

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

ENV-2016-CHC

**IN THE MATTER**

of appeals under clause 14(1) the  
First Schedule of the Resource  
Management Act 1991

**BETWEEN**

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

**Appellants**

**AND**

**QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**Respondent**

---

**NOTICE OF APPEAL**

---

---

**ANDERSON LLOYD**  
LAWYERS  
QUEENSTOWN

Solicitor: Maree Baker-Galloway/R E Hill

Level 2,  
13 Camp Street,  
PO Box 201,  
QUEENSTOWN 9348  
DX ZP95010  
Tel 03 450 0700  
Fax 03 450 0799

**TO:** The Registrar  
 Environment Court  
 Christchurch

1. Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited ("**Appellants**") appeal the decision ("**Decision**") of the Queenstown Lakes District Council (the "**Respondent**") in respect of submissions on the proposed private Plan Change 44: Henley Downs Zone ("**PC 44**") to the Queenstown Lakes District Plan ("**the Plan**").
2. The Appellants lodged two submissions on PC 44 in the names of; Henley Downs Land Holdings Limited and Henley Downs Farm Holdings Limited on 30 April 2013.
3. Notice of the Respondent's decision was received on 10 March 2016.
4. The Appellants are not trade competitors for the purposes of section 308D of the Resource Management Act 1991.
5. The parts of the decision appealed, the reasons for the appeal, and the relief sought are set out below. The appeal is restricted to the areas of land identified as follows, on the map **attached** as Appendix A:
  - (a) Education Innovation Campus (EIC)
  - (b) Farm / Preserve 1 (FP 1)
  - (c) Farm / Preserve 2 (FP 2)
  - (d) R (HD) E only insofar as it relates to land not owned or under contract for purchase by the private plan change proponent ("**R (HD) E Appealed Part**")
6. By way of background, at the close of the council hearing, the Appellants presented closing submissions and tabled the changes sought to PC 44 to give effect to their concerns. **Attached** to this Appeal as Appendices A – D is the form of PC 44 sought by the Appellants in closing:

- (a) Appendix A is the map referred to above. It is the version of the "Structure Plan" for PC 44 that forms part of the rule framework to establish the spatial layout of development in the zone, sought by the Appellants.
  - (b) Appendix B are the special zone rules from chapter 12 of the Plan as tabled by the Appellants in closing.
  - (c) Appendix C are the subdivision rules from chapter 15 of the Plan as tabled by the Appellants in closing.
  - (d) Appendix D are the objectives and policies for the special zone chapter 12 of the Plan as tabled by the Appellants in closing.
7. This Appeal is restricted to land within the Jacks Point Zone that is not owned or under contract for purchase by the proponent of the private plan change. The relief sought throughout these submissions cross refers to appendices A to D, seeking provisions be amended in accordance with those appendices, insofar as they relate to that land.

#### **A. General Matters - Access**

8. The Appellants appeal the following parts of PC 44:
- (a) The site standard rule 12.2.5.1iv of PC 44 which provides that occupation of any new building in the plan change area is restricted discretionary unless the Woolshed Road access is upgraded, as it relates to land in the following areas identified on Appendix A:
    - (i) Education Innovation Campus (**EIC**)
    - (ii) Farm / Preserve 1 (**FP 1**)
    - (iii) Farm / Preserve 2 (**FP 2**)
    - (iv) R (HD) E Appealed Part

#### *Reasons*

9. At the council hearing the experts and submitter NZTA agreed that up to 300 dwellings or the equivalent of 2400 vehicle movements per day was an appropriate trigger before an intersection upgrade was required. The Respondent's decision had no evidential basis or

justification to determine that the upgrade is required before any development can be occupied.

*Relief sought*

10. Make the changes sought below only insofar as they relate to the following areas identified on Appendix A:
  - (i) Education Innovation Campus (EIC)
  - (ii) Farm / Preserve 1 (FP 1)
  - (iii) Farm / Preserve 2 (FP 2)
  - (iv) R (HD) E Appealed Part
  - (a) Amend the site standard so that a trigger is specified rather than immediate application of the requirement to upgrade Woolshed Road. The appropriate trigger is 300 units or 2400 vehicle movements per day. After this point further development would be restricted discretionary until Woolshed Road access is upgraded; or
  - (b) In the alternative, amend site standard 12.2.5.1.iv to be in general accordance with the version shown in the **attached** Appendix B; and
11. Any such other alternative or consequential relief which addresses the Appellants' concerns.

**B. Activity Area FP 1**

12. The Appellants appeal the following parts of PC 44:
  - (a) The failure to identify on the Structure Plan in Chapter 12 of PC 44 the area identified as FP-1 on Appendix A; and
  - (b) Extension of the Tablelands overlay as identified on the Structure Plan into the area identified as FP-1 on Appendix A; and
  - (c) Rule 12.2.3.5.xi which makes all buildings non-complying in the area identified as FP-1 on Appendix A; and

- (d) The identification on the Structure Plan of the Public Access Route, and Open Space Area notations on the area identified as FP-1 on Appendix A; and
- (e) The subdivision provisions in chapter 15 of PC 44, insofar as they relate to the area identified as FP-1 on Appendix A.

*Reasons*

- 13. The purpose of FP-1 advanced by the Appellants was to provide for a maximum of 34 residential and/or visitor accommodation units as restricted discretionary activities, with a Spatial Layout Plan framework requiring site specific mitigation and compensation for public access and ecological values.
- 14. The extension of the Tablelands overlay was not sought by any submitter and was not supported by any evidence.
- 15. The non-complying status for any building was not supported by any expert landscape evidence in terms of effects. No submitter sought non-complying status.
- 16. The requirement through subdivision for imposition of the Open Space Area and Public Access Route and protection of ecological values were previously advanced by the Appellants as a mitigation package specific to the rule framework enabling consent to be applied for up to 34 dwellings. Imposition of effectively new mitigation requirements in the subdivision rule 15.2.3.3.xiii in the absence of any particular development opportunity is not justified, given there is no related development enabled by the Decision.

*Relief sought*

- 17. Identify FP-1 on the Structure Plan in accordance with Appendix A;
- 18. Remove the Tablelands overlay extension into FP-1 as identified on the Structure Plan; and
- 19. Amend the consequential application of rule 12.2.3.5.xi to the Tablelands Overlay extension into FP-1; and
- 20. Provide for an integrated restricted discretionary subdivision and consenting framework enabling up to 34 residential dwellings, protection of Open Space Areas, Public Access Routes and ecological

values, in accordance with or in a manner similar to the objectives, policies, activity rules and subdivision rules relating to FP-1 in Appendices B C, and D; and

21. Any such other alternative or consequential relief which addresses the Appellants' concerns.

### **C. Activity Area FP - 2**

22. The Appellants appeal the following parts of the PC 44:
  - (a) The failure to identify on the Structure Plan the area identified as FP-2 on Appendix A; and
  - (b) The identification of Landscape Protection Areas ("**LPAs**") on the Structure Plan over the area identified as FP-2 on Appendix A; and
  - (c) The application of rule 12.2.3.5.xi to LPAs meaning that any building in FP-2 will be a non-complying activity, including farm buildings and buildings in the areas identified as FP HS-1 and FP-HS-2 in Appendix A; and
  - (d) The subdivision rules as they relate to FP-2.

#### *Reasons*

23. The LPA coverage on the Decision Structure Plan does not take into account the landscape characteristics of the FP-2 area and does not provide for the most efficient and effective use of the land resource.
24. Farm buildings are an appropriate and necessary use of the land within this area and should not be captured by the non-complying rule which relates to all buildings.
25. As advanced by the Appellants, on the basis of expert evidence, Activity Area FP-2 contains at least two sites which are able to absorb further effects of development without adversely affecting the landscape values. Development in addition to those sites may also be appropriate subject to adequate design and mitigation controls.
26. A non-complying regime applying to any buildings is not appropriate or was not supported by the expert evidence.

*Relief sought*

27. Identify FP-2 on the Structure Plan in accordance with Appendix A; and
28. Amend the Structure Plan in respect of the FP-2 area so that it reflects Appendix A, both in terms of LPAs and identification of the two sites FP-HS1 and FP-HS2; and
29. Amend the application of rule 12.2.3.5.xi to LPAs so that any building outside of the new homesites will be a discretionary activity; and
30. Ensure that farm buildings are not captured by the non-complying rules applying to other buildings in LPAs. Farm buildings should be provided for as a controlled activity; and
31. Provide that buildings within the identified homesites FP-HS 1 and FP-HS 2 are a restricted discretionary activity and buildings outside of those sites and within LPAs are a discretionary activity; and
32. Provide for the integrated regime described in paragraphs 29 to 31 above in general accordance with objectives, policies, activity rules and subdivision rules relating to FP-2 in Appendices B, C, and D.
33. Any such other alternative or consequential relief which addresses the Appellants' concerns.

**D. Residential Activity Area; R (HD) E Appealed Part**

34. The Appellants appeal the following parts of PC 44:
  - (a) The application of Site Standards 12.2.5.1.i.(b) and 12.2.5.1 xi(a) which restricts maximum net floor area for commercial activities to 200m<sup>2</sup> to residential area R (HD) E Appealed Part; and
  - (b) The application of Zone Standard 12.2.5.2 xv(a) which restricts the total floor space of all commercial activities in all R Activity Areas to no more than 500m<sup>2</sup>, as it relates to R (HD) E Appealed Part .

*Reasons*

35. The appealed site and zone standards are not appropriate for R (HD) E Appealed Part The proposed extension of the site and zone

standards to the specific area identified above is not supported by expert evidence, and will not provide for the most efficient and effective use of the land resource.

*Relief sought*

36. Amend Site Standards 12.2.5.1.i.(b) and 12.2.5.1 xi(a) so as to exclude area R (HD) E Appealed Part; and
37. Amend Zone Standard 12.2.5.2 xv(a) so as to exclude area R (HD) E Appealed Part; and
38. Provide for a discretionary consenting regime for commercial activities in R (HD) E Appealed Part in general accordance with the relevant objectives, policies, activity and subdivision rules in Appendices B, C and D; and
39. Any such other alternative or consequential relief which addresses the Appellants' concerns, to enable commercial activities in R (HD) E Appealed Part as a discretionary activity.

**E. Education Innovation Campus (EIC)**

40. The Appellants appeal the following parts of the plan change:
  - (a) The failure to identify on the Structure Plan the area identified as EIC on Appendix A; and
  - (b) Rule 12.2.3.5.xi which makes all buildings non-complying in the area identified as EIC on Appendix A; and
  - (c) The failure to provide a restricted discretionary rule framework for buildings, activities and subdivision specific to the EIC area identified in Appendix A.

*Reasons*

41. The EIC area has significant potential as a commercial, education and health mixed-use area. The proposed use of the EIC area will meet needs that are currently unmet in the wider Queenstown area, and will provide for an efficient and productive use of the land.



*Relief sought*

42. Identify the EIC on the Structure Plan in accordance with Appendix A; and
43. Amend the PC 44 provisions so that there is a restricted discretionary framework for buildings, activities and subdivision in general accordance with the objectives, policies, activity rules and subdivision rules relating to the EIC Appendices B, C, and D; and
44. Any such other alternative or consequential relief which addresses the Appellants' concerns.
45. The following documents are attached to this notice:
  - (a) Appendix A: Structure Plan proposed by the Appellants;
  - (b) Appendix B: District Plan Chapter 12 rules proposed by the Appellants, insofar as they relate to the Appellants' land;
  - (c) Appendix C: District Plan Chapter 15 plan provisions proposed by the Appellants, insofar as they relate to the Appellants' land;
  - (d) Appendix D: District Plan Chapter 12 Objectives and Policies proposed by the Appellants, insofar as they relate to the Appellants' land;
  - (e) Appendix E: The two submissions referred to in paragraph 2 above;
  - (f) Appendix F: A copy of the Decision;
  - (g) Appendix G: A list of names and addresses of persons to be served with a copy of this Notice.

Dated this 26<sup>th</sup> day of April 2016



---

M A Baker-Galloway

Solicitor for the Appellants

**Address for service of appellants:**

Anderson Lloyd

Level 2

13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700

Fax: 03 450 0799

Contact person: Maree Baker-Galloway

Email: [maree.baker-galloway@andersonlloyd.co.nz](mailto:maree.baker-galloway@andersonlloyd.co.nz)

**Advice to recipients of copy of notice of appeal***How to become a party to proceedings*

If you wish to become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the relevant submission and or the relevant part of the decision. These documents may be obtained, on request, from the applicant.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**Appendix A**

Structure Plan

**Appendix B**

District Plan Chapter 12 Rules

**Appendix C**

District Plan Chapter 15 Plan Provisions

**Appendix D**

District Plan Chapter 12 Objectives and Policies

## **Appendix E**

### Submissions



**Appendix F**

A copy of the Decision

## **Appendix G**

A list of names and addresses of persons to be served



V:\HD\_Henley Downs\14\_2015 Plan Change\1\_Preliminary\CAD\HD\_14\_1\_MLP-002P (PC44 Structure Plan).dgn



**KEY:**

- Hanley Downs
- - - Activity Area
- . - . - Public Access Route (location indicative)
- - - Primary Road Connection (location indicative)
- - - Secondary Road Connection (location indicative)
- ↔ Key Road Connection (location indicative)
- Landscape Protection line

**Activity Areas:**

- 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

- EIC Education Innovation Campus
- Q Quarry
- L Lodge
- HS Preserve Homesites
- FP Farm / Preserve

- 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

- Open Space (location indicative)

**Overlays:**

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



RCL / JACKS POINT

SCALE: 1:10,000 (A1); 1:20,000 (A3)



PLAN STATUS:

FOR DISCUSSION

**PC44 STRUCTURE PLAN**

DRAWN / REVIEWED: RT / JD  
APPROVED: JD  
DATE: 21,04,16

DRAWING NO:

HD\_14\_1\_MLP-002P



# RESORT ZONES RULES – PC 44 Amendments

## Amendments to operative District Plan Provisions by RCL Queenstown Pty Ltd, Henley Downs Farm Ltd, Henley Downs Land Holdings Ltd and Henley Downs Farm Holdings Ltd

Changes are denoted by underline for additions and ~~strike through~~ for deletions.

