRUCTURE PLAN, AND CORRECTING FORMATTING ERRORS 10

4. THE OPEN SPACE AREAS 12

5. THE HD(R)-G AND HD(R)-F ACTIVITY AREAS..... 16

6. THE VILLAGE ACTIVITY AREA 19

7. RESIDENTIAL AREA PROVISIONS20

8. EDUCATION (E) ACTIVITY AREA22

9. RESPONSE TO EVIDENCE22

10. CONCLUSION24

Appendix 1 – Updated revised chapter 41

Appendix 2 – Updated revised chapter 27

Appendix 2 – Additional S32AA evaluation of the additional recommended changes

Appendix 3 – Structure Plan for Information Purposes Only

1. INTRODUCTION

- 1.1 My name is Victoria (Vicki) Sian Jones. I prepared the section 42A report for the Jacks Point chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 2 November 2016.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing held on the 14 - 17 February 2017 and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day when I was not in attendance.
- 1.3 This reply evidence covers the following issues:
- (a) further information / clarification to assist the Hearing Panel (**Panel**) in relation to specific issues raised by the Panel and / or submitters during the hearing;
 - (b) general drafting improvements to the objectives, policies, and rules, and correction of formatting errors;
 - (c) amendments to the Structure Plan and the provisions in relation to the Open Space Areas;
 - (d) amendments to the Village Area provisions and a slight change to the area shown on the Structure Plan;
 - (e) amendments to the HD(R) and JP(R) area provisions;
 - (f) amendments to the HD(G) and HD(F) areas in line with the joint witness statement of the Landscape Architects; and
 - (g) an amendment to the Education (**E**) activity area shown on the Structure Plan.
- 1.4 Where I am recommending changes to the provisions as a consequence of the hearing of evidence and submissions, I have included these in my recommended chapter 41 in **Appendix 1 (Revised Chapter)** and also in chapter 27, Subdivision, in **Appendix 2**. The changes recommended in my evidence summary are also included in the Revised Chapters and you are referred to my summary of evidence (dated 13 February 2017) for the explanation behind those changes. I have attached a section 32AA (**S 32AA**)

evaluation in **Appendix 3** for any significant changes that are being recommended.

1.5 In this Reply:

- (a) If I refer to a provision number without any qualification, it is to the notified provision number and has not changed through my recommendations;
- (b) if I refer to a 'redraft' provision number, I am referring to the s 42A recommended provision number; and
- (c) if I refer to a 'reply' provision number, I am referring to the recommended provision number in Appendix 1 to this Reply

1.6 Attached as **Appendix 4** is an additional Structure Plan for information purposes only, providing the following additional information requested by the Panel:

- (a) aerial photography;
- (b) Lake Tewa;
- (c) Jacks Point hill;
- (d) the underlying cadastre that exists as of this date, noting that this is ever-changing; and
- (e) GPS coordinates for the Homesites (shown on a separate page of **Appendix 4**).

1.7 I do not support this additional information being included on the Structure Plan that forms part of the chapter/ rules. However, if the Panel wished it could be included as a non-statutory plan for information purposes only (as a new Clause 41.8). In my opinion the statutory Structure Plan should only show those elements that rules and policies apply to. Even then, I would not support the inclusion of the underlying cadastre on such a Plan, as that is ever changing, and such updates would be entirely impractical on the sealed version of the district plan, which I understand the RMA still requires to be in hard copy.

1.8 I take this opportunity to also note in response to the various improvements to the Structure Plan that the Panel suggested during the course of the hearing that:

- (a) regrettably, time constraints have prevented the inclusion of enlarged maps of certain areas (e.g. Homesites) in this reply evidence; and
- (b) a cross-reference to the primary rule (reply Rule 41.5.9) that needs to be considered in relation to development and subdivision being in accordance with the Structure Plan is now shown on the Structure Plan and a further general rule added (reply Rule 41.3.2.7).

2. FURTHER INFORMATION / CLARITY TO ASSIST THE PANEL

2.1 In this section I provide further information and clarification around various issues raised by the Panel during the hearing, with the express purpose of assisting it in its deliberations rather than to make any firm recommendations.

2.2 In this section I address:

- (a) density issues and queries;
- (b) the lux spill rule(s) applied to this zone and to others in the PDP;
- (c) Design Guidelines at Jacks Point, and the PDP.

Density issues

S42A Report Density Calculations

2.3 The first sentence in paragraph 10 of my Evidence Summary dated 13 February 2017 (in relation to the density calculations) contains an error and should be amended as follows:

Compared to the notified PDP, my current recommendations will increase the estimated potential maximum residential and visitor accommodation yield by 220,219 units (from 5,221 to 5,441 units).

Density sought in Homestead Bay

2.4 The Panel requested an estimate of the additional yield/ development capacity that would be enabled by accepting the Jardine Family Trust and Remarkables Station Limited's (715) rezoning submission at Homestead Bay, where they seek to expand the notified Jacks Point zone and intensify use within the notified Open Space Residential (**OSR**) and the area sought to be rezoned.

2.5 This submission point is to be heard in the rezoning hearings, but to assist the Panel I have prepared an estimate as requested in **Table 1** below. Approximately 541 further units would be enabled through rezoning of the additional area to Jacks Point Zone, in addition to the maximum 243 residential and visitor accommodation that are estimated to be enabled by the S42A version of the provisions (in the Homestead Bay portion of the zone). This is based on the net areas (ha) of the new Homestead Bay Residential activity areas sought in the submission (removing 30% for roading etc.) multiplied by the maximum density sought in the submission plus the increased total residential unit cap sought in the OSR area sought in the submission (which is proposed to increase from 12 to 41 units per hectare), together with one residence in the OSL as also sought in the submission.

Table 1: Estimate of potential additional yield at Homestead Bay

Activity Areas	Area(ha)	Net area (70% of gross)	Max under submission 715 (15 units/ha in R(HB))	Notified PDP	Difference
R(HB-SH)A	4.35	3.05	46	0	
R(HB-SH)B	7.21	5.05	76	0	
R(HB-SH)C	2.4	1.68	25	0	
R(HB-SH)D	32.7	22.89	343	0	
R(HB-SH)E	3.48	2.44	37	0	
FBA			1	1	
OSR (West)	14.4	10.08	41	12	
OSR (East)	36.7	25.69	0	0	
OSL			1	0	
OSH			0	15	
Village (S 42A version)			215	215	
Totals			784	243	541

2.6 I also note that the Farm Buildings and Craft Activity Area (**FBA**) is sought to be fully subsumed into the OSR and, as such, I understand the Panel's concerns about the unclear wording of Rule 41.4.9.16 will be further considered at the time it is determined whether the FBA remain at all. I also note that with regard to the Panel's other query regarding what 'low level' means in Rule 41.4.9.15, this wording will be considered as part of the mapping hearing when determining whether it is appropriate to increase the

allowable height to 7 m or whether it should remain at 4 m (hence the current reference to 'low scale').¹

The PDP vs ODP densities for the Jacks Point Residential Activity Area

- 2.7** I note that, at the hearing, Mr Brabant² sought that the ODP density rule (allowing 10-12 dwellings per gross hectare) should be retained for the Jacks Point residential areas in preference to the notified density rule (41.5.8). To assist the Panel in considering this matter, I note that, including the minor amendment recommended in the S42A report, the notified density rule (41.5.8) enables a gross density of 11.8 units per hectare and results in an estimated increase of 10 dwellings overall (resulting from the slight increase in average density and the addition of a further 2.2 ha of land to the Jacks Point residential area). I do not consider the increase in average density enabled by the PDP to be significant, as compared to the ODP.

The relationship between the permitted density and the minimum lot size in the Hanley Downs residential areas

- 2.8** Paragraph 21 of Mr John Darby's evidence dated 3 February 2017 and paragraph 21 of Mr Ferguson's supplementary evidence dated 15 February 2017 discuss the relationship and apparent inconsistency between the permitted density and the minimum lot size in the Hanley Downs residential areas and seem to suggest that the permitted density should be more closely aligned with the minimum lot size. In my opinion, the rationale for this is somewhat flawed.
- 2.9** Subdivision Rules 27.5.15 and 27.7.11.3 expressly provide for a breach of the minimum lot size in the R(HD) areas as a restricted discretionary activity whereas such a breach triggers a fully discretionary activity elsewhere in the Jacks Point area and is non-complying elsewhere in the PDP. The assessment matters included in the Chapter 27 right of reply version of the provisions and the policy recommended to be added to Chapter 27 through my S42A report support this. In this respect, the minimum lot size has simply been used as a somewhat crude and indirect way of triggering a design-based

1 See the Memorandum of Counsel on behalf of QLDC Regarding Transfer of Submission Points to Rezoning Hearing, dated 22 December 2016.

2 Submissions of Richard Brabant dated 17 February 2017 at paragraph 43.

restricted discretionary activity process but with every intention that well designed subdivision which includes sites less than 380m² in size will be acceptable. I have not made this amendment in the provisions simply because it is somewhat of a departure from the standard format but I do think it would be worth further consideration; particularly in respect of the way the 380m² is applied to the Hanley Downs residential areas.

- 2.10** I also note that Rule 27.5.5 specifies that any unit title of a completed multi-unit development is a controlled activity and reply Rules 27.7.13 and 27.7.3.14 clarify that infill subdivision in the Medium Density, Low Density, and High Density Residential Zones shall not be subject to the minimum lot size standards. While there is currently no rule confirming that this is also the case in respect of the Jacks Point Zone, the S42A report³ for the upcoming definitions hearing stream recommends the following change to the definition of 'site' but acknowledges that there is no scope for the change and that it would need to be undertaken via a Variation:

Except in relation to each description that in the case of land subdivided under the Unit Titles Act 1972, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision."

- 2.11** This would have the effect of exempting unit titles etc from having to meet the minimum lot size. If such a Variation were undertaken, this amendment would achieve the intent of the Jacks Point Zone, as reflected by the policies in chapters 41 and 27. If it is not, then I suggest that Rule 27.7.13 would need to be amended by including an exemption for Jacks Point, to improve the efficiency of the subdivision consent process. The exemption would be more efficient because it would remove the requirement that currently exists, for a restricted or fully discretionary activity consent to be obtained for a unit title subdivision in a medium density residential area of Jacks Point.

3 <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-10/Section-42A-Reports-and-Council-Expert-Evidence/QLDC-10-Definitions-Section-42A-report.pdf>

5% site coverage across the Jacks Point Zone

- 2.12** Mr Brabant⁴ remains concerned that the PDP will undermine the 5% site coverage rule of the ODP (and 2.5% in the Homestead Bay portion) and the similarly phrased outcomes identified in the Jacks Point Stakeholders Deed.
- 2.13** I recommended in my S42A report not to reinstate the ODP 5% and 2.5% rules (12.2.5.2(vi)) in the PDP but to, instead, impose conventional (45% - 55%) maximum building coverage rules in the residential and education areas (noting that such rules do not explicitly exist in the PDP), to retain the coverage rules in the Jacks Point village area, and impose a consistent rule in the Homestead Bay Village. I consider this to be more appropriate and more efficient from an enforcement perspective than the ODP rule.
- 2.14** In response to submissions I have estimated in **Table 2** below the maximum percentage of building coverage enabled by the notified PDP Structure Plan and this equates to 5.23% of the whole zone (assuming the 40-55% coverage rules in the residential areas as proposed in my S42A report and an assumption that buildings in the Homestead Bay, Homesites, FP-1, and FP-2 will be 1000m²).

Table 2: Maximum percentage of building coverage enabled in PDP

Coverage of built form in the whole zone	Ha
Area of Jacks Point Zone	12,590,000.00
Jacks Point res areas	252,440.00
Henley downs res areas	106,960.00
Homesites (@1000m2 footprint)	36,000.00
FP-1 (@1000m2 footprint)	34,000.00
FP-2 (@1000m2 footprint)	8,000.00
EIC	66,200.00
E	22,500.00
Village Jacks Point	78,540.00
Dwellings in HB beyond the village (@1000m2 footprint)	28,000.00
Village HB	26,040.00
Total building coverage	658,680.00
Total as a % of the zoned area	5.23%

- 2.15** I note that the amendments now promoted by Jacks Point and those recommended in my Reply evidence would reduce this overall coverage considerably (by, for example, removing the EIC and the FP-1 and FP-2 areas).

4 Submissions of Richard Brabant dated 17 February 2017 at paragraphs 11 and 20.

Lighting

- 2.16** In response to a query from the Panel, I can confirm that the following rule exists in Chapter 41 of the PDP and that this is consistent with the wording of such rules that apply to other zones and is supplemented in Jacks Point by Rule 41.4.3.1 and reply Rule 41.5.22:

41.5.14	Glare 41.5.14.1 All fixed lighting shall be directed away from adjacent roads and properties. 41.5.14.2 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.	NC
----------------	--	----

The role of Guidelines in the Jacks Point Zone and how these will interface with the PDP

- 2.17** Further to the discussion the Panel had with Ms Scott in relation to the relationship between the various Guidelines that exist for different parts of the Jacks Point Zone, and the Jacks Point Zone provisions contained within the chapter, it is my understanding that the Council is comfortable that the guidelines being administered by the Design Review Board and that process be entirely non-statutory. It should sit outside the PDP and there is no need for any direction in the PDP that the non-statutory process needs to remain in force.
- 2.18** It is my view (which is consistent with the Council's opening legal submissions)⁵ that while such guidelines may be effective at achieving a particular design aesthetic, the revised Jacks Point chapter provides additional standards and design controls, where justified, to ensure that appropriate development will result, even in the unlikely event that the guidelines are amended or 'watered down', ineffectively administered, or are not required to be adhered to as part of future subdivisions. The existence of the non-statutory process is therefore not determinative of my recommendation that Guidelines not be mentioned in the Jacks Point chapter.

5 Legal Submissions for QLDC, Hearing Stream 9, dated 13 February 2017, at paragraphs 6.26-6.27.

3. GENERAL DRAFTING IMPROVEMENTS TO THE OBJECTIVES, POLICIES, RULES, STRUCTURE PLAN, AND CORRECTING FORMATTING ERRORS

3.1 The following general amendments/ comments are recommended in response to questions and comments made by the Panel:

- (a) all the changes to the S42A version of Chapters 27 and 41 and the Structure Plan that I outlined in my Evidence Summary dated 13 February 2017 are included in the Revised Chapters in Appendices 1 and 2, except where they have since been superseded, as specifically outlined below;
- (b) Rule 41.4.9 (Structure Plan) has been re-drafted as a standard (reply Standard 41.5.1). This is consistent with the drafting of the equivalent Resort Zone rule in the ODP and is appropriate in that the alternative option of listing all the activities as permitted would mean that, under the structure of this chapter, any activities that are not listed would default to permitted, pursuant to Rule 41.4.1, unless their status was further clarified elsewhere;
- (c) the Structure Plan has been amended to include a reference to reply Standard 41.5.1 (notified Rule 41.4.9), which will make those provisions) that refer to compliance with the Structure Plan (i.e. Policy 41.2.1.1, Rule 41.5.4, Objective 27.3.13 and policies, and rules 27.5.6, 27.7.1, 27.7.4, and 27.7.11.1) clearer;
- (d) the word "small" has been deleted from Policy 41.2.1.19 (which referred to a small local shopping centre) and the policy now refers to the Jacks Point village as "the" vibrant mixed use hub of the Zone rather than "a". The use of the word "a" could infer that is one of a number of hubs;
- (e) the term "existing forestry" has been amended in Rule 41.4.11 to read "forestry existing as at the date of notification of this District Plan..." for added clarity;
- (f) reply Rule 41.5.22 regarding noise mitigation has been added from chapter 36 and I concur with the reasoning for this as provided in Mr Ferguson's evidence⁶;
- (g) reply rule 41.5.1.9 has been amended to remove the reference to mining as its inclusion conflicts with Rule 41.4.5, which determines

6 Paragraph 14.1, Evidence of Mr Ferguson, dated 3 February 2017.

that mining is a discretionary activity. I note that there is no scope in the submissions to limit discretionary mining only to the existing quarry (as was suggested may be more appropriate by the Panel), as mining of aggregate for use within the Zone is already a discretionary activity throughout the zone in the ODP;

- (h) rule 41.5.3.8 has been removed to avoid duplication with chapter 34 - Wilding Trees, where these species are also listed and the same activity status applied;
- (i) Rule 41.5.13.2(l) - maximum building height has been amended to remove the reference in brackets to temporary film towers. I can confirm that filming activity is already appropriately managed through Chapter 35 and that, in my opinion, retaining reference to it in rule 41.5.13.2 is confusing and potentially inconsistent with chapter 35. Rather than specifying heights, chapter 35 manages the issue by virtue of the fact that the event is permitted unless it exceeds 50 people and thereafter consent is required in respect of the scale and possible amenity effects. I note for completeness that while reference to film towers in Rule 41.5.19 (Temporary and Permanent Storage of Vehicles) arguably conflicts with chapter 35, which allows temporary storage of anything for up to 3 months, I recommend retaining the more restrictive rule in the Jacks Point Zone. I also note that this rule exists in the ODP and so there is no scope to remove it in my view;
- (j) Rule 41.5.17 (outside storage) has been amended in a very similar manner to that proposed in Mr Ferguson's supplementary evidence (20 February 2017) in order to ensure it only applies to non-residential activity; and
- (k) Rule 41.6.2 has been amended to enable restricted discretionary resource consent applications within the Lodge Activity Area to be processed without public notification.

3.2 I now turn to particular questions raised by the Panel which have not resulted in an amendment to the attached provisions but which require a response.

3.3 I note for completeness that no amendments are recommended to better clarify reply rules 41.5.1.13 - 41.5.1.16 as these relate to the Homestead Bay Activity Areas and the wording will be further considered in light of the evidence in the mapping hearing.

- 3.4** The Panel suggested that Chapter 41 might be more legible if it were re-structured such that all the policies and provisions relating to each Activity Area were grouped into separate sub-parts to the chapter much in the same way as the District Plan document is structured. In response, this has not been possible in the time available as it involves considerable work and would need to be undertaken consistently across all the special zones in the PDP. However, if the Panel decide that they are interested in pursuing this amended structure as a possible option then this can be undertaken on the Panel's behalf for its consideration.

4. THE OPEN SPACE AREAS

- 4.1** In this section I discuss the appropriateness of the structure plan and the provisions in relation to the open space areas.
- 4.2** In terms of specific queries raised by the Panel in relation to the open space areas, I can advise that:
- (a) farm buildings in the Outstanding Natural Landscape (**ONL**) of the Rural Zone are a permitted activity subject to meeting strict criteria⁷ and restricted discretionary thereafter. As outlined below, I recommend replicating this and the associated policy for the OSL area of the Jacks Point Zone, which directly adjoins the Rural Zone to the north. Of relevance to the application of recommended rule 41.5.21, I note that the largest existing land parcel within the OSL is 332ha in area;
 - (b) recreational buildings are treated like any other building (other than farm buildings) in the recommended revised Rural chapter and are therefore a fully discretionary activity;
 - (c) in the operative Jacks Point Resort Zone, recreational buildings are a discretionary activity in the O/S area (i.e. the Peninsula Hill Landscape Protection Area (**PHLPA**) and the northernmost parts of the lakeshore and Highway Landscape Protection Areas (**HLPA**) and controlled in other open space areas provided they are no more than 4m in height; and

7 Rules 21.5.18 and 21.5.19, Appendix 1: Right of Reply recommended revised rural chapter 03/06/16

- (d) both the notified PDP and the S42A version of the chapter are more lenient than the rules of the proposed Rural Zone in terms of recreational buildings and farm buildings.

4.3 In summary, I have recommended:

- (a) amending Objective 41.2.1 to provide greater direction in relation to the protection of the part of the land which is an outstanding natural landscape in terms of section 6b of the RMA;
- (b) amending policies 41.2.1.1 and 41.2.1.10 and adding various policies (reply Policies 41.2.1.30 - 41.2.1.33) to provide better policy direction in relation to:
 - (i) the important contribution that the open spaces make to the amenity of the urban development areas within the zone;
 - (ii) ensuring farming activity does not affect residential amenity; and
 - (iii) protecting the PHLPA (which aligns with the ONL boundary in the Council's Structure Plan) from inappropriate subdivision and development;
- (c) narrowing the activities allowed within the Open Space Landscape (**OSL**) Activity Area to align with those allowed by the O/S area in the ODP⁸ plus the addition of recreational trails and applying it generally to those areas where the O/S applies in the PDP. This addresses the concerns raised by the Panel in relation to the effects of enabling recreational buildings within the PHLPA (even if limited to a 4 m height), by:
 - (i) making recreational activity beyond trail development and any associated buildings a fully discretionary activity (rules 41.5.1.10 and 41,7); and
 - (ii) achieving greater consistency between the provisions and those of the adjoining rural zoned land (in respect of farm buildings and all other buildings) albeit that the PHLPA rules impose more restrictions on the type of farming that can occur in the Rural zone (rules 41.4.3.5, 41.4.3.6, and 41.4.3.7);

8 Operative District Plan Standard 12.2.5.1 restricts use to pastoral and arable farming and endemic revegetation.

- (d) replacing the remaining areas classified as OSL in the Structure Plan (being the remainder of the Highway Landscape Protection Area (**HLP**A), the remainder of the Lakeshore Landscape Protection Area (**LSL**PA) and Lot 12 DP 364700 (i.e. the land upon which the Open Space Community and Recreation Area (**OS**CRA) is sought) with Open Space Golf Activity Area (**OS**G). This effectively narrows the permitted uses to recreational activity and indigenous revegetation and making farming and farm buildings in those areas fully discretionary. This amendment, along with the vegetation mitigation requirements imposed in relation to the R(HD-SH) areas, will more effectively protect the amenity values of the adjoining residential areas;
- (e) replacing the farm building rules that relate to the OSL with the relevant rules (including the general permitted baseline-rule) from the recommended revised version of the Rural chapter (rule 41.4.1 and reply rule 41.5.21).
- (f) adding Homesites 35-56 to the Structure Plan;
- (g) amending the subdivision rules (rule 27.5.10) such that all subdivision is discretionary within the Homesites and in the Open Space Residential Amenity Landscape (**OS**A) and OSL Activity Areas) and any lots created for residential purposes in the OSG are discretionary unless they contain a Homesite. I note that the risk of a lot which contains a Homesite being further subdivided would be minimised by the fact it would be discretionary to subdivide the Homesite itself;
- (h) amending the Peninsula Hill Landscape Protection Area (**PHL**PA) boundary in the Structure Plan, which was aligned with the ONL boundary in the S42A report version of the Structure Plan, to follow the slightly revised ONL that Dr Read has recommended after undertaking a site visit at the request of the Panel. My understanding is that the location of ONLs on the planning maps is a matter for the rezoning hearings (if they have been challenged through submissions), and therefore they may need to be revisited in the relevant rezoning hearing. In my view however, it would be sensible that the ONL boundary on the planning map be changed to align with Dr Read's recommendations (and as now shown on the Structure Plan);
- (i) retaining the Open Space Amenity Activity Area (**OS**A) which is shown bisecting areas R(HD)-A, R(HD)-C, and R(HD)-D in the S42A

report Structure Plan but widening this to 60m (centred on the creek) where it passes through R(HD)-A, R(HD)-C, and reducing to 20m centred on the creek, where it passes through R(HD)-D. These widths have been determined in consultation with Dr Read and Mr Compton-Moen and are shown accurately in the amended Structure Plan in **Appendix 1**. Furthermore, the risk of the OSA being somehow privatised or developed is further reduced by recommending that subdivision of the OSA becomes a discretionary activity (rule 27.5.10) as opposed to controlled as recommended in the Chapter 27 right of reply). In response to queries from the Panel directed at various witnesses, the reason for recommending that the area be included as an OSA (as opposed to simply showing it as indicative but part of the adjacent residential activity areas) is that unless it is included as an OSA activity area then, other than potentially requiring the public access path, there are no other rules preventing it from being privatised and even built on as part of the subdivision of the residential activity areas within which the space is located;

- (j) removing the two areas of Lodge Activity Area that are shown as being within the Lakeshore Landscape Protection Area (**LSLPA**), noting that this is consistent with the S42A recommendations but was not reflected in the S42A Structure Plan; and
- (k) identifying the Lodge Activity Areas on the Structure Plan as L1 - L3 so that it is clear and easily to identify what rules apply to them.

4.4 I remain of the opinion that Rule 41.5.4.2(a) (earthworks in relation to the Open Space, Homesite, Education, and Lodge Activity Areas), which requires a restricted discretionary resource consent for any road, track, or access that involves a cut of greater than 1m, is appropriate in the more sensitive areas. This is on the basis of Dr Read's view that 2.4 m (rule 41.5.5.2(iii)) is too permissive for such earthworks and that:

- (a) although earthworks is able to be considered at the time of building and is a matter of discretion in the Lodge and Open Space Areas, it is only a matter of control in the, Education and Homesite Areas (and therefore is unable to be declined); and
- (b) where tracks are proposed in the absence of building or subdivision, there would be no control on such earthworks if this rule is removed.

5. THE HD(R)-G AND HD(R)-F ACTIVITY AREAS

- 5.1** In this section I discuss the appropriateness of the Structure Plan and the provisions in relation to the notified HD(R)-G and HD(R)-F Activity Areas.
- 5.2** Firstly, I can confirm that development of the R(HD)-F Area as shown on the attached recommended revised Structure Plan (which generally aligns with R(HD)-F(a) in Mr Te Paa's Structure Plan dated 15 February 2017) at a net density of 10-15 units per ha is appropriate. This is in line with Dr Read's opinion (and Ms Pfluger's statement that she is comfortable with that) as outlined in the Joint Witness Statement dated 14 February 2017.
- 5.3** With regard to the balance of the notified HD(R)-G and HD(R)-F Activity Areas, having carefully considered the options of applying R(HD) to these areas with addition of rules requiring planting and the identification of building platforms; identifying Homesites within these areas; or creating a new Activity Area, I have recommended that a new Rural Living (**RL**) Activity Area is the most appropriate way of enabling appropriate development within these areas. For clarity, new the RL area comprises the areas that have previously been referred to during the hearing as F(HD)-Fb and R(HD)-G.
- 5.4** In **Table 3** below I summarise the key differences between the two existing Activity Areas that could possibly be applied, neither of which are a 'perfect fit', hence the recommendation of a new Area:

Table 3: Key differences between R(HD) and Tablelands/Open Space Golf

Building platforms within the R(HD)	HS's within Tablelands/ OSG (as recommended in the Right of Reply)
Policies aimed at enabling sites smaller than 380m ² ; recognising the R(HD) can be developed at a greater scale and intensity than elsewhere, and anticipates commercial, community, and visitor accommodation	Policies aimed at sensitive development and revegetation
2 dwellings per ha	2 dwellings per ha
Controlled subdivision subject to providing	Discretionary subdivision (as per the

Building platforms within the R(HD)	HS's within Tablelands/ OSG (as recommended in the Right of Reply)
a comprehensive vegetation plan at the time of subdivision (as proposed by Mr Ferguson)	right of reply) to create a site without a homesite or to subdivide within the HS itself. No requirement for a comprehensive vegetation plan but site specific revegetation instead, which would be overly onerous on the G and F areas
Controlled subdivision subject to identifying building platforms on each site at the time of subdivision	HS's would need to be located in the Structure Plan
8 m height	5 m height
Must be reticulated	Need not necessarily be reticulated
Zoned wide reflectance rule	Additional maximum 30% reflectance rule
1,000m ² footprint	1,000m ² footprint
Building is permitted	Building is controlled (ROR version)
Recession plane and setback rules apply (very permissive in a RR setting though)	No recession plane or setback rules but control over bulk and location
No rules re fencing, pools, and tennis courts as it would not be in the tablelands - policies would also not apply	Fencing, pools, and tennis courts rules would apply as it would be in the tablelands - policies would also apply
Commercial, community, and visitor accommodation are RDIS and anticipated to occur in a manner that protects/enhances res amenity	Commercial, community, and visitor accommodation would be discretionary under recommended revised provisions as not in accordance with the Structure Plan
Medium density development restricted discretionary activity (controlled activity as notified) and a minimum lot size of 380m ²	No more than 1 dwelling per Homesite.

5.5 In terms of the specific rules that will apply to the Rural Living (RL) Activity Area, I have recommended:

- (a) amending Policies 41.2.1.13 to acknowledge rural living will be provided for within a new RL Activity Area (which has been added to

the Structure Plan). I also acknowledge that reply Policy 27.2.1.9 relating to avoiding subdivision of building platforms also becomes relevant; and

- (b) amending the rules and Structure Plan to provide for sensitive rural living development through:
 - (i) requiring a comprehensive vegetation plan to be provided at the time of subdivision;
 - (ii) requiring the identification of a building platform of no more than 1000m² at the time of subdivision;
 - (iii) rules that impose a 5 m height limit (reply Rule 41.5.13);
 - (iv) requiring all buildings to be located within an approved building platform (reply Rule 41.5.2.3);
 - (v) applying the Tablelands overlay to the areas; thereby requiring adherence to the fencing rules (reply Rule 41.5.8);
 - (vi) making all residential buildings located within the RL Activity Area a controlled activity (reply Rule 41.4.3.2);
 - (vii) enabling only residential activity within the RL Activity Area (reply Rule 41.5.1.3);
 - (viii) making the creation of lots for residential purposes that do not contain a building platform a non-complying activity by applying the notified Rule 27.7.12.1,⁹ which applies to subdivision in the rural lifestyle zones of the District Plan; and
 - (ix) making subdivision of land resulting in the division of a building platform a non-complying activity, by virtue of the fact that the existing Rule 27.5.15 (reply Rule 27.5.18) would apply.

5.6 I consider this better achieves the desired outcomes outlined in the joint witness statement of the Landscape Architects¹⁰ and will provide a more appropriate outcome.

9 I note for completeness that a rule is missing in the right of reply recommended revised chapter 27, in that notified Rule 27.4.2, which clarified that a breach of this and other standards was non-complying, has been deleted and not replaced. An equivalent rule has been reinstated in the recommended revised version.

10 Joint Witness Statement of Dr Read and Ms Pfluger, dated 14 February 2017.

6. THE VILLAGE ACTIVITY AREA

6.1 In this section I discuss the appropriateness of the structure plan and the provisions in relation to the Village areas.

6.2 In summary, I have recommended:

- (a) increasing the area of land included within the notified Jacks Point Village area on the Structure Plan by a very minor amount to include the site (currently in the process of obtaining title as I understand it) containing the clubhouse and its associated car parking;
- (b) amending reply Policy 41.2.1.19 and adding reply Policy 41.2.1.31 to provide clearer direction;
- (c) amending the Comprehensive Development Plan (**CDP**) rule (reply Rule 41.4.7.1) to make the initial application for commercial, community, residential or visitor accommodation activity a controlled activity subject to the matters of control proposed in the S42A report and those proposed by Mr Ferguson. Any subsequent commercial, community, residential or visitor accommodation activity is recommended to be a restricted discretionary activity (reply Rule 41.4.7.2) if it is not in accordance with the initial CDP. This approach has the benefit of encouraging subsequent development to comply with the original approved CPD (as the application would be controlled rather than a restricted discretionary activity) and enables poor outcomes that are contrary to the initial CDP to be declined. I have applied this rule to both the Jacks Point and Homestead Bay Village Activity Areas on the basis that the same scope exists for both and the same rigorous assessment is justified in the V(HB) Area due to the scale of mixed use that can occur there and the importance of having a comprehensively determined spatial layout. While there is no scope to make all CDP a restricted discretionary activity, including the initial one, this would be my preference if scope existed as this provides the Council with the ability to decline a poorly designed initial CDP;
- (d) amending the CDP rule to clarify that such a plan needs to cover the whole Activity Area within which the building(s) or activities being applied for sit (i.e. either the Jacks Point or Homestead Bay village areas);

- (e) amending the wording of reply Rules 41.5.13.2(a) and 41.5.13.2(b) regarding height in the villages to clarify that all buildings (not only commercial buildings) must comply with the maximum 3 storeys in the Jacks Point Village and 2 storeys in the Homestead Bay Village. This is on the basis that while the issue of encouraging higher floor to ceiling heights is not relevant for residential buildings, the other benefits of avoiding 4 storeys being squeezed into 12 m such as achieving more articulated roofscapes and facades and greater diversity in heights are considered to outweigh any reduced landuse efficiencies. The rule is also simpler and more certain than was recommended in the S42A version;
- (f) amending the Jacks Point Village (**JP(V)**) commercial caps to include an aggregate cap of 2.12 ha of a limited range of commercial activity, including space for carparking; maintaining the 200m² GFA cap on all individual commercial tenancies, including offices (noting that there is no scope to increase the limit for retail to 300m² or to allow for a supermarket despite evidence in support of this). I am comfortable dispensing of the need for the 9.9 ha aggregate commercial cap as Mr Heath is satisfied that, provided the 200m² cap is retained on offices and the other caps are imposed, then there is no risk of commercial uses expanding in a manner that causes him concern. While I accept the evidence of Mr Heath regarding the long term need to provide for a supermarket in this location, I do not consider there is scope to make this significant change to the provisions at this stage, and note this does not mean that provision cannot be made in the CDP layout for such a store to be included at a later stage; and
- (g) continuing to recommend the aggregate commercial cap (rule 41.5.10.4) as per the S42A version of the provisions for the Homestead Bay Village (**HB(V)**), albeit expressing it in hectares rather than GFA to be consistent with the Jacks Point Village. I note that no submitter provided evidence in opposition to this cap.

7. RESIDENTIAL AREA PROVISIONS

- 7.1 In this section I discuss the appropriateness of the structure plan and the provisions in relation to the HD(R), HD(R-SH), JP(R) and JP(R-SH) Activity Areas.

7.2 In summary, I have recommended:

- (a) amending policies 41.2.1.13 and adding reply Policies 42.2.1.16, 42.2.1.36 and 42.2.1.37 (the latter being similar to those proposed by Mr Ferguson) to better articulate the rationale behind specifying a range of densities across and within each of the various residential areas; key reasons being to achieve a diversity of living accommodation in order to achieve a range of affordability, greater housing choice that appeals to a wider demographic, to avoid inefficient landuse by developers opting to undertake standard relatively large lot (e.g. 10/ ha) subdivision across entire areas; and to discourage homogeneity in subdivision design and in the consequent layout and form of dwellings;
- (b) adding the need for CDPs to be submitted in relation to all commercial activities, residential, community activities, and visitor accommodation within R(HD)-E (reply Rule 41.4.7.5). This does not change the activity status but recognises that development will be of a medium to high density nature and that comprehensive planning at the outset is appropriate, particularly in the event that landuse precedes subdivision;
- (c) adding the State Highway mitigation vegetation rule (reply Rule 41.4.12) as proposed by Mr Ferguson. This rule is generally consistent with the rules included in the Plan Change 44 decision. In my view the scope for this addition derives from those submissions that seek the reinstatement of the ODP open space areas, because the open spaces are being replaced by the R(HD-SH) areas in this location but the effects of this are mitigated by the planting rules;
- (d) amending subdivision Rule 27.6.1 9 to require density to be shown at the time of subdivision, thereby triggering restricted discretionary status if the resultant density is higher than 1 unit per 380m²; and
- (e) amending subdivision Rule 27.7.1 (Zone and Location Specific Standards) to require subdivision to be in accordance with a CDP in order to be deemed a controlled activity and, if it is not in accordance with a CDP then the subdivision becomes a restricted discretionary activity.

7.3 Regarding redraft Rule 41.5.16 (Building coverage), the Panel questioned the administrative difficulties arising from having a matter of discretion in relation

to "effects on... the character of an activity area". I have considered removing it, but I would prefer it be retained because limiting building coverage is a significant determinant in encouraging the development of a two storey character and treed environment with private open space as well as public spaces.

8. EDUCATION (E) ACTIVITY AREA

- 8.1** I have recommended increasing the area of land included within the notified E area to directly adjoin the Village Area, rather than have an open space strip between the two areas, to extend to the boundary of Maori Jack Road, and to slightly extend slightly to the west. This is shown on the Structure Plan.
- 8.2** To reaffirm, I do not recommend combining the Education and Jacks Point Village Activity Areas into a single enlarged Village Activity Area

9. RESPONSE TO EVIDENCE

- 9.1** In light of the extent of evidence that was presented on behalf of RCL (652) and the Jacks Point entities (referred to as Jacks Point Residential No. 2 et al in my S42A Report), for the assistance of the Panel, below I have summarised the extent to which that evidence has caused me to amend my recommendations.

RCL

- 9.2** I have carefully considered the evidence of Mr Wells, Mr Espie, Mr Trevathan, Mr White, and Mr Whiteman.
- 9.3** As a result, I have not changed my position on the reclassification of Lot 12 DP 364700 (the requested OSCRA) or in respect of the need to retain bulk and location standards for developments of a density less than 1/ 380m² or on sites greater than 380m². In respect of those standards the only one I recommend amending slightly, although not to the extent promoted by Mr Wells, is to clarify that only one internal setback of 4.5m and all others of 2m are required in the Hanley Downs residential areas, noting that the notified wording could be misconstrued as requiring 2 setbacks of 4.5m.

- 9.4** I consider this still provides adequate flexibility in design and discourages relatively large detached dwellings on small lots (e.g. 380m² - 450m²) and, conversely, encourages more dense typologies with connected garages/ accessory buildings or greater use of the medium density residential provisions, which provided it is required to be well executed through the restricted discretionary status, should result in higher quality development.

Jacks Point entities

- 9.5** I have carefully considered the evidence of Mr Ferguson, Mr Copeland, Mr Darby, Mr Te Paa, Mr Gousmett, Ms Pfluger, Mr Rider, Mr Thomson, and Mr Coburn. The following summary is limited to the key issues only.

- 9.6** The evidence has not caused me to change my position on the following matters, which is that:

- (a) Homesites 58 and 59 within the notified FP-2 area are inappropriate;
- (b) the whole of the area within the area identified as ONL through the joint witness statement dated 14 February 2017 and further determined by Dr Read following the hearing, should be classified as PHLPA;
- (c) with the exception of R(HD)-F and R(HD)-G, the notified densities enabled in the Hanley Downs residential areas are appropriate; and
- (d) the education area should remain as its own activity area and not be merged with the Jacks Point village.

- 9.7** I have changed my position, in that I now recommend:

- (a) Homesites 36 to 56 within the notified FP-1 area are appropriate;
- (b) the CDP required within the Village Area should be related to a consent for activities as well as buildings and that subsequent CDPs should be a restricted discretionary activity;
- (c) a CDP should also be a requirement of development in the R(HD)-E area;
- (d) subdivision should need to be in accordance with any approved CDP;
- (e) visitor accommodation in the Hanley Downs residential areas outside of R(HD)-E should be a full discretionary activity and it should remain a restricted discretionary activity in R(HD)-E;

- (f) the addition of R(HD-SH)-3 is appropriate in place of the notified EIC;
and
- (g) a Rural Living Activity Area should replace the (HD)-Fb and R(HD)-G areas shown in the map tabled by Mr Te Paa presented at the hearing on 15 February 2017.

10. CONCLUSION

10.1 Overall, I consider that the revised chapter 41 as set out in **Appendix 1** (together with the revised chapter 27 as set out in **Appendix 2**) is the most appropriate way to meet the purpose of the RMA for the reasons variously set out above; the S 42A report; my evidence summary, and in the attached section 32AA evaluation.

A handwritten signature in black ink, appearing to read 'V Jones', with a horizontal line underneath.

Vicki Jones
Consultant Planner
24 February 2017

APPENDIX 1
41 JACKS POINT ZONE

JACKS POINT ZONE 41

Key:

Recommend changes to notified chapter are shown in red underlined text for additions and ~~red strike through text~~ for deletions, Appendix 1 to Right of Reply dated 24 February 2017.

Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions, Appendix 1 to s42A report, dated 17 January 2017.

41 Jacks Point Zone

41.1 Zone Purpose

The purpose of the Jacks Point Zone is to provide for residential, rural living, commercial, community and visitor accommodation in a high quality sustainable environment comprising residential areas, ~~an education innovation campus, two mixed use villages, and a variety of recreation opportunities and community benefits including access to public open space and amenities.~~

The village areas 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 non-regulatory design guidelines, in conjunction with provisions of the District Plan and other methods, will ensure provision 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 community facilities, craft and winery activities, outdoor recreation and enhanced access to and enjoyment of Lake Wakatipu.

Comment [MSOffice1]: Jacks Point Landowners (as defined in paragraph 9.6 of s42A report) (regarding commercially viable and appropriate scale and design)

Comment [MSOffice2]: Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342).

41.2 Objectives and Policies

41.2.1 Objective - Development of an integrated community, incorporating residential living activities, including well designed medium density housing opportunities, visitor accommodation, well designed community, and small-scale commercial activities, community activities, within a framework of open space and recreational amenities activities, while protecting the having appropriate regard for outstanding natural landscape, maintaining and enhancing public access, and having regard to visual amenity values of the open space areas, servicing, and public access issues.

Comment [MSOffice3]: RCL (632), Jacks Point Landowners, Margaret Joan Williams (605), Tim and Paula Williams (601).

Comment [MSOffice4]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), JPROA (765), Margaret Joan Williams (605).

Comment [MSOffice5]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342), Margaret Joan Williams (605).

Comment [MSOffice6]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), JPROA (765), Margaret Joan Williams (605).

Comment [MSOffice7]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342), Margaret Joan Williams (605).

Comment [MSOffice8]: Reverted back to the notified version as no scope to amend.

Policies

41.2.1.1 Require building and activities to be located in accordance with Use a the Structure Plan (41.7) to establish the spatial layout of development within the zone and diversity of living and complementary activities in order to ensure that the following matters are taken into account:

- Integration of activities and servicing;
- The recognition and protection of landscape and amenity values;
- Road, open space and trail networks;
- Visibility from public places beyond the Jacks Point Zone State Highway 6 and Lake Wakatipu.

JACKS POINT ZONE 41

- 41.2.1.2 Ensure subdivision and development incorporates the roads, road connections, open space, access connections and trails design elements shown on the Structure Plan, namely ~~roads, road connections, open space, access connections and trails.~~
- 41.2.1.3 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 public places beyond the Jacks Point Zone, the State Highway.
- 41.2.1.4 Ensure that residential development is not readily visible from the State Highway
- 41.2.1.5 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.
- 41.2.1.6 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 indigenous vegetation links between Activity Areas where appropriate.
- 41.2.1.7 Ensure that development within the ecologically sensitive areas of the zone results in a net environmental gain.
- 41.2.1.8 Control the take-off and landing of aircraft within the zone.
- 41.2.1.9 Ensure that subdivision, development and ancillary activities within the Tablelands Landscape Protection Area maintain or enhance the character of the landscape.
- 41.2.1.10 Provide for farming and associated activities in the appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape and that residential amenity is not adversely affected.
- 41.2.1.11 Avoid all buildings in the Open Space Golf and Open Space Residential Amenity Activity Areas other than recreational buildings which are ancillary to an outdoor recreation activity that is occurring on the site and are of a low scale and design that is sympathetic to the landscape.
- 41.2.1.12 Enable mining activities in the Open Space Golf Activity Area only where the material extracted is to be used within the Jacks Point ~~which contribute to the development of the Zone~~ and only where the provided environmental effects are appropriately managed.
- 41.2.1.13 Provide a diversity of residential opportunities and housing typologies to suit a broad range of the community, including higher density housing in the villages, medium and low density housing in the residential areas, and living accommodation, including opportunities for farm and rural living at very low densities. ~~density rural living within the Homesites and Rural Living Activity Area.~~
- 41.2.1.14 Recognise the Residential (Hanley Downs) Activity Area, and the Village Activity Area as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.
- 41.2.1.15 Enable medium density housing development within the established areas of Jacks Point where the scale and form of built development is appropriate to the character of the Activity Area
- 41.2.1.16 Enable a dominance of conventional low density residential development in the Residential - State Highway Activity Areas ((R(HD-SH) and (R(JP-SH))), while requiring that any conventional low density residential development in the Residential Activity Areas (((R(HD) and (R(JP))) be offset by higher density residential development and

Comment [MSOffice9]: Change in sentence order. Non substantive change.

Comment [MSOffice10]: Reverted back to the notified version as no scope to amend.

Comment [MSOffice11]: Non substantive for legibility only

Comment [MSOffice12]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).

Comment [MSOffice13]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).

Comment [MSOffice14]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).

Comment [MSOffice15]:

Comment [MSOffice16]: RCL (632), Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601), Margaret Joan Williams (605).

Comment [MSOffice17]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).

Comment [MSOffice18]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601), Margaret Joan Williams (605).

Comment [MSOffice19]: RCL (632)

JACKS POINT ZONE 41

common open spaces in order to achieve efficient use of land and infrastructure, a range of typologies, and greater affordability.

41.2.1.17 Enable the development of education, ~~business innovation and associated activities within the Education Innovation Campus and day care facilities within the Education Activity Area~~ and encourage this to be laid out and designed in a manner that integrates with and contributes positively to the adjoining Jacks Point village and Open Space activity areas, ~~subject to achieving a high standard of urban design.~~

Comment [SG20]: Further clarification as to the reasoning behind providing a lower threshold as well as an upper threshold, at the request of the Panel.

41.2.1.18 Ensure the visual impacts of subdivision and development within the Residential State Highway and ~~Education Innovation Campus Activity Area~~ ~~s are is~~ appropriately mitigated through landscaping and the provision of open space.

Comment [MSOffice21]: Otago Polytechnic (757), the Ministry of Education (524), Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).

41.2.1.17 Provide for farming and rural living in the Farm Preserve Activity Area to enable continued rural land management together with providing a greater diversity of lot sizes that retains rural amenity and protects landscape values, while ensuring that:

Comment [MSOffice22]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).

- within the Farm Preserve 1 Activity Area, subdivision and development incorporates mechanisms for the protection and management of open space and native vegetation.

- within the Farm Preserve 2 Activity Area, buildings are not visible from Lake Wakatipu and State Highway 6.

41.2.1.19 ~~41.2.1.17~~ Enable the Jacks Point Village Activity Area to develop as ~~a~~ the vibrant mixed use hub ~~for of~~ the Jacks Point Zone, comprising a range of activities including high density and medium density residential housing, a ~~small~~ local shopping centre that services the needs of Jacks Point residents and ~~provides~~ a small amount of destination shopping, office space, visitor accommodation, education facilities, community activities, healthcare, commercial recreation activity, and technology and innovation-based business.

Comment [MSOffice23]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).

Comment [MSOffice24]: Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605).

41.2.1.20 ~~41.2.1.18~~ Enable commercial activities ~~along or near primary roads~~ within the Residential (Hanley Downs) Activity Area, designed to ~~primarily~~ service the needs of the local Hanley Downs residents community, ~~where they can locate along or near primary roads.~~

Comment [MSOffice25]: Improved certainty/ removal of ambiguity.

Comment [MSOffice26]: Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605).

41.2.1.21 ~~41.2.1.19~~ Enable commercial and community activities and visitor accommodation, provided residential amenity, health, and safety are protected or enhanced through:

Comment [MSOffice27]: Improved certainty/ removal of ambiguity.

Comment [MSOffice28]: Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605).

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

Comment [MSOffice29]: Jacks Point landowners, insofar as this will help to enable the commercial viability of the Jacks Point village

41.2.1.22 ~~41.2.1.20~~ Use residential development controls to protect privacy and amenity, provide access to sunlight, achieve design cohesion and to provide appropriate opportunities for outdoor living.

41.2.1.23 ~~41.2.1.21~~ 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.

41.2.1.24 ~~41.2.1.22~~ Avoid industrial activities.

41.2.1.25 ~~41.2.1.23~~ Provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.

JACKS POINT ZONE 41

- 41.2.1.26 41.2.1.24 Ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay and Home site activity areas within the Tablelands Landscape Protection Area.
- 41.2.1.27 41.2.1.25 Provide safe and efficient road access from State Highway 6.
- 41.2.1.28 41.2.1.26 Ensure provision of integrated servicing infrastructure, including roading and vehicle access.
- 41.2.1.29 41.2.1.27 Ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not adversely affect water quality or quantity or other environmental values.
- 41.2.1.30 41.2.1.28 Ensure that the visual impacts of development within the Village and Education Activity Areas are avoided or appropriately mitigated through landscaping, building design, and the provision of open space, such that ones' appreciation of the broader landscape is not adversely affected.
- 41.2.1.31 41.2.1.29 Encourage high quality urban design throughout the villages by:
- Requiring all subdivision and development to be in accordance with an approved Comprehensive Development Plan, which shall establish the layout of open space, built form, roading patterns, pedestrian and cycle access, and carparking; the landuses enabled with the buildings; the streetscape design; and design controls in relation to buildings and open space and an appropriate legal mechanism to ensure their implementation
 - requiring the street and block layouts and the bulk, location, and design of buildings to minimise the shading of public spaces and to avoid the creation of wind tunnels;
 - encouraging generous ground floor ceiling heights for commercial buildings that are relatively consistent with others in the village; and
 - encouraging the incorporation of parapets, corner features for landmark sites, and other design elements in order to achieve a positive design outcome by providing for a generous 3 storey building height in the Jacks Point village and generous 2 storey commercial development in the Homestead Bay village.
- 41.2.1.32 Recognise the important contribution that the open space areas that adjoin the residential and village areas make to the identity, character, amenity, and outlook for residents and visitors.
- 41.2.1.33 Ensure subdivision and development complies with the Structure Plan in order to achieve a diversity of residential opportunities and a range of complementary activities; recognition of landscape and amenity values; connected roads, open space, and trail networks; and the integration of activities and servicing.
- 41.2.1.34 Avoid subdivision and development of the Peninsula Hill Landscape Protection Area that does not protect, maintain, or enhance the outstanding natural character of the Area, while recognising that arable and pastoral farming of the area may necessitate the development of farm buildings within the Area.
- 41.2.1.35 Ensure that subdivision and development adjacent to the Peninsula Hill Landscape Protection Area will not degrade the landscape quality, character and visual amenity of the Peninsula Hill Landscape Protection Area.
- 41.2.1.36 Maintain or enhance the character and amenity values that exist in the established Jacks Point Residential activity areas as at the date of notification of this District Plan, including the high standard of design and landscape elements incorporated into communal open space areas, transport corridors and private lots.
- 41.2.1.37 Enable the subdivision layouts and building designs within the Hanley Downs and Homestead Bay residential activity areas to differ from the Jacks Point residential areas.

Comment [MSOffice30]: Non substantive for legibility only.

Comment [MSOffice31]: Improved certainty/ removal of ambiguity

Comment [MSOffice32]: Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605).

Comment [MSOffice33]: Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605).

Comment [MSOffice34]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).

Comment [MSOffice35]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), JPROA (765).
To better support rule 41.4.7 regarding the requirement to provide a CPD

Comment [MSOffice36]: Jacks Point Residential No. 2 et al (762), Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners (as encouraging quality development will improve commercial viability and will help to achieve an quality outcome as encouraged through the ODP outline plan approval process).

Comment [MSOffice37]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), JPROA (765), Margaret Joan Williams (605).

Comment [MSOffice38]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), JPROA (765), Margaret Joan Williams (605).

Comment [MSOffice39]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), JPROA (765), Margaret Joan Williams (605).

Comment [MSOffice40]: Placeholder only; subject to those being accepted in the mapping hearing

JACKS POINT ZONE 41

providing that the unifying elements of the Structure Plan are adhered to such as the provisions of open space areas.

Comment [MSOffice41]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), JPROA (765), Margaret Joan Williams (605).

41.3 Other Provisions and Rules

41.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative ~~District Plan (ODP)~~.

Comment [SG42]: Drafting only for consistency with the rest of the PDP

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 Operative DP)	25 Earthworks (22 Operative DP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 Operative DP)
30 Energy and Utilities and Renewable Energy	31 Hazardous Substances (16 Operative DP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

41.3.2 Clarification

Advice notes

Comment [MSOffice43]: Consistency only with other chapters.

- 41.3.2.1 References to the Structure Plan and to Activity Areas are references to the Jacks Point Zone Structure Plan and the Activity Areas identified on that Structure Plan.
- 41.3.2.2 Earthworks undertaken for the development of land associated with any subdivision shall be governed by Chapter 27: Subdivision and Development.
- 41.3.2.3 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.
- 41.3.2.4 Where an activity does not comply with a rule or standard the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 41.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

General Rules

- 41.3.2.6 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 non-farming activity development within the Rural Zone.

Comment [MSOffice44]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

JACKS POINT ZONE 41

41.3.2.7 Where provisions refer to the structure plan, this shall be taken to mean the Structure plan contained in Rule 41.7 and Standard 41.5.1 - Structure Plan

Comment [MSOffice45]: Added for improved clarification. No substantive change.

41.4 Rules – Activities

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
41.4.1	Activities that are not listed in this table and comply with all standards	P
41.4.2	<p>Educational and Day Care Facilities</p> <p>Educational and Day Care Facilities within the (E) and R(HD) Activity Areas.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location and external appearance of buildings. • Setback from roads. • Setback from internal boundaries. • Traffic generation, access and parking, <u>including effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone.</u> • Outdoor living space. • Street scene including landscaping. • Enhancement of ecological and natural values. • Provision Provision for walkways, cycle ways and pedestrian linkages. • Noise. • <u>Infrastructure and servicing, including traffic effects.</u> 	C

Comment [MSOffice46]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice47]: Jacks Point Residential No. 2 (762), RCL (855), NZTA (719), Scope Resources (342), and the Jardine Family Trust and Remarkables Station Limited (715).

Comment [MSOffice48]: Non substantive - typographical correction only

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
41.4.3	Buildings	GRD
	<p>41.4.3.1 Buildings (including the addition, alteration or construction of buildings) located within the Lodge Activity Areas (L).</p> <p>Control is reserved Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The external appearance of buildings with respect to the effect on visual and landscape values of the area. • Infrastructure and servicing. • Associated earthworks and landscaping. • Access and parking. • Bulk and location. • Exterior lighting. • Any development controls and design guidelines. 	GRD
	<p>41.4.3.2 Residential buildings located within the Homesite (HS) and Rural Living (RL) Activity Areas (HS Activity Areas), with Council's control reserved to the matters listed above in Rule 41.4.3.1 (Lodge Area) and, in addition:</p> <ul style="list-style-type: none"> • The protection and enhancement of Wetland areas within and adjacent to the site in the Homesite Activity Area. • Any effects on the ability to implement and maintain the comprehensive vegetation plan required at the time of subdivision and to protect existing native vegetation in the Rural Living Activity Area 	C
	<p>41.4.3.3 Except in the Lake Shore Landscape Protection Area as provided for in 41.4.34.5 and 41.4.34.8, recreation buildings ancillary to outdoor recreation activity within the Open Space Golf, and Open Space Residential Amenity, and Open Space Landscape Activity Areas, with Council's control reserved to the matters listed in Rule 41.4.3.1 (Lodge) 3.4 (farm buildings).</p>	C
	<p>41.4.3.4 Except as provided for in (41.4.3.5 and 41.4.3.64) below, farm buildings located within the FP-1 and FP-2 Open Space Landscape Activity Area:</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The external appearance of buildings with respect to the effect on visual and landscape values of the area. • Infrastructure and servicing. • Associated earthworks and landscaping. • Access and parking. • Bulk and location. 	G

Comment [MSOffice49]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice50]: QLDC (383)

Comment [MSOffice51]: Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342).

Comment [MSOffice52]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765), including ROR amendments

Comment [MSOffice53]: Consistency only

Comment [MSOffice54]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765), including ROR amendments.

Comment [MSOffice55]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765). The provisions have been amended to be consistent with the rural zone and, as such, farm buildings that meet the standard in 41.5.21 are now permitted.

Comment [MSOffice56]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<ul style="list-style-type: none"> • Exterior lighting. • Visibility of the building from State Highway 6 and Lake Wakatipu. <p>41.4.3.3 Except as provided for in (41.4.3.4) below, any residential unit in the FP-2 Activity Area and any visitor accommodation activity within the FP-1 or FP-2 Activity Areas.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The matters listed in clause (41.4.3.2) above. • The appropriateness of any mitigation and its impact on the character of the landscape. 	RD
	41.4.3.5 Farm buildings and recreation buildings ancillary to outdoor recreation activity within the Peninsula Hill Landscape Protection Area and Highway Landscape Protection Area.	RD
	41.4.3.6 Farm buildings within the Lake Shore Landscape Protection Area of the Open Space Landscape Activity Area.	D
41.4.3.5	41.4.3.7 Any building within the Peninsula Hill Landscape Protection Area other than farm buildings <u>(which are subject instead to Standard 41.5.21)</u> , and recreation buildings ancillary to outdoor recreation activity within the Peninsula Hill Landscape Protection Area, Lake Shore Landscape Protection Area or Highway Landscape Protection Area identified on the Structure Plan.	D
41.4.3.6	Any building <u>other than farm buildings</u> within the Lake Shore Landscape Protection Area <u>other than farm buildings in that part classified as Open Space Landscape Area (which are subject instead to Standard 41.5.21)</u> .	NC
41.4.3.7	Any building <u>within the Highway Landscape Protection Area other than farm buildings in that part classified as Open Space Landscape Area (which are subject instead to standard 41.5.21)</u> and recreation buildings ancillary to outdoor recreation activity <u>enabled in that part classified as Open Space Golf Area within the Highway Landscape Protection Area.</u>	NC
41.4.3.8	Any building <u>within the Open Space Golf Activity Area outside the Highway and Lakeshore and Peninsula Hill Landscape Protection Areas other than recreation buildings ancillary to outdoor recreation activity within the Open Space Golf Activity Area outside the Highway Lakeshore Landscape Protection Areas.</u>	D
41.4.3.9	Within the BFA any boat ramp, jetty, breakwater or other buildings and associated parking and boat trailer parking. <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Effects on natural character. • Effects on landscape and amenity values. 	RD

Comment [MSOffice57]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice58]: The provisions have been amended to be consistent with the rural zone and, as such, farm buildings that meet the standard in 41.5.21 are now permitted and if not, they are restricted discretionary.

Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765)

Comment [MSOffice59]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Note: Scope to make some buildings non complying stems from the submissions to reinstate the ODP provisions, which include Rule 12.2.3.5(vii) which makes any buildings not in accordance with the Structure Plan non-complying.

Comment [MSOffice60]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice61]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<ul style="list-style-type: none"> • Effects on public access to and along the lake margin. • External appearance, colours and materials. • Location. <p>41.4.3.10 Buildings within the Village Activity Areas, provided the application is accompanied by a Comprehensive Development Plan or is in accordance with an approved Comprehensive Development Plan, which is sufficiently detailed to enable the matters of control listed below to be fully considered:</p> <ul style="list-style-type: none"> • Control is reserved to the following: The bulk, location and external appearance of buildings and associated carparking, including the creation of active frontages adjacent to roads and public spaces. • The layout and orientation of streets, lanes, open spaces, and carparking and the provision of cycle and pedestrian links. • Infrastructure and servicing including traffic generation and effects on the state highway arising from the density and mix of uses being proposed. • The adequate provision of storage and loading/ servicing areas. • The density and location of residential activity. • Landscaping. <p>41.4.3.10 Buildings within the Village Activity Area, which are not accompanied by a Comprehensive Development Plan or are in accordance with an approved Comprehensive Development Plan.</p> <p>Discretion is restricted to the matters listed above in Rule 41.4.3.9.</p>	<p style="text-align: center;">C</p> <p style="text-align: center;">RD</p>
41.4.4	<p>Outdoor Swimming Pools and Tennis Courts</p> <p>41.4.4.1 Any tennis court (including fencing) located within the smaller of the two Lodge Areas and any outdoor swimming pool (including fencing) located within the Tablelands Landscape Protection Area (except spa pools less than 9m² and located within any Homesite or Lodge Activity Area) provided:</p> <ol style="list-style-type: none"> a. The tennis court surfaces are either dark green or grey in colour; and b. Any tennis court fencing is chain mesh or similar and grey in colour. <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Associated earthworks and landscaping. • Colour. 	<p style="text-align: center;">C</p>

Comment [MSOffice62]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605) insofar as this rule is intended to retain the design control that exists in the ODP.

Comment [MSOffice63]: Non substantive for legibility only

Comment [MSOffice64]: Jacks Point Landowners, Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601). These submissions indirectly seek the reinstatement of RD status for tennis courts rather than relaxation of the rules. The recommended provisions strengthen the notified PDP provisions.