## 12.2 Resort Zone Rules

### 12.2.1 Zone Purposes

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

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

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

The anticipated village and associated residential activities at Jacks Point will be sustainable in their nature, constituting mixed density development, best practice methods of waste disposal and longevity in their quality and built form. The preparation of development controls and design guidelines, in conjunction with provisions of the District Plan and other methods, will ensure

that the villages contribute to providing for the social, economic and cultural wellbeing of the wider community, while also assisting in ecological enhancement and the seamless integration of the built and natural environment.

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

### 12.2.2 District Rules

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

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

### 12.2.3 Activities

#### 12.2.3.1 Permitted Activities

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

#### 12.2.3.2 Controlled Activities

The following shall be **Controlled Activities** provided they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with

# RESORT ZONES RULES – PC 44 Amendments

all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

## i Recreation Facilities

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

## ii Visitor Accommodation

In the Waterfall Park Resort Zone all Visitor Accommodation.

## iii Administration

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

## iv Community Activities

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

## v Dams and Other Structures

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

## vi Education Facilities

In the Waterfall Park Resort Zone education facilities.

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

- (a) Location and external appearance of buildings
- (b) Setback from roads
- (c) Setback from internal boundaries
- (d) Vehicle access and street layout
- (e) Outdoor living space
- (f) Street scene including landscaping
- (g) Enhancement of ecological and natural values

- (h) Provision for internal walkways, cycle ways and pedestrian linkages
- (i) Noise
- (j) Hours of operation.

## vii Buildings

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

# RESORT ZONES RULES – PC 44 Amendments



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

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

(e) Buildings within Activity Area FP-1 of the Jacks Point Resort Zone, with the Council's control limited to:

- i. Consistency with the building locations specified on the Spatial Layout Plan approved under Rule 12.2.3.3(b)
- ii. the external appearance of buildings;
- iii. infrastructure and servicing;
- iv. associated earthworks and landscaping;
- v. access and parking;
- vi. bulk and location; and

vii. exterior lighting;

## ix Parking, Loading and Access

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

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

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

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

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

- i. The creation of a comprehensively designed landscape edge to the northern part of the zone;

# RESORT ZONES RULES – PC 44 Amendments

ii. Mitigation of the visual impacts of potential building development location with Activity Area EIC, (R(HD-SH) – 1 and R(HD-SH)- 2;

iii. Maintaining views across the zone to the mountains located against the western shores of Lake Wakatipu;

iv. Compatibility with flood hazard mitigation measures;

v. Appropriate plant species, height at planting and at maturity; and

vi. Provision for on-going maintenance and ownership

## xi Earthworks

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

## xii Outline Development Plan - Residential Activity Areas

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

- (a) Roading pattern.
- (b) Indicative subdivision design and lot configuration and allotment sizes.
- (c) Compliance with the relevant Density Master Plan.
- (d) Mitigation measures to ensure that no building will be readily visible from State Highway 6.
- (e) Mitigation measures to ensure that no building in the central valley will be readily visible from Lake Wakatipu.
- (f) Proposed setbacks from roads and internal boundaries.

- (g) Pedestrian links through the (R) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas.
- (h) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
- (i) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
- (j) The maintenance of view shafts.
- (k) The relationship and preservation of public use of and access to public open spaces.
- (l) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.

## xiii Outline Development Plan - Village Activity Areas

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

- (a) Roading pattern.
- (b) Indicative subdivision design and configuration and allotment sizes.
- (c) Proposed setbacks from roads and internal boundaries.
- (d) Pedestrian links through the (V) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas,
- (e) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
- (f) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.

# RESORT ZONES RULES – PC 44 Amendments



- (g) The maintenance of view shafts.
- (h) The relationship and preservation of public use of and access to public open spaces.
- (i) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.
- (j) Within the Homestead Bay Area (Figure 3) the Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan will:
  - Demonstrate compliance with the Site and Zone Standards in relation to proposed activities, building coverage limits, building distribution across the village and limits on height and building bulk.
  - Specify the controls necessary in order to provide for visual breaks between buildings on both a vertical (west-east) and horizontal (north-south) plane across the village when viewed from the lake.
  - Take into account the other matters over which the Council exercises control listed above in items (a) to (h).

## xiv **Medium Density Residential Development - Hanley Downs**

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

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

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

**Except that this rule shall not apply to:**

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

## 12.2.3.3 **Restricted Discretionary Subdivision Activities**

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

~~b) Within the FP(1) Activity Area of the Jacks Point Resort Zone the construction of any residential unit which has not been created in accordance with Rule 15.2.17.2(ii) Hanley Downs Conservation Lots, with the Council's discretion restricted to the creation of open space, creation of conservation benefits and effects on landscape and amenity values.~~  
**(b) Residential and Visitor Accommodation Activities (all excluding buildings) in Activity Area FP-1**

**Information Requirements:**

**Any applications for resource consent under this rule shall include a Spatial Layout Plan in respect of the whole FP-1 Activity Area and landscape analysis identifying areas of the Activity Area with capacity to absorb change.**

**Matters of Discretion:**

**The Council's discretion is restricted to:**



# RESORT ZONES RULES – PC 44 Amendments

i. ~~Effects on landscape and amenity values through the location of sites for all building development~~

ii. ~~Subdivision layout~~

iii. ~~The protection of areas of open space~~

iv. ~~Effects on significant rock outcrops, streams, ephemeral wetlands, swamps and grey shrubland habitats~~

**iv. A cohesive land management framework**

**iv.vi. The design guidelines that will apply to all buildings erected within the area subject to the Spatial Layout Plan**

**iv.vii. Any legal mechanism to secure protection of the matters state in i. to vi. above**

**iv.viii. In respect to visitor accommodation activities, the matters listed above as well as:**

a) **Traffic generation, vehicle access, street layout and car parking**

b) **Scale of the activity**

c) **Noise**

d) **Hours of operation**

## **(c) Residential, Visitor Accommodation ancillary to the principal residential activity and Rural Activities within Activity Area FP-2 Homesites**

~~Any Residential, Visitor Accommodation ancillary to the principal residential activity and Rural Activity, including associated buildings in any homesite located within the FP-2-Activity Area FP-2 of the Jacks Point Resort Zone, and any visitor accommodation activity within the~~

~~FP-1 or FP-2 activity area of the Jacks Point Resort zone, with the Council's discretion restricted to:~~

i. ~~the external appearance of buildings with respect to the effect on visual and landscape values of the area;~~

ii. ~~the location of development, with respect to any rocky outcrops and existing native vegetation~~

~~iii. infrastructure and servicing;~~

~~iv. associated earthworks~~

~~v. and landscaping;~~

**iv.v. The visible effects of vehicle access to the home site, which shall be aligned to follow the gully systems leading east towards the valley floor and State Highway 6 and where practicable following existing farm tracks and parking;**

~~v. bulk and location;~~

~~vi. exterior lighting;~~

~~vii. visibility of the building from State Highway 6 and Lake Wakatipu; and~~

~~viii.vii. the appropriateness of any landscape planting to the vegetation patterns of the area mitigation and its impact on the character of the landscape.~~

**ix.viii. Compliance with any relevant building design guidelines**

(d) **Technology Based activities, Commercial Film or Video Production, Education Facilities, Community Activities (excluding hospitals) and Visitor Accommodation, including ancillary commercial, administrative, office, retailing, accommodation, food and entertainment facilities (e.g. Café) within the Education Innovation Campus of the Hanley Downs part of the Jacks Point Resort zone, including the addition, alteration or**

# RESORT ZONES RULES – PC 44 Amendments

construction of associated buildings, with the Council's discretion restricted to:

- a) ~~Commercial Activities, Community Activities and Visitor Accommodation within Hanley Downs.~~
- b) ~~—~~
- c) ~~Commercial activities, community activities and visitor accommodation, located within the Education Innovation Campus of the Hanley Downs part of the Jacks Point Resort zone, including the addition, alteration or construction of associated buildings, with the Council's discretion restricted to:~~
  - d)i. ~~Location, scale and external appearance of buildings~~
  - e)ii. ~~Setback from roads~~
  - f)iii. ~~Setback from internal boundaries~~
  - g)iv. ~~Traffic generation, vehicle access, street layout and car parking~~
  - h)v. ~~Street scene including landscaping~~
  - i)vi. ~~Enhancement of ecological and natural values~~
  - j)vii. ~~Provision for walkways, cycle ways and pedestrian linkages~~
  - k)viii. ~~Scale of the activity, including the density of any ancillary accommodation~~
  - l)ix. ~~Noise~~
  - m)x. ~~Hours of operation~~

xi. Integration of development and open space with the State Highway Mitigation (Rule 12.2.3.2(x)(b)).

xii. Cycle parking and storage and other end destination facilities aimed at reducing car travel.

xiii. Crime Prevention through Environmental Design (CPTED)

n)xiv. Design guidelines that will apply to all buildings erected within the EIC in the locations shown on the Structure Plan.

i.(e) Commercial activities, community activities and visitor accommodation, located within the R(HD) and R(SH-HD) Activity Areas, including the addition, alteration or construction of associated buildings, with the Council's discretion restricted to the matters listed within Clause i above.

ii. ~~Visitor accommodation activities located within Activity Area FP 1, with the Council discretion restricted to:~~

a) ~~Traffic generation, vehicle access, street layout and car parking~~

b) ~~Scale of the activity~~

c) ~~Noise~~

d) ~~Hours of operation~~

(ef) **Sale of liquor (Hanley Downs Area)**

Premises licensed for the sale of liquor (including both off-licenses and on-licenses), with the Council's discretion restricted to:

(a) Location

(b) Scale of the activity

# RESORT ZONES RULES – PC 44 Amendments

(c) Residential amenity values

(d) Noise

(e) Hours of operation

(f) Car parking and traffic generation

~~(f) Woolshed Road / State Highway 6 intersection design~~

~~Any physical works to amend the Woolshed Road / State Highway 6 intersection configuration.~~

## 12.2.3.4 Discretionary Activities

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

### i Buildings

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

- exterior lighting; and

- compliance with any relevant Council approved development controls and design guidelines.

(c) In the Jacks Point Zone, within any Homesite Activity Area (HS Activity Area), the addition of any building which results in a total building footprint greater than 1000m<sup>2</sup> within that Activity Area, with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.2(vii)(d) above.

(d) In the Jacks Point Zone excluding the Hanley Downs area, buildings directly associated with services (refer definition) which do not comply with the relevant Structure Plan, with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.4(i)(b) above.

### ii Residential Units

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

### iii Airports

(a) Limited to a single helicopter landing area in the Millbrook Resort Zone

(b) Limited to helicopter landing areas in the Jacks Point Zone.

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

### v Vegetation (Jacks Point Zone)

In the Jacks Point Zone:

# RESORT ZONES RULES – PC 44 Amendments



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

## vi Earthworks (Jacks Point Zone)

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

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

## vii Golf Course Development (Jacks Point Zone)

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

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

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

In the Jacks Point Zone, any tennis court located within the smaller of the two Lodge Areas as depicted on Structure Plan 1 – Jacks Point Zone.

and any outdoor swimming pool located within the Tablelands (except spa pools less than 9m<sup>2</sup> and located within any Homesite or Lodge Activity Area) ~~and Hanley Downs Development Plan Area L~~ shall be a restricted discretionary activity, with the exercise of Council's discretion being limited to:

- Associated earthworks and landscaping;

# RESORT ZONES RULES – PC 44 Amendments



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

## ix Mining

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

## x Health and Education Services

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

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

## xii Commercial Recreation Activities (Hanley Downs Area)

Commercial recreation activities within Hanley Downs

## xiii Building within the Peninsula Hill Landscape Protection Area, Lake Shore Landscape Protection Area or Highway Landscape Protection Area identified within the on the Hanley Downs area of the Jacks Point Structure Plan.

## xiv Activities within Activity Area FP-2

- (a) Within Activity Area FP-2, outside of the identified Farm Preserve Home Sites and the Peninsula Hill Landscape Protection Area, any:

- (i) Building development

- (ii) Visitor accommodation activities

- (b) Visitor accommodation that is not ancillary to the principal residential activity within any of the Farm Preserve Homesites.

## xv The use or development of land within Activity Area FP-1 in the absence of resource consent granted under Rule 12.2.3.3(b)

## Xxvi Service Activities in the Residential (Hanley Downs) Activity Area

## Xxvii Building prior to subdivision

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

- R(HD)-A

- R(HD)-B

- R(HD)-C

- R(HD)-D

- R(HD)-E

prior to a subdivision having been approved in that area.

## xviii State Highway Mitigation (Hanley Downs area)

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

## xix Flood Hazard Mitigation (Hanley Downs)

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

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

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

# RESORT ZONES RULES – PC 44 Amendments

## 12.2.3.5 Non-Complying Activities

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

### i **Factory Farming**

### ii **Farming**

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

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

### iv **Mining Activities**

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

### v **Industrial and Service Activities**

With the exception of service activities in the Jacks Point Zone Industrial and Service

### vi **Airports**

Airports **other than**

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

### vii **Buildings**

- (a) In the Waterfall Park Resort Zone buildings within 7 m of Mill Creek.