Comment [MSOffice65]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p>41.4.6.2</p> <ul style="list-style-type: none"> • <u>Bulk and location.</u> • <u>Legal mechanisms proposed in relation to building bulk and location.</u> <p>Within the R(JP) 1 - 3 and R(JP-SH) 4 Activity Areas any residential activity which results in either:</p> <p>a. three or more attached residential units; or,</p> <p>b. a density of more than one residential unit per 380 m² of net site area.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Residential amenity values. • Access and car parking. • Associated earthworks. • Landscaping. • <u>Effects on adjacent sites that are not part of the medium density residential development being applied for.</u> • <u>Bulk and location.</u> • <u>Legal mechanisms proposed in relation to building bulk and location.</u> <p>41.4.6.3</p> <p>Except that this rule shall not apply to:</p> <p>a. <u>A single residential unit on any site contained within a separate computer freehold register.</u></p> <p>b. Residential units located on sites smaller than <u>550380</u> m² created pursuant to subdivision rules <u>27.6.1</u> or <u>27.7.11.3</u>.</p>	RD
41.4.7	<p>Commercial Activities, Community Activities and Visitor Accommodation</p> <p>47.4.7.1 Commercial activities and community activities located within the EIC Activity Area, including the addition, alteration or construction of associated buildings.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location, scale and external appearance of buildings. • Setback from roads. • Setback from internal boundaries. • Traffic generation. 	G

Comment [MSOffice74]: RCL (632) insofar as this is a consequential amendment to recommending MDR be exempt from internal setbacks and the relaxation of recession plane rules.

Comment [MSOffice75]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice76]: RCL (632) insofar as this is a consequential amendment to recommending MDR be exempt from internal setbacks and the relaxation of recession plane rules.

Comment [MSOffice77]: RCL (632). Non substantive. This exemption is unnecessary as Rule 41.4.6 would not be triggered for a single dwelling unless it is on a site smaller than 380m² and that scenario is already exempt through 41.4.6.3.b)

Comment [MSOffice78]: RCL (632), Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601).

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<ul style="list-style-type: none"> • Vehicle access, street layout and car parking. • Street scene including landscaping. • Enhancement of ecological and natural values. • Provision for walkways, cycle ways and pedestrian linkages. • Scale of the activity. • Noise. • Hours of operation. • State Highway Mitigation in the locations shown on the Structure Plan. <p>Village Activity Area</p> <p>41.4.7.1 <u>Any commercial, community, residential or visitor accommodation activity within the Jacks Point or Homestead Bay Village Activity Areas, including the addition, alteration or construction of associated buildings, provided the application is accompanied by a Comprehensive Development Plan or is in accordance with an approved Comprehensive Development Plan, which applies to the whole of the relevant Village Activity Area and is sufficiently detailed to enable the matters of control listed below to be fully considered.</u></p> <p><u>Control is reserved to the following:</u></p> <ul style="list-style-type: none"> • <u>The layout and orientation of built form, open spaces, roading pattern, car parking, and pedestrian and cycle access.</u> • <u>The bulk, location and external appearance of buildings and associated including the creation of active frontages adjacent to roads and public spaces.</u> • <u>The density and location of any proposed residential activity.</u> • <u>The location of any proposed commercial and community activity.</u> • <u>Landscaping.</u> • <u>Streetscape design.</u> • <u>The formulation of design controls in relation to buildings, open space, and streetscapes and an appropriate legal mechanism to ensure their implementation.</u> • <u>Infrastructure and servicing, including traffic generation and effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone.</u> • <u>The adequate provision of storage and loading/ servicing areas.</u> <p>41.4.7.2 <u>Any commercial, community, or visitor accommodation activity within the within the Jacks Point or Homestead Bay Village Activity Areas, including the addition, alteration or construction</u></p>	<p></p> <p>C</p> <p>RD</p>

Comment [MSOffice79]: Sally and Clive Geddes (540), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joan Williams (605).

Comment [MSOffice80]: Jacks Point Residential No. 2 (762), RCL (855), NZTA (719), Scope Resources (342), and the Jardine Family Trust and Remarkables Station Limited (715)

Comment [MSOffice81]: SG only - removed res as beyond

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
41.4.7.3	<p><u>of associated buildings, which is undertaken in the absence of a resource consent having been granted under Rule 41.4.7.1 or which is not in accordance with a Comprehensive Development Plan approved as part of a resource consent under Rule 41.4.7.1.</u></p> <p><u>The use and development of land within the JP(V) Activity Area having more than one resource consent in effect at any one time in respect to Rule 41.4.7.1</u></p> <p><u>Discretion is restricted to the matters of control listed in 41.4.7.1 but only in relation to those aspects of the Comprehensive Development Plan proposal that differ from that already granted under Rule 41.4.7.1.</u></p>	RD
<p><u>R(HD) and R(SH-HD) Activity Areas</u></p>		RD
41.4.7.4	<p><u>Commercial activities, and community activities and visitor accommodation, located within the R(HD)-A-D and R(SH-HD)1-3 Activity Areas, including the addition, alteration or construction of associated buildings.</u></p> <p>Discretion is restricted to all of the following matters listed in clause 41.4.7.1 above.</p> <ul style="list-style-type: none"> • <u>Location, scale and external appearance of buildings.</u> • <u>Setback from roads.</u> • <u>Setback from internal boundaries.</u> • <u>Traffic generation, including traffic generation and effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone.</u> • <u>Vehicle access, street layout and car parking.</u> • <u>Street scene including landscaping.</u> • <u>Enhancement of ecological and natural values.</u> <ul style="list-style-type: none"> • <u>Provision for walkways, cycle ways and pedestrian linkages.</u> • <u>Scale of the activity.</u> • <u>Noise.</u> • <u>Hours of operation.</u> • <u>State Highway Mitigation in the locations shown on the Structure Plan.</u> 	RD
41.4.7.5	<p><u>Commercial activities, community activities, and visitor accommodation located within the R(HD)-E Activity Area, including the addition, alteration or construction of associated buildings, provided the application is accompanied by a Comprehensive Development Plan or is in accordance with an approved Comprehensive Development Plan, which applies to the whole R(HD)-E Activity Area and is sufficiently detailed to</u></p>	RD

Comment [MSOffice88]: Missing from earlier version

Comment [MSOffice82]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605) insofar as this rule is intended to retain the design control that exists in the ODP through the controlled status of the buildings and the requirement to lodge an Outline Development Plan.

Comment [MSOffice83]: Re-numbered.

Comment [MSOffice84]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice85]: Jacks Point Residential No. 2 (762), RCL (855), NZTA (719), Scope Resources (342), and the Jardine Family Trust and Remarkables Station Limited (715)

Comment [MSOffice86]: Consequential amendment as a result of deleting 41.4.7.1

Comment [MSOffice87]: Re-numbered as a result of deleting notified rule 41.4.7.1.

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p style="text-align: center;"><u>enable the matters of discretion to be fully considered.</u></p> <p style="text-align: center;"><u>Discretion is restricted to the matters listed in clause 41.4.7.1 above.</u></p>	<u>D</u>
41.4.8	<p>Sale of Liquor</p> <p>Premises licensed for the sale of liquor (including both off-licenses and on-licenses).</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Location. • Scale of the activity. • Residential amenity values. • Noise. • Hours of operation. • Car parking and vehicle generation. 	RD
41.4.9	<p>Structure Plan – Activities</p> <p>Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within Rule 41.4 Table 1 – Activities located within the Jacks Point Zone or Rule 41.5 Table 2 – Standards for Activities:</p> <p>41.4.9.1 Residential Activities Area (R) – the use of this area is restricted to residential activities.</p> <p>41.4.9.2 Residential State Highway R(SH) – the use of this area is restricted to residential activities and for the mitigation of development from the State Highway.</p> <p>41.4.9.3 Village Area (V) – 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, small-scale commercial activities including technology and innovation based business, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities; and commercial recreation activities.</p> <p>41.4.9.4 Education Precinct (E) – The use of this area is restricted to Educational and Day Care Facilities.</p> <p>41.4.9.5 Education Innovation Campus (EIC) – The use of this area is restricted to technology based activities including commercial and medical research, laboratories, training, educational facilities, specialist health care and associated administrative, office, accommodation, retailing and recreation facilities.</p>	<u>D</u>

Comment [MSOffice89]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice90]: Rule has been moved to Table 41.5

Comment [MSOffice91]: RCL (632)

Comment [MSOffice92]: Jacks Point Residential No. 2 (762)

Comment [MSOffice93]: RCL (632)

Comment [MSOffice94]: Sally and Clive Geddes (540), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joan Williams (605).

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
41.4.9.6	Lodge Activity Area (L) – the use of this area is restricted to visitor accommodation activities, restaurants and conference facilities.	
41.4.9.7	Home Site Activity Area (HS) – the use of this area is restricted to residential activities with a maximum of one residential unit per HS Activity Area.	
41.4.9.8	Farm Preserve (FP) – Activities in this area are limited to farming, farm buildings, fencing, trail formation, farm access tracks, recreation, mining, residential and visitor accommodation activities.	
41.4.9.9	Wetland (W) – Structures are restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhancement of biodiversity and ecological values.	
41.4.9.10	Open Space Golf (OSG) – the use of this area is restricted to indigenous revegetation and outdoor recreation activities, including the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices associated with golf, mining, sales and commercial instruction.	
41.4.9.11	Open Space Landscape (OSL) – activities in this area are limiting to farming, together with farm buildings, fencing, trail formation, mining, farm access tracks and recreation activities.	
41.4.9.12	Open Space Residential Amenity (OSA) – the use of this area is restricted to recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services.	
41.4.9.13	Open Space – Horticultural (OSH) – the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities.	
41.4.9.14	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.	
41.4.9.15	Open Space – Residential (OSR) – the use of this area is restricted to 12 low level, low impact residential units set within a regenerating foreshore environment.	
41.4.9.16	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.	
41.4.9.17	Boating Facilities Activity Area (BFA) – the use of this area is limited to a double boat ramp, jetty, a weather protection feature or breakwater, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use.	

Comment [MSOffice95]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice96]: Improved clarity only.

Comment [MSOffice97]: Removes inconsistency with Rule 42.4.5. Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765) as mining is at least restricted discretionary in the ODP.

Comment [MSOffice98]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice99]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	Note: Buildings are also subject to Rule 41.4.3.	
41.4.10	Factory Farming	NC
41.4.11	Forestry Activities All forestry activities, excluding harvesting of existing forestry which existed as at the date of notification of this District Plan (31 August 2016).	NC
41.4.12	<u>State Highway Mitigation</u> <u>The design of the State Highway mitigation within the location shown on the Structure Plan.</u> <u>Control is reserved to the following:</u> <ul style="list-style-type: none"> • <u>The creation of a comprehensively designed landscape edge to the northern part of the zone;</u> • <u>Mitigation of the visual impacts of potential buildings when viewed from State Highway 6 through earth contouring and vegetation (at maturity), within Activity Areas R(HD-SH) – 1 and R(HD-SH)- 2 and RHD-SH) 3;</u> • <u>Maintaining views across the zone to the mountains located against the western shores of Lake Wakatipu;</u> • <u>Appropriate plant species, height at planting and at maturity; and</u> • <u>Provision for on-going maintenance and ownership.</u> 	C
41.4.13	Mining Activities With the exception of the mining of rock and/or aggregate and/or gravel provided for by Rule 41.4.5.	NC
41.4.14	Industrial Activities	NC
41.4.15	Informal Airports 41.4.15.1 Informal Airports limited to the use of helicopters. 41.4.15.2 The establishment and operation of all other Airport Activity or Aerodrome, including Informal Airports used by fixed wing aircraft.	D NC
41.4.16	Informal Airports for emergency landings, rescues, fire fighting and activities ancillary to farming activities.	P
41.4.17	Landfill	NC
41.4.18	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.	PR
41.4.19	<u>Fish or meat processing</u>	PR
41.4.20	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	PR

Comment [MSOffice100]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice101]: Improved for clarification only

Comment [MSOffice102]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

This rule is from the plan change 44 decision

Comment [MSOffice103]: Non substantive to avoid duplication with Rule 41.4.1 (permitted activities)

Comment [MSOffice104]: Separated out the three activities captured by Rule 41.4.17 into three separate rules. Non substantive change to improve legibility and make consistent with other chapters, such as the Town Centres.

Comment [MSOffice105]: As above

Comment [MSOffice106]: As above

JACKS POINT ZONE 41

41.5 Rules - Standards

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.5.1	<p>Structure Plan - Activities</p> <p><u>Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within Rule 41.4 Table 1 - Activities located within the Jacks Point Zone or Rule 41.5 Table 2 - Standards for Activities:</u></p> <p>41.5.1.1 <u>Residential Activities Area (R) - Residential activities.</u></p> <p>41.5.1.2 <u>Residential State Highway R(SH) - Residential activities and the mitigation of development from the State Highway.</u></p> <p>41.5.1.3 <u>Rural Living (RL) - Residential activities</u></p> <p>41.5.1.4 <u>Village Area (V) - Residential and visitor accommodation activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities, small-scale commercial activities including technology and innovation-based business, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities; and commercial recreation activities.</u></p> <p>41.5.1.5 <u>Education Precinct (E) - Educational and day care facilities.</u></p> <p>41.5.1.6 <u>Lodge Activity Area (L) - Visitor accommodation activities, restaurants, and conference facilities.</u></p> <p>41.5.1.7 <u>Homesite Activity Area (HS) - Residential activities with a maximum of one residential unit per HS Activity Area.</u></p> <p>41.5.1.8 <u>Wetland (W) – Structures restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhancement of biodiversity and ecological values.</u></p> <p>41.5.1.9 <u>Open Space Golf (OSG) – Indigenous revegetation and outdoor recreation activities, including the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices associated with golf, sales, and commercial instruction.</u></p> <p>41.5.1.10 <u>Open Space Landscape (OSL) – Pastoral and arable farming, endemic revegetation, and pedestrian and cycle trails.</u></p> <p>41.5.1.11 <u>Open Space Residential Amenity (OSA) – Recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention, and underground services.</u></p> <p>41.5.1.12 <u>Open Space - Horticultural (OSH) - Horticultural activities and accessory buildings and activities, and residential</u></p>	<p>D</p>

Comment [MSOffice107]: Rule has been moved from Table 41.4 and amended. All provisions in Table 2 have been renumbered accordingly

Comment [MSOffice108]: RCL (632)

Comment [MSOffice109]: Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342).

Comment [MSOffice110]: Jacks Point Residential No. 2 (762)

Comment [MSOffice111]: RCL (632)

Comment [MSOffice112]: Improved clarity only.

Comment [MSOffice113]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice114]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p style="text-align: center;"><u>activities.</u></p> <p>41.5.1.13 <u>Open Space - Foreshore (OSF) - The regeneration of native endemic species over 80% of the land area, and retention of open space.</u></p> <p>41.5.1.14 <u>Open Space - Residential (OSR) - Twelve residential units set within a regenerating foreshore environment.</u></p> <p>41.5.1.15 <u>Farm Buildings and Craft Activity Area (FBA) - 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.</u></p> <p>41.5.1.16 <u>Boating Facilities Activity Area (BFA) - A double boat ramp, jetty, a weather protection feature or breakwater, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use.</u></p> <p><u>Note: Buildings are also subject to Rule 41.4.3.</u></p>	
41.5.2	<p>Standards for Building</p> <p><i>Open Space Horticulture:</i></p> <p>41.5.2.1 Within the Open Space - Horticultural (OSH) Activity Area:</p> <ol style="list-style-type: none"> a. There shall be no more than 15 building platforms; b. Those 15 building platforms referred to in (a) above are confined to 3 or 4 clusters; and c. No building is to be erected prior to the horticultural activity being planted. <p><i>Homesites</i> <u>and Rural Living.</u></p> <p>41.5.2.2 Within any Homesite Activity Area (HS Activity Area), buildings shall not exceed a total building footprint of 1,000m² within that Activity Area.</p> <p>41.5.2.3 <u>Within the Rural Living (RL) Activity Area, all buildings shall be located within an approved building platform.</u></p> <p>For rules 41.5.1-2.1, and 41.5.1-2.2, and 41.5.2.3 discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The external appearance of buildings with respect to the effect on visual and landscape values of the area. • Associated earthworks and landscaping. • Bulk and location. • Visibility of the building from State Highway 6 and Lake Wakatipu. <p><i>Conservation Dwellings in Farm Preserve 1:</i></p>	<p style="text-align: center;">RD</p> <p style="text-align: center;">RD</p> <p style="text-align: center;">RD</p> <p style="text-align: center;">RD</p>

Comment [MSOffice115]: The wording of these rules will be reconsidered in the mapping hearing in response to the submission from the Jardine Family Trust (715)

Comment [MSOffice116]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice117]: Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342).

Comment [MSOffice118]: Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342).

Comment [MSOffice119]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>41.5.1.3 Within the FP 1 Activity Area no residential unit shall be constructed on any site which has not been created in accordance with Subdivision Rule 27.8.9.2 Jacks Point Conservation Lots.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The creation of open space. • Creation of conservation benefits. • Effects on landscape and amenity values. 	
41.5.3	<p>Vegetation</p> <p>41.5.3.1 Within the Highway Landscape Protection Area (refer Structure Plan) the planting and/or growing of any tree shall not obscure views from the State Highway to the mountain peaks beyond the zone.</p> <p>41.5.3.2 Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Peninsula Hill escarpment (i.e. grey shrubland and tussock grassland on exposed sites and beech forest on sheltered sites).</p> <p>41.5.3.3 Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Lake Wakatipu foreshore (i.e. broadleaf forest, grey shrubland and tussock grassland plant communities).</p> <p>41.5.3.4 Within the Tablelands <u>Landscape Protection Area</u> (refer Structure Plan), there shall be no exotic vegetation planted and/or cultivated, with the exception of:</p> <p>a. grass species if local and characteristic of the area; and</p> <p>b. other vegetation if it is:</p> <ul style="list-style-type: none"> • 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. 	<p>D</p> <p>D</p> <p>D</p> <p>D</p>

Comment [MSOffice120]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice121]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Consistent with reply version of Chapter 21.

Comment [MSOffice122]: Non substantive for legibility only

Comment [MSOffice123]: Note: this has now been added to the Structure Plan, as it was on the legend in the notified version but missing from the actual plan.

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.5.3.5	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 re-vegetated with native vegetation. The area required to be re-vegetated for the purposes of this rule shall be the greater of 3,000m ² or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated, whichever is greater. 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.	D
41.5.3.6	<p>there shall be no shrub and tree planting with less than at least 75% of all trees and shrubs planted shall be from the species identified on the Jacks Point plant list contained within Part 41.8. Percentages are in terms of overall plant numbers.</p> <p>Discretion is restricted to the following:</p> <p>a. any effects on nature conservation values.</p> <p>b. effects on landscape character and visual amenity</p>	RD
41.5.3.7	<p>Within the OSR Activity Area, at least 50% of any site shall be planted in native vegetation, prior to building.</p> <p>Discretion is restricted to any effects on nature conservation values.</p>	RD
41.5.3.8	<p>Anywhere within the zone, there shall be no planting and/or growing of the following tree species:</p> <ul style="list-style-type: none"> • European larch (Larix decidua) • Sycamore <p>Also refer to the District Wide Chapter 34 Wilding Exotic Trees.</p>	PR
41.5.3.9	<p>Except as provided for in (41.5.2.3.6) above, any native revegetation required to be planted undertaken within this Zone shall:</p> <p>a. Include species appropriate to the ecosystems of the area being planted.</p> <p>b. Aim to Be capable of reaching 80% canopy closure for the ecosystem type being planted within five years of implementation.</p> <p>c. Have eradicated any invasive plant pests the time of planting. Ensure the ongoing eradication of all plant pests which might compete with the planting.</p> <p>d. Ensure the planting is appropriately protected from animal pests.</p> <p>e. Be maintained, with any plants that die or are diseased replaced. Maintain the planting on an ongoing basis; replacing dead or diseased plants</p>	RD

Comment [MSOffice124]: Non substantive to improve legibility only

Comment [MSOffice125]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), and Margaret Joan Williams (605).

Comment [MSOffice126]: Removes duplication with chapter 34 (Wilding Exotic Trees)

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p style="text-align: center;">as necessary to reach compliance with (b) above.</p> <p style="text-align: center;">Discretion is restricted to any effects on nature conservation values.</p>	
41.5.4	<p>Structure Plan</p> <p>41.5.4.1 Development shall be undertaken in general accordance with the Structure Plan in Part 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <p style="margin-left: 20px;">a. A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Roads, and their intersections with State Highway 6, shall be acceptable.</p> <p style="margin-left: 20px;">b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey.</p> <p>41.5.4.2 Development shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.</p> <p>41.5.4.3 The boundaries of Open Spaces Areas are shown indicatively with their and may be varied by up to 20m and the exact location and parameters 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.</p> <p>41.5.4.4 Within any open space area created by subdivision, in accordance with (Rules 41.5.3.4 and 27.7.11.18.9.4), there shall be no building.</p>	D
41.5.5	<p>Earthworks (excluding earthworks associated with a subdivision)</p> <p>41.5.5.1 Volume of Earthworks</p> <p>The maximum total volume of earthworks (m³) shall not exceed that specified in the table below.</p> <p style="margin-left: 20px;">a. The maximum total volume of earthworks shall be calculated per site, within one <u>any</u> consecutive 12 month period.</p> <p style="margin-left: 20px;">b. Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off-site and replacing fill on site – refer Interpretive Diagrams 5 (a), (b) and (c) of the Earthworks Chapter of the Operative District Plan.</p>	RD

Comment [MSOffice127]: RCL (632).

Comment [MSOffice128]: RCL (632)

Comment [SG129]: For improved clarity (that the intention is not that earthworks is only allowed in one single 12 month period and is restricted discretionary thereafter). This was raised as a potential concern by the Panel

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone		Non-compliance Status
	Activity Area	Maximum Total Volume	
	Residential Activity Areas Village Village Homestead Bay	500 m ³	
	Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area		
	Open Space Landscape Open Space Residential Amenity Farm Preserve 1 and 2 Homesite Rural Living	1,000 m ³	
	Village Village Homestead Bay Open Space Golf Education Education Innovation Campus Lodge	No maximum	
41.5.5.2	Height of cut and fill and slope		
	a. OSL, OSG, OSA, FP-1 and 2 , HS, E, EIC and L Activity Areas:		
	(i) No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically.		
	(ii) All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees.		
	(iii) The maximum height of any fill shall not exceed 2 metres <u>and, except in relation to road, tracks or accessways which shall comply with 41.5.5-4.2(a)(i) above, the maximum height of any cut shall not exceed 2.4 metres.</u>		
	b. All other Activity Areas:		
	(i) The maximum height of any cut shall not exceed 2.4 metres.		
	(ii) The maximum height of any fill shall not exceed 2 metres.		
	(iii) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 of the Earthworks Chapter of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height.		
41.5.5.3	Fill		

Comment [MSOffice130]: Jacks Point Residents No. 2 et al (762)

Comment [MSOffice131]: Added clarity and consistency only

Comment [MSOffice132]: Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342).

Comment [MSOffice133]: Jacks Point Residents No. 2 et al (762)

Comment [MSOffice134]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605).

Comment [MSOffice135]: Non substantive consequential amendment. Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Comment [MSOffice136]: Sally and Clive Geddes (540), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joan Williams (605).

Comment [MSOffice137]: Wild Grass Partnership (567), Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>a. All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.</p> <p>41.5.5.4 Environmental Protection Measures</p> <p>a. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.</p> <p>b. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.</p> <p>c. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.</p> <p>41.5.5.5 Water bodies</p> <p>a. Earthworks within 7m of the bed of any water body shall not exceed 20m³ in total volume, <u>except any man made water body (e.g. Lake Tewa) within one any consecutive 12 month period.</u></p> <p>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body or where it may dam, divert or contaminate water.</p> <p>c. Earthworks shall not:</p> <ul style="list-style-type: none"> • cause artificial drainage of any groundwater aquifer; • cause temporary ponding of any surface water. <p>41.5.5.6 Cultural heritage and archaeological sites</p> <p>a. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The nature and scale of the earthworks • Environmental protection measures • Remedial works and revegetation • The effects on landscape and visual amenity values • The effects on land stability and flooding • The effects on water bodies • The effects on cultural and archaeological sites • Noise 	

Comment [MSOffice138]: Jacks Point Residents No. 2 et al (762)

Comment [SG139]: For improved clarity (that the intention is not that earthworks is only allowed in one single 12 month period and is restricted discretionary thereafter). This was raised as a potential concern by the Panel

Comment [MSOffice140]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.5.6	<p>Setbacks from roads and internal boundaries, <u>zone boundaries, and activity area boundaries</u></p> <p>41.5.6.1 Buildings or structures shall be set back a minimum of 20m from the zone boundary, except this rule shall not apply to the Boating Facilities (BFA) Activity Area.</p> <p>41.5.6.2 Buildings for all activities, except for buildings <u>in the Village Activity Area or</u> located on sites smaller than 550-380m² and created pursuant to subdivision <u>Rules 27.6.1 and 27.7.11.3,</u> shall be subject to the following <u>minimum internal</u> setback rules:</p> <p>a. Two setbacks of 4.5m, with all remaining setbacks of 2m; or</p> <p>b. One setback of 6m, one setback of 3.5m and all other setbacks of 2m; <u>except that</u></p> <p>c. <u>In the Residential (Hanley Downs) Activity Areas, there shall be one internal setback of 4.5m with all remaining internal setbacks of 2m and a road set back of at least 3m, provided that any garage is set back at least 4.5m from the road boundary.</u></p> <p>41.5.6.3 Except that:</p> <p>a. Any building may encroach into a setback by up to 1m for an area no greater than 6m² provided the component of the building infringing the setback has no windows or openings;</p> <p>b. Accessory buildings for residential activities, 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, <u>except that garages may not encroach into the road setback in the Residential (Hanley Downs) Activity Area;</u></p> <p>c. No setbacks are required when buildings share a common wall at the boundary.</p> <p>Discretion is restricted to <u>all of</u> the following:</p> <ul style="list-style-type: none"> • Bulk, height and proximity of the building façade to the boundary. • The impact on neighbours' amenity values. • <u>Loss of daylight.</u> • <u>Access to sunlight.</u> <p>41.5.6.4 <u>In the all Residential (Hanley Downs) Activity Areas:</u></p> <p>a. <u>For commercial activities, community activities and visitor accommodation, buildings shall be set back at least 3 m from any road boundary.</u></p> <p>b. <u>For all other activities, except for residential activities on</u></p>	RD

Comment [MSOffice141]: Non substantive and only to improve legibility in that notified Rule 41.5.5.1 relates to a setback from the zone boundary

Comment [MSOffice142]: Reflects recommended new rule 41.5.5.5 for improved legibility. Wild Grass Partnership (567).

Comment [MSOffice143]: RCL (632)

Comment [MSOffice144]: RCL (632) Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605).

Comment [MSOffice145]: Non substantive change

Comment [MSOffice146]: Jacks Point Landowners. Amended for improved clarity and to be consistent with the Jacks Point guidelines.

Comment [MSOffice147]: Non substantive change - combining rules 41.5.6.2 and 41.5.6.5 to avoid conflicting rules which has arisen by having relaxed the minimum road setback from 4.5 m to 3.0 m

Comment [MSOffice148]: RCL (632)

Comment [MSOffice149]: Consequential amendment of combining rules 41.5.6.2 and 41.5.6.5 for improved clarity.

Comment [MSOffice150]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice151]: Consequential amendment of combining rules 41.5.6.2 and 41.5.6.5 for improved clarity.

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>sites smaller than 550380m² and created by subdivision pursuant to Rule 27.7.11.3, buildings shall be set back at least 3 m 4.5m from any road boundary, provided that any garage is set back at least 4.5 m from any road boundary.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Bulk, height. • Proximity on residential amenity values. • Loss of daylight. • Access to sunlight. <p>41.5.6.5 In the most eastern of the three areas of Lodge Activity Area denoted as L(3) on the Structure Plan, buildings and structures shall be set back a minimum of 10 m from the activity area boundary.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • The external appearance of buildings and outdoor car parking areas with respect to the effects on visual and landscape values • The effectiveness of mounding and planting at screening buildings and car parking and the shape and design of earthworks, including their relationship to existing landforms. 	
41.5.7	<p>Access to the State Highway</p> <p>41.5.7.1 Access from State Highway 6 shall be only at the intersections at Maori Jack Road, and Woolshed Road and in a third location as approved by RM160562, as shown on the Structure Plan.</p> <p>41.5.7.2 No more than 500 residential units may be built within the R(HD) and R(SH-HD) Activity Areas without the Woolshed Road intersection being completed and available for use.</p> <p>41.5.7.3 The scale of use of the Woolshed Road access shall not increase until an amended design for 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 below)</p> <p>Discretion is restricted to the safe and efficient functioning of the road network.</p> <p><u>Advice Notes:</u></p> <p>i. <u>A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone.</u></p>	RD

Comment [MSOffice152]: RCL (632) Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605).

Comment [MSOffice153]: RCL (632)

Comment [MSOffice154]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice155]: Non substantive change of combining rules 41.5.6.2 and 41.5.6.5 for improved clarity.

Comment [MSOffice156]: Non substantive for added clarity only

Comment [MSOffice157]: Wild Grass Partnership (567).

Comment [MSOffice158]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joan Williams (605), Wild Grass Partnership (567). Matters of discretion were inadvertently omitted in the S42A version.