- (b) In the Jacks Point area of the Jacks Point Resort Zone, excluding Hanley Downs, all buildings which do not comply with the relevant Structure Plan.

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

### viii **Residential Flat**

Except in the Jacks Point Zone.

### ix **Wetlands**

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

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

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

In the Jacks Point Zone any outdoor tennis court located within the Tablelands Area except for any tennis court located within the smaller of the two Lodge Areas as depicted on Structure Plan 1 – Jacks Point Zone (refer to rule 12.2.3.4 viii).

### **xi Building within the Peninsula Hill Landscape Protection Area**

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

## 12.2.3.6 Prohibited Activities

The following shall be **Prohibited Activities**

# RESORT ZONES RULES – PC 44 Amendments

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

## 12.2.4 Non-Notification of Applications

- (a) In the Jacks Point Zone the design and layout of the Highway and Lakeshore Landscape Protection Areas and Open Space – Foreshore Activity Area under Rule 12.2.3.2(ix) and any variation of the Public Access Route shown on the Jacks Point Structure Plans may be publicly notified under section 94 of the Act.
- (b) Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with section 93 of the Act, unless special circumstances exist in relation to any such application:
  - (i) All applications for **Controlled** Activities.

- (c) Other than provided for by the Act, the following restricted discretionary activities will be considered without public notification but notice may be served on those persons considered to be adversely affected if those persons have not given their written approval:

(i) Rule 12.2.3.3(eb) Residential and Visitor Accommodation Activity (all excluding buildings) Units Activity Area in FP-2 and Visitor Accommodation within FP-1 and FP-2

(ii) Rule 12.2.3.3(c) Residential, Visitor Accommodation and Rural Activities within FP-2 Homesites

(iii) Rule 12.2.3.3(d) Commercial activities, community and visitor accommodation within Hanley Downs.

~~12.2.3.3(e) Woolshed Road / State Highway 6 intersection design, only in respect of the New Zealand Transport Agency~~

~~(ii)(iv) The Sale of Liquor, pursuant to 12.2.3.3(ei)~~

~~(iii)(v) Rule 12.2.5.1(iii) Setbacks from Roads and Internal Boundaries~~

(vi) Rule 12.2.5.1 (iv) Access (Jacks Point Zone), only in respect of the New Zealand Transport Agency

~~(iv) —~~

## 12.2.5 Standards – Activities

### 12.2.5.1 Site Standards

#### i Structure Plan

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



# RESORT ZONES RULES – PC 44 Amendments

(a) Residential Activities Area (R(JP)) - the use of this area is restricted to Residential Activities.

~~(a)(b) Residential Hanley Downs (R(HD)) – the use of this area is restricted to Residential Activities, Community, Visitor Accommodation and Commercial Activities limited to 500m<sup>2</sup> of commercial activity~~

~~(b)(c)~~ Village Area (V) – In the Jacks Point and Millbrook Resort Zones the use of this area is restricted to Residential and Visitor Accommodation Activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities. In the Jacks Point Zone, small-scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities are also allowed in this area. In the Waterfall Park Resort Zone the use of this area is restricted to Residential and Visitor Accommodation Activities including bars and restaurants, theatres, conference, cultural and resort facilities and office and administration activities ancillary to the above activities.

~~(c)(d) Education Innovation Campus (EIC) – The use of this area is restricted to Technology Based Activities, Film and Video Production, Community Activities (excluding hospitals) and Visitor Accommodation, including ancillary commercial, administrative, office, retailing, accommodation, food and entertainment facilities (e.g. Café), including commercial and medical research, laboratories, training, educational facilities, specialist health care and associated administrative, office, accommodation, retailing and recreation facilities~~

(d) Recreation Activities (F) - the use of this area is restricted to recreation activities.

(e) Golf Course and Open Space (G) - the use of this area is restricted to outdoor recreation activities and open space provided that up to two residential units may be established on Lot 6 DP 22166.

(f) Open Space, Landscaping and Passive Recreation (O/P) - the use of this area is restricted to outdoor recreation activities and open space.

(g) Resort Services (S) - the use of this area is restricted to service and maintenance facilities for other activities in the Zone.

(h) Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants, and conference or meeting facilities.

(i) Home site Activity Area (HS Activity Area) - the use of this area is restricted to Residential Activities and, in addition, a maximum of one residential unit per HS Activity Area.

(j) Farm Preserve (FP) – Activities in this area are limited to farming, farm buildings, fencing, trail formation, farm access tracks, recreation, mining (with the exception of the Lake Shore and Peninsula Hill Landscape Protection Areas), limited rural living and visitor accommodation activities.

(k) Wetland (W) –Structures are restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhance of biodiversity and ecological values.

(l) Open Space Golf (OSG) – the use of this area is restricted to the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices, sales and commercial instruction.

(m) Open Space Landscape Protection (OSL) –activities in this area are limiting to farming, together with farm buildings, fencing, trail formation, farm access tracks and recreation activities.

(n) Open Space Residential Amenity (OSA) – the use of this area is restricted to the recreation amenities/playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services



# RESORT ZONES RULES – PC 44 Amendments

- (o) Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities, provided that:
  - (i) No more than 15 building platforms are permitted within the Activity Area;
  - (ii) Those 15 building platforms referred to in (i) above are confined to 3 or 4 clusters; and
  - (iii) No building is to be erected prior to the horticultural activity being approved by the Council and planted.
- (p) 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.
- (q) Open Space (OS) - the use of this area is restricted to pastoral and arable farming and endemic revegetation.
- (r) Open Space - Residential (OSR) - the use of this area is restricted to 12 low level, low impact residential dwellings set within a regenerating foreshore environment, provided that:
  - (i) Prior to any development occurring within any allotment located within the Open Space - Residential Activity Area, at least 50% of that allotment must be planted with native vegetation.
- (s) 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.
- (t) Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use

## ii Structure Plan – Hanley Downs

- (a) Within the Hanley Downs part of the Jacks Point Resort Zone, development shall be undertaken in general accordance with the Hanley Downs Structure Plan. For the purposes of interpreting this rule, the following shall apply:
  - (i) A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and its intersection with State Highway 6, shall be acceptable
  - (ii) Trails and secondary roads may be otherwise located and follow different alignments provided that alignment enables a similar journey
  - (iii) Open Spaces are shown indicatively, with their 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.
- (b) Development shall facilitate a road connection at all Key Road Connections shown on the Hanley Downs Structure Plan which will enable vehicular access to roads which connect with the Primary Road, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.
- (c) Within any open space area delineated by subdivision, in accordance with 12.2.5.1 ii (a)(iii) above and Rule 15.2.6.2 vii (d), there shall be no building.

## iii Setback from Roads and Internal Boundaries

- (a) No building or structure shall be located closer than 6m to the Zone boundary, **except:**

# RESORT ZONES RULES – PC 44 Amendments

- (i) in the Jacks Point Zone (excluding the Boating Facilities (BFA) Activity Area and the Hanley Downs Activity Area) no building or structure shall be located closer than 20m to the Zone boundary.
- (ii) This rule shall not apply to the Boating Facilities (BFA) Activity Area in the Jacks Point Zone or the Hanley Downs Activity Area.
- (b) In the Millbrook Resort Zone no building shall be located within the following minimum setback distances from Malaghan Road or the Arrowtown Lake Hayes Road;
  - (i) Buildings for Residential Accommodation, Recreation 10m Activities, Retail Activities
  - (ii) Buildings for Visitor Accommodation 20m
- (c) In the Hanley Downs area of the Jacks Point Resort zone buildings for all activities, except for buildings located on sites smaller than 550 m<sup>2</sup> created pursuant to subdivision ~~Rules-rule 15.2.3.2 (vi) and 15.2.6.2 (i) (b)~~, shall be subject to the following internal setback rules:
  - (i) Two setbacks of 4.5m, with all remaining setbacks of 2m; or
  - (ii) One setback of 6m, one setback of 3.5m and all other setbacks of 2m.

Except that:

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

- b. Buildings ancillary to a residential unit, including garages, may encroach into the setback where they are no more than 3.5m in height and where no windows or openings are orientated toward an internal boundary.
- c. No setbacks are required when buildings share a common wall at the boundary.

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

- (d) In the Residential (Hanley Downs) Activity Area of the Jacks Point Resort Zone:
  - a. For commercial activities, community activities and visitor accommodation buildings shall be set back at least 3 m from a road boundary.
  - b. For all other activities, except for residential activities on sites smaller than 550 m<sup>2</sup> created pursuant to subdivision ~~Rules-rule 15.2.3.2(vi) and 15.2.6.2(i)(b)~~ buildings shall be set back 4.5m from the road boundary.

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

## iv Access (Jacks Point Resort Zone)

- ~~(a) Access to the Jacks Point Zone shall be from the Transit New Zealand approved access, located as detailed in Figure 1 – Jacks Point Zone and constructed in accordance with Figure 4 – Jacks Point Zone: Transit Approved Intersection Design.~~
- ~~(b) The approved access referred to in (a) above shall be established prior to:~~

# RESORT ZONES RULES – PC 44 Amendments

~~— The completion of a golf course or any public recreation facilities within the Zone~~

~~— Any new residential dwellings within the Zone being occupied~~

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

**(a) Access to the Jacks Point Resort Zone from State Highway 6 shall be only at the intersections at Maori Jack Road or Woolshed Road, as shown on the Structure Plan.**

**(b) No new development shall be accessed from The Woolshed Road access shall not be used 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) approved pursuant to rule 12.2.3.3(e). For the avoidance of doubt this rule anticipates an approval of an intersection design on one occasion (unless otherwise prescribed by conditions) with subsequent resource consents able to rely on that approval.**

**a.**

**(b)(c) A threshold of No more than 500-300 residential units/titles or 2,400 vehicle movements per day (weekly average), whichever the lesser, may not be exceeded may be built within the EIC, R(HD) and R(SH-HD) Activity Areas of the Jacks Point Resort Zone without until the Woolshed Road intersection upgrade is being completed and available for use.**

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

**Advisory Notes:**

**i. A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone**

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

## **v Outdoor Living Space - Hanley Downs**

**(b)(c) In the Hanley Downs part of the Jacks Point Resort Zone the minimum provision of outdoor living space for each residential unit and residential flat at the ground floor level contained within the net area of the site shall be:**

**i. For three or more attached units or for sites smaller than 550 m<sup>2</sup> created pursuant to subdivision Rules-rule 15.2.3.2 (vi) and 15.2.6.2 (i) (b), 20m<sup>2</sup> contained in one area with a minimum dimension of 3m;**

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

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

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

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

**(f) No outdoor living space shall be occupied by:**

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

# RESORT ZONES RULES – PC 44 Amendments

- ii. a driveway or parking space
- iii. areas to be used for the storage of waste and recycling.

## vii Planting (Jacks Point Zone)

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

- (b) Within the Hanley Downs area of the Jacks Point Resort Zone, any native vegetation required to be planted shall:

- iv. Include species appropriate to the ecosystems of the area being planted

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

~~iii-ix.~~ Have eradicated any invasive plant pests the time of planting

~~iv-x.~~ Be maintained, with any plants that die or are diseased replaced.

- (c) Within the Hanley Downs area of the Jacks Point Resort Zone, there shall be no clearance of indigenous vegetation that is less than 20 metres from a water body/ the wetland unless it is for the construction of public walkways up to 1.5 metres in width

provided that it is not listed as a threatened species in Appendix 9.

## viii Fencing (Jacks Point Zone)

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

- (ii) In the R(HD) and R(HD-SH) Activity Areas at Hanley Downs, except for sites smaller than 550m<sup>2</sup> and 400m<sup>2</sup> created pursuant to subdivision ~~Rules rule15.2.3.2(vi)~~ and 15.2.6.2(i)(b), fences located within a setback from a road shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site.

## ix Earthworks

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

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

# RESORT ZONES RULES – PC 44 Amendments

- |  |  |
|--|--|
| <p>(a) The total volume of earthworks does not exceed <b>100m<sup>3</sup></b> (or <b>200m<sup>3</sup></b> in the part of the Jacks Point Zone shown in Figure 2 - Hanley Downs Structure Plan) per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.</p> <p>(b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed <b>200m<sup>2</sup></b> (or <b>400m<sup>2</sup></b> in the part of the Jacks Point Zone shown in Figure 2 - Hanley Downs Structure Plan) in area within that site (within a 12 month period).</p> <p>(c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m<sup>3</sup> (notwithstanding provision 17.2.2).</p> <p>(d) No earthworks shall:</p> <ul style="list-style-type: none"> <li>(i) expose any groundwater aquifer;</li> <li>(ii) cause artificial drainage of any groundwater aquifer;</li> <li>(iii) cause temporary ponding of any surface water.</li> </ul> <p>2 Height of cut and fill and slope</p> <p>(a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe from the site boundary (See interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.</p> <p>(b) The maximum height of any cut shall not exceed 2.4 metres.</p> <p>(c) The maximum height or any fill shall not exceed 2 metres.</p> <p>3 Environmental Protection Measures</p> <p>(a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be</p> | <p>revegetated within 12 months of the completion of the operations.</p> <p>(b) Any person carrying out earthworks shall:</p> <ul style="list-style-type: none"> <li>(i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.</li> <li>(ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.</li> </ul> <p>(c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.</p> <p>4 Protection of Archaeological sites and sites of cultural heritage</p> <p>(a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.</p> <p>(b) The activity shall not affect Ngai Tahu’s cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Area.</p> <p><b>x Density Master Plan (Jacks Point <u>Resort</u> Zone)</b></p> <p>(a) No residential development shall take place within any Jacks Point Residential Activity Area (R(JP) Activity Area) identified on Structure Plan 1 - Jacks Point Zone until a Density Master Plan has been</p> |
|--|--|

# RESORT ZONES RULES – PC 44 Amendments

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

(b) An amended Density Master Plan may be lodged with the council in respect of all R(JP) Activity Areas from time to time - with the effect of amending densities within individual R(JP) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(JP) Activity Areas.