Comment [MSOffice159]: RCL (855)

Comment [MSOffice160]: Jacks Point Residential No. 2 (762)

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status																																		
	<p>ii. <u>The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency.</u></p>																																			
41.5.8	<p>Fencing</p> <p>41.5.8.1 There shall be no fences or walls within the boundary of any lot or title within the Tablelands <u>Landscape Protection Area</u> (refer Structure Plan) outside of any Homesite Activity Area (HS Activity Area) <u>or approved building platform</u>, 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 the Structure Plan. Any such fencing shall be post and wire only.</p> <p>41.5.8.2 In the R(HD) and R(HD-SH) Activity Areas, except for sites smaller than 550 <u>380</u>m² and created by subdivision, <u>solid</u> fences located within a setback from a road shall be no higher than 1.2m <u>1.5m</u> in height, except that a fence of up to 1.8m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site and shall exceed no more than 50% of the frontage of the property.</p> <p><u>Advice Note: The remaining length of frontage may be fenced using a visually transparent/ permeable material or planted if desired.</u></p>	D																																		
41.5.9	<p>Density</p> <p>41.5.9.1 The average density of residential units within each of the Residential Activity Areas shall be as follows:</p> <table style="margin-left: 40px;"> <tr><td>R(JP) – 1</td><td>13.08 – 18.67 per Ha</td></tr> <tr><td>R(JP) – 2A</td><td>13.62 - 33.33 per Ha</td></tr> <tr><td>R(JP) – 2B</td><td>14.04 - 14.85 45 per Ha</td></tr> <tr><td>R(JP) – 3</td><td>14.18 per Ha</td></tr> <tr><td>R(JP-SH) – 1</td><td>40 9.64 per Ha</td></tr> <tr><td>R(JP-SH) – 2</td><td>9 8.85 per Ha</td></tr> <tr><td>R(JP-SH) – 3</td><td>5 4.85 - 26.61 per Ha</td></tr> <tr><td>R(JP-SH) – 4</td><td>5 - 12 per Ha</td></tr> <tr><td>R(HD-SH) – 1</td><td>12 - 22 per Ha</td></tr> <tr><td>R(HD-SH) – 2</td><td>2 - 10 per Ha</td></tr> <tr><td>R(HD) - A</td><td>17 - 26 per Ha</td></tr> <tr><td>R(HD) – B</td><td>17 - 26 per Ha</td></tr> <tr><td>R(HD) - C</td><td>15 - 22 per Ha</td></tr> <tr><td>R(HD) - D</td><td>17 - 26 per Ha</td></tr> <tr><td>R(HD) - E</td><td>25 - 45 per Ha</td></tr> <tr><td>R(HD) - F</td><td>2 - 10 - 15 per Ha</td></tr> <tr><td>R(HD) – G</td><td>2 - 10 per Ha</td></tr> </table> <p style="margin-left: 40px;"><u>RL</u> <u>2 per Ha</u></p> <p>Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space, public access routes or roading and excludes sites used for non-residential activities. <u>Within the Residential Areas of Henley Downs, if part of an Activity Area is to be developed or subdivided, compliance</u></p>	R(JP) – 1	13.08 – 18.67 per Ha	R(JP) – 2A	13.62 - 33.33 per Ha	R(JP) – 2B	14.04 - 14.85 45 per Ha	R(JP) – 3	14.18 per Ha	R(JP-SH) – 1	40 9.64 per Ha	R(JP-SH) – 2	9 8.85 per Ha	R(JP-SH) – 3	5 4.85 - 26.61 per Ha	R(JP-SH) – 4	5 - 12 per Ha	R(HD-SH) – 1	12 - 22 per Ha	R(HD-SH) – 2	2 - 10 per Ha	R(HD) - A	17 - 26 per Ha	R(HD) – B	17 - 26 per Ha	R(HD) - C	15 - 22 per Ha	R(HD) - D	17 - 26 per Ha	R(HD) - E	25 - 45 per Ha	R(HD) - F	2 - 10 - 15 per Ha	R(HD) – G	2 - 10 per Ha	RD
R(JP) – 1	13.08 – 18.67 per Ha																																			
R(JP) – 2A	13.62 - 33.33 per Ha																																			
R(JP) – 2B	14.04 - 14.85 45 per Ha																																			
R(JP) – 3	14.18 per Ha																																			
R(JP-SH) – 1	40 9.64 per Ha																																			
R(JP-SH) – 2	9 8.85 per Ha																																			
R(JP-SH) – 3	5 4.85 - 26.61 per Ha																																			
R(JP-SH) – 4	5 - 12 per Ha																																			
R(HD-SH) – 1	12 - 22 per Ha																																			
R(HD-SH) – 2	2 - 10 per Ha																																			
R(HD) - A	17 - 26 per Ha																																			
R(HD) – B	17 - 26 per Ha																																			
R(HD) - C	15 - 22 per Ha																																			
R(HD) - D	17 - 26 per Ha																																			
R(HD) - E	25 - 45 per Ha																																			
R(HD) - F	2 - 10 - 15 per Ha																																			
R(HD) – G	2 - 10 per Ha																																			

Comment [MSOffice161]: Jacks Point Residential No. 2 (762)

Comment [MSOffice162]: Non substantive for legibility only

Comment [MSOffice163]: Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342). Related to adding the RL Activity Area.

Comment [MSOffice164]: RCL (632) Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605).

Comment [MSOffice165]: RCL (632)

Comment [MSOffice166]: RCL (632)

Comment [MSOffice167]: Jacks Point Residents No. 2 et al (856)

Comment [MSOffice168]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joan Williams (605).

Comment [MSOffice169]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joan Williams (605).

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. Within the Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area, as defined in 41.5.98.1 above.</p> <p>41.5.9.2 Except that this rule shall not apply to:</p> <p style="padding-left: 40px;">a. A single residential unit on any site contained within a separate certificate of title.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Residential amenity values. • Traffic, access, parking. • Adequacy of infrastructure. 	
<p>41.5.10</p>	<p>Scale of Commercial Activity</p> <p>41.5.10.1 The maximum net floor area (as defined) for any single commercial activity (as defined in chapter 2) shall be 200m², except that this does not apply within the EIC Activity Area.</p> <p>41.5.9.2 The maximum net floor area for any single retail activity within the EIC Activity Area shall be 200m².</p> <p>41.5.10.2 The total floor space gross floor area of all commercial activities, excluding associated car parking, in the R(HD) A to E Activity Areas shall not exceed 550m² across all areas.</p> <p>41.5.10.3 The total gross area of land that can be developed for commercial activities within the V (JP) Activity Area shall not exceed 9.9-2.12 hectares.</p> <p>41.5.10.4 The total gross area of land that can be developed for floor space of all commercial activities within the V (HB) Activity Area shall not exceed 2.1 hectares 28,000m².</p> <p><u>For the purpose of rules 41.5.10.3 and 41.5.10.4, commercial activities are as defined in Chapter 2 but excludes markets, showrooms, professional, commercial and administrative offices, service stations, and motor vehicle sales. Advice note: the definition includes the car parking associated with the commercial activity.</u></p>	<p>D</p> <p>D</p> <p>NC</p> <p>D</p> <p>D</p>
<p>41.5.11</p>	<p>Building Colours</p> <p>Any building shall result in:</p> <p>41.5.11.1 At least 70% of the total painted or galvanised external surface of buildings (excluding roofs and windows) with a reflectance value of between 0 and 35%</p> <p>41.5.11.2 Roof colours with a light reflectance value of 20% or less, and in the range of browns, greys and black</p>	<p>D</p>

Comment [MSOffice170]: Jacks Point Residents No. 2 et al (856). NB - it may be that for both the Hanley Downs and Jacks Point residential areas can be subject to this last sentence and the preceding one removed. It needs to be clear the average is calculated for each AA (1, 2, etc.) and not for all R(JP) areas collectively.

Comment [MSOffice171]: QLDC (383)

Comment [MSOffice172]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice173]: Non substantive; for added clarity only

Comment [MSOffice174]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joan Williams (605). The Jacks Point Landowners submissions also relevant insofar as the recommendation not to create the EIC will assist the commercial viability of the Jacks Point village

Comment [MSOffice175]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joan Williams (605). The Jacks Point Landowners submissions also relevant insofar as the recommendation not to create the EIC will assist the commercial viability of the Jacks Point village

Comment [MSOffice176]: Improved legibility only.

Comment [MSOffice177]: Non substantive; for added clarity only

Comment [MSOffice178]: Non substantive, for improved legibility only. Jacks Point Landowners (regarding making the Jacks Point village commercially viable).

Comment [MSOffice179]: For consistency with the way the limit is expressed in rule 41.5.9.3 above, Scope derives from the 21,500m² allowable coverage area in the ODP

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone				Non-compliance Status
	HS1	372.0	HS19	372.0	NC
	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	
	<p>41.5.13.4 <u>Within the R(HD) and R(HD-SH) Activity Areas:</u></p> <p>a. In addition to the maximum height of buildings above, within all R(HD) Activity Areas, except for:</p> <ul style="list-style-type: none"> • Sites smaller than 550 <u>380m²</u> created by subdivision; • A medium density residential development consented under Rule 41.4.6; <p><u>On flat sites, no part of any building shall protrude through a the following recession lines 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:</u></p> <p>(i) <u>Northern Boundary: 2.5m and 55 degrees.</u></p> <p>(ii) <u>Western and Eastern Boundaries: 2.5m and 45 degrees.</u></p> <p>(iii) <u>Southern Boundaries: 2.5m and 35 degrees.</u></p> <p><u>Except that:</u></p> <p>(iv) <u>Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</u></p> <p>b. A gable or dormer may encroach beyond the recession lines where it is:</p> <ul style="list-style-type: none"> • <u>no greater than 1m in height and width measured parallel to the nearest adjacent boundary</u> • <u>no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.</u> <p>(v) A recession line restriction shall not apply to <u>accessory buildings or common walls shared at a boundary and parts of buildings that do not extend beyond the length of that wall.</u></p> <p><u>Advice Note: Refer to Definitions for detail of the interpretation of recession planes.</u></p>				

Comment [MSOffice194]: RCL (632)

Comment [MSOffice189]: RCL (632) Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605).

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p><u>Discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> • <u>Privacy effects.</u> • <u>Access to sunlight and the impacts of shading.</u> • <u>Effects upon access to views of significance.</u> • <u>Visual dominance and external appearance.</u> <p>41.5.13.5 For:</p> <p>a. Any non-residential activity consented under Rule 41.4.9.</p> <p>a. Any medium density residential housing development consented under Rule 41.4.6.</p> <p>b. Sites smaller than 550 <u>380</u>m² created by subdivision.</p> <p>the maximum height of buildings may exceed the maximum height stated in (a) above, up to a maximum of 3 storeys or 10m (whichever is lesser).</p> <p>Notwithstanding the height limit in Clause (a) above, for any commercial activity located within the EIC Activity Area, consented under Rule 41.4.7, the maximum height of any building shall be 15m.</p>	
41.5.14	<p>Glare</p> <p>41.5.14.1 All fixed lighting shall be directed away from adjacent roads and properties.</p> <p>41.5.14.2 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.</p>	NC
41.5.15	<p>Servicing</p> <p>41.5.15.1 All dwellings shall connect to reticulated infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications. Except this rule does not apply to dwellings located within Activity Areas FP 1 and FP 2.</p> <p>41.5.15.2 All services, with the exception of stormwater systems, shall be reticulated underground.</p>	NC
41.5.16	<p>Building Coverage</p> <p>41.5.16.1 On any site within the R(JP), R(JP-SH) and E Activity Areas, buildings shall not exceed a maximum site coverage of 45%; <u>and</u></p> <p><u>On any site within the R(HD) and R(HD-SH) Activity Areas, buildings shall not exceed a maximum site coverage of 50%.</u></p> <p>Except, in relation to any medium density residential housing development consented under Rule 41.4.6 where a maximum site coverage of 55% shall apply.</p>	RD

Comment [MSOffice190]: RCL (631) and also for consistency with similar rules elsewhere in the PDP

Comment [MSOffice191]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners.

Comment [MSOffice192]: RCL (632)

Comment [MSOffice193]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners (insofar as this will assist the commercial viability of the Jacks Point village).

Comment [MSOffice195]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners.

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Urban design. • Effects on amenity values for neighbours and the character of the Activity Area. <p>41.5.15.2 On any site within the EIC, R(HD), R(HD-SH), buildings shall not exceed a maximum building coverage of 50%, except:</p> <ul style="list-style-type: none"> a. Residential activity consented under Rule 41.4.6 medium density residential housing, where a maximum site coverage of 70% shall apply; b. Any non-residential activity consented under Rule 41.4.7 where a maximum site coverage of 70% shall apply; c. This rule shall not apply to sites smaller than 550m² created by subdivision. <p><u>Except:</u></p> <p>a,b Residential activity in the R(JP), R(JP-SH), R(HD), and R(HD-SH) Activity Areas consented under Rule 41.4.6 (medium density residential development) or under Rule 27.7.11.3 or 27.6.1 shall not exceed a maximum site coverage of 55%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • <u>Urban design.</u> • <u>Effects on amenity values for neighbours; and, the character of the Activity Area.</u> • Stormwater management. <p>41.5.16.2 Within the <u>Jacks Point Village Activity Areas</u> maximum building coverage, calculated across the total Activity Area site coverage shall not exceed <u>60%</u>.</p> <p>Discretion is restricted to the matters listed in <u>Rule clause (41.5.16.2-1) above.</u></p> <p>41.5.16.3 Within the Village (Homestead Bay) Activity Area, <u>the maximum building coverage, calculated across the total Activity Area shall not exceed 60% a maximum of 21,500 m².</u></p> <p><u>Discretion is restricted to the matters listed in Rule (41.5.16.3-1) above.</u></p>	<p></p> <p></p> <p style="text-align: center;">RD</p> <p style="text-align: center;">NC-RD</p>

Comment [MSOffice196]: No substantive change - simply shifted the rule to below.

Comment [MSOffice197]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners (insofar as this will assist the commercial viability of the Jacks Point village).

Comment [MSOffice198]: Sally and Clive Geddes (540), Tim and Paula Williams (601), and Margaret Joan Williams (605) regarding coverage and difference in outcomes promoted in various portions (including Geddes' concerns re loss of the ODP 5% building coverage rule).

Comment [SG199]: Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners (as this reinstates the calculation technique/ rule from the ODP).

Comment [MSOffice200]: Jardine Family Trust and Remarkables Station Limited (715), Sally and Clive Geddes (540), Tim and Paula Williams (601), and Margaret Joan Williams (605).

Comment [MSOffice201]: Non substantive and consequent change resulting from re-numbering

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.5.17	<p>Outside storage and <u>non-residential</u> activities</p> <p>41.5.17.1 <u>In relation to non-residential activities</u>, no goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.</p> <p>41.5.17.2 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.</p> <p>Except within the Village Activity Areas, where outside storage and activities are permitted.</p>	NC
41.5.18	<p>Location of Retail Activities</p> <p>41.5.18.1 Retail activities within the R(HD) Activity Areas shall be located within 120 metres of the Primary Road shown on the Structure Plan or within 120 metres of its final formed location.</p>	NC
41.5.19	<p>Temporary and Permanent Storage of Vehicles</p> <p>Within the Tablelands <u>Landscape Protection Area</u> (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:</p> <ul style="list-style-type: none"> • 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; <p>Except for temporary filming towers erected during an event and for no more than 7 days either side of an event.</p>	NC
41.5.20	<p>Wetlands</p> <p>There shall be no development, landscaping, and/or earthworks within 7 metres of any Wetland area identified on the Structure Plan, <u>except to enable development of pedestrian access (including boardwalks), the erection of fences to control stock or other structures related to the protection of these areas, or to undertake ecological enhancement, including the removal of plant pests.</u></p>	NC
41.5.21	<p><u>Farm buildings within the Open Space Landscape Activity Area</u></p> <p><u>The construction, replacement or extension of a farm building within the Open Space Landscape Activity Area where the following standards are not met:</u></p> <p>41.5.21.1 <u>The landholding the farm building shall be located within is greater than 100 ha; and</u></p> <p>41.5.21.2 <u>The density of all buildings on the landholding site, inclusive of the proposed building(s) does not exceed one farm building per 50 hectares on the site; and</u></p> <p>41.5.21.3 <u>If located within the Peninsula Hill Landscape Protection</u></p>	RD

Comment [MSOffice202]: Consistent with other chapters of the District Plan this rule is aimed at ensuring avoiding adverse effects of non-residential activities and in particular, home occupations

Comment [MSOffice203]: Non substantive for legibility only

Comment [MSOffice204]: Jacks Point Residential No.2 et al (762)

Comment [SG205]: Sally and Clive Geddes (540), Margaret Joan Williams (605), JPROA (765), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342).

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p><u>Area or the Lakeshore Landscape Protection Area, the farm building shall be less than 4m in height and the ground floor area shall be no greater than 100m²; and</u></p> <p>41.5.21.4 <u>If located elsewhere, the farm building shall be less than 5m in height and the ground floor area shall be no greater than 300m²; and</u></p> <p>41.5.21.5 <u>Farm buildings shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</u></p> <p><u>Discretion is restricted to the extent to which the scale and location of the farm building is appropriate in terms of:</u></p> <ul style="list-style-type: none"> • <u>Rural amenity values.</u> • <u>Landscape character.</u> • <u>Privacy, outlook, and rural amenity from adjoining properties.</u> • <u>Visibility, including lighting.</u> • <u>Scale.</u> • <u>Location.</u> 	
41.5.22	<p><u>State Highway Noise</u></p> <p><u>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 Leq(24 hour) in bedrooms and 40 dBA (Leq (24 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.</u></p> <p><u>Discretion is restricted to health and residential amenity</u></p>	RD

Comment [SG206]: As recommended in the chapter 36 - Noise reply, this has been relocated to Jacks Point zone chapter for consistency and structural reasons, as the other residential chapters will contain noise rules associated with SH setbacks. This is outlined in Mr Ferguson's evidence dated 3 February 2017.

Comment [SG207]: Non substantive for legibility only

41.6 Non-Notification of Applications

41.6.1 Any application for resource consent for controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

41.6.2 Any application for resource consent for the following restricted discretionary activities shall be considered without public notification but notice shall be served on those persons considered to be adversely affected if the written approval has not been obtained:

41.6.2.1 ~~Rule 41.4.3.3 Residential Units in the FP-2 Activity Area and Visitor Accommodation within FP-1 and FP-2 Activity Areas~~

Comment [MSOffice208]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners.

Comment [MSOffice209]: Consequential amendment of removing FP-1 and FP-2

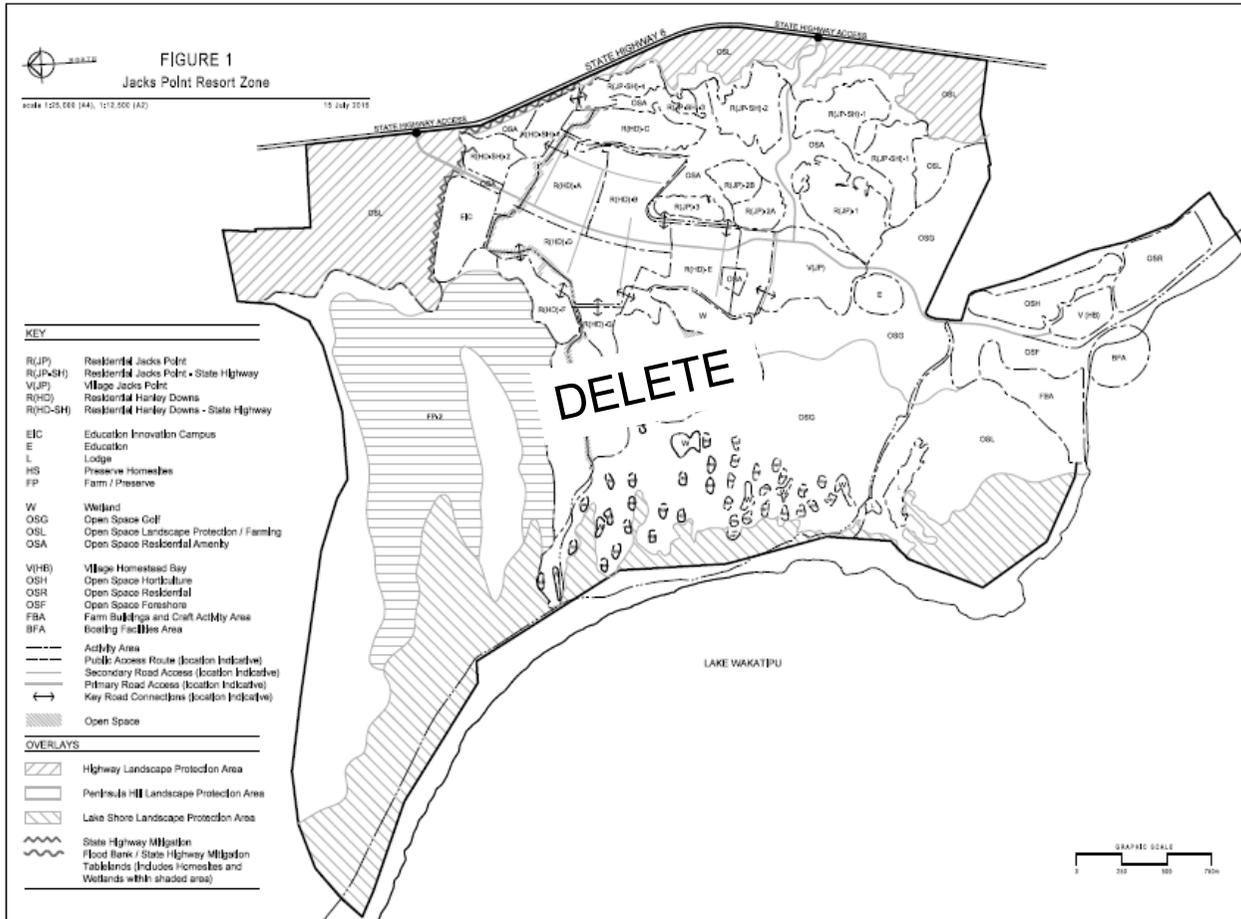
JACKS POINT ZONE 41

- 41.6.2.2 Rule ~~41.4.7~~ Commercial activities, community and visitor accommodation
- 41.6.2.3 Rule ~~41.4.8~~ Sale of Liquor
- 41.6.2.4 Rule ~~41.5.56~~ Setbacks from Roads and Internal Boundaries
- 41.6.2.5 Rule ~~41.5.67~~ Access to the State Highway, ~~only in respect of the New Zealand Transport Agency~~
- 41.6.2.6 Rule 41.4.3.1 Buildings (including the addition, alteration or construction of buildings) located within the Lodge Activity Areas (L).

Comment [MSOffice210]: Considered *ultra vires* for reasons outlined in the Council's legal submissions for Business Hearing Stream 8 dated 13 December 2016.

Comment [MSOffice211]: Wildgrass Partnership (567), Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners (insofar as this will assist the commercial viability of the Jacks Point village).

41.7 Structure Plan



JACKS POINT ZONE 41





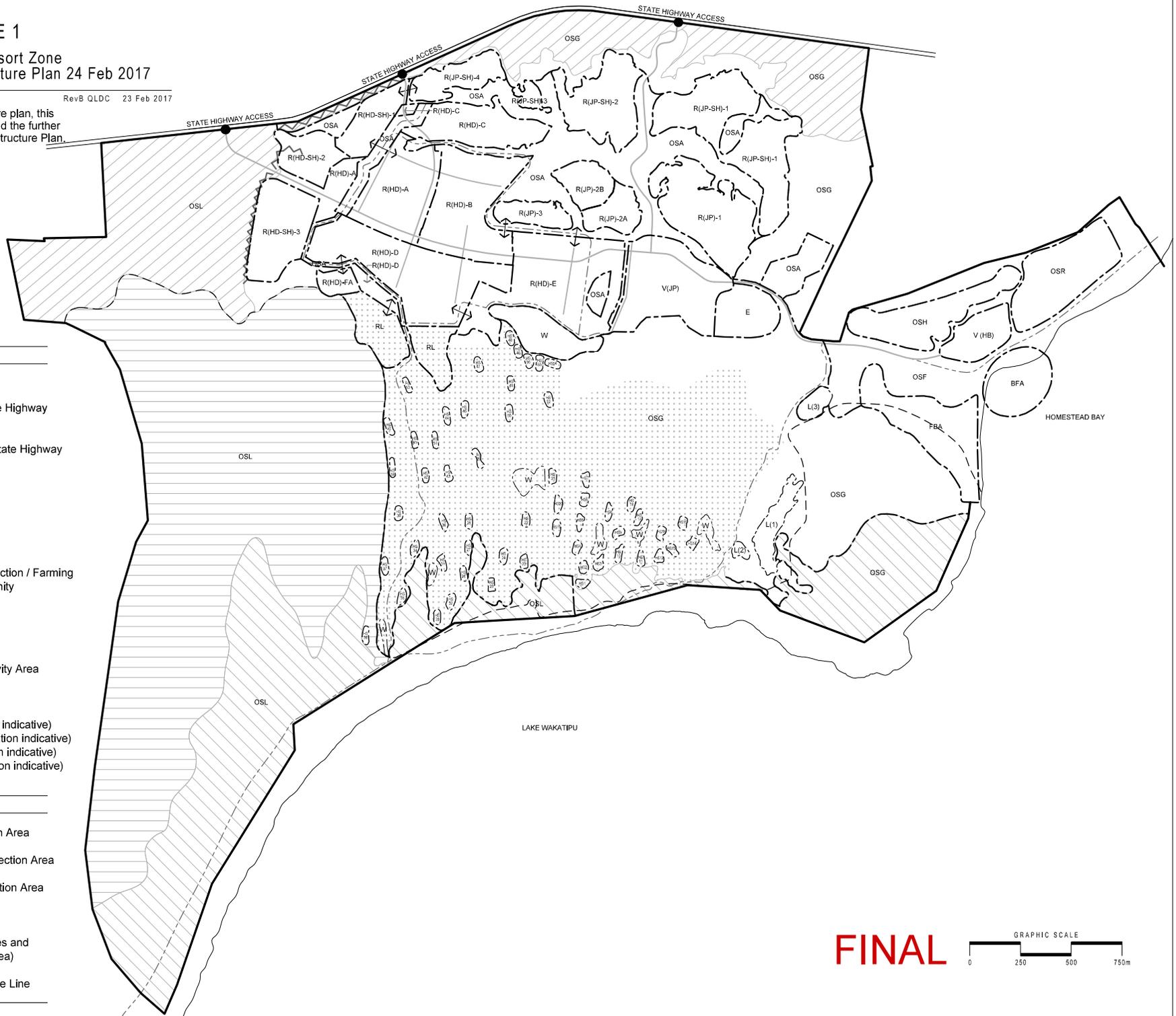
FIGURE 1

Jacks Point Resort Zone
Council Right of Reply Structure Plan 24 Feb 2017

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

RevB QLDC 23 Feb 2017

NOTE: Where provisions refer to the structure plan, this shall be taken to mean this Structure plan and the further explanation contained in Standard 41.5.1 - Structure Plan.



KEY

- R(JP) Residential Jacks Point
- R(JP-SH) Residential Jacks Point - State Highway
- V(JP) Village Jacks Point
- R(HD) Residential Hanley Downs
- R(HD-SH) Residential Hanley Downs - State Highway
- RL Rural Living

- E Education
- L Lodge
- HS Preserve Homesites

- W Wetland
- OSG Open Space Golf
- OSL Open Space Landscape Protection / Farming
- OSA Open Space Residential Amenity

- V(HB) Village Homestead Bay
- OSH Open Space Horticulture
- OSR Open Space Residential
- OSF Open Space Foreshore
- FBA Farm Buildings and Craft Activity Area
- BFA Boating Facilities Area

- Activity Area
- - - Public Access Route (location indicative)
- Secondary Road Access (location indicative)
- Primary Road Access (location indicative)
- ↔ Key Road Connections (location indicative)

OVERLAYS

- Highway Landscape Protection Area
- Peninsula Hill Landscape Protection Area
- Lake Shore Landscape Protection Area
- State Highway Mitigation
- Tablelands (includes Homesites and Wetlands within Tablelands area)
- Outstanding Natural Landscape Line

FINAL



JACKS POINT ZONE 41

41.8 Jacks Point Plant List

TREES

Botanical Name	Common Name	Sun	Mid Sun	Shade	Moist	Dry	Sheltered	Exposed
<i>Aristotelia serrata</i>	Wineberry	x	x		x	x		x
<i>Carpodetus serratus</i>	Putaputaweta / marbleleaf	x	x		x		x	
<i>Coprosma linariifolia</i>	Mikimiki	x	x		x	x		x
<i>Cordyline australis</i>	Ti kouka / cabbage tree	x	x		x	x		x
<i>Fuchsia excorticata</i>	Kotukutuku / tree fuchsia		x		x		x	
<i>Elaeocarpus hookerianus</i>	Pokaka		x		x		x	
<i>Griselinia littoralis</i>	Kapuka / broadleaf	x	x		x	x		x
<i>Hoheria lyallii</i>	Mountain ribbonwood	x			x			x
<i>Melicytus lanceolatus</i>	Mahoe wao	x	x		x		x	
<i>Melicytus ramiflorus</i>	Mahoe / whiteywood	x	x		x	x		x
<i>Metrosideros umbellata</i>	Southern rata	x	x		x	x		x
<i>Myrsine australis</i>	Mapou	x	x	x	x	x		x
<i>Nothofagus fusca</i>	Red beech	x	x		x	x	x	
<i>Nothofagus solandri</i> var. <i>cliffortioides</i>	Mountain beech	x	x		x	x	x	
<i>Pennantia corymbosa</i>	Kaikomako	x	x		x	x		x
<i>Pittosporum eugenoides</i>	Tarata / lemonwood	x	x		x	x		x
<i>Pittosporum tenuifolium</i>	Kohuhu	x	x		x	x		x
<i>Podocarpus hallii</i>	Hall's Totara	x	x		x	x		x
<i>Prumnopitys taxifolia</i>	Matai		x	x	x	x	x	
<i>Pseudopanax crassifolius</i>	Lancewood	x	x		x	x		x
<i>Sophora microphylla</i>	Kowhai	x	x		x	x	x	

Comment [SG212]: Heading of table repeated on each page, for readability purposes.