(c) ~~No residential development shall take place within any Hanley Downs Residential Activity Area (R(HD) Activity Area) identified on Structure Plan 2 - Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(HD) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(HD) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(HD) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(HD) Activity Areas.~~

(d) ~~An amended Density Master Plan may be lodged with the Council in respect of all R(HD) Activity Areas from time to time - with the effect of amending densities within individual R(HD) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(HD) Activity Areas.~~

(d) No residential development shall take place within any R(JP) Activity Area, ~~or R(HD) Activity Area~~ which does not comply with the current Density Master Plan lodged with the Council pursuant to previous subparagraphs of this rule.

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


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

~~Except that this rule shall not apply to a single residential unit on any site contained within a separate certificate of title.~~

~~The Council's discretion is restricted to the effects on residential amenity values, traffic, access, parking, and adequacy of infrastructure.~~

xi **Outline Development Plan (Jacks Point Zone, excluding Hanley Downs)**

(a) No subdivision or development shall take place within an individual Residential (R) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and



# RESORT ZONES RULES – PC 44 Amendments

approved by the Council pursuant to Rule 12.2.3.2 (xi) with respect to all of that area.

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

## xii Nature and Scale of Activities

- a. In the Jacks Point Zone the maximum net floor area (as defined) for any commercial activity shall be 200m<sup>2</sup>, except for any commercial activity located within the EIC Activity Area (Hanley Downs).
- b. The maximum net floor area for any single retail activity within the EIC Activity Area shall be 200 m<sup>2</sup>.

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

- (a) No development shall take place within any Jacks Point Village Activity Area (V(JP) Activity Area) identified on Structure Plan 1 – Jacks Point Zone which does not comply with the following standards:
  - (i) building coverage across the whole V(JP) Activity Area shall not exceed 60%;
  - (ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;

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

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

- ~~(i) building coverage across the whole V(HD) Activity Area shall not exceed 60%;~~
- ~~(ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;~~
- ~~(iii) a minimum of 1/6 (by floor area) of the 60% building coverage shall be used for commercial purposes.~~

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

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

## xv Building Coverage – Hanley Downs

- (a) On any site within the EIC, R(HD) and R(HD-SH) Activity Areas of the Jacks Point Resort Zone, buildings shall not exceed a maximum building coverage of 50%, except:
  - i. A medium density residential development authorised pursuant to Rule 12.2.3.2(xiv) where a maximum building coverage of 70% shall apply.
  - ii. Any non-residential activity authorised by Rule 12.2.3.3(d) where a maximum building coverage of 70% shall apply.
  - iii. This rule shall not apply to sites smaller than 550m<sup>2</sup> and 400m<sup>2</sup> created pursuant to subdivision Rules rule 15.2.3.2(vi) and 15.2.6.2(i)(b).

# RESORT ZONES RULES – PC 44 Amendments

(b) On any site located within the EIC Activity Area of the Jacks Point Resort Zone, buildings shall not exceed a maximum building coverage of 20%.

The Council's exercise of discretion is restricted to effects on amenity values for neighbours and stormwater management.

(b)(c) On any site located within the EIC Activity Area of the Jacks Point Resort Zone, building coverage greater than 30% shall be a discretionary activity (unrestricted).

(d) Building coverage within any Farm Preserve Homes-Sites in the Farm Preserve Activity Areas of the Jacks Point Resort Zone shall be as follows:

i. FP-1 – Up to 1000m<sup>2</sup> within the building platforms identified on a Spatial Layout Plan

ii. FP-2 – Building coverage shall not exceed 25% of the Home Site shown on the Jacks Point Resort Zone Structure Plan

## xvi Building Colours – Hanley Downs

(a) In the Hanley Downs area of the Jacks Point Resort zone any building shall result in:

- (i) 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%;
- (ii) Roof colours shall have a light reflectance value of 20% or less, and in the range of browns, greys and black.

(b) Within the FP-1 and FP-2 Activity Areas, external building colours shall be restricted to the range of browns, greys and greens.

## 12.2.5.2 Zone Standards

### i Residential Units

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

### ii Building Height

- (a) In the Millbrook Resort Zone the maximum height of buildings shall be:
  - (i) Hotels, clubhouses, conference and theatre facilities restaurants, retail and residential buildings - 8m
  - (ii) Filming towers - 12m
  - (iii) All other buildings and structures - 4m



# RESORT ZONES RULES – PC 44 Amendments

- (b) In the Waterfall Park Resort Zone the maximum height of buildings shall be:
- (i) Accommodation, clubhouses, conference, theatre facilities restaurants, and residential buildings - 8m
  - (ii) Filming towers, aerials, chimneys - 12m
  - (iii) All other buildings and structures - 4m
- (c) In the Jacks Point Resort Zone, the maximum height of buildings shall be:
- (i) Village (V) Activity Areas 10m
  - (ii) Farm buildings 10m
  - (iii) Residential (R, and R(HD)) Activity Areas 8m
  - (iv) Open Space/Vineyard (OS/V) Activity Area 8m
  - (v) Farm Buildings and Craft (FBA) Activity Area 8m
  - (vi) Lodge (L) Activity Areas 7.5m
  - (vii) Education Innovation Campus (EIC) 10m
  - (viii) Farm Preserve (FP-1) and (FP-2) Activity Areas 8m
  - (vii) All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event). 4m
- (d) **Except** in the following Homesite Activity Areas (HS Activity Areas), where the maximum height shall be 5m above the datum level specified for that Activity Area:

HS Activity Area

HS Activity Area

- | Number           | Datum (masl) | Number           | Datum (masl) |
|------------------|--------------|------------------|--------------|
| HS <sup>1</sup>  | 372.0        | HS <sup>19</sup> | 372.0        |
| HS <sup>2</sup>  | 381.0        | HS <sup>20</sup> | 377.2        |
| HS <sup>3</sup>  | 381.0        | HS <sup>21</sup> | 372.5        |
| HS <sup>4</sup>  | 377.0        | HS <sup>22</sup> | 374.0        |
| HS <sup>5</sup>  | 388.0        | HS <sup>23</sup> | 371.5        |
| HS <sup>6</sup>  | 382.0        | HS <sup>24</sup> | 372.4        |
| HS <sup>7</sup>  | 379.0        | HS <sup>25</sup> | 373.0        |
| HS <sup>8</sup>  | 386.5        | HS <sup>26</sup> | 378.1        |
| HS <sup>9</sup>  | 389.0        | HS <sup>27</sup> | 388.0        |
| HS <sup>10</sup> | 395.0        | HS <sup>28</sup> | 392.6        |
| HS <sup>11</sup> | 396.0        | HS <sup>29</sup> | 385.5        |
| HS <sup>12</sup> | 393.0        | HS <sup>30</sup> | 395.9        |
| HS <sup>13</sup> | 399.0        | HS <sup>31</sup> | 393.7        |
| HS <sup>14</sup> | 403.0        | HS <sup>32</sup> | 384.8        |
| HS <sup>15</sup> | 404.0        | HS <sup>33</sup> | 385.8        |
| HS <sup>16</sup> | 399.5        | HS <sup>34</sup> | 399.0        |
| HS <sup>17</sup> | 394.5        | HS <sup>35</sup> | 405.0        |
| HS <sup>18</sup> | 392.5        | HS <sup>36</sup> | 400.3        |
- (e) Within the R(HD) and R(HD-SH) Activity Areas of the Jacks Point Resort Zone:
- i. In addition to the maximum height of buildings above, within all R(HD) activity areas, except for:
    - a. Sites smaller than 550m<sup>2</sup> created pursuant to subdivision ~~Rules 15.2.3.2(vi)~~ and rule 15.2.6.2(i)(b)
    - b. A Medium Density Residential Development authorised by Rule 12.2.3.2(xiv)
- no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° and commencing at

# RESORT ZONES RULES – PC 44 Amendments

2.5m above ground level at any given point along any internal site boundary.

**Except that:**

- a. A gable or dormer may encroach beyond the recession lines where it is:
  - ii. no greater than 1m in height and width measured parallel to the nearest adjacent boundary
  - ~~vi.~~ no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.

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

c. For:

- a. Any non-residential activity authorised pursuant to Rule 12.2.3.3(d)
- b. Any medium density housing development authorised pursuant to Rule 12.2.3.2(xiv)
- c. Sites smaller than 400m<sup>2</sup> created pursuant to Rule 15.2.6.2(i)(b)

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

~~d. Notwithstanding the height limit in clause (a) above, for any commercial activity located within the EIC Activity Area, authorised by Rule 12.2.3.3(d), the maximum height of any building shall be 15m.~~

## iii Jacks Point Zone – Homestead Bay

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

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

## iv Glare

- (a) All fixed lighting shall be directed away from adjacent roads and properties.
- (b) In all parts of the zone other than the Hanley Downs, any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish.
- (c) No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.
- (d) In the Hanley Downs part of the Jacks Point Resort Zone, no activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, ~~provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.~~

## v Servicing

- (a) All services, with the exception of stormwater in the Hanley Downs area of the Jacks Point Resort Zone, are to be reticulated underground.
- (c) In the Millbrook Resort Zone all effluent disposal shall be reticulated to the Shotover Sewerage Treatment Plant.

## vi Site Coverage

# RESORT ZONES RULES – PC 44 Amendments

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

## vii Nature and Scale of Activities

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

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

## viii Retail Sales

- (a) In the Waterfall Park Zone no goods shall be displayed, sold or offered for sale from a site **except**:
  - (i) goods grown, reared or produced on the site;
  - (ii) within those areas of the Structure Plan identified as the Village Centre.
- (b) In the Millbrook Resort Zone no goods or services shall be displayed, sold or offered for sale from a site **except**:

- (i) goods grown, reared or produced on the site;
- (ii) goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within those areas of the Structure Plan identified as Recreation Facilities.
- (iii) Within those areas of the structure Plan identified as the Village Centre

## ix Noise

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

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

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

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

# RESORT ZONES RULES – PC 44 Amendments

- (c) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (d) The noise limits in (a), (b), and (c) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803: 1999.
- (e) The noise limits in (a), (b), and (c) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.
- (f) Within the Hanley Downs area of the Jacks Point Resort Zone, any residential activities located within 80 m of the seal edge of State Highway 6, shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA 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.

The Council restricts its exercise of discretion to health and residential amenity.

## x Fire Fighting

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

## xi Water Quality

In the Millbrook Resort and Waterfall Park Resort Zones activities shall be assessed as to their potential effects on the water quality of Mill Creek

and Lake Hayes in terms of siltation and nutrient loading. No activity shall compromise the existing water quality or vegetation.

## xii Refuse Management

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

## xiii Atmospheric Emissions

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

## xiv Temporary and Permanent Storage of Vehicles

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

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

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

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

- a) The total floor space of all commercial activities in the R(HD) A to E Activity Areas shall not exceed 500m<sup>2</sup>.

# RESORT ZONES RULES – PC 44 Amendments

b) Retail activities shall be located within 120 metres of the Primary Road shown on the Structure Plan or within 120 metres of its final formed location. Except that, this rule shall not apply within the EIC Activity Area.

c) The total floor area of all retail activities within the EIC Activity Area shall not exceed 500m<sup>2</sup> (GFA).

d) Commercial activities within the EIC Activity Area, must be ancillary to any Technology Based Activity or Commercial Film or Video Production and shall be restricted to a maximum of 2,500 m<sup>2</sup> (GFA).

## xvi Wilding trees (Hanley Downs area)

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

## xvii Access (Hanley Downs area)

Each unit shall have legal access to a formed road.

## xviii Density (Hanley Downs)

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

<u>Activity Area</u>	<u>Net density (dwellings per Ha)</u>
<u>R(HD-SH) – 1</u>	<u>12 – 22</u>
<u>R(HD-SH) – 2</u>	<u>2 – 10</u> 1.4
<u>R(HD) - A</u>	<u>17 – 26</u>

<u>R(HD) – B</u>	<u>17 – 26</u>
<u>R(HD) - C</u>	<u>15 – 22</u>
<u>R(HD) - D</u>	<u>17 – 26</u>
<u>R(HD) - E</u>	<u>25 – 45</u>
<u>R(HD) - F</u>	<u>24 – 40</u> 22
<u>R(HD) – G</u>	<u>2 – 10</u>

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

Except that this rule shall not apply to a single residential unit on any site contained within a separate certificate of title.