SHRUBS

<i>Aristotelia fruticosa</i>	Mountain wineberry	x			x			x
<i>Carmichaelia petriei</i>	NZ broom	x	x	x	x			x
<i>Coprosma crassifolia</i>	NZ Coprosma	x	x		x	x		x
<i>Coprosma lucida</i>	Shining Karamu		x	x	x	x		x
<i>Coprosma propinqua</i>	Mingimingi	x			x	x		x
<i>Coprosma rugosa</i>	Needle-leaved Mt	x	x		x	x		x
<i>Corokia cotoneaster</i>	Korokia	x	x		x	x		x
<i>Cyathodes juniperina</i>	Mingimingi	x	x			x		x
<i>Discaria toumatou</i>	Matagouri	x			x	x		x
<i>Dracophyllum longifolium</i>	Inaka	x	x			x		x
<i>Dracophyllum uniflorum</i>	Turpentine shrub	x	x		x			x
<i>Gaultheria antipoda</i>	Tall snowberry	x		x	x	x	x	
<i>Hebe cupressoides</i>	Cypress Hebe	x				x		x
<i>Hebe odora</i>		x			x			x
<i>Hebe rakaiensis</i>		x			x	x		x
<i>Hebe salicifolia</i>	South Island Koromiko	x			x			x
<i>Hebe subalpina</i>		x			x	x		x
<i>Leptospermum scoparium</i>	Manuka	x	x		x	x		x
<i>Melicytus alpinus</i>	Porcupine shrub	x	x		x	x		x

JACKS POINT ZONE 41

TREES

Botanical Name	Common Name	Sun	Mid Sun	Shade	Moist	Dry	Sheltered	Exposed
<i>Myrsine divaricata</i>	Weeping mapou	x	x		x	x		x
<i>Olearia arborescens</i>	Southern Tree Daisy	x	x		x	x		x
<i>Olearia avicenniifolia</i>	Tree Daisy	x				x		x
<i>Olearia bullata</i>		x			x	x		x
<i>Olearia cymbifolia</i>		x	x		x	x		x
<i>Olearia fragrantissima</i>		x				x	x	
<i>Olearia hectori</i>		x			x	x		x
<i>Olearia lineata</i>	Tree Daisy	x	x		x	x		x
<i>Olearia nummulariaefolia</i>	Tree Daisy	x				x		x
<i>Olearia odorata</i>	Tree Daisy	x			x		x	
<i>Ozothamnus</i> sp.	Cottonwood	x			x	x		x
<i>Pimelea aridula</i>	NZ daphne	x			x	x		x
<i>Pseudopanax colensoi</i> var. <i>ternatus</i>	Mountain three finger		x	x	x	x		x

Comment [SG212]: Heading of table repeated on each page, for readability purposes.

GRASSES

<i>Aciphylla aurea</i>	Golden speargrass	x				x		x
<i>Aciphylla glaucescens</i>	Blue speargrass	x				x		x
<i>Astelia fragrans</i>	Bush lily		x	x	x		x	
<i>Astelia nervosa</i>	Mountain Astelia		x	x	x	x		x
<i>Carex coriacea</i>	NZ swamp sedge	x			x			x
<i>Carex maorica</i>	Carex	x	x		x			x
<i>Carex secta</i>	Purei	x	x		x			x
<i>Chionochloa conspicua</i>	Bush tussock	x	x		x	x		x
<i>Chionochloa rigida</i>	Narrow-leaved snow	x			x	x		x
<i>Chionochloa rubra</i>	Red Tussock	x			x	x		x
<i>Cortaderia richardii</i>	South Island Toeotoe	x			x	x		x
<i>Festuca novae zelandiae</i>	Hard tussock	x				x		x
<i>Juncus distegus</i>	Wiwi		x		x			x
<i>Juncus gregiflorus</i>	NZ soft rush		x		x			x
<i>Juncus sarophorus</i>	Wiwi	x	x		x			x
<i>Phormium cookianum</i>	Mountain flax	x			x	x		x
<i>Phormium tenax</i>	Harakeke/swamp flax	x			x	x		x
<i>Poa cita</i>	Silver tussock	x			x	x		x
<i>Schefflera digitata</i>	Seven finger	x	x		x	x	x	
<i>Schoenus pauciflorus</i>	Bog rush	x			x		x	
<i>Typha orientalis</i>	Raupo / bullrush	x			x			x

APPENDIX 2
27 SUBDIVISION AND DEVELOPMENT

SUBDIVISION and DEVELOPMENT 27

Key:

Recommend changes recommended through the Jacks Point right of reply are shown in blue double underlined text for additions and ~~blue strike through text~~ for deletions, Appendix 1 to the Jacks Point right of reply, dated 24 January 2017

Recommend changes to notified chapter recommended through the chapter 41 (Jacks Point) s42A are shown in double underlined text for additions and ~~strike through text~~ for deletions, Appendix 1 to the Jacks Point section 42A report, dated 17 January 2017

Red underlined text for additions and ~~strike through~~ text for deletions (or relocated text), Appendix 1 to Nigel Bryce's Right of Reply, dated 26 August 2016

Green underlined text for additions and ~~strike through~~ text for deletions, dated 29 July 2016 (Additional Information)

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

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

27 Subdivision and Development

27.1 Purpose

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

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

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

Good subdivision design will be encouraged by the use of the ~~QLDC Land Development and Subdivision Code of Practice, and the~~ QLDC Subdivision Design Guidelines 2015. The Subdivision Design Guidelines 2015 includes subdivision and urban design principles and outcomes that ~~se are guiding principles to~~ give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals. Proposals at odds with these

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

Comment [RC2]: Submission 383.47

SUBDIVISION and DEVELOPMENT 27

documents are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the purpose of the RMA. The purpose of the QLDC Land Development and Subdivision Code of Practice is to provide a best practice guideline for subdivision and development infrastructure in the District.

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

Infrastructure upgrades necessary to support subdivision and future development are to be undertaken and paid for by subdividers and developers in accordance with the Council's 10 Year Plan Development Contributions Policy.

27.2 Objectives and Policies – district wide

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

Policies

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

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

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

27.2.1.2 ~~Support~~ To enable subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.

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

27.2.1.4 ~~Where n Discourage non-compliance with minimum~~ allotment sizes ~~are not proposed to be achieved, however where minimum allotment sizes are not achieved consideration will be given to whether the extent to which~~ any adverse effects are mitigated or compensated by ~~achieving~~ providing:

Comment [RC5]: Submission 453.12

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

- i. desirable urban design outcomes.
- ii. greater efficiency in the development and use of the land resource.
- iii. affordable or community housing.

27.2.1.5 The Council recognises that there is an expectation by future landowners that the effects and resources required ~~of by~~ anticipated land uses will have been resolved through the subdivision approval process.

Comment [RC7]: Submission 453.13

27.2.1.6 Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.

SUBDIVISION and DEVELOPMENT 27

27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that ~~are undertaken only for ownership purposes and~~ will not require the provision of services.

~~27.2.1.8 Avoid subdivision of a residential flat from a residential unit, except where it can be demonstrated that the subdivision will not result in an increase in the level of non-compliance with the standards of the underlying zone.~~

~~27.2.1.9 Avoid the subdivision of land resulting in the division of a residential building platform.~~

27.2.2 **Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.**

Policies

27.2.2.1 Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.

27.2.2.2 Ensure subdivision design maximises the opportunity for buildings to front the road.

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

Comment [RC8]: Submission 632.44

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

27.2.2.4 Subdivision ~~shall seek to provide for~~ will have good and integrated connections and accessibility to:

~~i. existing and planned areas of employment;~~

~~ii. community activities and facilities;~~

~~iii. services;~~

~~iv. trails and trail connections;~~

Comment [RC10]: Submission 524.45

~~v. public transport; and~~

~~vi. existing and planned adjoining~~ neighbourhoods, ~~both within and adjoining the subdivision area.~~

Comment [RC11]: Submission 671.5 and 625.13

~~27.2.2.5 Subdivision design will provide for safe walking and cycling connections that reduce vehicle dependence within the subdivision.~~

27.2.2.5 Subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists ~~and that reduce vehicle dependence within the subdivision.~~

27.2.2.6 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.

SUBDIVISION and DEVELOPMENT 27

27.2.2.7 Encourage informal surveillance of streets and the public realm for safety by requiring that the minority of allotments within a subdivision are fronting, or have primary access to, cul-de-sacs and private lanes.

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

Comment [RC12]: Submission 632.59

27.2.2.9 Manage subdivision within or near to electricity transmission corridors and electricity sub-transmission lines to facilitate good amenity and urban design outcomes, while minimising avoiding potential adverse effects (including reverse sensitivity effects) on the National Grid and electricity sub-transmission lines transmission network.

Comment [RC13]: Dowd for Aurora (635)

Comment [RC14]: A MacLeod for Transpower

Comment [RC15]: Dowd for Aurora (635)

Comment [RC16]: Submission 805.64, 635.37, 719.134

27.2.3 ~~Objective - Recognise~~ The potential of small scale and infill subdivision be recognised and provided for while acknowledging that the opportunities to undertake comprehensive their design are limited limitations.

Comment [RC17]: Grammatical change as a consequence of submission 632.60

Policies

27.2.3.1 Acknowledge that small scale subdivision, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.65 and 27.2.2.87.

27.2.3.2 While acknowledging potential limitations, encourage small scale and infill subdivision to:

- i. Ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;
- ii. Where possible, locate lots so that they over-look and front road and open spaces;
- iii. ~~Where possible, a~~ Avoid the creation of multiple rear sites, unless except where this is not practicable;
- iv. Where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;
- v. Identify and create opportunities for connections to services and facilities in the neighbourhood.

Comment [RC18]: Submission 453

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

Comment [RC19]: Officer suggested amendment to remove any ambiguity around the term 'natural features'.

Comment [RC20]: Grammatical change to read more like an outcome statement, and submission 806.180.

Policies

SUBDIVISION and DEVELOPMENT 27

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

Comment [RC21]: Resiting of notified Policy 27.2.4.3 to redrafted Policy 27.2.5.13

Comment [RC22]: Officer suggested amendment to better align policy with RMA provisions

Comment [RC23]: Submissions 632 and 806

Comment [RC24]: Notified Policy 27.2.4.6, now redrafted Policy 27.2.4.5.

Comment [RC25]: Notified Policy 27.2.4.7, now redrafted Policy 27.2.4.6.

Comment [RC26]: Proposed New Policy 27.2.4.7

Comment [RC27]: Submission 809.5

For the purposes of this policy, the adoption of suitable measures to enhance existing established protected indigenous vegetation may include, but not be limited to protective fencing, destocking, removal of existing wilding species and invasive weeds or active ecological restoration with indigenous tree and shrub species common to the area.

SUBDIVISION and DEVELOPMENT 27

27.2.5 ~~Objective - Require i-Infrastructure and services are provided to new lots subdivisions and developments. in anticipation of the likely effects of land use activities on those lots and within overall developments.~~

Comment [RC28]: Submission 635.35

Policies

Transport, Access and Roads

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

Comment [RC29]: Submission 719.134

Comment [RC30]: Officer suggested amendment given that Code of Practice is based on 'potential' demand not expected.

For the purposes of this policy, reference to 'potential traffic levels' refers to those traffic levels anticipated by the zoning of the District Plan.

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

27.2.5.3 Provide linkages to public transport networks, trail, walking, and cycling networks and public transport linkages, where useful linkages can be developed.

Comment [RC31]: Submission 798.49

27.2.5.4 ~~The design of subdivision and roading networks to recognise~~ To ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features, ~~to ensure the physical and visual effects of subdivision and roading are minimised.~~

Comment [RC32]: Submission 632.47

27.2.5.5 Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways within subdivisions are provided for by having regard to:

Comment [RC33]: Submission 671.5 and 625.13

- i. The location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency.
- ii. The number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency.
- iii. The standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails.
- iv. The provision and vesting of corner splays or rounding at road intersections.
- v. The provision for and standard of street lighting, having particular regard to the siting and location, the provision for public safety and to the avoidance of upward light spill on the night sky.
- vi. The provision of appropriate tree planting within roads.
- vii. Any requirements for widening, formation or upgrading of existing roads.

Comment [RC34]: Submission 632.53

Comment [RC35]: Submission 289.18

SUBDIVISION and DEVELOPMENT 27

- viii. Any provisions relating to access for future subdivision on adjoining land.
- ix. The provision of public transport routes ~~and improved linkages to public transport routes~~ and bus shelters.

Comment [RC36]: Submission 798.50

Water supply, stormwater, wastewater

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

Water

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

Stormwater

- 27.2.5.12 Ensure appropriate stormwater design and management by having regard to:
 - i. ~~Recognise and encourage~~ Viable alternative design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas;
 - ii. The capacity of existing and proposed stormwater systems;

Comment [RC37]: Officer suggested amendment to improve policy.

SUBDIVISION and DEVELOPMENT 27

- iii. The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- iv. The location, scale and construction of stormwater infrastructure;
- v. The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through, including the control of water-borne contaminants, litter and sediments, and the control of peak flow.

Comment [RC38]: Submission 632.49

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

Comment [RC39]: Resiting of existing Policy 27.2.4.3

Comment [RC40]: Officer suggested amendment

For the purpose of this policy, term 'acceptable to Council' means that any system shall be appropriate from a Council maintenance and operation perspective and shall be fit for purpose once vested. Where land is to be vested as reserve, Council will ensure that the open space area is of a sufficient size, gradient and surface to be useful, and can be maintained at a reasonable cost to the Council.

Wastewater

- 27.2.5.14 Treating and disposing of sewage is provided for in a manner that:

i. is consistent with ~~m~~ Maintains ing public health; and

ii. ~~a~~ Avoids or mitigates adverse effects on the environment in the first instance; and

iii. Where effects on the environment cannot be reasonably avoided, effects shall be minimised to an extent that is proportionate to the level of significance of the effects.

Comment [RC41]: Submission 632.50

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

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

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

SUBDIVISION and DEVELOPMENT 27

Energy Supply and Telecommunications

- 27.2.5.17 To ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:
- i. Providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;
 - ii. Ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that does not adversely impact upon visual amenity and landscape values of the receiving environment;
 - iii. Have regard to the design, location and direction of lighting to avoid upward light spill, recognising the night sky as an element that contributes to the District's sense of place;
 - iv. Generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves. Where the subdivision provides for a residential building platform the proposed connections to electricity supply and telecommunications systems shall be established to the residential building platform.

Easements

- 27.2.5.18 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.
- 27.2.5.19 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.

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

Policies

- 27.2.6.1 In accordance with Council's 10 Year Plan Development Contributions Policy, R require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), that are attributable to the effects of the subdivision or development, including where applicable:
- i. roading, walkways and cycling trails;
 - ii. water supply;
 - iii. sewage collection, treatment and disposal;
 - iv. stormwater collection, treatment and disposal;
 - v. trade waste disposal;

Comment [RC42]: Officer suggested amendment

SUBDIVISION and DEVELOPMENT 27

- vi. provision of energy;
- vii. provision of telecommunications and computer media;
- viii. provision of reserves and reserve improvements.

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

Comment [RC43]: Consequential amendment as a result of amendment in Policy 27.2.6.1

27.2.7 **Objective - Create esplanades where opportunities arise.**

Policies

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

Comment [RC44]: Submission 632.55

- i. are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access;
- ii. have high actual or potential value with regard to the maintenance of indigenous biodiversity;
- iii. comprise significant indigenous vegetation or significant habitats of indigenous fauna;
- iv. are considered to comprise an integral part of an outstanding natural feature or landscape;
- v. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river;
- vi. would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land.

27.2.7.2 Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where the following apply:

- i. safe public access and recreational use is already possible and can be maintained for the future;
- ii. it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural functioning of adjoining rivers or lakes;
- iii. a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation.

SUBDIVISION and DEVELOPMENT 27

~~27.2.7.2~~ 27.2.7.3 To use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in Section 230 of the Resource Management Act 1991.

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

Comment [RC45]: Grammatical change to read more like an outcome statement

Comment [RC46]: Submission 383.48

Policies

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

For clarity this policy does not provide for the subdivision of approved residential building platforms located within the Rural and Rural Lifestyle Zones.

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

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

Comment [RC47]: Submission 719.140

27.2.8.3 Provide for unit title, strata title or cross lease subdivision of existing approved buildings where land use consent is approved for a multi unit commercial or residential development, including visitor accommodation development and the unit title, strata-title or cross lease subdivision is undertaken in accordance with the approved land use consent.

27.3 Location-specific objectives and policies

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

Comment [RC48]: Relocated from Notified Section 27.7 (page 15)

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

Comment [RC49]: Relocated from Notified Objective 27.7.1 (page 15)

Policies

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

Comment [RC50]: Relocated from Notified Policy 27.7.1.1 (page 15)

SUBDIVISION and DEVELOPMENT 27

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

Comment [RC51]: Relocated from Notified Policy 27.7.1.2 (page 15)

27.3.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.

Comment [RC52]: Relocated from Notified Policy 27.7.1.3 (page 15)

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

Comment [RC53]: Relocated from Notified Objective 27.7.2 (page 16)

Policies

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

Comment [RC54]: Relocated from Notified Policy 27.7.2.1 (page 16)

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

Comment [RC55]: Relocated from Notified Policy 27.7.2.2 (page 16)

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

Comment [RC56]: Relocated from Notified Policy 27.7.2.3 (page 16)

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

Comment [RC57]: Relocated from Notified Policy 27.7.2.4 (page 16)

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

Comment [RC58]: Relocated from Notified Policy 27.7.2.5 (page 16)

27.3.2.6 Provide for road and walkway linkages to neighbouring developments.

Comment [RC59]: Relocated from Notified Policy 27.7.2.6 (page 16)

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

Comment [RC60]: Relocated from Notified Policy 27.7.2.7 (page 16)

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

Comment [RC61]: Relocated from Notified Policy 27.7.2.8 (page 16)

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

Comment [RC62]: Relocated from Notified Policy 27.7.2.9 (page 16)

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

Comment [RC63]: Relocated from Notified Policy 27.7.2.10 (page 16)

SUBDIVISION and DEVELOPMENT 27

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

Comment [RC64]: Grammatical change to read more like an outcome statement

Comment [RC65]: Relocated from Notified Objective 27.7.4 (page 17)

Policies

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

Comment [RC66]: Relocated from Notified Policy 27.7.4.1 (page 17)

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

Comment [RC67]: Relocated from Notified Policy 27.7.4.2 (page 17)

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

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

Comment [RC69]: Relocated from Notified Objective 27.7.5 (page 17)

Policies

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

Comment [RC70]: Relocated from Notified Policy 27.7.5.1 (page 17)

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

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

Comment [RC72]: Relocated from Notified Objective 27.7.6 (page 17)

Policies

27.3.5.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone located in Chapter 22 (at part 22.7.2) and in accordance with the Concept Development Plan set out in part 27.14.

Comment [RC73]: Consequential amendment as a result of new Location Specific Rules under 27.7 and the relocation of Policy 27.7.6.1 into the rules under 27.7.

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

Comment [RC74]: Grammatical change to read more like an outcome statement

Comment [RC75]: Relocated from Notified Objective 27.7.7 (page 18)

Policies

Natural Hazards

27.3.6.1 Particular regard shall be had to the avoidance or mitigation of natural hazards identified on the Council's hazard register associated with the

SUBDIVISION and DEVELOPMENT 27

location of a building platform and future anticipated land uses within the building platform.

Comment [RC76]: Relocated from Notified Policy 27.7.7.1 (page 18)

- 27.3.6.2 The Council shall be satisfied as to whether consultation has been undertaken with the Otago Regional Council with regard to any matters associated with defences against water, and in particular taken the opportunity to reconcile any potential issues associated with flood defence works encouraged by the Otago Regional Council, and the District Plan's objectives, policies and servicing standards for subdivision in the Makarora Rural Lifestyle Zone.

Comment [RC77]: Relocated from Notified Policy 27.7.7.2 (page 18)

Landscape Values, Rural Character

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

Comment [RC78]: Relocated from Notified Policy 27.7.7.3 (page 18)

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

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

Comment [RC79]: Relocated from Notified Policy 27.7.7.4 (page 18)

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

Comment [RC80]: Relocated from Notified Objective 27.7.8 (page 19)

Policies

- 27.3.7.1 Prohibit or defer development of the zone until such a time that:
- i. the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and proposed zone. This may include the provision of land within the zone for such purpose; or
 - ii. the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or
 - iii. the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone

SUBDIVISION and DEVELOPMENT 27

becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next three years then all lots within the zone shall be required to connect to that reticulated scheme.

- 27.3.8 **Objective - Wyuna Station Rural Lifestyle Zone - Subject to Objective 27.7.7 27.3.7 to enable rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.**

Comment [RC81]: Relocated from Notified Policy 27.7.8.1 (page 19)

Comment [RC82]: Grammatical change to read more like an outcome statement

Comment [RC83]: Relocated from Notified Objective 27.7.9 (page 19)

Policies

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

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

Comment [RC84]: Relocated from Notified Policy 27.7.9.1 (page 19)

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

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

Comment [RC85]: Relocated from Notified Policy 27.7.9.2 (page 19 and 27-20)

SUBDIVISION and DEVELOPMENT 27

27.3.9 Objective - Industrial B Zone

Policies

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

27.3.10 Objective - Industrial B Zone

Policies

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

27.3.11 Objective - Industrial B Zone

Policies

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

27.3.12 Objective - Industrial B Zone

Policies

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

27.3.13 Objective - Jacks Point Zone - Subdivision shall have regard to identified location specific opportunities and constraints identified within the Jacks Point Structure Plan located within Chapter 41.

Comment [RC86]: Relocated from Notified Objective 27.7.14 (page 20)

Policies

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

Comment [RC87]: Relocated from Notified Policy 27.7.14.1 (page 20)

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

27.3.13.3 The extent to which the subdivision achieves the matters of control listed under ~~Rule 27.7.4~~ Rule 27.7.4 and as they relate to the Jacks Point Structure Plan located within Chapter 41.

27.3.13.4 Enable the creation of lots which breach the minimum lot size standard within the Hanley Downs Residential Activity Area of the Jacks Point Zone provided appropriate design controls are established to ensure a high quality urban design outcome and that effects on adjacent sites are avoided or minimised.

Comment [MSOffice88]: RCL (632)

27.3.13.5 Ensure that, where the minimum lot size standard is breached within either the Hanley Downs or Jacks Point Residential Activity Areas of the Jacks Point Zone, legally enforceable design controls are imposed on the title in relation to bulk and location and other design matters aimed at achieving a high quality urban design outcome and avoiding or minimising effects on adjacent sites.

Comment [MSOffice89]: Jacks Point Landowners, Sally and Clive Geddes (540), Margaret Joans Williams (605), and Tim and Paula Williams (601).

27.3.14 **Objective – Waterfall Park - Subdivision shall provide for a range of visitor, residential and recreational facilities, sympathetic to the**

Comment [RC90]: Consequential amendment as a consequence of Redrafted Location Specific Rules under 27.7.1

SUBDIVISION and DEVELOPMENT 27

natural setting have regard to identified location specific opportunities and constraints.

Comment [RC91]: Relocated from Notified Objective 27.7.17 (page 22)

Policies

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

Comment [RC92]: Relocated from Notified Policy 27.7.17.1 (page 22)

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

Comment [RC93]: Consequential amendment as a result of Redrafted Location Specific Rules under 27.7.1.

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

Comment [RC94]: Relocated from Notified Objective 27.7.19 (page 23)

Policies

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

Comment [RC95]: Relocated from Notified Policy 27.7.19.1 (page 23)

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

Comment [RC96]: Consequential amendment as a consequence of integrating notified 27.7.20.1 (page 27-23) into Redrafted Location Specific Rules under 27.7 (page 27-25/26)

27.4 Other Provisions and Rules

27.4.1 District Wide

The rules of the zone the proposed subdivision is located within are applicable. Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

Comment [RC97]: Submissions 636.11, 643.16, 688.10, 693.16, 693.17, 702.13

Comment [RC98]: Relocated from Notified Rule 27.3.1 (page 9)

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 Operative DP)	25 Earthworks (22 Operative DP)	26 Historic Heritage
28 Natural Hazards	29 Transport (14 Operative DP)	30 Utilities and Renewable Energy
31 Hazardous Substances (16 Operative DP)	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

SUBDIVISION and DEVELOPMENT 27

27.4.2 Earthworks associated with subdivision

27.4.2.1 Earthworks undertaken for the development of land associated with any subdivision shall ~~not require a separate resource consent under the rules of the District Wide Earthworks Chapter, but be shall~~ be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity and in particular Rule 15.2.20.

27.4.3 Zones exempt from the Proposed District Plan and subdivision chapter

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

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

Subdivision in the above zones is subject to the relevant provisions of Chapter 15 of the Queenstown Lakes Operative District Plan 2009.

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

- a Jacks Point
- b Waterfall Park
- c Millbrook

27.5 Rules – Subdivision

27.5.1 All subdivision requires resource consent unless specified as a permitted activity. The abbreviations set out below are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

<u>P</u>	<u>Permitted</u>	<u>C</u>	<u>Controlled</u>
<u>RD</u>	<u>Restricted Discretionary</u>	<u>D</u>	<u>Discretionary</u>

Comment [RC99]: John Young for Remarkables Park Limited and Queenstown Park Limited

Comment [RC100]: John Young for Remarkables Park Limited and Queenstown Park Limited

Comment [RC101]: Consequential clarification provision related to the recommended changes to the rules and activity status.

SUBDIVISION and DEVELOPMENT 27

NC	Non Complying	PR	Prohibited
----	---------------	----	------------

	Boundary Adjustments	Activity status
27.5.2	<p>An adjustment to existing cross-lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the conversion from cross-lease to unit title, the addition of an accessory building, or the relocation of accessory buildings providing the activity complies with all other provisions of the District Plan or has obtained a <u>land use resource consent</u>.</p> <p style="color: red;"><u>In order to adhere to this rule a certificate of compliance must be issued under section 223(1)(b) of the Act.</u></p>	P
27.5.3	<p>For boundary adjustment subdivision activities where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <p>(i) <u>In the case of the Rural, Gibbston Character and Rural Lifestyle Zones the building platform is retained in its approved location;</u></p> <p style="color: red;"><u>(ii) No new residential building platform shall be identified and approved as part of a boundary adjustment within Rural, Gibbston Character and Rural Lifestyle Zones;</u></p> <p>(iii) <u>No additional separately saleable lots are created;</u></p> <p>(iv) <u>The areas of the resultant lots comply with the minimum lot size requirement for the zone (where applicable); and</u></p> <p style="color: red;"><u>(v) Lots must be immediately adjoining each other.</u></p> <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> • <u>The location of the proposed boundaries; including their relationship to approved residential building platforms, existing buildings and vegetation patterns and existing or proposed accesses;</u> • <u>Boundary treatment;</u> • <u>Easements for existing and proposed access and services.</u> 	C

Comment [RC103]: Submissions 632.4, 636.11, 643.16, 688.10, 693.16, 702.13

Comment [RC102]: Submission 370.8

Comment [RC104]: Submissions 806.176, 806.190, 532.34, 534.35, FS1157.59, 535.35, 762.3, 763.15, 767.17 and 719.140

SUBDIVISION and DEVELOPMENT 27

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

Comment [RC105]: Submissions 672.23 and 688.19

SUBDIVISION and DEVELOPMENT 27

	Unit Title, Strata Title or Cross Lease Subdivision	Activity status
<u>27.5.5</u>	<p>Where land use consent is approved for a multi unit commercial or residential development, including visitor accommodation development and a unit title, strata-title or cross lease subdivision is undertaken in accordance with the approved land use consent, provided:</p> <p>i. <u>All buildings must be in accordance with an approved land use resource consent;</u></p> <p>ii. <u>All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.</u></p> <p>iii. <u>All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.</u></p> <p><u>The matters over which the Council reserves control are:</u></p> <ul style="list-style-type: none"> • <u>the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;</u> • <u>the effects of infrastructure provision;</u> <p><u>For the purposes of clarity, this rule does not apply to fee simple subdivision of land where the intent is to subdivide a lot containing an approved land use consent for the above identified activities.</u></p>	C

	Subdivision Activities – District Wide	Activity status
<u>27.5.5</u> <u>27.5.6</u>	<p><u>All urban subdivision activities, unless otherwise stated, contained within urban areas identified within the District's Urban Growth Boundaries and including the following zones:</u></p> <ol style="list-style-type: none"> 1. <u>Low Density Residential Zones;</u> 2. <u>Medium Density Residential Zones;</u> 3. <u>High Density Residential Zones;</u> 4. <u>Town Centre Zones;</u> 	RD

Comment [RC106]: Ferguson for Darby Planning LP et al

SUBDIVISION and DEVELOPMENT 27

<p>5. <u>Arrowtown Residential Historic Management Zone;</u></p> <p>6. <u>Large Lot Residential Zones;</u></p> <p>7. <u>Local Shopping Centres;</u></p> <p>8. <u>Business Mixed Use Zones;</u></p> <p>9. <u>Queenstown Airport Mixed Use Zone.</u></p> <p>Discretion is restricted to <u>all of</u> the following:</p> <ul style="list-style-type: none"> • <u>Lot sizes, averages and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land; including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use where Council would apply its discretion to the following situations;</u> <ul style="list-style-type: none"> <u>(i) any requirement for widening, formation or upgrading of existing roads; and</u> <u>(ii) any provisions relating to access and service easements for future subdivision on adjoining land, which may necessitate changes to lot size and dimensions.</u> • <u>The extent to which the sSubdivision design and layout of Lots achieves the subdivision and urban design principles and outcomes set out in QLDC Subdivision Design Guidelines;</u> • <u>Property access and roading;</u> • <u>Esplanade provision;</u> • <u>On site measures to address the risk of natural and other hazards on land within the subdivision;</u> • <u>Fire fighting water supply;</u> • <u>Water supply;</u> • <u>Stormwater design and disposal;</u> • <u>Sewage treatment and disposal;</u> • <u>Energy supply and telecommunications;</u> • <u>Open space and recreation; and</u> • <u>Ecological and natural values;</u> • <u>Historic Heritage;</u> • <u>Easements; and</u> 	<p>Comment [RC107]: Submissions 370.6, 177.10</p>
--	--

SUBDIVISION and DEVELOPMENT 27

	<ul style="list-style-type: none"> • <u>Bird strike and navigational safety.</u> <p><u>For the avoidance of doubt, where a site is governed by a structure plan, spatial layout plan, or concept development plan that is identified in the District Plan and, where relevant, a comprehensive development plan approved pursuant to Rule 41.4.7, subdivision activities shall be assessed in accordance with Rule 27.7.1.</u></p>	
<p><u>27.5.6</u> <u>27.5.7</u></p>	<p><u>All subdivision activities in the District’s Rural Residential and Rural Lifestyle Zones</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> • <u>In the Rural Lifestyle Zone the location of building platforms;</u> • <u>Lot sizes, averages and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land; including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use where Council would apply its discretion to access and:</u> <ul style="list-style-type: none"> <u>(i) any requirement for widening, formation or upgrading of existing and proposed roads; and</u> <u>(ii) any provisions relating to access and service easements for future subdivision on adjoining land, which may necessitate changes to lot size and dimensions.</u> • <u>Subdivision design and lot layout, including:</u> <ul style="list-style-type: none"> <u>- the extent to which the design maintains and enhances rural living character, landscape values and visual amenity;</u> <u>- the extent to which the location of building platforms could adversely affect adjoining non-residential land uses;</u> <u>- orientation of lots to optimise solar gain for buildings and developments;</u> <u>- the effects of potential development within the subdivision on views from surrounding properties;</u> <u>- In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state;</u> <u>- In the Rural Residential Zone at the north end of Lake Hayes, whether and to what extent there is an</u> 	<p>RD</p>

Comment [MSOffice108]: [Jacks Point Landowners, Sally and Clive Geddes \(540\)](#), [Tim and Paula Williams \(601\)](#), [Margaret Joan Williams \(605\)](#), and [JPROA \(765\)](#).

SUBDIVISION and DEVELOPMENT 27

	<p style="color: red;">opportunity to protect and restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes;</p> <ul style="list-style-type: none"> • <u>Property access and roading;</u> • <u>Esplanade provision;</u> • <u>On site measures to address the risk of natural and other hazards on land within the subdivision;</u> • <u>Fire fighting water supply;</u> • <u>Water supply;</u> • <u>Stormwater disposal;</u> • <u>Sewage treatment and disposal;</u> • <u>Energy supply and telecommunications;</u> • <u>Open space and recreation; and</u> • <u>Ecological and natural values;</u> • <u>Historic Heritage</u> • <u>Easements; and</u> • <u>Bird strike and navigational safety.</u> 	
<p><u>27.5.7</u></p> <p><u>27.5.8</u></p>	<p><u>Subdivision of land in any zone within the National Grid</u></p> <p><u>Subdivision Corridor where all allotments identify a building platform for the principal building and any dwelling to be located outside of the National Grid Yard.</u></p> <p>Discretion is restricted to all of the following:</p> <p>a) Whether the allotments are intended to be used for residential or commercial activity and whether there is merit with identifying a building platform to ensure future buildings are located outside the National Grid Yard.</p> <p>a) <u>Impacts on the operation, maintenance, upgrade and development of the National Grid.</u></p> <p>b) <u>The ability of future development to comply with NZECP34:2001.</u></p> <p>e) Technical details of the characteristics and risks on and from the National Grid infrastructure.</p> <p>e) The ability of the applicant to provide a complying building</p>	<p>RD</p>

Comment [RC109]: Submission 635.42 and further submission FS1301.12 and 805.95

SUBDIVISION and DEVELOPMENT 27

	<p>platform.</p> <p>c) The location, design and use of any proposed building platform as it relates to the National Grid transmission line.</p> <p>e) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</p> <p>f) Whether the subdivision would result in the planting of trees or shrubs in the vicinity of the National Grid transmission lines and the potential for effects on the operation and security of the national Grid Transmission Lines.</p>	
27.5.9	<p>Subdivision of land in any zone within 32 metres of the centre line of Electricity Sub-Transmission Lines identified on the planning maps.</p> <p>Discretion is restricted to all of the following:</p> <p>a) Impacts on the operation, maintenance, upgrade and development of Electricity Sub-Transmission Lines.</p> <p>b) The ability of future development to comply with NZECP34:2001;</p> <p>c) Effects on public health and safety;</p>	RD
27.5.8 27.5.10	<p>All subdivision activities in the Rural General and Gibbston Character Zones <u>and in the Open Space Landscape, Open Space Residential Amenity, and Homesite Activity Areas of the Jacks Point Zone</u>, with the exception of unit title, strata-title or cross lease subdivision undertaken in accordance with Rule 27.5.5.</p>	D
27.5.9 27.5.11	<p>The subdivision of land containing a heritage or any other protected item and scheduled in the District Plan. This rule does not apply to boundary adjustments under Rule 27.4.2.</p>	D
27.5.10 27.5.12	<p>The subdivision of land identified on the planning maps as a Heritage Landscape.</p>	D
27.5.14 27.5.13	<p>The subdivision of a site containing a known archaeological site, whether identified and scheduled in the District Plan or not.</p>	D
27.5.12	<p>Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan.</p>	D

Comment [MSOffice110]: [Jacks Point Landowners, Sally and Clive Geddes \(540\), Alexander Schrantz \(195\), Scope Resources \(342\), Tim and Paula Williams \(601\), Margaret Joan Williams \(605\), and JPROA \(765\).](#)

Comment [RC111]: Relocated from Notified Rule 27.5.1.4 (page 13)

Comment [RC112]: Relocated from Notified Rule 27.5.1.5 (page 13)

Comment [RC113]: Relocated from Notified Rule 27.5.1.6 (page 13)

Comment [RC114]: Relocated from Notified Rule 27.5.1.7 (page 13)

SUBDIVISION and DEVELOPMENT 27

27.5.14		
27.5.13 27.5.15	Within the Jacks Point Zone, subdivision that does not comply with the standards in Part 27.56 and location specific standards in part 27.87, except <u>excluding that the creation of lots less than 380m² minimum lot in size within the R(HD) Activity Area shall be assessed as a restricted discretionary activity under Rule 27.7.11.3.</u>	D
27.5.14 27.5.16	Subdivision that does not comply with the standards in Part 27.6 5 and location specific standards in part 27.8 <u>with the exception of the Jacks Point Zone, which is assessed pursuant to Rule 27.5.15.</u>	NC
27.5.15 27.5.17	The further subdivision of an allotment that has previously been used to calculate the minimum average densities for subdivision in the Rural Lifestyle Zone and Rural Residential Zone.	NC
27.5.15 27.5.18	The subdivision of land resulting in the division of a building platform.	NC
27.5.16 27.5.19	The subdivision of a residential flat from a the residential unit # is ancillary to, except where this is permitted in the Low Density Residential Zone.	NC
27.5.17 27.5.20	A subdivision under the Unit Titles Act where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.	NC
27.5.18 27.5.21	Any subdivision of land in any zone within the National Grid <u>Subdivision Corridor, which does not comply with matter of discretion (a) under Rule 27.5.8.</u>	NC
27.5.18 27.5.22	A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use resource consent.	D
27.5.23	<u>Subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.15</u>	NC
27.5.24	<u>Subdivision that does not comply with the standards related to building platforms; the dimensions of site; lots created for access; subdivision associated with residential development on sites less than 450m² in the Low Density Residential Zone; and subdivision associated with infill development under Rules 27.7.12, 27.7.13, and 27.7.14</u>	NC

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

Comment [MSOffice115]: [Non substantive to improve legibility only](#)

Comment [RC118]: Relocated from Notified Rule 27.4.2(a) (page 10)

Comment [RC117]: Consequential amendments as a consequence of Redrafted Rule 27.6, which specifically lists non-complying activities

Comment [RC119]: Relocated from Notified Rule 27.4.2(b) (page 10)

Comment [RC120]: Relocated from Notified Rule 27.4.2(c) (page 10)

Comment [RC122]: Relocated from Notified Rule 27.4.2(d) (page 10)

Comment [RC121]: Submission 453.24

Comment [RC123]: Relocated from Notified Rule 27.4.2(e) (page 10)

Comment [RC124]: Submission 805.95

Comment [RC125]: Relocated from Notified Rule 27.4.2(f) (page 10)

Comment [MSOffice126]: [Notified Rule 27.4.2, which clarified that a breach of these standards was non-complying, is missing in the right of reply recommended revised chapter 27 and needs to be re-instated as this is considered to be an unintended / formatting error.](#)

SUBDIVISION and DEVELOPMENT 27

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

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

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

~~i. Jacks Point Zone~~

~~b The further subdivision of an allotment that has previously been used to calculate the minimum average densities for subdivision in the Rural Lifestyle Zone and Rural Residential Zone.~~

~~c The subdivision of a building platform.~~

~~d The subdivision of a residential flat from the residential unit it is ancillary to, except where this is permitted in the Low Density Residential Zone.~~

~~e A subdivision under the Unit Titles Act where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.~~

~~f For avoidance of doubt, a Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use resource consent shall be a discretionary activity.~~

Comment [RC127]: Relocated into redrafted Rule 25.5, as per Submissions 632.4, 636.11, 643.16, 688.10, 693.16, 702.13

~~27.4.3 The following shall be Restricted Discretionary activities:~~

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

Comment [RC128]: Rule changed to controlled status and relocated to Redrafted Rule 27.7 (page 27-25 below)

27.6 Rules - Standards for Subdivision Activities

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

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

Comment [RC129]: Relocated from Notified Rule 27.5.1 (page 11)

Zone		Minimum Lot Area
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m ²

SUBDIVISION and DEVELOPMENT 27

Zone		Minimum Lot Area
Airport Mixed Use		No minimum
Industrial	Industrial A	200m ²
	Industrial B	1000m ² Except that the minimum lot size shall be 200m ² where the subdivision is part of a complying combined land use/ subdivision consent application or where each lot to be created, and the original lot, all contain at least one business unit.
Residential	High Density	450m ²
	Medium Density	250m ²
	Low Density	450m ² <u>Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary</u> 600m ²
	Queenstown Heights Sub Zone	1500m ²
	Arrowtown Residential Historic Management	800m ²
	Large Lot Residential	4000m ² 2000m ² in the following locations: Between Studholme Road and Meadowstone Drive
	Township	Makarora Kingston Glenorchy Lake Hawea Luggate Kinloch Albert Town
	Riverside Stage 6 Subzone A	50-55% of lots will be developed to a minimum area of 400m ²

Comment [RC130]: Outside of scope of Stage 1 Zones

Comment [RC131]: Submission 433.99

SUBDIVISION and DEVELOPMENT 27

Zone		Minimum Lot Area
		Average lot size: 600m ² Maximum lot size: 800m ²
	Riverside Stage 6 Subzone B	Average lot size: 800m ² (minimum 700m ² , maximum 1000m ²)
	Riverside Stage 6 Subzone C	Minimum 1,000m², maximum 2000m²
Rural	Rural. Gibbston Character. Hydro Generation.	No minimum
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle at Makarora.	No minimum, providing the average lot size is not less than 2 hectares.
	Rural Lifestyle Deferred A and B.	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer.	The land in this zone shall be held in a single allotment
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ²
	Rural Residential Ferry Hill Subzone	4000m ² with no more than 17 lots created for residential activity

Comment [RC132]: Outside of scope of Stage 1 Zones

SUBDIVISION and DEVELOPMENT 27

Zone		Minimum Lot Area
	<u>Rural Residential Zone at the north of Lake Hayes</u>	4000m ² provided that the total lots to be created by subdivision, including balance lots, shall not be less than an 8,000m ² lot average.
Jacks Point	Residential Activity Areas	380m ²
	FP 1 Activity Area	4000m² Average 2ha
	FP 2 Activity Area	2 hectares Average 40ha
	<u>All other Activity Areas</u>	Subdivision shall comply with the average density requirements set out in Rule 41.5.9.8. <u>To enable this to be assessed, all subdivision applications shall identify all lots that are intended to be developed as medium density residential development (pursuant to rule 41.4.6) and provide an overall maximum residential unit yield for the subdivision.</u>
	<u>Rural Living (RL) Activity Area</u>	<u>No minimum, provided the lot average achieved over the whole RL Activity Area is at least 4,000m²</u>
Millbrook		No minimum
Waterfall Park		No minimum

Comment [RC133]: Submission 26.3

Comment [MSOffice135]: Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), Margaret Joans Williams (605), the Jacks Point Landowners, and JPROA (765).

Comment [MSOffice136]: Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), and Margaret Joans Williams (605).

Comment [RC134]: Submission 762.4

Comment [MSOffice137]: Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), and Margaret Joans Williams (605).

Comment [MSOffice138]: Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), and Margaret Joans Williams (605).

27.7 Rules – Zone and Location Specific Standards

	Zone Specific Standards	Activity status
27.7.1	<p><u>Except subdivision of the Open Space Activity Areas of the Jacks Point Zone, subdivision undertaken in accordance with a structure plan, spatial layout plan, or concept development plan that is identified in the District Plan and in accordance with a comprehensive development plan approved pursuant to Rule 41.4.7</u></p> <p>Control is restricted to all of the following:</p> <ul style="list-style-type: none"> The extent to which the subdivision is consistent with the relevant location specific objectives and policies in part 	C

Comment [MSOffice139]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

Comment [MSOffice140]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

SUBDIVISION and DEVELOPMENT 27

Zone Specific Standards	Activity status
<p>27.3:</p> <ul style="list-style-type: none"> • Lot sizes, averages, and dimensions; • Subdivision design, lot configuration, roading patterns (including footpaths and walkways) in accordance with the applicable structure plan or spatial layout plan; • The extent to which the subdivision design achieves the subdivision and urban design outcomes set out in QLDC Subdivision Design Guidelines; • Property access and roading; • Landscaping and vegetation; • Heritage, where applicable; • Esplanade provision; • Natural and other hazards; • Fire fighting water supply; • Water supply; • Stormwater design and disposal; • Sewage treatment and disposal; • Energy supply and telecommunications; • Open space and reserves; • Easements; and • Ecological and natural values • Opportunities for enhancement of ecological and natural values; • Provision for internal walkways, cycle ways and pedestrian linkages; • The nature, scale and adequacy of environmental protection measures associated with earthworks. 	
<p>27.7.2</p> <p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the principal roading layout depicted in the Kirimoko Structure plan shown in part 27.14, the following additional matters of control shall be had regard to:</p>	<p>C</p>

Comment [RC141]: Submission points 456.30, 632.63, 696.20 and FS1097.638

SUBDIVISION and DEVELOPMENT 27

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

Comment [RC142]: Relocated from Notified Rule 27.7.3.1 (page 27-16)

Comment [RC143]: Submission 656.2

Comment [RC144]: Submission 656.2

Comment [RC145]: Relocated from Notified Rule 27.7.3.1 (page 27-16)

Comment [RC146]: Submission 383.50

Comment [RC147]: Submission 383.50

SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
	<p>Concept Development Plan for the Ferry Hill Rural Residential sub-zone);</p> <ul style="list-style-type: none"> 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. 	
27.7.4	<p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Jacks Point Zone Structure Plan identified in 41.7, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> Consistency with the Jacks Point Zone Structure Plan Traffic generation effects, including the effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone. The diversity of residential lot sizes and the location of lots identified for medium density residential development, relative to open space and primary roads, and existing or practical future public transport routes With regard to any subdivision within the Rural Living (RL) Activity Area <ul style="list-style-type: none"> The location of residential building platforms on each lot Landscape values Effects on the distinctive rocky outcrops Minimising disturbance to native vegetation The provision of public access routes, primary, secondary and key road connections. Within the R(HD) Activity Areas, the extent to which the structure plan provides for the following matters: <ul style="list-style-type: none"> The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area. Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu. 	C

Comment [RC148]: Relocated from Notified Policy 27.7.6.1 (page 16)

Comment [MSOffice149]: [Sally and Clive Geddes \(540\), Alexander Schrantz \(195\), Scope Resources \(342\), Tim and Paula Williams \(601\), Margaret Joan Williams \(605\), and the Jacks Point Landowners](#)

SUBDIVISION and DEVELOPMENT 27

Zone Specific Standards	Activity status
<ul style="list-style-type: none"> • Road and street designs. • The location and suitability of proposed open spaces. • Management responses to remove wilding trees. • Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6. • Within the R(HD) Activity Area, the creation of sites sized between 380m² and 550m², without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over: <ul style="list-style-type: none"> • Building setbacks from boundaries. • Location and heights of garages and other accessory buildings. • Height limitations for parts of buildings, including recession plane requirements. • Window locations. • Building coverage. • Roadside fence heights. • Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation. • Within the R(HD) A-E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees). • In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m² in area: <ul style="list-style-type: none"> ○ The extent to which such sites are configured: <ul style="list-style-type: none"> • with good street frontage. • to enable sunlight to existing and future residential units. • To achieve an appropriate level of privacy 	

SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
	<p style="text-align: center;">between homes.</p> <ul style="list-style-type: none"> ○ The extent to which parking, access and landscaping are configured in a manner which: <ul style="list-style-type: none"> ▪ minimises the dominance of driveways at the street edge. ▪ provides for efficient use of the land. ▪ maximises pedestrian and vehicular safety. ▪ addresses nuisance effects such as from vehicle lights. ○ The extent to which subdivision design satisfies: <ul style="list-style-type: none"> ▪ public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership. ▪ Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping. 	
27.7.5	Peninsula Bay	
27.7.5.1	<p>Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council.</p> <p><u>The matters over which the Council reserves control are:</u></p> <ul style="list-style-type: none"> • <u>The matters of control listed under Rule 27.7.1; and</u> • <u>Landscape and visual effects</u> 	C
27.7.6	Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is inconsistent with an Outline Development Master Plan that has been lodged with and approved by the Council.	NC
27.7.7	Kirimoko	
27.7.7.1	<p>i. Any subdivision that does not comply with the principal roading layout and reserve network depicted in the Kirimoko Structure Plan shown in Part 27.4315<u>15</u> (including</p>	NC

Comment [RC150]: Relocated from Notified Rule 27.7.14.2 (page 20)

Comment [RC151]: Consequential amendment as a consequence of Location Specific Rules under Redrafted Rule 27.7.1

Comment [RC152]: Relocated from Notified Rule 27.8.2.1 (page 24)

Comment [RC153]: Relocated from Notified Rule 27.8.3.1 to 27.8.3.3 (page 24)

SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
	<p>the creation of additional roads, and/or the creation of access ways for more than 2 properties).</p> <p>ii. Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title.</p> <p>iii. Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural General.</p>	
27.7.8	Bob's Cove Rural Residential sub-zone	
27.7.8.1	<p>Activities that do not meet the following standards:</p> <p>i. Boundary Planting – Rural Residential sub-zone at Bobs Cove:</p> <p>a. Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and</p> <p>b. Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected.</p> <p>ii. Development Areas and Undomesticated Areas within the Rural Residential sub-zone at Bob's Cove:</p> <p>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.</p> <p>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</p>	<p>NC</p>

Comment [RC154]: Relocated from Notified Rule 27.8.5.1 and 27.8.5.2 (page 24/25)

SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
	<p>holder and the Council.</p> <p>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.</p> <p>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</p> <p>e This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots.</p> <p>f Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.</p>	
27.7.9	Ferry Hill Rural Residential sub-zone	
27.7.9.1	Any subdivision of the Ferry Hill Rural Residential sub-zone that is inconsistent with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.	NC
27.7.9.2	<p>Activities that do not meet the following standards:</p> <p>i. Retention of Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone which shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.</p> <p>ii. Any application for subdivision consent shall:</p> <p>a Provide for the creation of the landscape</p>	NC

Comment [RC155]: Relocated from Notified Rule 27.8.6.1 to 27.8.6.8 (page 25/26)

SUBDIVISION and DEVELOPMENT 27

Zone Specific Standards	Activity status
<p>allotments(s) referred to in rule 27.8.6.2 above;</p> <p>b. Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.6.9.2(i) 27.7.9.2(i) above;</p> <p>c. Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:</p> <p style="padding-left: 20px;">i. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and</p> <p style="padding-left: 20px;">ii. That residential development is subject to screening along Tucker Beach Road,</p> <p>iii. Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.</p> <p>iv. Plantings elsewhere may include maple as well as indigenous species.</p> <p>v. The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vi. Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vii. Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision</p>	

SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
	shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.	
27.7.10	Ladies Mile	
27.7.10.1	<p>i. Subdivision of land situated south of State Highway 6 (“Ladies Mile”) and southwest of Lake Hayes that is zoned Low Density Residential or Rural Residential as shown on the Planning Maps and that does not meet the following standards:</p> <p style="margin-left: 20px;">a The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.</p> <p style="margin-left: 20px;">b No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.</p>	NC
27.7.11	Jacks Point	
27.7.11.1	<p>Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <p style="margin-left: 20px;">a A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;</p> <p style="margin-left: 20px;">b Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;</p> <p style="margin-left: 20px;">c Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan</p>	D

Comment [RC156]: Relocated from Notified Rule 27.8.7.1 (page 26)

SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
27.7.11.2	<p>shall be acceptable;</p> <p>d The boundaries of Open Spaces Activity Areas are indicative and may be varied by up to 20 m. Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process.</p> <p>Subdivision failing to comply with standards for the Jacks Point Zone Conservation Lots:</p> <p>i. Within the Farm Preserve 1 (FP-1) Activity Area, any subdivision shall:</p> <p>a) Provide for the creation and management of open space, which may include native re-vegetation, within the “open space” areas shown on the Structure Plan, through the following:</p> <p>ii. The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or</p> <p>iii. Hold within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site from any future building development.</p>	RD
27.7.11.3	<p>Subdivision that failsing to comply with the 380m² minimum lot size for subdivision within the Hanley Downs Residential Activity Areas of the Jacks Point Zone, part of the Jacks Point Zone.</p> <p>For Rules 27.7.11.2 and 27.7.11.3 discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Subdivision design; • Traffic generation, including effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone; • Access; and • Landscape and visual effects; and • The design controls proposed to be secured through appropriate legal mechanisms, including in relation to building bulk and location, roadside fencing, window 	RD

Comment [MSOffice157]: RCL (632)

Comment [MSOffice158]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Margaret Joans Williams (605), the Jacks Point Landowners, and Tim and Paula Williams (601).

Comment [RC159]: Submission 762.7

Comment [MSOffice160]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601).

Comment [MSOffice161]: Non substantive; amended wording for improved legibility and consistency

Comment [MSOffice162]: [Jacks Point Residential No. 2 \(762\), RCL \(855\), NZTA \(719\), Scope Resources \(342\), and the Jardine Family Trust and Remarkables Station Limited \(715\)](#)

SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
	<p><u>heights and locations, effects on the amenity of adjacent sites, and landscaping.</u></p> <ul style="list-style-type: none"> • The visibility of future development from State Highway 6 and Lake Wakatipu. • Traffic access. • Maintenance or enhancement of nature conservation values. • <u>The diversity of lot sizes and the location of medium density residential development sites.</u> • Creation of open space and infrastructure, <u>in a location and of a size and form that is appropriate to the proposed lot sizes and resultant residential density being enabled by the subdivision.</u> 	
27.7.11.4	<p><u>Every allotment created within the RL Activity Area for the purposes of containing residential activity shall:</u></p> <ul style="list-style-type: none"> i) <u>Identify one building platform of not less than 70m² in area and not greater than 1000m² in area and this shall be registered on the relevant Computer Register; and</u> ii) <u>Provide a landscape and ecological management strategy for the whole Activity Area, which shall:</u> <ul style="list-style-type: none"> • <u>provide for at least 1.6 hectares (being an average of 25% per lot) of native revegetation; and</u> • <u>be designed to be comprehensively applied across the activity areas and building on existing vegetation communities within the area; and</u> • <u>be co-ordinated with vehicle access and the location of building platforms.</u> 	<u>NC</u>
27.7.11.5	<p><u>Within the Open Space Golf Activity Area, any Design Guidelines relating to the Preserve shall be given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council</u></p> <p><u>Discretion is restricted to the effects of building, lighting, earthworks, and landscaping on landscape and amenity values</u></p>	<u>RD</u>
27.7.11.6	<p><u>Every allotment created within the Open Space Golf Activity Area for the purposes of containing residential activity shall</u></p>	<u>D</u>

Comment [MSOffice163]: Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

Comment [MSOffice164]: Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

Comment [MSOffice165]: The wording of this rule and rule 27.7.11.6 is consistent with the equivalent rule (27.7.12.1) that relates to the rural and rural lifestyle zones.

SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
	contain at least one Homesite Activity.	
27.7.12	Any subdivision of the Millbrook Resort Zone that is inconsistent with the Mill Brook Resort Zone Structure Plan specified in part 43.7.	D

Comment [MSOffice166]: [Sally and Clive Geddes \(540\), Alexander Schrantz \(195\), Scope Resources \(342\), Tim and Paula Williams \(601\), Margaret Joan Williams \(605\), and the Jacks Point Landowners](#)

Comment [RC167]: New Redrafted rule added as there does not appear to be any rule governing non-compliance with Millbrook Resort Zone structure plan.

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

Comment [MSOffice168]: [I note that notified 27.7.4.2, which refers to 27.7.12 – 27.7.14, was inadvertently removed from the reply version of this chapter. I have reinstated it at 27.5.24 above.](#)

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

Comment [RC169]: Relocated from Notified Rule 27.5.1.1 (page 12)

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

Comment [RC170]: Relocated from Notified Rule 27.5.1.2 (page 13)

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

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

Comment [RC171]: Relocated from Notified Rule 27.5.1.3 (page 13)

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

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

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

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

Comment [RC172]: Transferred into Redrafted Rule Table 27.5.

SUBDIVISION and DEVELOPMENT 27

27.7.13 Subdivision associated with infill development

Comment [RC173]: Relocated from Notified Rule 27.5.2 (page 13)

a The specified minimum allotment size in Rule 27.5.1, and minimum dimensions in Rule ~~27.5.1.2~~ 27.7.12.2 shall not apply in the High Density Residential Zone, Medium Density Residential Zone and Low Density Residential Zone where each allotment to be created, and the original allotment, all contain at least one established residential unit (established meaning a Building Code of Compliance Certificate has been issued or alternatively where a Building Code of Compliance Certificate has not been issued, construction shall be completed to not less than the installation of the roof).

Comment [RC174]: Submission 370.7, 453.4, 453.5, 166.11, 169.9, 389.1, and 389.1

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

Comment [RC175]: Relocated from Notified Rule 27.5.3 (page 13)

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

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

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

Comment [RC176]: D White for Paterson Pitts Limited

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

Comment [RC177]: Relocated from Notified Rule 27.5.3.1 (page 14)

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

Comment [RC178]: Submission 433.97 and 433.98

27.7.15 Standards related to servicing and infrastructure

Comment [RC179]: Relocated from Notified Rule 27.5.4 (page 14)

Water

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

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

- a All Residential, Industrial, Business, Town Centre Corner Shopping Centre, and Airport Mixed Use Zone.

SUBDIVISION and DEVELOPMENT 27

~~b Township Zones at Lake Hawea, Albert Town, Luggate, Glenorchy and Kingston.~~

Comment [RC180]: Outside of scope of Stage 1 Zones, therefore recommended for deletion by section 42a officer

~~b Rural-Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes.~~

~~dc Resort Zone, Millbrook and Waterfall Park.~~

Comment [RC181]: Relocated from Notified Rule 27.5.4.1 (page 14)

27.7.15.2 ~~Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.~~

Comment [RC182]: Relocated from Notified Rule 27.5.4.2 (page 14)

27.7.15.3 ~~Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.~~

Comment [RC183]: Relocated from Notified Rule 27.5.4.3 (page 14)

27.7.15.4 ~~Telecommunication reticulation to all allotments in new subdivisions (other than lots for access, roads, utilities and reserves).~~

Comment [RC184]: Submission 179.13, 191.11, 781.12.

27.8 Rules - Exemptions

27.8.1 **The following activities are permitted and shall not require resource consent.**

~~27.8.1.1 An adjustment to existing cross lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the conversion from cross lease to unit title, the addition of an accessory building, or the relocation of accessory buildings providing the activity complies with all other provisions of the District Plan or has obtained resource consent.~~

Comment [RC185]: Transferred into Redrafted Rule Table 27.5 (Rule 27.5.2)

27.8.1.1 The following activities shall not be considered for the provision of Esplanade reserves or strips:

a Activities that qualify as exempt under rules ~~(27.8.1 6.1.4)~~ above.

Comment [RC186]: Consequential amendment

b Where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve, then section 230 of the Act shall not apply.

Comment [RC187]: Relocated from Notified Rule 27.6.1.2 (page 15)

~~27.7 Location-specific objectives and policies and provisions methods~~

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

Comment [RC188]: Relocated to renumbered 27.3 – Location specific objectives and policies

~~27.7.1 Objective Peninsula Bay, Ensure effective public access is provided throughout the Peninsula Bay land.~~

Policies

~~27.7.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.~~

SUBDIVISION and DEVELOPMENT 27

~~27.7.1.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.~~

~~27.7.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.~~

~~In addition to the above, refer: Open Space Zone Objective 2, Part 20 of the Operative District Plan.~~

Comment [RC189]: Relocated to Renumbered Objective 27.3.1 and Policies 27.3.1.1 to 27.3.1.3

Comment [RC190]: Validity issues with referring to the Operative District Plan in the PDP

~~**27.7.2 Objective – Kirimoko, Wanaka – To create a liveable urban environment that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.**~~

Policies

~~27.7.2.1 Protect the landscape quality and visual amenity of the Kirimoko Block and preserve sightlines to local natural landforms.~~

~~27.7.2.2 Protect the natural topography of the Kirimoko Block and incorporate existing environmental features into the design of the site.~~

~~27.7.2.3 Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies (all zoned Low Density Residential) and that visually sensitive areas such as the spurs are left undeveloped (building line restriction area).~~

~~27.7.2.4 Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.~~

~~27.7.2.5 Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.~~

~~27.7.2.6 Provide for road and walkway linkages to neighbouring developments.~~

~~27.7.2.7 Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.~~

~~27.7.2.8 Minimise Avoid disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.~~

~~27.7.2.9 Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.~~

SUBDIVISION and DEVELOPMENT 27

~~27.7.2.10 Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.~~

Comment [RC191]: Relocated to Renumbered Objective 27.3.2 and Policies 27.3.2.1 to 27.3.2.10 (redrafted page 10).

~~27.7.3 Kirimoko Structure Plan – Matters of Discretion for Restricted Discretionary Activities~~

~~27.7.3.1 In order to achieve Objective 27.7.2 and policies 27.7.2.1 to 27.7.2.10, when assessing any subdivision in accordance with the principal roading layout depicted in the Kirimoko Structure plan shown in part 27.13, in accordance with rule 27.8.2, particular regard shall be had to the following:~~

- ~~i. Any earthworks required to create any vehicle accesses of building platforms;~~
- ~~ii. The design of the subdivision including lot configuration and roading patterns;~~
- ~~iii. Creation and planting of road reserves;~~
- ~~iv. The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;~~
- ~~v. The protection of native species as identified on the structure plan as green network;~~

Comment [RC192]: Transferred into Zone Specific Rule Table 27.7 as matters of control under redrafted Rule 27.7.2 (redrafted page 27).

~~27.7.4 Objective – Large Lot Residential Zone between Studholme Road and Meadowstone Drive – Ensure protection of landscape and amenity values in recognition of the zone’s low density character and transition with rural areas be recognised and protected.~~

Policies

~~27.7.4.1 Have regard to the impact of development on landscape values of the neighbouring rural areas and features of these areas, with regard to minimising the prominence of housing on ridgelines overlooking the Wanaka township.~~

~~27.7.4.2 Subdivision and development within land identified as ‘Urban Landscape Protection’ by the ‘Wanaka Structure Plan 2007’ shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines.~~

Comment [RC193]: Relocated to Renumbered Objective 27.3.3 and Policies 27.3.3.1 to 27.3.3.12 (redrafted page 11).