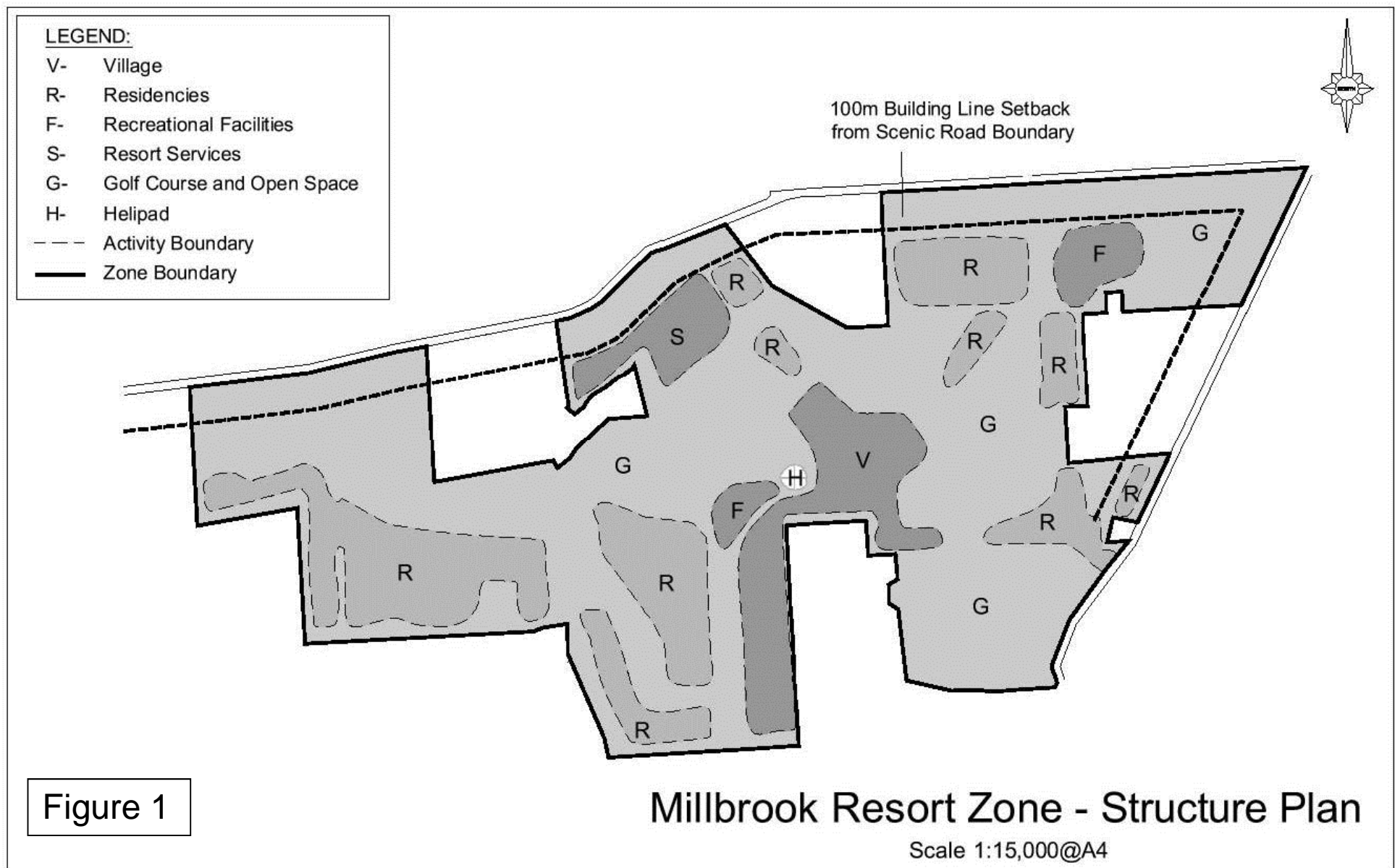
The Council's discretion is restricted to the effects on residential amenity values, traffic, access, parking, and adequacy of infrastructure.

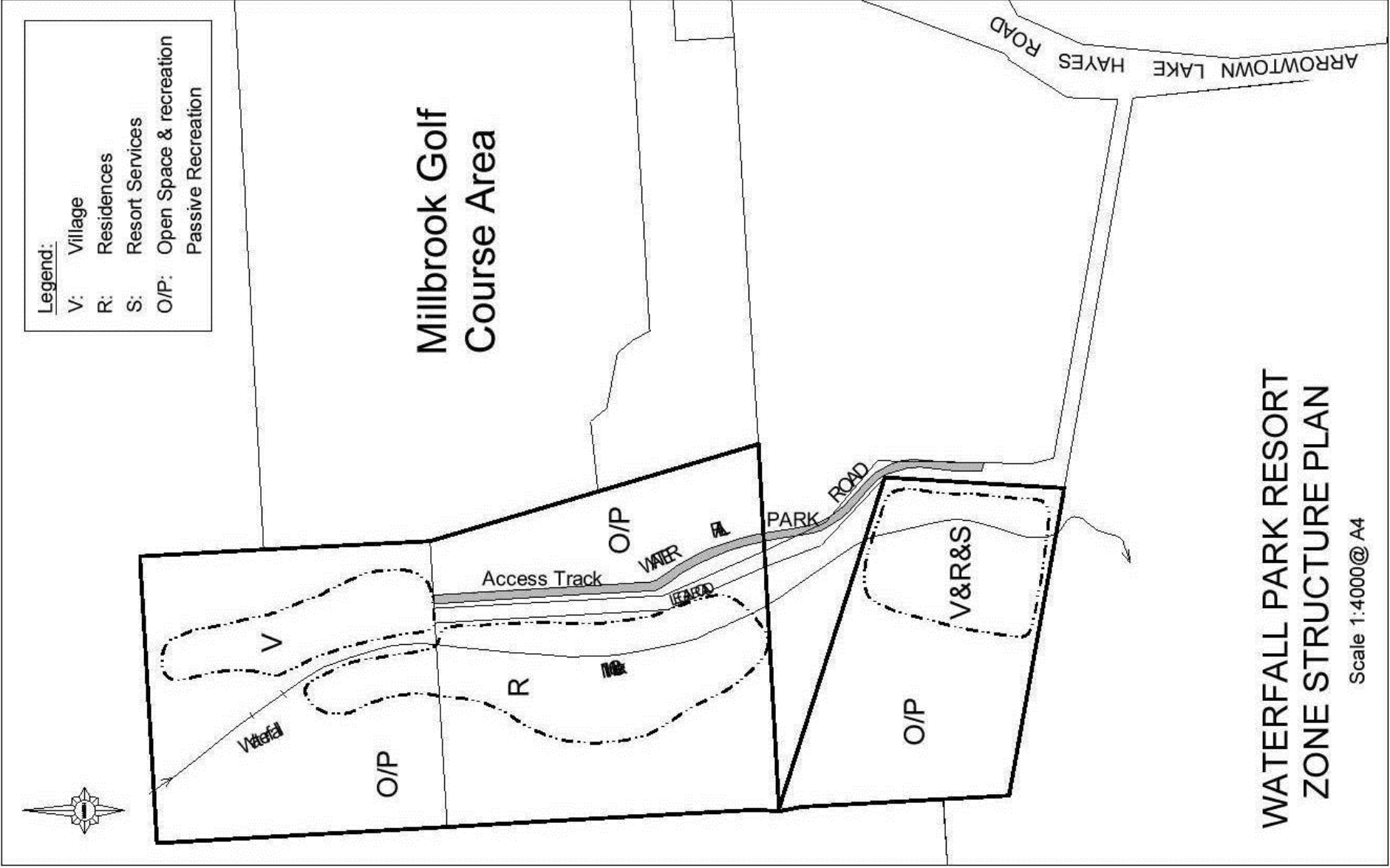
(b) Within the FP-1 and R(HD-SH)-2 Activity Areas of the Jacks Point Resort Zone, the maximum number of residential and/or visitor accommodation units shall be restricted to the following:

<u>Activity Area</u>	<u>Maximum number of Residential and/or Visitor Accommodation Units</u>
<u>FP-1</u>	<u>34</u>
<u>R(HD-SH) – 2</u>	<u>7</u>