~~27.7.5 Objective – Bob’s Cove Rural Residential Zone (excluding sub-zone) – Recognise the special character of the Bob’s Cove Rural Residential Zone is recognised and provided for.~~

Policies

~~27.7.5.1 Have regard to the need to provide for street lighting in the proposed subdivision. If street lighting is required in the proposed subdivision to satisfy the Council’s standards, then in order to maintain the rural character of the zone, the street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on the night sky.~~

Comment [RC194]: Relocated to Renumbered Objective 27.3.4 and Policy 27.3.4.1 (redrafted page 11).

SUBDIVISION and DEVELOPMENT 27

~~27.7.6 Objective – Ferry Hill Rural Residential Sub Zone – Maintain and enhance visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub Zone.~~

Comment [RC195]: Relocated to Renumbered Objective 27.3.5 (redrafted page 11).

Policies

~~27.7.6.1 At the time of considering a subdivision application, the following matters shall be had particular regard to:~~

- ~~vi. The subdivision design has had regard to minimising the number of accesses to roads;~~
- ~~vii. the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;~~
- ~~viii. The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone;~~
- ~~ix. The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.~~

Comment [RC196]: Transferred into Zone Specific Rule Table as matters of control under Redrafted Rule 27.7 (Rule 27.7.3)

~~27.7.7 Objective – Makarora Rural Lifestyle Zone – The avoidance or mitigation of the effects of natural hazards and the maintenance and enhancement of landscape character, visual amenity and nature conservation values are maintained or enhanced.~~

Policies

Natural Hazards

~~27.7.7.1 Particular regard shall be had to the avoidance or mitigation of natural hazards identified on the Council's hazard register associated with the location of a building platform and future anticipated land uses within the building platform.~~

~~27.7.7.2 The Council shall be satisfied as to whether consultation has been undertaken with the Otago Regional Council with regard to any matters associated with defences against water, and in particular taken the opportunity to reconcile any potential issues associated with flood defence works encouraged by the Otago Regional Council, and the District Plan's objectives, policies and servicing standards for subdivision in the Makarora Rural Lifestyle Zone.~~

Landscape Values, Rural Character

~~27.7.7.3 In recognition of the landscape values within the Makarora Rural Lifestyle Zone, regard shall be had to the potential merits with the concentration or~~

SUBDIVISION and DEVELOPMENT 27

clustering of built form to areas with high potential to absorb development while retaining areas that are more sensitive in their natural state.

~~27.7.7.4~~ In considering the appropriateness of the form and density of development, including the identification of building platforms in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:

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

Comment [RC197]: Relocated to Renumbered Objective 27.3.6 and Policies 27.3.6.1 to 27.3.6.4 (redrafted page 11 and 12).

~~27.7.8~~ **Objective – Wyuna Station Rural Lifestyle Zone – To provide for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.**

Policies

~~27.7.8.1~~ Prohibit or defer development of the zone until such a time that:

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

Comment [RC198]: Relocated to Renumbered Objective 27.3.7 and Policy 27.3.7.1 (redrafted page 12).

~~27.7.9~~ **Objective – Wyuna Station Rural Lifestyle Zone – Subject to Objective 27.7.7, to enable rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy Paradise Road.**

Policies

~~27.7.9.1~~ The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from

SUBDIVISION and DEVELOPMENT 27

~~Glenorchy Township, Oban Street or the Glenorchy Paradise Road.
Measures to achieve this include:~~

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

~~27.7.9.2 Maintain and enhance the indigenous vegetation and ecosystems within the building restriction areas of the zone and to suitably and comprehensively maintain these areas into the future. As a minimum, this shall include:~~

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

~~27.7.10 Objective – Industrial B Zone~~

~~Policies~~

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

~~27.7.11 Objective – Industrial B Zone~~

~~Policies~~

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

~~27.7.12 Objective – Industrial B Zone~~

~~Policies~~

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

~~27.7.13 Objective – Industrial B Zone~~

~~Policies~~

Comment [RC199]: Relocated to Renumbered Objective 27.3.8 and Policies 27.3.8.1 to 27.3.8.2 (redrafted page 12 and 13).

SUBDIVISION and DEVELOPMENT 27

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

~~27.7.14 Objective – Jacks Point Zone – Subdivision shall have regard to identified location specific opportunities and constraints.~~

Policies

~~27.7.14.1 Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.~~

~~27.7.14.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.6.1 and as they relate to the Jacks Point Structure Plan located within Chapter 41.~~

- i. ~~Consistency with the Jacks Point Zone Structure Plan identified in 41.7, including the provision of public access routes, primary, secondary and key road connections.~~
- ii. ~~Lot sizes, averages and dimensions.~~
- iii. ~~Subdivision design.~~
- iv. ~~Property access.~~
- v. ~~Esplanade provision.~~
- vi. ~~Natural hazards.~~
- vii. ~~Fire fighting water supply.~~
- viii. ~~Water supply.~~
- ix. ~~Stormwater disposal.~~
- x. ~~Sewage treatment and disposal.~~
- xi. ~~Energy supply and telecommunications.~~
- xii. ~~Open space and recreation.~~
- xiii. ~~Easements.~~
- xiv. ~~The nature, scale and adequacy of environmental protection measures associated with earthworks.~~

~~27.7.14.3 In addition to above (provision 27.7.14.1) within the R(HD) Activity Areas, have particular regard to the following matters:~~

- i. ~~The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.~~
- ii. ~~Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.~~
- iii. ~~Road and street designs.~~
- iv. ~~The location and suitability of proposed open spaces.~~

Comment [RC200]: Relocated to Renumbered Objective 27.3.13 and Policy 27.3.13.1 (redrafted page 14).

Comment [RC201]: Transferred into Rule Table under Rule 27.7 and specifically redrafted Rule 27.7.1 and 27.7.4.

SUBDIVISION and DEVELOPMENT 27

- v. ~~Commitments to remove wilding trees.~~

~~27.7.14.4 Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.~~

~~27.7.14.5 Within the R(HD) Activity Area, the creation of sites sized between 380m² and 550m², without limiting any other matters of discretion that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:~~

- i. ~~Building setbacks from boundaries.~~
- ii. ~~Location and heights of garages and other accessory buildings.~~
- iii. ~~Height limitations for parts of buildings, including recession plane requirements.~~
- iv. ~~Window locations.~~
- v. ~~Building coverage.~~
- vi. ~~Roadside fence heights.~~

~~27.7.14.6 Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.~~

~~27.7.14.7 Within the R(HD) A-E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).~~

~~27.7.14.8 In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m² in area:~~

- ~~a The extent to which such sites are configured:~~
 - i. ~~with good street frontage.~~
 - ii. ~~to enable sunlight to existing and future residential units.~~
 - iii. ~~To achieve an appropriate level of privacy between homes.~~
- ~~b The extent to which parking, access and landscaping are configured in a manner which:~~
 - i. ~~minimises the dominance of driveways at the street edge.~~
 - ii. ~~provides for efficient use of the land.~~
 - iii. ~~maximises pedestrian and vehicular safety.~~
 - iv. ~~addresses nuisance effects such as from vehicle lights.~~
- ~~c The extent to which subdivision design satisfies:~~

SUBDIVISION and DEVELOPMENT 27

- i. ~~public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.~~
- ii. ~~Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.~~

Comment [RC202]: Transferred into Rule Table under Rule 27.7 and specifically redrafted Rule 27.7.4.

~~27.7.17 Objective – Waterfall Park – Subdivision shall provide for a range of visitor, residential and recreational facilities, sympathetic to the natural setting have regard to identified location specific opportunities and constraints.~~

Policies

~~27.7.17.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Chapter 42.~~

Comment [RC203]: Relocated to Renumbered Objective 27.3.14 and Policy 27.3.14.1 (redrafted page 14).

~~27.7.18 Waterfall Park Structure Plan – Matters of for Restricted Discretionary Activities~~

Comment [RC204]: Transferred into Rule Table 27.6.1

~~27.7.18.1 The District Wide objectives and policies in Part 27.2, with discretion restricted to:~~

- i. ~~Allotment sizes and configuration.~~
- ii. ~~Property access.~~
- iii. ~~Landscaping and vegetation.~~
- iv. ~~Heritage.~~
- v. ~~Infrastructure and servicing (including stormwater design).~~
- vi. ~~Natural and other hazards.~~
- vii. ~~Open space or reserves.~~
- viii. ~~Earthworks.~~
- ix. ~~Easements.~~
- x. ~~Opportunities for enhancement of ecological and natural values.~~
- xi. ~~Provision for internal walkways, cycle ways and pedestrian linkages.~~

Comment [RC205]: Transferred into Redrafted Rule Table 27.6.1

~~27.7.19 Objective – Millbrook – Subdivision shall provide for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.~~

Policies

~~27.7.19.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Chapter 43.~~

Comment [RC206]: Relocated to Renumbered Objective 27.3.15 and Policy 27.3.15.1 (redrafted page 14).

SUBDIVISION and DEVELOPMENT 27

~~27.7.20 Millbrook Structure Plan – Matters of Discretion for Restricted Discretionary Activities~~

~~27.7.20.1 The District Wide objectives and policies in Part 27.2, with discretion restricted to:~~

- ~~i. Allotment sizes and configuration.~~
- ~~ii. Property access.~~
- ~~iii. Landscaping and vegetation.~~
- ~~iv. Heritage.~~
- ~~v. Infrastructure and servicing (including stormwater design).~~
- ~~vi. Natural and other hazards.~~
- ~~vii. Open space or reserves.~~
- ~~viii. Earthworks.~~
- ~~ix. Easements.~~

Comment [RC207]: Transferred into Redrafted Rule Table 27.7.1

~~27.8 Rules – Location Specific Standards~~

~~27.8.1 The following standards relate to anticipated subdivision in specified locations. Activities that do not meet these standards shall be a non-complying activity, unless otherwise specified.~~

Comment [RC208]: Transferred into Redrafted Rule Table 27.7

~~27.8.2 Peninsula Bay~~

~~27.8.2.1 No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council.~~

Comment [RC209]: Transferred into Redrafted Rule Table 27.7

~~27.8.3 Kirimoko~~

~~27.8.3.1 Any subdivision shall comply with the principal roading layout and reserve network depicted in the Kirimoko Structure Plan shown in Part 27.13 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties).~~

~~27.8.3.2 Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title.~~

~~27.8.3.3 Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural General.~~

Comment [RC210]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.2)

~~27.8.2 Industrial B Zone~~

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

SUBDIVISION and DEVELOPMENT 27

27.8.5 ~~Bob's Cove Rural Residential sub-zone~~

27.8.5.1 ~~Boundary Planting — Rural Residential sub-zone at Bobs Cove:~~

- ~~c. Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and~~
- ~~d. Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected.~~

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

- ~~a. Within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council.~~
- ~~b. At least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.~~
- ~~c. The remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council.~~
- ~~d. The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and~~
- ~~e. This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots.~~
- ~~f. Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.~~

Comment [RC211]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.8)

SUBDIVISION and DEVELOPMENT 27

~~27.8.6 Ferry Hill Rural Residential sub-zone~~

- ~~27.8.6.1 Notwithstanding any other rules, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.~~
- ~~27.8.6.2 Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.~~
- ~~27.8.6.3 Any application for subdivision consent shall:~~
- ~~a Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above;~~
 - ~~b Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.8.6.2 above;~~
 - ~~c Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:
 - ~~i. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and~~
 - ~~ii. That residential development is subject to screening along Tucker Beach Road,~~~~
- ~~27.8.6.4 Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.~~
- ~~27.8.6.5 Plantings elsewhere may include maple as well as indigenous species.~~
- ~~27.8.6.6 The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~
- ~~27.8.6.7 Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~
- ~~27.8.6.8 Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on these parts of Lots 1 and 2 DP 26910 zoned~~

SUBDIVISION and DEVELOPMENT 27

~~Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.~~

Comment [RC212]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.9)

~~27.8.7 Ladies Mile~~

~~27.8.7.1 This Rule shall only apply to subdivision of land situated south of State Highway 6 (“Ladies Mile”) and southwest of Lake Hayes that is zoned Low Density Residential or Rural Residential as shown on the Planning Maps.~~

~~a The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.~~

~~b No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.~~

Comment [RC213]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.10)

~~27.8.3 Riverside Stage 6 - Albert Town~~

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

~~27.8.9 Jacks Point~~

~~27.8.9.1 Jacks Point Structure Plan — Subdivision failing to comply with this rule shall be a discretionary activity.~~

~~In the Jacks Point Zone, subdivision shall be in general accordance with the Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:~~

~~a A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;~~

~~b Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;~~

~~c Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;~~

~~d Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process.~~

~~27.8.9.2 Jacks Point Zone Conservation Lots — Subdivision failing to comply with rule shall be a restricted discretionary activity.~~

SUBDIVISION and DEVELOPMENT 27

~~Within the Farm Preserve 1 (FP-1) Activity Area, any subdivision shall:~~

- ~~a. Provide for the creation and management of open space, which may include native re-vegetation, within the “open space” areas shown on the Structure Plan, through the following:~~
 - ~~(i) The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or~~
 - ~~(ii) Held within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site from any future building development.~~

~~Discretion is restricted to all of the following:~~

- ~~i. The visibility of future development from State Highway 6 and Lake Wakatipu.~~
- ~~ii. Traffic, access.~~
- ~~iii. Maintenance or enhancement of nature conservation values.~~
- ~~iv. Creation of open space and infrastructure.~~

Comment [RC214]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.11)

27.9 Assessment Matters for Resource Consents

27.9.1 Controlled Activity Boundary Adjustments

In considering whether or not to impose conditions in respect to boundary adjustments under Rules 27.5.3 and 27.5.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

<u>27.5.3 Assessment Matters (Boundary Adjustments)</u>	
	<ul style="list-style-type: none"> • <u>The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings and vegetation patterns and existing or proposed accesses;</u> • <u>The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:</u> <ul style="list-style-type: none"> <u>(i) is able to accommodate development in accordance with the relevant district-wide and zone rules;</u> <u>(ii) the potential effects the safety of pedestrians and cyclists and other users of the space or access; ☐</u> • <u>Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should</u>

SUBDIVISION and DEVELOPMENT 27

	<u>27.5.3 Assessment Matters (Boundary Adjustments)</u>
	<p><u>be retained and the proposed means for their protection;</u></p> <ul style="list-style-type: none"> • <u>Refer Policies 27.2.1.7, 27.2.3.2, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.2.</u>

	<u>27.5.4 Assessment Matters (Boundary Adjustments involving Heritage Items and within Arrowtown’s urban growth boundary)</u>
	<ul style="list-style-type: none"> • <u>The location of the proposed boundaries, including their relationship to existing buildings and vegetation patterns and existing or proposed accesses;</u> • <u>The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:</u> <ul style="list-style-type: none"> <u>(i) is able to accommodate development in accordance with the relevant district-wide and zone rules;</u> <u>(ii) the potential effects on the safety of pedestrians and cyclists and other users of the space or access; <input type="checkbox"/></u> • <u>Whether any landscape features or vegetation, including mature trees, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</u> • <u>The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.</u> • <u>Where lots are being amalgamated within the Medium Density Residential Zone and Low Density Residential Zone, the extent to which future development will effect the historic character of the Arrowtown Residential Historic Management Zone;</u> • <u>Refer Policies 27.2.1.7, 27.2.3.2, 27.2.4.2, 27.2.4.5, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.2.</u>

27.9.2 Controlled Unit Title Subdivision Activities

In considering whether or not to impose conditions in respect to unit title, strata-title or cross lease subdivision under Rules 27.5.5, the Council shall have regard to, but not be limited by, the following assessment criteria:

	<u>27.5.5 Assessment Matters (Unit Title, Strata Title and Cross Lease Subdivision)</u>
--	--

SUBDIVISION and DEVELOPMENT 27

	<u>27.5.5 Assessment Matters (Unit Title, Strata Title and Cross Lease Subdivision)</u>
	<ul style="list-style-type: none"> • <u>Compliance with an approved resource consent;</u> • <u>The location of the proposed boundaries, including their relationship to existing buildings existing or proposed accesses;</u> • <u>The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:</u> <ul style="list-style-type: none"> <u>(i) is able to accommodate development in accordance with the relevant district-wide and zone rules;</u> <u>(ii) the potential effects the safety of pedestrians and cyclists and other users of the space or access; <input type="checkbox"/></u> • <u>The effects of infrastructure provision;</u> • <u>Refer Policies 27.2.1.7, 27.2.3.1, 27.2.3.2, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.3.</u>

27.9.3 Restricted Discretionary Activity Subdivision Activities

In considering whether or not to grant consent or impose conditions in respect to boundary adjustments under Rules 27.5.6, 27.5.7, 27.5.8 and 27.5.9, the Council shall have regard to, but not be limited by, the following assessment criteria:

	<u>27.5.6 Assessment Matters (Urban Subdivision Activities)</u>
	<ol style="list-style-type: none"> i. <u>Lot sizes and dimensions in respect of widening, formation or upgrading of existing and proposed roads and any provisions relating to access for future subdivision on adjoining land.</u> ii. <u>Consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;</u> iii. <u>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 for their protection;</u> iv. <u>The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;</u> v. <u>The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency;</u> vi. <u>The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan</u>

SUBDIVISION and DEVELOPMENT 27

<u>27.5.6 Assessment Matters (Urban Subdivision Activities)</u>	
	<p><u>relating to the provision, diversity and environmental effects of open spaces and recreational facilities;</u></p> <p>vii. <u>The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</u></p> <p>viii. <u>The provision of services in accordance with Council's Code of Practice for Subdivision;</u></p> <p>ix. <u>The extent to which the safe and efficient operation of aircraft may be compromised by subdivision and its ancillary activities that encourage the congregation of birds within aircraft flight paths.</u></p> <p>x. <u>Easements for existing and proposed access and services.</u></p> <p>xi. <u>Refer Policies 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.3.2, 27.2.4.5, 27.2.4.6, 27.2.5.5, 27.2.5.6, 27.2.5.10, 27.2.5.12, 27.2.5.15, 27.2.5.17 and 27.2.7.1.</u></p>

<u>27.5.7 Assessment Matters (Rural Residential and Rural Lifestyle Subdivision Activities)</u>	
	<ul style="list-style-type: none"> • <u>The extent to which the design maintains and enhances rural living character, landscape values and visual amenity;</u> • <u>The extent to which the location of building platforms could adversely affect adjoining non residential land uses;</u> • <u>Orientation of lots to optimise solar gain for buildings and developments;</u> • <u>Lot sizes and dimensions in respect of widening, formation or upgrading of existing and proposed roads and any provisions relating to access for future subdivision on adjoining land.</u> • <u>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 for their protection;</u> • <u>The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;</u> • <u>The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency;</u> • <u>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;</u>

SUBDIVISION and DEVELOPMENT 27

<u>27.5.7 Assessment Matters (Rural Residential and Rural Lifestyle Subdivision Activities)</u>	
	<ul style="list-style-type: none"> • <u>The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</u> • <u>The provision of services in accordance with Council's Code of Practice for Subdivision;</u> • <u>In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state;</u> • <u>In the Rural Residential Zone at the north end of Lake Hayes, the protection and restoration of wetland areas;</u> • <u>Easements for existing and proposed access and services;</u> • <u>Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.</u> • <u>Refer Policies 27.2.1.2, 27.2.4.5, 27.2.4.6, 27.2.5.4, 27.2.5.5, 27.2.5.10, 27.2.5.12, 27.2.5.15, 27.2.5.17 and 27.2.7.1.</u>

Comment [RC215]: A MacLeod for New Zealand Fire Service

27.9.4 Restricted Discretionary Activity - Subdivision Activities with National Grid Subdivision Corridor and Electricity Sub-Transmission Lines

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rules 27.5.8 and 27.5.9, the Council shall have regard to, but not be limited by, the following assessment criteria:

<u>27.5.8 Assessment Matters (National Grid Subdivision Corridor)</u>	
	<ul style="list-style-type: none"> • <u>Whether the allotments are intended to be used for residential or commercial activity;</u> • <u>The need to identify a building platform to ensure future buildings are located outside the National Grid Yard;</u> • <u>The ability of future development to comply with NZECP34:2001;</u> • <u>The location and planting of vegetation;</u> • <u>Ensure the operation, maintenance and upgrade of the National Grid is not restricted;</u> • <u>Refer Policy 27.2.2.9.</u>

SUBDIVISION and DEVELOPMENT 27

<u>27.5.9 Assessment Matters (Electricity Sub-Transmission Lines)</u>	
	<ul style="list-style-type: none"> • <u>Whether the allotments are intended to be used for residential or commercial activity;</u> • <u>The need to provide restricted areas to limit activities to outside the Electricity Sub-Transmission Lines;</u> • <u>Ensure the operation, maintenance and upgrade of the Electricity Sub-Transmission Lines is not restricted;</u> • <u>The ability of future development to comply with NZECP34:2001.;</u> • <u>The location and planting of vegetation;</u> • <u>Refer Policy 27.2.2.9.</u>

27.9.5 Controlled Subdivision Activities – Structure Plan spatial layout plan, or concept development plan

In considering whether or not to impose conditions in respect to subdivision activities undertaken in accordance with a structure plan, spatial layout plan, or concept development plan under Rules 27.7.1, 27.7.2, 27.7.3, 27.7.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

<u>27.7.1 Assessment Matters</u>	
	<ul style="list-style-type: none"> • <u>Consistency with the relevant location specific objectives and policies in part 27.3;</u> • <u>Consistency with the relevant structure plan, spatial layout plan or concept development plan;</u> • <u>The assessment criteria identified under Rule 27.7.1.</u>

SUBDIVISION and DEVELOPMENT 27

<u>27.7.2 Assessment Matters</u>	
	<ul style="list-style-type: none"> • <u>The assessment criteria identified under Rule 27.7.1.</u> • <u>Any earthworks required to create any road, vehicle accesses, or building platforms or modify the natural landform.</u> • <u>The design of the subdivision including lot configuration and roading patterns and design (including footpaths and walkways).</u> • <u>Creation and planting of road reserves</u> • <u>The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;</u> • <u>The protection of native species as identified on the structure plan as green network.</u> • <u>Refer Policies 27.3.2.1 to 27.3.2.10.</u>

Comment [RC216]: Submission 656.2

Comment [RC217]: Submission 656.2

Comment [RC218]: Relocated from Notified Rule 27.7.3.1 (page 27-16)

<u>27.7.3 Assessment Matters</u>	
	<ul style="list-style-type: none"> • <u>The assessment criteria identified under Rule 27.7.1;</u> • <u>Minimising the number of accesses to roads;</u> • <u>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;</u> • <u>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);</u> • <u>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.</u> • <u>Refer Policy 27.3.5.1.</u>

Comment [RC219]: Relocated from Notified Policy 27.7.6.1 (page 16)

<u>27.7.4 Assessment Matters</u>	
	<ul style="list-style-type: none"> • <u>The assessment criteria identified under Rule 27.7.1.</u>

SUBDIVISION and DEVELOPMENT 27

27.7.4 Assessment Matters	
	<ul style="list-style-type: none"> • <u>The provision of public access routes, primary, secondary and key road connections.</u> • <u>Within the R(HD) Activity Areas of the Jacks Point Zone, the extent to which the structure plan provides for the following matters:</u> <ul style="list-style-type: none"> - <u>The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.</u> - <u>Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.</u> - <u>Road and street designs.</u> - <u>The location and suitability of proposed open spaces.</u> - <u>Management responses to remove wilding trees.</u> • <u>Within the R(HD-SH) Activity Areas of the Jacks Point Zone, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.</u> • <u>Within the R(HD) Activity Area of the Jacks Point Zone, the creation of sites sized between 380m² and 550m², without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:</u> <ul style="list-style-type: none"> - <u>Building setbacks from boundaries.</u> - <u>Location and heights of garages and other accessory buildings.</u> - <u>Height limitations for parts of buildings, including recession plane requirements.</u> - <u>Window locations.</u> - <u>Building coverage.</u> - <u>Roadside fence heights.</u> • <u>Within the OS Open Space Activity Areas shown on of the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.</u> • <u>Within the R(HD) A - E Activity Areas of the Jacks Point Zone, ensure cul-de-sacs are straight (+/- 15 degrees).</u> • <u>In the Residential Activity Areas of the Jacks Point Zone where subdivision of land within any results in allotments less than 380m²</u>

Comment [MSOffice220]: Non substantive change for legibility only

Comment [MSOffice221]: Non substantive change for legibility only

Comment [MSOffice222]: Improved legibility

Comment [MSOffice223]: Non substantive change for legibility only

Comment [MSOffice224]: Non substantive change for legibility only

Comment [MSOffice225]: Improved legibility

Comment [MSOffice226]: Improved legibility and consistency with the wording of other assessment matters.

Comment [MSOffice227]: Subdivision in the R9JP) areas is full discretionary so clarified that this assessment matter does not

SUBDIVISION and DEVELOPMENT 27

	<u>27.7.4 Assessment Matters</u>
	<p><u>in area:</u></p> <ul style="list-style-type: none"> - <u>Those matters listed for consideration in relation to the creation of sites sized between 380m² and 550m² sites in the R(HD) Activity Area of the Jacks Point Zone, plus:</u> <ul style="list-style-type: none"> - <u>The extent to which such sites are configured:</u> <ul style="list-style-type: none"> ▪ <u>with good street frontage.</u> ▪ <u>to enable sunlight to existing and future residential units.</u> ▪ <u>To achieve an appropriate level of privacy between homes.</u> - <u>The extent to which parking, access and landscaping are configured in a manner which:</u> <ul style="list-style-type: none"> ▪ <u>minimises the dominance of driveways at the street edge.</u> ▪ <u>provides for efficient use of the land.</u> ▪ <u>maximises pedestrian and vehicular safety.</u> ▪ <u>addresses nuisance effects such as from vehicle lights.</u> - <u>The extent to which subdivision design satisfies:</u> <ul style="list-style-type: none"> ▪ <u>public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.</u> • <u>Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.</u> • <u>Refer Policies 27.3.13.1 to 27.3.13.3.</u>

Comment [MSOffice228]: Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

Comment [RC229]: Relocated from Notified Rule 27.7.14.2 (page 20)

	<u>27.7.5.1 Assessment Matters</u>
	<ul style="list-style-type: none"> • <u>Orientation of lots to optimise solar gain for buildings and developments;</u> • <u>Consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;</u> • <u>Whether any landscape features or vegetation, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;</u> • <u>The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and</u>

SUBDIVISION and DEVELOPMENT 27

	<u>27.7.5.1 Assessment Matters</u>
	<p><u>efficiency;</u></p> <ul style="list-style-type: none"> • <u>The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</u> • <u>The provision of services in accordance with Council's Code of Practice for Subdivision;</u> • <u>Refer Policies 27.3.1.1 to 27.3.1.3.</u>
	<u>27.7.11.2 Assessment Matters</u>
	<ul style="list-style-type: none"> • <u>The assessment criteria identified under Rules 27.7.1 and 27.7.4.</u> • <u>The visibility of future development from State Highway 6 and Lake Wakatipu.</u> • <u>The number, location and design of access points</u> • <u>Maintenance or enhancement of nature conservation values.</u> • <u>Creation of open space and infrastructure</u>

27.9 27.10 Rules - Non-notification of Applications

27.9.4 27.10.1 Except where as specified in Rule 27.9.10.2, applications for resource consent for the following activities shall not require the written consent of other persons and shall not be notified or limited-notified;

e Controlled Activity Boundary adjustments.

f All controlled and restricted discretionary ~~and discretionary~~ activities, ~~except within the Rural Zone.~~

27.9.2 27.10.2 Rule ~~27.9.10.1~~ 27.10.1 does not apply to the following. The provisions of the ~~RMA Act~~ apply in determining whether an application needs to be processed on a notified basis.

Where the application site or activity:

- a. Adjoins or has access onto a State highway;
- b. Contains an archaeological site or any item listed under the Heritage New Zealand Pouhere Taonga Act 2014;
- c. Requires the Council to undertake statutory consultation with iwi;

SUBDIVISION and DEVELOPMENT 27

- d. Is in the Makarora Rural Lifestyle Zone and within an area subject to any natural hazards including erosion, flooding and inundation, landslip, rockfall, alluvion, avulsion or subsidence.
- e. Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified basis the written approval as an affected party is required from Transpower New Zealand Limited;
- f. Discretionary activities within the Jacks Point Zone.

27.10 27.11 Rules – General provisions

27.10 27.11 State Highways

27.10.4 27.11.1 Attention is drawn to the need to obtain a Section 93 notice consent from the Minister of Transport NZ Transport Agency for all subdivisions with access onto state highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of state highways that are LAR. Where a subdivision will change the use, intensity or location of the access onto the state highway, subdividers should consult with the New Zealand Transport Agency.

Comment [RC230]: Submission 719.144

27.8.6 Esplanades

27.8.6.1 The opportunities for the creation of esplanades are outlined in objective and policies 27.2.7.5. Unless otherwise stated, section 230 of the RMA applies to the standards and process for esplanades.

Comment [RC231]: Submission 809.24

27.11 27.12 Natural Hazards

The Natural Hazards Chapter of the District Plan sets a policy framework to address land uses and natural hazards throughout the District. All subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the Act RMA. In addition, in some locations natural hazards have been identified and specific provisions apply.