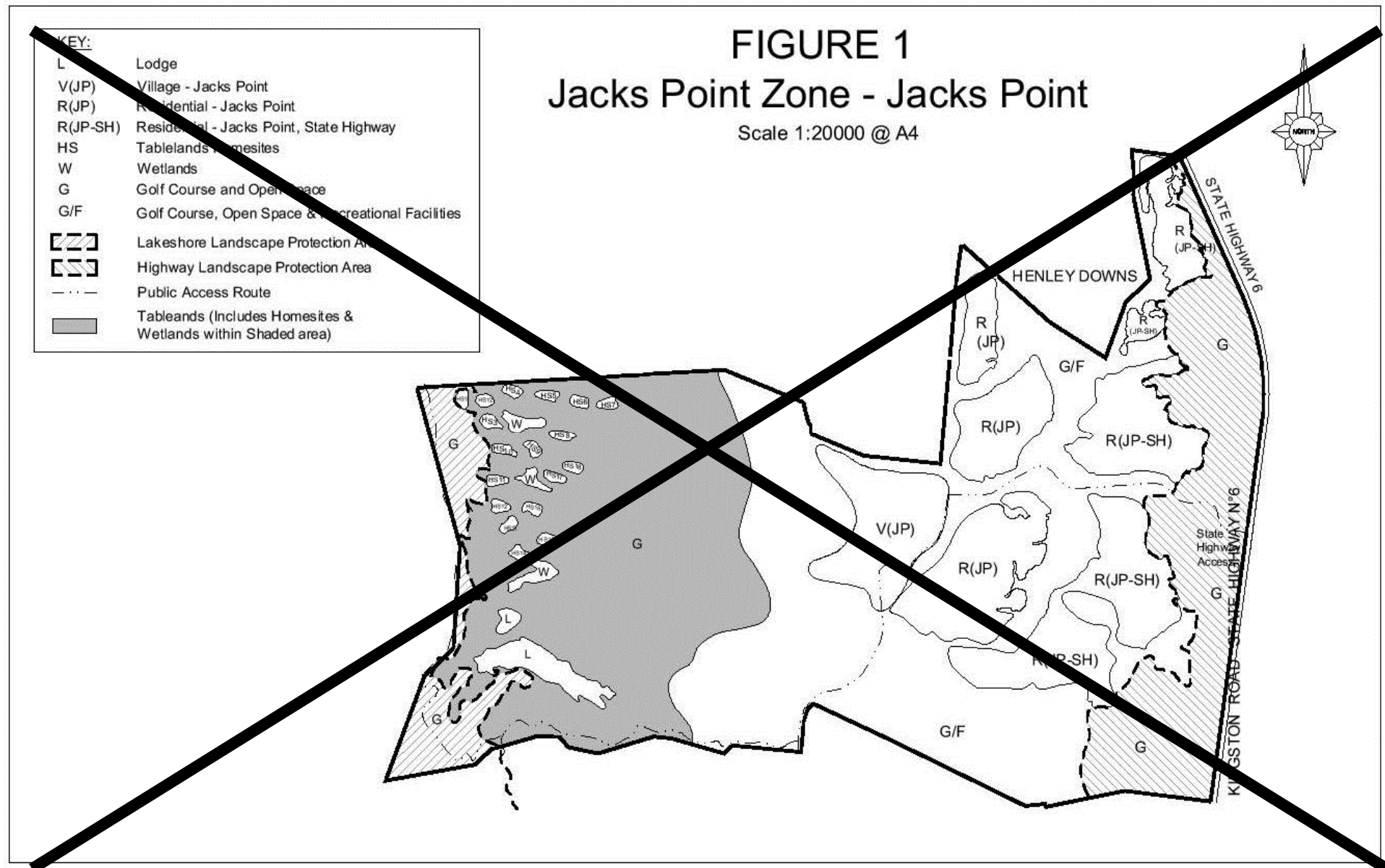


# RESORT ZONES RULES – PC 44 Amendments

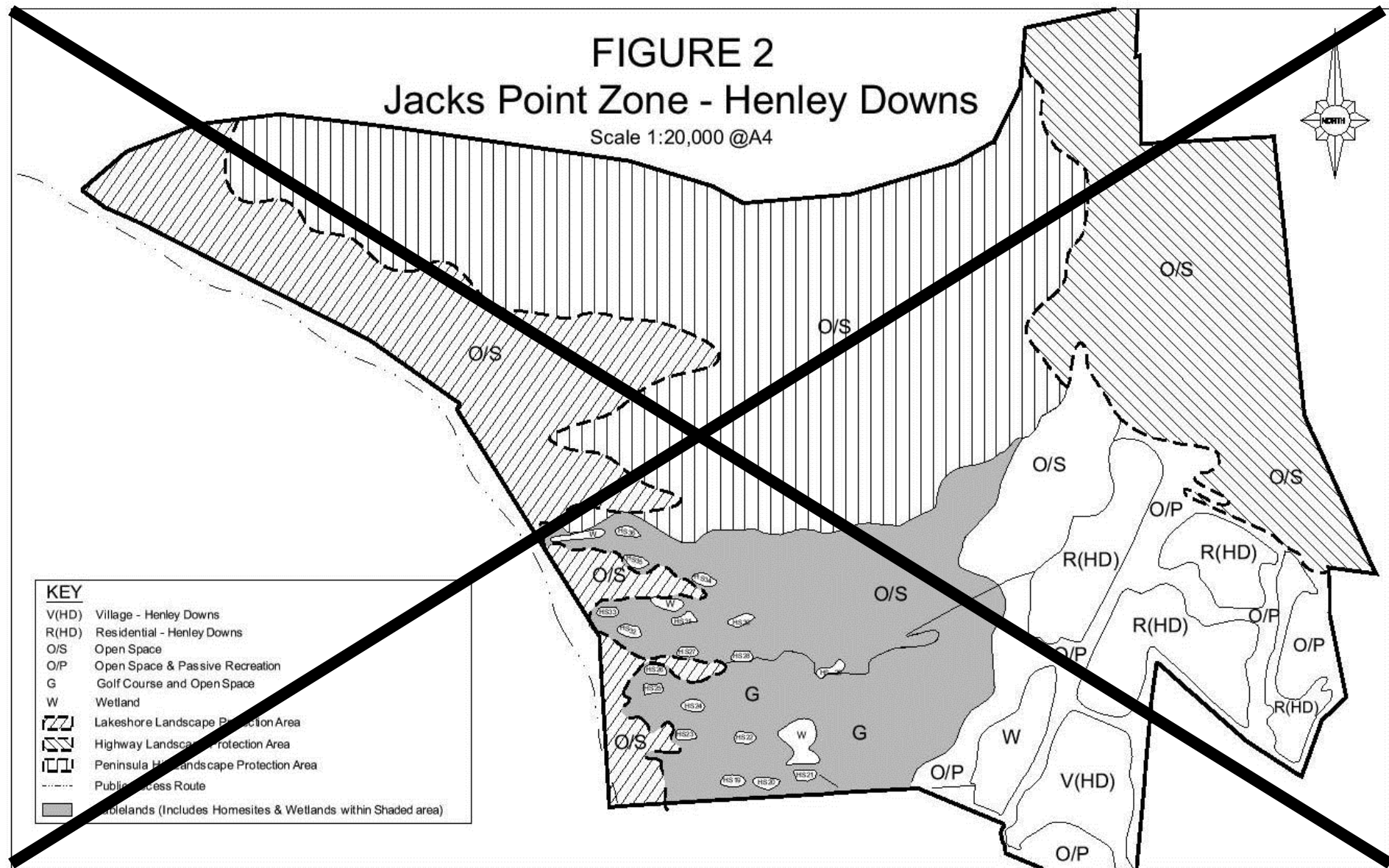




# RESORT ZONES RULES – PC 44 Amendments





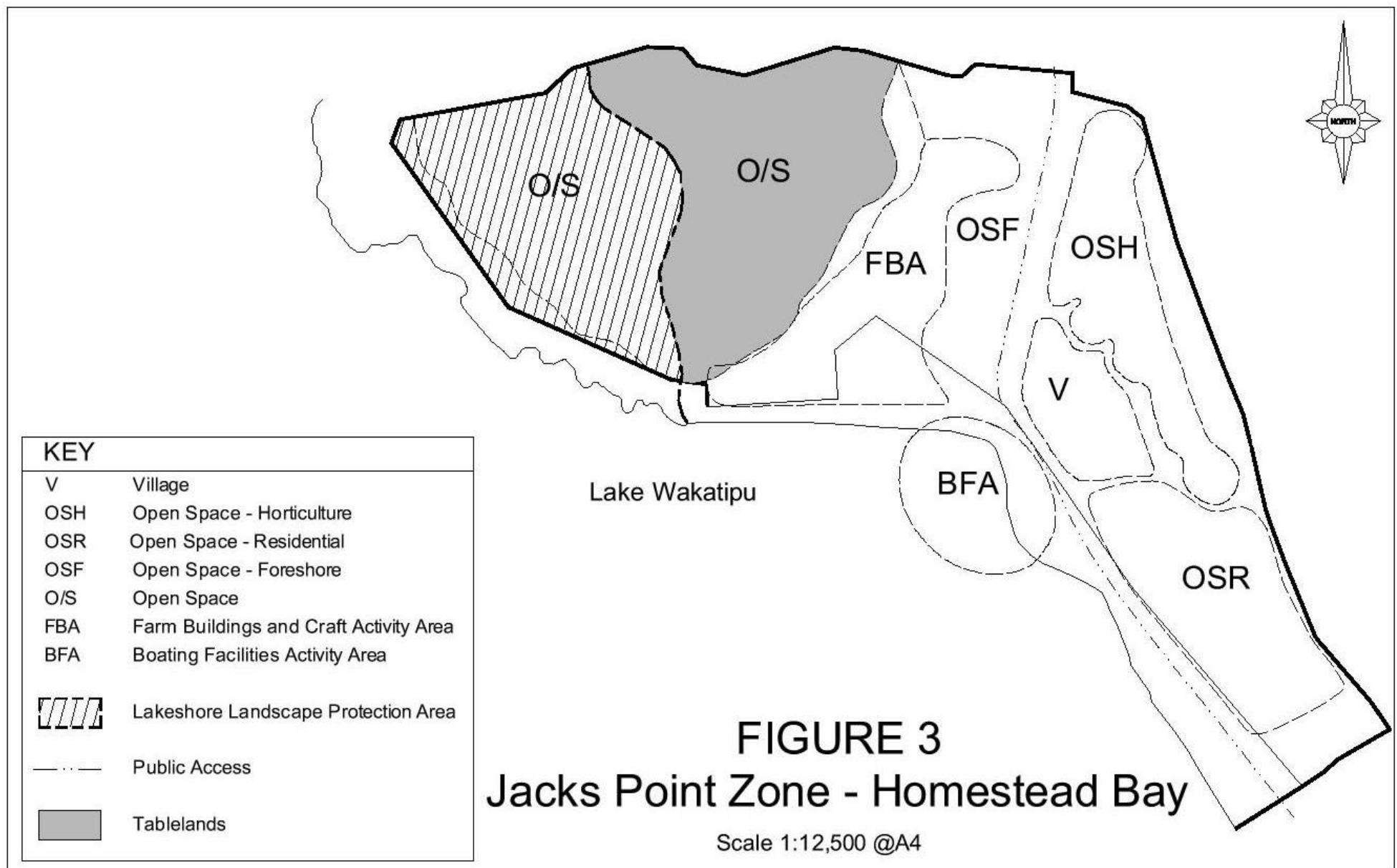


# RESORT ZONES RULES – PC 44 Amendments

---



*Insert New Jacks Point Structure Plan:*





## Amendments to operative District Plan Provisions by RCL Queenstown Pty Ltd, Henley Downs Farm Ltd, Henley Downs Land Holdings Ltd and Henley Downs Farm Holdings Ltd

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

## 15.2 Subdivision, Development and Financial Contributions Rules

### 15.2.1 Statement

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

### 15.2.2 General Provisions

#### 15.2.2.1 Definition of Subdivision of Land

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

#### 15.2.2.2 Relevant Sections of the Act

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

#### 15.2.2.3 Legal Road Frontage

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

#### 15.2.2.4 Regional Council Requirements

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

### 15.2.2.5 Transit New Zealand Requirements

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

### 15.2.2.6 Non-Notification of Applications

- (i) Any application for resource consent under the Subdivision Rules for Controlled Subdivision Activities and Discretionary Subdivision Activities where the exercise of the Council's discretion is limited, need not be notified and the written approval of affected persons need not be obtained. If the Council considers special circumstances exist it may require the application to be notified.
- (ii) Prior to any application for resource consent being processed under Rule 15.2.10.2(i) on a non-notified basis pursuant to section 94(2) of the Resource Management Act 1991 written approval of the Otago Regional Council must be provided to the Queenstown Lakes District Council.
- (iii) Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified basis the written approval as an affected party is required from Transpower New Zealand Limited.

### 15.2.2.7 Joint Hearings

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

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

### 15.2.2.8 Application of Assessment Matters

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

### 15.2.3 Subdivision Activities

#### 15.2.3.1 Permitted Subdivision Activities

There shall be no **Permitted Subdivision Activities**.

#### 15.2.3.2 Controlled Subdivision Activities

Except where specified as a Discretionary or Non-Complying Activity in Rules 15.2.3.3 and 15.2.3.4 any subdivision or development in any zone which complies with all of the Site and Zone Standards shall be a **Controlled Activity**, ~~except that in the Residential (Hanley Downs) parts of the Jacks Point Resort Zone, subdivision shall be Restricted Discretionary Activity.~~

The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**. ~~In the Residential (Hanley Downs) parts of the Jacks Point Resort Zone all matters of control shall be read as matters for which Council has reserved discretion.~~

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

in respect of:

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

~~(v) Subdivision within the R(HD-SH) Activity Areas of the Jacks Point Resort Zone, with Council's control limited to the visual effects of subdivision and development on landscape and amenity values as viewed from State Highway 6.~~

~~(vi) In the Hanley Downs (Residential) Activity Area, the creation of sites sized between 400 m<sup>2</sup> and 550m<sup>2</sup> with the exercise of Council's control (in addition to any other matters of control which apply to subdivision for that site generally) limited to imposition by appropriate legal mechanism of controls over:~~

- ~~(a) Building setbacks from boundaries~~
- ~~(b) Location and heights of garages and other accessory buildings~~
- ~~(c) Building height limits for parts of buildings, including recession plane requirements~~
- ~~(d) Window locations and dimensions~~
- ~~(e) Building coverage~~
- ~~(f) Roadside fence heights~~

### 15.2.3.3 Discretionary Subdivision Activities

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

- (i) Any subdivision which complies with all the Zone Subdivision Standards but does not comply with any one or more Site Subdivision standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.
- (ii) Any subdivision of a lot in any zone, which complies with all of the Zone Subdivision Standards, but which contains an Area of Significant Indigenous Vegetation listed in Appendix 5 or a Heritage Item or Archaeological Site listed in Appendix 3, shall be a **Discretionary Subdivision Activity**.
- (iii) Any subdivision of land in the Penrith Park Zone north of the Visual Amenity Line as shown on the Penrith Park Plan 'A' shall be a **Discretionary Subdivision Activity**.
- (iv) In the Rural Residential zone at the north of Lake Hayes, the further subdivision of any allotment, including balances that had previously been used to calculate the average allotment size under Rule 15.2.6.2(iv).
- (v) In the Gibbston Character Zone all subdivision and location of residential building platforms shall be a **Discretionary Activity**.
- (vi) In the Rural General Zone all subdivision and location of residential building platforms shall be a Discretionary Activity, except any subdivision of land zoned Rural General pursuant to Rule 15.2.3.3 (vii) (Kirimoko Block - Wanaka)
- (vii) Any subdivision complying with the principal roading layout depicted in the Kirimoko Structure Plan shown on Page 7-59 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties) shall be a Restricted Discretionary Activity.

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

- Any earthworks required to create any vehicle accesses of building platforms



- The design of the subdivision including lot configuration and roading patterns
  - Creation and planting of road reserves
  - The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block contained within part 7 of this District Plan
  - The protection of native species as identified on the structure plan as green network
- (viii) Within the Shotover Country Special Zone, any subdivision within 32m either side of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line shall be a Restricted Discretionary Activity with the Council's discretion restricted to:
- (a) The extent to which the subdivision design mitigates potential adverse effects on the transmission line, for example through the location of roads, reserves and open space under the line;
  - (b) The ability for maintenance and inspection of the transmission line, including ensuring access;
  - (c) The extent to which the design and development will minimise risk or injury and/or property damage from the transmission line;
  - (d) The extent to which potential adverse effects from the transmission line including visual impact are mitigated, for example through the location of building platforms and landscape design;
  - (e) The location of any building platforms;
  - (f) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)
- ~~(ixv)~~ Within the Hanley Downs area of the Jacks Point Resort Zone, all subdivision shall be a **restricted** discretionary activity, where the Council's discretion is restricted to:
- (a) The matters of control specified in relation to Rules 15.2.6 to 15.2.18.
  - (b) Consistency with the structure plan, including the provision of public access routes, primary, secondary and key road connections.
  - (c) The provision of access to the State Highway through the intersection at Woolshed road (Rule 12.2.5.1(vi)).
- (x) Within the R(HD) Activity Areas of the Jacks Point Resort Zone, the Council reserves discretion over those matters listed in (ix) above, and following:
- (a) The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.
  - (b) Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu
  - (c) Road and street designs
  - (d) The location and suitability of proposed open spaces
  - (e) Commitments to remove wilding trees
- (xi) Subdivision within the R(HD-SH) Activity Areas of the Jacks Point Resort Zone, with Council's ~~control~~ discretion restricted ~~limited to~~:
- (a) ~~The visual effects of subdivision and development on landscape and amenity values as viewed from State Highway 6.~~
  - (b) The location of building platforms within Activity area R(HD-SH)-2 with respect to the mitigation of flood hazard risk.
  - (c) The provision of a flood hazard mitigation mound alongside Activity Area R(HD-SH) – 2.
- (xii) Subdivision within Activity Area FP-2 of the Jacks Point Resort Zone, with the Council's discretion restricted to:
- (a) Mechanisms to provide for the protection of open space within the Peninsula Hill Landscape Protection Area.



(b) The protection of ecological values (refer assessment matter 15.2.17.4(x))

(c) The provision of building platforms, including within the Farm Preserve Homesites (1 and 2)

(d) A consistent land management framework

(e) Design guidelines relating to future building development

(xiii) Subdivision within Activity Area FP-1 of the Jacks Point Resort Zone, with the Council's discretion restricted to:

(f) Any Spatial Layout Plan approved in respect to this area pursuant to Rule 12.2.3.3(b)

(g) Mechanisms to provide for the protection of open space within the areas identified on the structure plan.

(h) The protection of ecological values (refer assessment matter 15.2.17.4(x))

(i) The provision of building platforms

(j) A consistent land management framework

Design guidelines relating to future building development

(k)

#### 15.2.3.4 Non-Complying Subdivision Activities

- (i) Any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a **Non-Complying Subdivision Activity**.
- (ii) The further subdivision of any allotment, including balances, that had previously been used to calculate the average allotment size under Rule 15.2.6.3(ii).
- (iii) The subdivision of a residential flat from a residential unit.

(iv) Any subdivision within an Open Space Zone, further to the subdivision pursuant to 15.2.3.2 (ii).

#### (v) Peninsula Bay

Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2.(ii).

#### (vi) Kirimoko Block

Any subdivision that is not in general accordance with the location of the principal roading and reserve network contained within the Kirimoko Structure Plan shown on Page 7-59 shall be a Non-complying Activity.

(vii) Any subdivision of land zoned Low Density Residential Zone on the Kirimoko Block prior to a walkway being constructed to QLDC Standards from Aubrey Road to Peninsula Bay and an easement in gross for such a walkway being registered against all servient titles.

(viii) Kirimoko Block – Wanaka: Any subdivision of land zoned Rural General proposed to create a lot entirely within the Rural General Zone, to be held in a separate certificate of title.

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

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

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

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

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

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

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

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

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

(xiv) **The Three Parks Zone** – Any subdivision within the Deferred Urban subzone.

## 15.2.3.5 Prohibited Subdivision Activities

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

## 15.2.3.6 Assessment Matters for Resource Consents

- (i) The assessment matters to which the Council will have regard in relation to Controlled Subdivision Activities, and Discretionary Subdivision Activities where the exercise of the Council's discretion is limited to a particular matter(s), are specified in Subdivision Rules 15.2.6 to 15.2.19.
- (ii) In considering whether or not to grant consent or impose conditions in respect to Discretionary Subdivision Activities specified in Rule 15.2.3.3 above, where the exercise of the Council's discretion is not limited, the Council shall have regard to, but not be limited by, the following assessment matters:

### (a) Subdivision of Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites

- (i) The effect of the subdivision on the character of the conservation area, heritage item or archaeological site and its environs, its important values, the reasons for its listing, and the ability of the public to enjoy and appreciate its features, where appropriate.
- (ii) Whether the subdivision enables identification and protection of areas containing nature conservation values.
- (iii) Whether the lot size and dimensions are sufficient and appropriate to provide protection to the area, item or site.
- (iv) Whether the subdivision enables or enhances the retention of the essential character and values of the area, item or site, including any proposed preservation programme.
- (v) Whether the subdivision will allow development on, or use of, the site without adversely affecting the character and values of the area, item or site and its environs.

- (vi) Any need to restrict the location or bulk of future buildings on the lot.
- (b) Subdivisions of Land in the Rural General, Rural Lifestyle, Gibbston Character, Bendemeer Zones the Rural Residential area at the north of Lake Hayes, and the Quail Rise Zone (Activity Area R2)**
- (i) The extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and enhances:
- rural character
  - landscape values
  - heritage values
  - visual amenity
  - life supporting capacity of soils, vegetation and water
  - infrastructure, traffic access and safety
  - public access to and along lakes and rivers
- (ii) The extent to which subdivision, the location of residential building platforms and proposed development may adversely affect adjoining land uses.
- (iii) The extent to which subdivision, the location of residential building platforms and proposed development may be serviced by a potable water supply, reticulated sewerage or on-site sewage disposal within the lot, telecommunications and electricity.
- (iv) The extent to which subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation, particularly within the Rural Lifestyle Zone at Makarora.
- Also refer to Part 15.2.10.1.
- (v) Consideration of the long term development of the entire property.
- (vi) Whether the subdivision will result in the loss of the life supporting capacity of soils.
- (vii) In the Bendemeer Special Zone the extent to which subdivision, the location of Residential Building Platforms and proposed

development maintains and does not compromise the ice sculptured legibility of the land within the zone particularly when viewed from State Highway 6 to the south of the zone, Morven Ferry and Arrow Junction Roads and any other public places to the south, excluding the Crown Range Road.

- (viii) Subdivision and location of residential building platforms in R2 (Design Urban Edge) Activity Area of the Quail Rise Zone – Controlled Activity

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

- The location of residential building platforms in positions where future houses will not be visible from State Highway 6. In determining this the Council shall take into account the deferment of residential development within the R2 (Design Urban Edge) Activity Area for five years from the completion of the landscaping works in the G (Design Urban Edge) Activity Area to allow growth in the vegetation screening;
- Structure landscaping work within the R2 (Design Urban Edge) Activity Area to compliment the purpose of the G (Design Urban Edge) Activity Area landscaping work, including the protection of any existing trees proposed landscaping and earthworks;
- Street lighting designed to avoid any potential effects of street lighting when viewed from State Highway 6 by means of design, location and height of such street lighting;
- The need for covenants or consent notices on the resultant titles as follows:
  - Acknowledging that the purpose of landscaping work within the G (Design Urban Edge) and R2 (Design Urban Edge) Activity Area is to make buildings within the R2 (Design Urban Edge) Activity Area not visible from SH 6; and
  - Prohibiting and future landowner from making complaints, request or resource consent applications to the

Council for the topping or removal of vegetation from the G (Design Urban Edge) Activity Area.

(ix) In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:

- a. whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
- b. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.

(x) In considering whether or not to grant consent or impose conditions in respect of subdivision and the location of residential building platforms in the Rural General Zone, the Council shall apply Rules 5.4.1 and 5.4.2.1 and shall have regard to, but not be limited to, the relevant assessment matters in Rules 5.4.2.2 and 5.4.2.3

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

#### A) Effects on Gibbston Valley's character

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

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;

- (ii) whether the scale and nature of the development will compromise the productive potential, amenity or character of the surrounding Gibbston Valley;

- (iii) whether the development will degrade the amenity or character of the surrounding Gibbston Valley by causing over-domestication of the landscape.

#### B) Visibility of development

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

- (i) the proposed development is highly visible when viewed from any public roads and other public places which are frequented by the public, or is visible from SH6;
- (ii) development which is highly visible or visible pursuant to (i) above is appropriate within Gibbston Valley;
- (iii) the proposed development is likely to be visually prominent such that it dominates or detracts from views otherwise characterised by viticultural or cultural landscapes.
- (iv) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography;
- (v) the subject site and wider visual amenity landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;
- (vi) any residential building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
- (vii) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the viticultural landscape

particularly with respect to elements which are inconsistent with the existing natural topography;

- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units.

## C) Rural Amenities

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

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

## D) Form and Density of Development

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

- (i) whether and to what extent there is the opportunity to utilise existing natural topography to ensure that the development is located where it is not highly visible when viewed from any public roads and other public places frequented by the public, or visible from SH6.

- (ii) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).

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

- (iv) whether and to what extent the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.

## E) Cumulative Effects of Development on the Landscape

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

- (i) the assessment matters detailed in (a) to (d) above;
- (ii) the nature and extent of existing development within the vicinity or locality;
- (iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;
- (iv) whether further development as proposed will visually compromise the existing viticultural and Arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;
- (v) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or



landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).

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

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

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

## 15.2.4 Developments

### 15.2.4.1 General Provisions

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

### 15.2.4.2 Activities

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

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

### 15.2.4.3 Assessment Matters for Resource Consents

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

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

## 15.2.5 Financial Contributions

### 15.2.5.1 Purpose

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

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

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

The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

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

#### i Hydro Generation Activities

**Purpose**

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

**Form**

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

**Maximum Contribution for Hydro Generation Activities**

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

**Value of Development**

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

**ii Credit**

If, preceding the lodging of the application for a resource consent for any development, any payment in respect of the subdivision of the land comprising the site of the proposed development has been made to the Council for the purposes of providing land and/or facilities for open space and recreation, the amount of that payment shall be deducted from the maximum amount payable.

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

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

- (vi) The Council may require a bond to be given for the performance of any condition requiring that a financial contribution be made. The value of the bond will be a maximum of 200% of the cost of the financial contribution, depending on the length of time the bond is to be in place and according to the nature of the proposal for which the bond is required to secure.

## 15.2.6 Lot Sizes, Averages and Dimensions

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

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

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

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

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

#### i Lot Sizes

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

Zone	Minimum Lot Area
Hydro Generation	20 hectares

(b) The minimum lot size for subdivision within the Residential (Hanley Downs) Activity Area of the Jacks Point Resort Zone shall be ~~400m<sup>2</sup>~~ 550m<sup>2</sup>. The Council's discretion is restricted to:

- ~~(i) The matters in respect to which the Council has limited control listed in respect to each controlled subdivision activity~~
- ~~(ii)(i) Any appropriate legal mechanism required to secure control over future built outcomes~~
- ~~(iii)(ii) The assessment matters listed under 15.2.6.4(i)(i).~~

#### ii Lot Dimensions

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

Residential and Township Zones	15m x 15m
Rural-Residential Zone	30m x 30m

#### iii Certification of Allotments

Applications for certification of allotments on an existing Survey Plan pursuant to section 226(1)(e)(ii) of the Act are to be in accordance with the requirements of the District Plan. Allotments for certification are required to have all services to the boundary and roading as if the allotment were of a subdivision application. All title boundaries to be created by certification that are within proximity to structures must not create a non-complying structure in accordance with the Building Act 1991 or a non-complying activity in accordance with the District Plan.



**iv Lot Averages**

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

Zone	Average
Rural Residential at the North end of Lake Hayes	8000m <sup>2</sup>
Shotover Country Special Zone - Activity Areas 1a – 1e	750 m <sup>2</sup>
<del>FP-1 Activity Area – Hanley Downs area of the Jacks Point Resort Zone</del>	<del>2 ha</del>
<del>FP-2 Activity Area – Hanley Downs area of the Jacks Point Resort Zone</del>	<del>40 ha</del>

- (b) For the purposes of calculating any average, the following three titles at the north of Lake Hayes shall include the area previously taken from those titles (at their southern end) as a Wildlife Management Reserve, as described below:

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

- (c) The total lots to be created by subdivision, other than lots for access, utilities, reserves and roads, shall not be greater than the average specified for each zone

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

- (c) In the Hanley Downs area of the Jacks Point Resort Zone, subdivisions shall comply with the density requirements set-out in Rule ~~12.2.5.2 xviii~~~~12.2.5.1x~~.

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

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

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

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

**vii Hanley Downs Structure Plan**

In that part of the Jacks Point Resort Zone covered by the Hanley Downs Structure Plan, subdivision shall be in general accordance with the Hanley Downs Structure Plan. For the purposes of interpreting this rule, the following shall apply:

~~(b)~~(l) A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and its intersection with State Highway 6, shall be acceptable

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

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

location of the connection shown on the Structure Plan shall be acceptable.

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

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

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

#### i Lot Sizes

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

Zone	Minimum Lot Area
Rural Residential (excluding Rural Residential sub-zone at Bob's Cove)	4000m <sup>2</sup>
Rural Residential at Bob's Cove sub-zone	No minimum – Controlled Activity  Provided the total lots to be created by subdivision (including the balance of the site within the zone) shall have an average of at least 4000m <sup>2</sup>
In the Ferry Hill Rural Residential sub-zone	4000m <sup>2</sup> – with up to a maximum of 17 rural residential allotments
Rural General	No minimum discretionary activity
Hydro Generation	No minimum – Controlled Activity
Gibbston Character	No Minimum – Discretionary Activity
Rural-Lifestyle	In all Rural Lifestyle Zones (except the Makarora Rural Lifestyle Zone):

	1 ha provided that the total lots to be created by subdivision (including balance of the site within the zone) shall not have an average less than 2 hectares  In the Makarora Rural Lifestyle Zone the total lots to be created by subdivision (including balance of the site within the zone) shall not have an average less than 2 hectares.
Resort	No Minimum – Controlled Activity  <u>Within the Hanley Downs area of the Jacks Point Resort Zone, the following minimum lot sizes shall apply:</u>  (i) <del>FP-1 Activity Area 4,000 m<sup>2</sup></del>  (ii) <del>FP-2 Activity Area 4ha</del>  (iii) <del>All other Activity Areas – no minimum</del> (iv) (i)
Rural Visitor	No Minimum – Controlled Activity
Remarkables Park	Activity Area 1 600m <sup>2</sup> Activity Areas 2a-8 – No Minimum controlled activity
Low Density Residential	Arthurs Point 800m <sup>2</sup> Queenstown Heights Area 1500m <sup>2</sup> Wanaka 700m <sup>2</sup> Elsewhere 600m <sup>2</sup>
High Density Residential	450m <sup>2</sup>
Residential Arrowtown (Historic)	800m <sup>2</sup>
Frankton Flats Special Zone	No minimum – Controlled Activity
Deferred Rural Lifestyle A and B	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
Deferred Rural Lifestyle (Buffer)	The land in this zone shall be held in a single allotment

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

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

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

Zone	Minimum Lot Area
<b>Three Parks</b>	
LDR (Three Parks)	No minimum – controlled activity
MDR subzone (Three Parks)	No minimum – controlled activity
Commercial Core (Three Parks) –	No minimum – controlled activity
Business (Three Parks) –	1000 m <sup>2</sup> ;  Except that the minimum lot size shall be 200m <sup>2</sup> where the subdivision is part of a complying combined land use/ subdivision consent application or where each lot to be created, and the original lot, all contain at least one business unit.
Tourism and Community Facilities subzone (Three Parks)	2000 m <sup>2</sup>  <i>The purpose of this rule is to encourage comprehensive, large lot developments.</i>
Shotover Country Special Zone	Activity Area 1a - 1e 500 m <sup>2</sup> Activity Area 2a 300 m <sup>2</sup> Activity Area 2b and 2c 450 m <sup>2</sup> Activity Area 3 450 m <sup>2</sup> Activity Area 4 2500 m <sup>2</sup> Activity Area 5a - 5e No minimum

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

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

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

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

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

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

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

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

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

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

Except:

In the Mount Cardrona Station Special Zone:

- (i) No minimum allotment size shall apply in Activity Area 2a and 2b where each allotment to be created and the original allotment all contain at least one residential unit. This exclusion shall not apply where any of the lots to be created contains only a secondary unit.  
NB: For the purposes of this Rule, the term residential unit does not include secondary unit.
- (ii) Activity Area 3, 3a and 3b shall have a minimum allotment size of 500m<sup>2</sup>, except where a comprehensive subdivision plan creating more than 5 allotments is lodged, in which case the average allotment size shall be 500m<sup>2</sup>, with a minimum of 400m<sup>2</sup>.