Comment [RC232]: Submission 806.193

27.12 27.13 Development and Financial Contributions

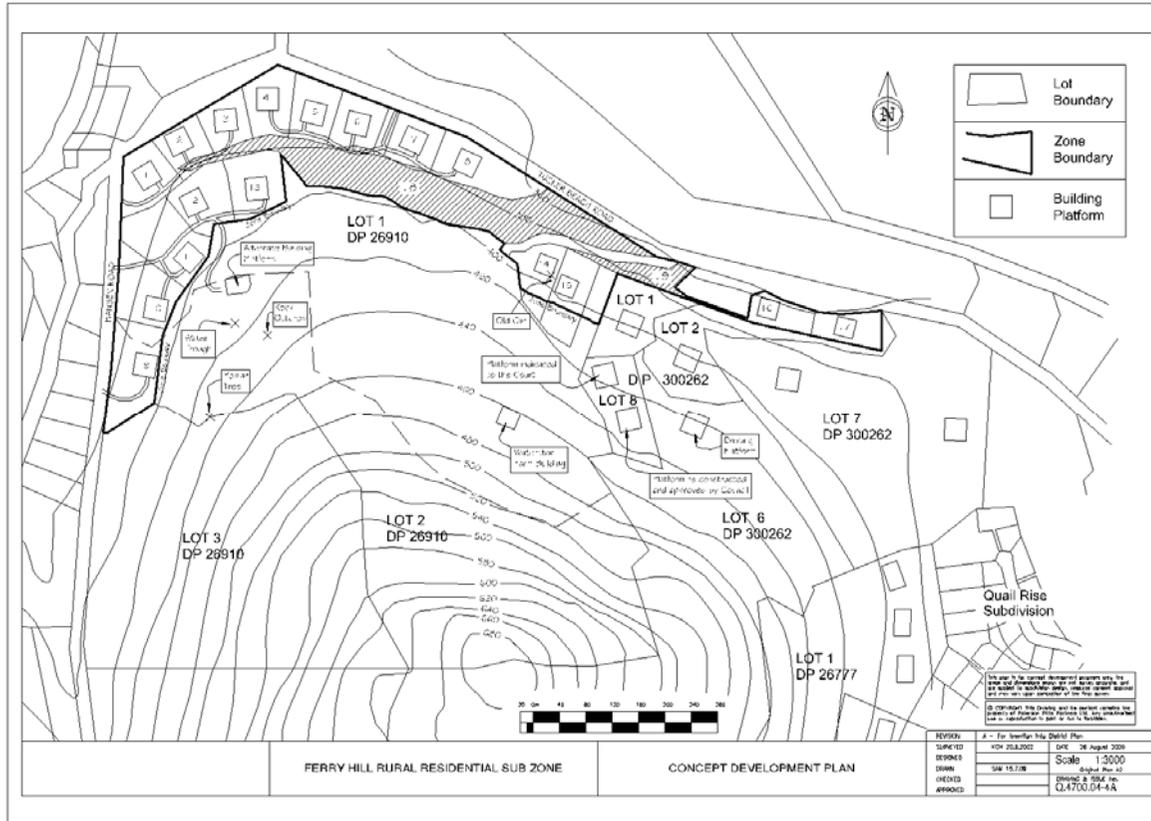
The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development through development contributions. The Council forms a development contribution policy as part of its 10 Year Plan and actively imposes development contributions via this process.

Comment [RC233]: Submission 453.9

The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

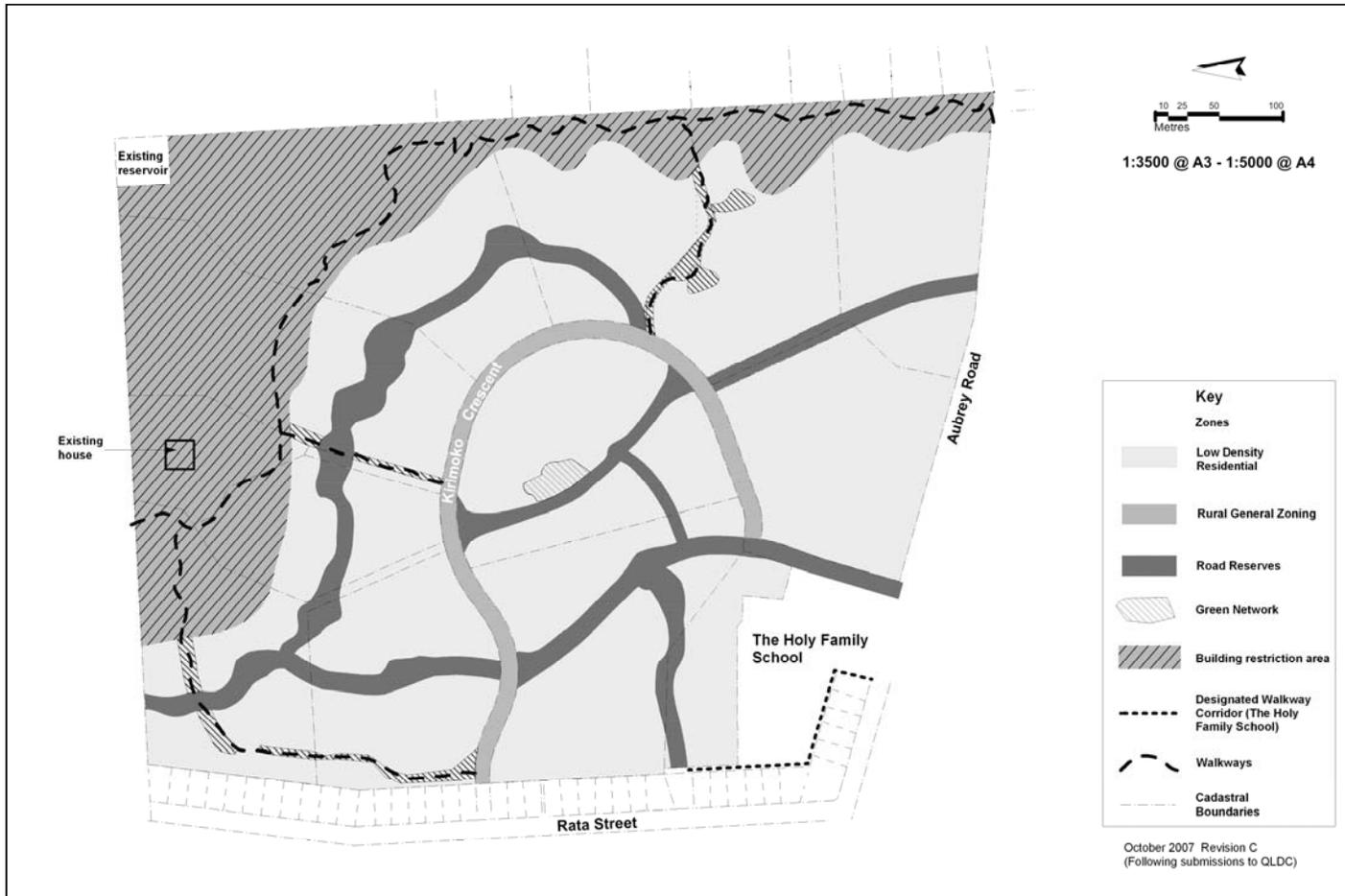
SUBDIVISION and DEVELOPMENT 27

27.13 27.14 **Structure Plans and Spatial Layout Plans**
27.13.4 27.14.1 **Ferry Hill Rural Residential Subzone**



SUBDIVISION and DEVELOPMENT 27

27.13.2 27.14.2 Kirimoko Structure Plan



APPENDIX 3
SECTION 32AA EVALUATION

Appendix 3

SECTION 32AA EVALUATION IN RELATION TO CHAPTER 41 (JACKS POINT)

Note: Where significant changes to the notified provisions are recommended in my reply evidence, the relevant provisions from the recommended revised chapter attached to the Council's right of reply are listed below.

Due to the extent of amendments to the provisions, the amended provisions have been grouped under issue-based headings and a single section 32AA evaluation completed for each collective group of amendments. Also, rather than insert the amended provisions into this document, the provision numbers are listed under each heading and you should consult the revised chapter for a full understanding of the changes proposed. This section 32AA evaluation should be read alongside further analysis in the Right of Reply evidence dated 24 February 2017.

The section 32AA evaluation for each set of inter-related provisions that are now being recommended in the Reply Evidence then follows in a separate table underneath each set of provisions.

1. Recommended amendments to provide most appropriately for the protection of landscape and visual amenity values of the Zone

The relevant provisions that are recommended to be amended to any significant degree are:

- Objective 41.2.1
- Policies 41.2.1.1, 41.2.1.9, 41.2.1.11, 41.2.1.30, 41.2.1.32, 41.2.1.34, and 41.2.1.35 (policy 41.2.1.17 is deleted) and Rule 41.4.3.2 (buildings in Homesites)
- Rule 41.4.3.8 (buildings in the OSG Activity Area)
- Rule 41.4.4.1 (tennis courts and pools in the Tablelands)
- Rule 41.4.12 (State Highway mitigation)
- Rules 41.5.1.3 and 41.5.1.10 (Structure Plan - Activities)
- Rule 41.5.2.2 and 41.5.2.3 (buildings to be located within Homesites and building platforms and to be of limited scale)
- Rule 41.5.8.1 (fencing rules applying to the RL Area as well as Homesites)
- Rule 41.5.9.1 (density in the R(HD)-F and RL Activity Areas)
- Rules 27.5.10 and 27.7.1 (discretionary subdivision in the Open Space Landscape, Open Space Residential Amenity, and Homesite Activity Areas)
- Rule 41.5.21 (standards in relation to farm buildings in the OSL Activity Area)
- Rule 41.6 (buildings in the Lodge Activity Area to be non-notified)
- Rule 41.7 (Structure Plan) and General Rule 41.3.2.7
- Rule 27.6.1 (lot sizes in the RL Activity Area)
- Rule 27.7.4 (additional controls in relation to subdivision of the RL Activity Area)

- Rule 27.7.11.4 (standards in relation to subdivision of the RL Activity Area)
- Rules 27.7.11.5 and 27.7.11.6 (standards in relation to subdivision of the OSG Activity Area)

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • A loss of up to around 40 high end dwellings and/ or visitor accommodation units due to replacing FP-1, FP-2 with 20 homesites • Loss of urban density housing due to reducing the size of R(HD)-F; replacing the balance and R(HD)-G with a Rural Living Activity Area; and increasing the area of OSA running between the R(HD) areas. However, this will be more than offset by the introduction of R(HD-SH)-3 and so this is likely to result in an overall financial benefit to the developer within those areas • Less diversity in housing choice in that less high-end rural living housing will be enabled within the zone • Imposes more constraints and consenting, compliance, and construction costs on landowners in relation to the consenting of farm buildings (beyond the extent permitted by standard 41.5.21), dwellings within the Homesite and the Rural Living Activity Areas, lodge development, and buildings associated with recreation. • The controlled status of building in the Homesites and Rural Living Activity Areas will result in some duplication with the Design Review Board (DRB) process for Homesites, which must also go through a design review, which is administered outside of the District Plan and outside the RMA. 	<ul style="list-style-type: none"> • Significantly better protection of the ONL and Rural Landscapes (RLC) by: <ul style="list-style-type: none"> - preventing inappropriate development within such areas; - retaining control over native revegetation as part of development in the homesites; - providing better control over the scale and design of farm buildings and recreational buildings , dwellings within homesites, and the lodge area. - removing those parts of the R(HD)-F Area that are within the ONL • Provides a small number of small scale farm buildings in that area where farming is anticipated, which will avoid resource consent costs. • Restricts farming within the OSG (which has now been extended to include a much larger area) therefore also restricting farm buildings in that area and thus better protecting visual amenity and landscape values. • Restricts mining within the OSL and now requires a consent for any mining in the OSG, which will better protect the landscape values of those areas. • The provision for carparking associated with the Lodge in an area where this can be absorbed, resulting in more efficient landuse. • Greater certainty that buildings and landscaping within the Homesites, Rural Living, and Lodge areas will 	<p>The amended provisions will:</p> <ul style="list-style-type: none"> • be most effective at achieving redraft Objective 41.2.1 (by ensuring development will have appropriate regard to landscape and visual amenity values) and the district wide objectives in relation to landscape protection (reply 6.3.1 - 6.3.6, 3.2.4.7, and 3.2.5.1); and • be most effective at achieving the purpose of the RMA and, in particular, section 6(b) in relation to outstanding landscapes, sections 7(c), (d), and 7(f), in relation to amenity, ecosystems, and environmental quality. • The amended provisions may not be the most effective at achieving reply Objective 6.3.7 in that visitor accommodation will not be enabled within the land that was notified as FP-1 and FP-2 (now recommended to be OSG and OSL in the Structure Plan), but overall this is considered to be outweighed by the wider benefits that will accrue to tourism by retaining the landscape values of this land.

Costs	Benefits	Effectiveness & Efficiency
	<p>not adversely affect the landscape while still providing certainty that applications will not be notified.</p> <ul style="list-style-type: none"> • Continuing to enable tennis courts and pools without undue cost and process. This will provide a high level of amenity for residents/visitors and lower consenting costs, while still protecting landscape values. • Enabling some residential development of the notified FP-1 and R(HD-G) and R(HD-F) areas in a manner that, taking all tangible and intangible costs and benefits into account, will maximise the efficient use of that land. • Will potentially enable a very small amount of development in the FP-2 area (recommended to be OSL in the revised Structure Plan), subject to a rigorous and potentially notified (discretionary) resource consent process. • Utilises existing Activity Area classifications/ avoids the establishment of new FP areas and the highly complex conservation lot rules; thus resulting in administrative efficiencies. 	

2. Recommended amendments to provide most appropriately for non-residential (including commercial, retail, education) activity in the Zone

The relevant provisions that are recommended to be amended to any significant degree are:

- Objective 41.2.1
- Policies 41.2.1.19, 41.2.1.20, and 41.2.1.31
- Rule 41.4.2 (education and daycare facilities)
- Rules 41.4.7.1 - 41.4.7.3 (activities, buildings, and the need for a Comprehensive Development Plan in the Village Activity Area)

- Rules 41.4.7.4 - Rule 41.4.7.6 (commercial and community activities in the R(HD), commercial, community, and visitor accommodation in the R(HD)-E, and the need for a Comprehensive Development Plan in the R(HD)-E Activity Area)
- Rule 41.5.10 (scale of commercial activity)
- Rule 41.5.13.2 (Height in the Village Activity Area)
- Rule 27.7.1 (subdivision as controlled in Jacks Point if in accordance with the Structure Plan and any approved Comprehensive Development Plan)
- Rule 27.7.4 (subdivision in Jacks Point - additional matters of control)
- Rule 41.7 (Structure Plan) and General Rule 41.3.2.7

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • The controlled status of all buildings in the Village Area will result in some duplication of the private DRB process and therefore impose added costs on those applicants. • The very large amount of development enabled in the village areas and the uncertainty regarding the mix that will result, even with the recommended caps, makes it difficult to predict whether servicing constraints may limit the scale or mix of activity in these areas. • There is still the possibility that a school or some tertiary education facility may develop somewhere other than in the E Activity Area, through the designation process and that education will not necessarily occur adjacent to the village. • The caps on commercial development within the villages still allow a significant amount of commercial activity in excess of that required by the local Jacks Point resident and visitor population and there are still likely to be adverse retail distributional effects if it were developed up to the caps. 	<ul style="list-style-type: none"> • Will provide support through Objective 41.2.1 to impose conditions of a consent in relation to the scale, type, location, and mix of uses approved and/ or the servicing/ physical works required to facilitate the development. • Will provide more assurance that the layout and overall development of the (V(JP) and V(HB)) and E Activity Areas will result in a high quality urban design outcome. • Will avoid the potential creation of a 3rd centre of employment land and retail/ commercial activity within the JPZ (i.e. the EIC), which, as notified; would be disconnected from the Jacks Point Village; located on the edge of the zone; and not necessarily on a primary road. • The caps on the amount of retail activity and removal of the EIC will avoid any possibility that the whole of either village could become commercial, which if it were to happen, would be out of scale with the resident community. • Will specifically enable technology and innovation-based business in the Village Activity Area in lieu 	<p>The amended provisions will:</p> <ul style="list-style-type: none"> • be most effective at achieving recommended redraft Objective 41.2.1 in relation to creating an integrated community; • be most effective at achieving district wide reply Objectives 3.2.1.1, 3.2.1.4, 3.2.1.5, 3.2.3.1, 3.2.4.7, 3.2.6.3, 3.2.6.4, and 4.2.1 in relation to Queenstown and Wanaka Town Centres being the hubs of the District; providing for the benefits of tourism; developing innovative and diverse enterprises; developing desirable urban areas with a high quality open space (including access to the natural environment) and community facilities; delivering quality design resulting in safe and healthy community; and integrated landuse and infrastructure planning; • be most effective at achieving the purpose of the RMA and, in particular, the social and economic wellbeing of the Jacks Point community, and sections 7(b), 7(ba), 7(c), and 7(f), in relation to efficiency, amenity, and environmental quality; and • be efficient in that the

Costs	Benefits	Effectiveness & Efficiency
	<p>of recommending the removal of the EIC Activity Area (recommended to be OSL in the Structure Plan), and the rejection of the requested Open Space Commercial Recreation (OSCR) Activity Area (recommended to be reclassified as OSG in the Structure Plan).</p> <ul style="list-style-type: none"> • Will provide greater certainty that the amount of retail and the types/ scale of other commercial activity are primarily for the purpose of serving the local Jacks Point population and will not compete with the more major centres or rely on significant patronage from beyond the JPZ. • Will provide the necessary framework for the Jacks Point Village to develop as the central mixed use hub of the Jacks Point community. • Will avoid the cost, delays and uncertainty of outcome (due to the restricted discretionary status) incurred in applying for earthworks consents. • Will encourage (although not ensure) education to be located adjacent to the Jacks Point Village or within the V Activity Area, which will benefit the commercial viability and vibrancy of the Jacks Point Village. 	<p>provisions will seek to minimise consenting requirements while ensuring effects are able to be considered and to avoid the need to establish duplicate design review processes outside the RMA (where they do not already exist).</p>

3. Recommended amendments to provide most appropriately for residential activity in the Zone

The relevant provisions that are recommended to be amended to any significant degree are:

- Policies 41.2.1.13, 41.2.1.16, 41.2.1.33, 41.2.1.36, and 41.2.1.37
- Rule 41.4.6 (medium density residential development) and the application of this to the new R(HD)-3 Area

- Rule 41.4.7.4 (restricted discretionary commercial and community activities in R(HD) other than R(HD)-E). As amended visitor accommodation becomes full discretionary in this activity area other than in R(HD)-E.
- Rules 41.4.7.5 and 41.4.7.6 (restricted discretionary commercial, community, and visitor accommodation in the R(HD)-E) and a requirement to provide a Comprehensive Development Plan
- Rule 41.5.22 (State Highway Noise)
- Rule 27.7.1 (subdivision as controlled in Jacks Point if in accordance with the Structure Plan and any approved Comprehensive Development Plan)
- Rule 27.7.4 (subdivision in Jacks Point - additional matters of control)
- Rule 27.7.11.3 (subdivision under 380m² lot size in Jacks Point)

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • The lower maximum building coverage allowed for MDR in R(HD) may result in less efficient landuse. However, this is compensated for by the recommended relaxation of the recession plane and road setback rules. • The requirement to impose legal mechanisms on titles under 380m² will add cost to the subdivision. • The restricted discretionary activity status for MDR development creates more uncertainty and potentially higher consenting costs. • The restriction on visitor accommodation in all residential areas other than R(HD)-E will limit the options for landowners • The requirement to provide a Comprehensive Development Plan as part of any consent for commercial, community or visitor accommodation development in the R(HD)-E area will impose an additional cost on the developer • Requiring those houses close to the State Highway 	<ul style="list-style-type: none"> • The addition of the R(HD-SH)-3 will result in an overall increase in residential yield in the Hanley Downs residential area and is an efficient use of resources in this regard. • Imposing more restrictions on visitor accommodation in the R(HD) Area other than in R(HD)-E will preserve those areas for residential living; helping to add to the residential housing stock and supporting the clustering of visitor accommodation in and around the villages. • Requiring those houses close to the State Highway to provide noise attenuation will result in a better level of health and overall amenity for those residents, • Will avoid the highly confusing and inconsistent use of the notified 550m² lot size and 380m² density thresholds which appear to be without any evidential basis. • The ability to require (through restricted discretionary activity status) the inclusion of covenants on titles under 380m² 	<p>The amended provisions will:</p> <ul style="list-style-type: none"> • be more effective at achieving recommended Objective 41.2.1 in that <ul style="list-style-type: none"> a) relatively consistent standards apply to new residential development across the Hanley Downs and Jacks Point portions of the zone and b) they ensure that the form and design of medium density residential development is able to be fully considered via a restricted discretionary consent process; • be more effective at achieving district wide reply Objectives 3.2.2.1, 3.2.3.1, 3.2.4.7, 3.2.5.3, 3.2.6.3, 3.2.6.4, 4.2.1, 4.2.3, and 4.2.4 in relation to ensuring compact and logical urban development within the urban growth boundary; developing desirable urban areas with a high quality open space and community facilities; locating urban development in areas with the potential to absorb change; delivering quality design resulting in safe and healthy community; and ensuring integrated landuse and infrastructure planning;

Costs	Benefits	Effectiveness & Efficiency
<p>to provide noise attenuation will increase construction costs for those owners/ developers and therefore affect affordability,</p>	<p>restricting building location, etc. will avoid the need for individual resource consents at the landuse stage.</p> <ul style="list-style-type: none"> • Lowering the threshold to 380m² means that most developments on sites larger than this will be able to be undertaken without the need for consent and without the preceding subdivision having to include detailed covenants relating to landuse design parameters. • Reducing the reliance on covenants in the context of LDR developments is more transparent as the public can rely simply on the District Plan to understand the constraints on the site. • In relation to MDR developments, the expanded matters of discretion will enable bulk and location and other design parameters, effects on adjacent sites, and the enforceability of the legal mechanisms proposed to be considered, conditions imposed, or consent declined if appropriate. • The restricted discretionary activity status of MDR will provide the Council with greater control and the ability to decline poor layouts, etc. • Will enable more efficient landuse in R(HD) by reducing the road setback, clarifying the internal setback rule, and enabling higher fences while ensuring the streetscape quality is not dominated by garage doors or solid fencing by requiring garages to be set back and through specific fence design rules. 	<ul style="list-style-type: none"> • be most effective at achieving the purpose of the RMA and, in particular, the social and economic wellbeing of the wider Queenstown community, and sections 7(b), 7(c), and 7(f), in relation to the efficient use of resources, amenity, and environmental quality; and • be efficient in that the provisions will seek to minimise consenting requirements while ensuring effects are able to be considered and to avoid the need to establish duplicate design review processes outside the RMA (where they do not already exist).

Costs	Benefits	Effectiveness & Efficiency
	<ul style="list-style-type: none"> • The amended R(HD) recession plane rules are more effects-based (as they relate to the orientation of the site), will encourage 2 storey development, and enable more efficient landuse while still protecting neighbours' amenity. • Greater consistency (and therefore administrative efficiency) with the residential chapters in regard to the recession plane rule and between the R(JP) and R(HD) areas of the Jacks Point Zone in regard to building coverage. • Coverage, coupled with the increased height allowance for MDR and relaxed recession plane rules will result in more 2 storey development; a more consistent character across the zone that enables and encourages private/ on site plantings (including trees) even on smaller sites. • Requiring a Comprehensive Development Plan in the R(HD)-E area will result in better quality urban layout in recognition that this area will be a medium to high density area with the potential for visitor accommodation and other non-residential activity 	

4. Recommended amendments to provide most appropriately for servicing/ the infrastructural needs of the Zone

The relevant provisions that are recommended to be amended to any significant degree are:

- Objective 41.2.1 (reference to servicing has been deleted)
- Rules 41.4.2 (education), 41.4.7.1 (village), and 41.4.7.4 and 41.4.7.5 (non-residential uses in the R(HD) areas) in that control/ discretion over the effects on the State Highway has been made more explicit
- Rule 27.7.4 (matters of control in relation to subdivision in Jacks Point to include control over the effects on the State Highway)

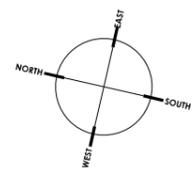
- Rule 27.7.11.3 (matters of discretion in relation to subdivision in R(HD) that breaches the minimum lot size to include control over the effects on the State Highway)

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • The requirement to consider all restricted discretionary activity and non-complying development against the objective (which requires regard to be add to servicing) and the specific control over servicing and infrastructure in relation to development within the V and E Activity Areas may add additional cost and uncertainty to consenting. • There is a risk that in the absence of good traffic information, deleting the trigger rule for upgrading Woolshed Road (41.5.6.2) could result in Maori Jack Road and the newly approved primary road (RM160562) becoming congested. 	<ul style="list-style-type: none"> • Will ensure the issue of servicing can be considered. Note: the matter of servicing and infrastructure is not acknowledged in the notified objective and while Policy 41.2.26 seeks to ensure integrated infrastructure, there are no rules to implement this other than in relation to the state highway access. • Will enable conditions to be imposed to ensure appropriate servicing in the Village and Education Activity Areas, where development is likely to precede subdivision and where it is difficult to accurately determine the demand that development of those areas will put on the system. • Will avoid having to apply for a specific consent pursuant to Rule 41.5.6.1 for additional accesses off the new primary road (RM160562). This will avoid duplication with the process of obtaining approval for such accesses from NZTA under the Government Roothing Powers Act 1989 (ss 88-98) ,which is required regardless due to the 'limited access' status of this section of highway. • Will avoid complications in administering Rule 41.5.6. That rule requires that once 500 dwellings have been constructed within the R(HD) areas, consent is needed if the Woolshed Road intersection has not yet been upgraded. However, with the creation of the new (third) primary 	<p>The amended provisions will:</p> <ul style="list-style-type: none"> • be most effective at achieving recommended revised Objective 41.2.1 in relation to requiring appropriate regard for servicing; • be most effective at achieving district wide reply Objectives 3.2.2.1, 3.2.6.4, 4.2.1, 4.2.3, and 4.2.4 in relation to ensuring compact and logical urban development within the urban growth boundary whereby the cost of infrastructure is managed; delivering quality subdivision which results in safe and healthy communities; ensuring integrated landuse and infrastructure planning; and ensuring the efficient provision and operation of infrastructure; • be most effective at achieving the purpose of the RMA and, in particular, the social and economic wellbeing of the wider Queenstown community , and sections 7(b) and 7(f), in relation to the efficient use of resources and environmental quality; and • be more efficient in that it a) removes the presumption (and resource consent requirements) that a further access will be required at a certain level of development when it is now known that the figure is incorrect; and b) will minimise duplication between the RMA and Government Roothing Powers Act 1989 approval processes.

Costs	Benefits	Effectiveness & Efficiency
	<p>road such an upgrade may not be necessary or, indeed, desirable/ acceptable at all to NZTA; which would make the consent process unnecessary and inefficient.</p> <ul style="list-style-type: none"> • It avoids the inclusion of a now arbitrary and inefficient trigger for upgrading the Woolshed Road intersection due to the recent approval of the new primary road. • It will retain the Woolshed Road intersection as a future key connection in order to provide a safeguard that it can potentially be developed if necessary. 	

APPENDIX 4
STRUCTURE PLAN FOR INFORMATION PURPOSES ONLY

V:_JP_Jacks Point\29_District Plan Review\1_Pre Planning\JP_29_1_SK-010 [Council_ROR Structure Plan QIDC - Location Map].dgn

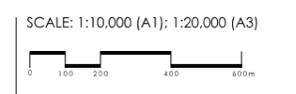


- KEY:**
- Location Points
 - Proposed Homesites 37-56
 - Sealed Road Access (indicative only)
 - Gravel Road Access (indicative only)
 - Farm Tracks (indicative only)
 - Gate Location



FOR INFORMATION

DARBY PARTNERS
 Level 1, Steamer Wharf, Lower Beach Street
 PO Box 1164, Queenstown 9348
 Tel +64 3 450 2200 Fax +64 3 441 1451
 info@darbypartners.co.nz
 www.darbypartners.co.nz



NOTES:
 Disclaimer:
 Every precaution has been taken to establish the accuracy of the information set out here. Prospective purchasers should not confine themselves to the property information set out here and should make their own independent enquiries to satisfy themselves on all respects prior to entering into an agreement to buy. Jacks Point Management Limited, Darby Partners Limited nor any related company will accept any responsibility in respect of any errors, inaccuracies or misstatements contained herein, should any details prove to be incomplete or incorrect.

REVISION:	NO	DESCRIPTION	DATE	DRAWN	REVIEWED	APPROVED
-	-	For Information Only	23.02.17	HF	-	-

JACKS POINT ZONE COUNCIL RIGHT OF REPLY STRUCTURE PLAN - LOCATION MAP

PLAN STATUS:	JOB CODE:	DRAWING NO:	REV:
DRAFT	JP_29_1	SK-0010	-

Lot	Homesite (m²)	NZGD49: Mount Nicholas	NZTM
Lot 37	2,756 m ²	Y=707650.72,X=325809.57	Y=5001275.68,X=1263538.53
Lot 38	2,688 m ²	Y=707568.60,X=326063.22	Y=5001208.06,X=1263796.69
Lot 39	2,469 m ²	Y=707587.54,X=326287.46	Y=5001239.75,X=1264019.71
Lot 40	2,820 m ²	Y=707592.52,X=326489.58	Y=5001256.24,X=1264221.41
Lot 41	2,394 m ²	Y=707470.35,X=326416.63	Y=5001129.99,X=1264155.47
Lot 42	2,311 m ²	Y=707426.28,X=326242.54	Y=5001076.04,X=1263984.00
Lot 43	2,596 m ²	Y=707314.45,X=326242.17	Y=5000964.26,X=1263989.99
Lot 44	2,698 m ²	Y=707305.86,X=326526.99	Y=5000971.89,X=1264275.12
Lot 45	2,847 m ²	Y=707215.09,X=326554.25	Y=5000882.73,X=1264307.53
Lot 46	2,266 m ²	Y=706936.67,X=326822.00	Y=5000619.73,X=1264590.96
Lot 47	2,807 m ²	Y=707135.29,X=326767.21	Y=5000815.11,X=1264524.90
Lot 48	2,548 m ²	Y=706972.54,X=326888.86	Y=5000659.38,X=1264655.73
Lot 49	2,311 m ²	Y=706981.12,X=326668.05	Y=5000655.39,X=1264434.58
Lot 50	2,847 m ²	Y=706998.04,X=326523.84	Y=5000664.09,X=1264289.50
Lot 51	2,202 m ²	Y=707369.16,X=326410.67	Y=5001028.53,X=1264155.27
Lot 52	2,833 m ²	Y=706798.90,X=326577.20	Y=5000468.11,X=1264354.16
Lot 53	2,258 m ²	Y=707490.16,X=326687.15	Y=5001165.19,X=1264424.69
Lot 54	2,840 m ²	Y=706769.05,X=326751.63	Y=5000448.22,X=1264530.18
Lot 55	2,610 m ²	Y=706834.62,X=326759.42	Y=5000514.19,X=1264534.23
Lot 56	2,707 m ²	Y=706886.01,X=326774.42	Y=5000566.40,X=1264546.29