## (b) Boundary Adjustments

Where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the

purpose of an adjustment of the boundaries between the existing lots, provided:

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above:

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

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

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

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

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

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

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

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

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

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

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

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

**Note:**

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

- landscape architect
- architect
- resource management planner
- urban designer

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

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



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

**Table 1: Noise insulation construction schedule**

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

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

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

## Notes:

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

## ii Lot Averages

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

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

sub-zone	
Rural Lifestyle	2ha

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

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

## (a) In the Rural Lifestyle and Bendemeer

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

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

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

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

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



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

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

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

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

- (a) Notwithstanding 15.2.6.3i(a) above, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- (b) Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.
- (c) Any application for subdivision consent shall:
  - (i) Provide for the creation of the landscape allotments(s) referred to in (b) above;
  - (ii) Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in (b) above;
  - (iii) Be accompanied by a Landscape Plan which shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme.  
The landscape Plan shall ensure:
    - That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and

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

- (d) Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.

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

- (e) The on-going maintenance of plantings established in terms of (c) above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.
- (f) Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.
- (g) Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General as shown as "NO BUILD ZONE" on Paterson Pitts Partners Ltd Building Platform Locations Plan No Q.4700.04-3C, which plan is reproduced at Page 5-43 of the District Plan. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.

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

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

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

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

#### viii Building Platforms - Jacks Point Resort Zone

- (a) Within the Farm Preserve 1 Activity Area and that part of the Farm Preserve 2 Activity Area located outside of the Farm Preserve Homesites and the Peninsula Hill Landscape Protection Area, of the Jacks Point Resort Zone, every allotment created through subdivision shall provide for a Residential Building Platform approved at the time of subdivision of not less than 70 m<sup>2</sup> in area and not greater than 1000 m<sup>2</sup> in area.

For the purposes of this rule a residential building platform shall comprise an area shown on the land transfer plan together with related controls secured through covenant or consent notice, which limits building development to that area.

Except that, this rule shall not apply to any allotment created for the purpose of protecting open space within the Peninsula Hill Landscape Protection Area and for an one or more of the purposes outlined within the exclusions Rule 15.2.6.3(iii)(b).

#### 15.2.6.4 Assessment Matters for Resource Consents

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

##### i Lot Size and Dimensions

- (a) Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone;
- (b) Whether the lot is of sufficient size, given the nature of the intended development and site factors and characteristics, for on-site disposal of

sewage, stormwater or other wastes to avoid adverse environmental effects beyond the boundaries of the lot.

- (c) Whether the proposed lot is of a suitable slope to enable its safe and effective use for its anticipated purpose or land use, having regard to the relevant standards for land uses in the Zone.
- (d) The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access.
- (e) Whether the lot is to be amalgamated and included in the same Certificate of Title with an adjoining parcel of land.
- (f) Whether there is the opportunity to enable the protection or restoration of a listed or non-listed heritage item or site which is considered to be of sufficient merit for its preservation or protection to be promoted in the context of a particular development.
- (g) In the Rural Residential zone at the north of Lake Hayes, whether and to what extent there is the opportunity to protect or restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes.
- (h) Within the Shotover Country Special Zone, whether and the extent to which the lot size:
  - (i) Can be achieved without undermining or adversely affecting desirable urban outcomes promoted by the relevant Outline Development Plan.
  - (ii) Will achieve greater efficiency in the development and use of the land resource.
  - (iii) Will assist in achieving affordable or community housing.
  - (iv) Can be adequately serviced without adverse effect on infrastructural capacity.
  - (v) Will achieve residential amenities such as privacy and good solar orientation.

- (i) In the Hanley Downs area of the Jacks Point Zone, where subdivision of land within any Residential Activity Area results in allotments less than 400m<sup>2</sup>-550m<sup>2</sup> in area

- i. The extent to which such sites are configured:

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

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

- a. minimises the dominance of driveways at the street edge,
- b. provides for efficient use of the land; and
- c. maximises pedestrian and vehicular safety.
- d. addresses nuisance effects such as from vehicle lights

- iii. The extent to which:

- a. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.

- b. design parameters, secured through an appropriate legal mechanism, control outcomes such as:

- i. height
- ii. building mass,
- iii. window sizes and locations,
- iv. building setbacks,
- v. fence heights, locations and transparency
- vi. building materials and
- vii. landscaping

in order to address issues such as:

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

- c. Whether a design review processes is necessary or appropriate and if proposed, the robustness of this process.

## 15.2.7 Subdivision Design

### 15.2.7.1 Controlled Subdivision Activities - Subdivision Design

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

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

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

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

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

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

The purpose of these additional controls is:

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

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

- Whether the subdivision design is in general accordance with Structure Plan A- Mount Cardrona Station Structure Plan.
- Whether the subdivision has been approved by the Design Review Board and is consistent with the Mount Cardrona Station Design Guidelines (2008).
- Location and form of pedestrian access.
- Provision for stormwater management.
- Orientation of lots to maximise solar gain.
- The scale and nature of earthworks and the disposal of excess material.
- Design of roads to provide a rural character and pedestrian friendly environment.
- The allotment created can be adequately accessed and serviced (including for bulk reticulation) to provide for the maximum capacity of that allotment for subdivision and/or land use.

~~In addition to With respect to the District-wide matters of control above, within the R(HD) Activity Areas of the Jacks Point Resort Zone, the Council reserves control discretion over those matters as well as the following matters:~~

- ~~— Consistency with the Hanley Downs Structure Plan~~
- ~~— 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~~
- ~~— Road and street designs~~
- ~~— The location and suitability of proposed open spaces~~
- ~~— Commitments to remove wilding trees~~

### 15.2.7.2 Site Subdivision Standards – Subdivision Design

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

### 15.2.7.3 Assessment Matters for Resource Consents

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

- The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.
- The provision for, and safety and practicality of, pedestrian access including unsealed walking tracks, the relationship of these to reserves

- (existing or proposed); access to the lakes and rivers, and the opportunities for enhancing a rural walkways network in the Wakatipu Basin.
- (iii) The provision for, safety and practicality of, using open stormwater channels and wetland areas.
  - (iv) The relationship and orientation of lots, particularly in respect of land in adjoining zones, and the ability to create an attractive and interesting edge between development in the Residential and Rural-Residential Zones and adjoining Rural Zones and at the edges of the urban parts of Hanley Downs;
  - (v) The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).
  - (vi) The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.
  - (vii) The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.
  - (viii) In the Jacks Point Zone, within any Residential (State Highway) Activity Area R(SH), the council shall consider the extent to which subdivision, the location of building platforms and proposed development and landscaping.
    - (a) Ensures that buildings and other structures are not readily visible from State Highway 6;
    - (b) Maintains and enhances the important landscape values associated with the southern entrance to Queenstown.
    - (c) Maintains and enhances the landscape and visual amenity values of the Jacks Point Zone and surrounding environment, particularly when viewed from State Highway 6; and
  - (d) Maintains and enhances any significant view corridors from State Highway 6 through and beyond the Jacks Point Zone.
  - (ix) In the Bob's Cove rural Residential Zone (excluding the Bob's Cove Sub-zone) the need to provide for street lighting in the proposed subdivision. If street lighting is required in the proposed subdivision to satisfy the councils standards, then in order to maintain the rural character of the zone, the street lighting shall be low in height from the ground, of reduced lux spill and preferably pointing down.
  - (x) In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:
    - (a) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
    - (b) whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.
- In addition to the above, the following matters with respect to the Kingston Village Special Zone:
- (xi) The consistency of the subdivision with the Structure Plan for Kingston, including:
    - (ii) Consistency with the Road Layout Plan and Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010);
    - (iii) Providing open space and recreation areas as the development progresses;
    - (iv) Achieving the range of section sizes, concentrating highest density within Activity Area 1a;
    - (v) Providing for rear access lanes;



- (vi) Avoiding sections that result in garages and backs of houses facing the street;
- (vii) Achieving section layout that provides maximum solar access for future dwellings;
- (viii) Landscaping of the street and open spaces that reflects the character of the existing Kingston Township;
- (ix) Avoidance of cul-de-sacs unless they are short and completely visible from its intersection with a through street.
- (xii) In addition to the above, within the Mount Cardrona Station Special Zone the extent to which:
  - (a) The subdivision design is in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.
  - (b) The subdivision is consistent with the Mount Cardrona Station Design Guidelines (2008) and the recommendations of the Design Review Board.
  - (c) The objectives and principles of SNZ: HB 44:2001 have been achieved.
  - (d) The development is staged in a logical manner, ensuring that adverse effects on amenity values of the site and its surrounds are as far as possible retained throughout the construction phase.
  - (e) Roads are designed in accordance with the Roding Schedule contained in the Mount Cardrona Station Design Guidelines (2008) and contribute to a 'rural' character, avoiding kerb and channelling and wide road widths, and creating a pedestrian friendly environment.
  - (f) Road widths and other traffic calming measures are utilised within the Village Precinct to enable the creation of a pedestrian friendly environment.
  - (g) Ford crossings within Activity Area 6 are encouraged in order to maintain a rural character.
  - (h) Pedestrian footpaths and trails to be in accordance with the Mount Cardrona Station Design Guidelines (2008) and any relevant engineering standards.

(xii) ~~(xiii)~~ — In Residential (Hanley Downs) Activity Areas A, B, C, D and E, cul-de-sacs shall be straight (+/- 15 degrees) addition to

the above, within the Residential (Hanley Downs) Activity Area of the Jacks Point Resort Zone, the extent to which:

- (a) street blocks are designed and sized to be walkable.
- (b) subdivision layout, in so far as is practical, minimises the numbers of rear sites.
- (c) street and lot configuration is likely to encourage building designs with visual connections from habitable rooms to the street.
- (e) within R(HD)-A to E connectivity is promoted with unnecessarily meandering roads avoided. Where employed, cul-de-sacs should be short and straight if practical.
- (f) A range of housing choice may be promoted through some diversity in section sizes.
- (g) small lot and medium density housing will located in a manner which readily provides for access to public accessible open space
- (h) the primary road shown on the structure plan is designed in a way to facilitate future public transport
- (i) appropriate road designs are employed to accommodate all users, including cyclists and pedestrians, accounting for safety, amenity and efficiency. Road cross sections may need to be submitted to allow this matter to be assessed.
- (j) proposed open spaces and walkways are likely to feel safe, including through benefiting from passive surveillance from surrounding uses.
- (k) public open spaces are provided in locations that maximise benefits to the wider community.
- (l) safety and amenity values have been appropriately accounted for in relationships between open spaces, roads and developable lots. This includes attention to passive surveillance of open spaces.
- (m) in order to ensure buildings are not highly visible from State Highway 6, landscaping such as plating or mounding is proposed.
- (n) proposed landscaping utilises native species or species in keeping with the historical character of the site.
- (o) Landscape planting and street materials in the open spaces between the Hanley Downs Residential Activity Area

and the balance of Jacks Point promotes a coherent or graduated transition in character  
(p) to the extent that public safety and convenience is not unduly compromised, best practice in street lighting is utilised to mitigate the effects of light spill  
(q) in order to ensure buildings are not highly visible from State Highway 6:  
 - specific height or colour controls for buildings are necessary for parts of the zone.  
 - conditions are necessary to prescribe that development not occur until landscaping has been undertaken, existing vegetative screening secured and/or a succession plan for existing vegetation put in place.

- The provision and vesting of corner splays or rounding at road intersections.
- The naming of roads and private access.
- The provision for and standard of street lighting.
- Any provisions for tree planting within roads.
- Any requirements for widening, formation or upgrading of existing roads.
- Any provisions relating to access for future subdivision on adjoining land.

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

## 15.2.8 Property Access

### 15.2.8.1 Controlled Subdivision Activities - Property Access

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

- The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency.
- The number, location, provision and gradients of access from roads to lots for vehicles, cycles and pedestrians, their safety and efficiency.
- The standards of construction and formation of roads, private access, service lanes, pedestrian access, accessways and cycle ways.

- Consistency of the road layout and design with the Road Layout Plan and associated cross sections contained within the Kingston Village Special Zone Subdivision Guidelines (2010).
- The provision of rear access lanes, which shall be between 4m and 5m in width.
- The provision of walkways and cycleways in association with the provision of open swales.
- Management of access across the Kingston Flyer Railway line between the existing Kingston Township and the Kingston Village Special Zone.
- Within the Shotover Country Special Zone, whether and the extent to which methods are proposed to:
  - (a) Establish a vehicle link between Stalker Road and Howards Drive
  - (b) Enable public transport
  - (c) Integrate facilities for cycle and pedestrian access
  - (d) Provide on-street parking
  - (e) Direct light spill from street lighting downwards



- (f) Align vehicle access in accordance within the Structure Plan, with a maximum variation allowed of 30 metres from the centreline of primary roads and 20 metres from the centreline of secondary roads.
- (g) Provide intersection points located within 20 metres of that shown on the Structure Plan.
- (h) Ensure that adequate and appropriate bus stops are provided for when the roading network is designed and constructed.
- (i) Mitigate the landscape and visual impacts of road construction down terrace slopes.
- (j) Maintain the functionality of roadside swales at the time shared roads or individual driveways are being constructed, including the extent to which a consent notice is necessary to ensure future owners are made aware of this obligation (where vehicle crossing places are not being formed at the time of subdivision).
- (k) Provide for appropriate installation, maintenance and uniform design (including materials) of temporary and permanent vehicle crossing places.

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

- (i) This Rule shall only apply to subdivision of land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes which is zoned Low Density Residential or Rural Residential as shown on Planning Map 30.
- (ii) The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.

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

#### 15.2.8.3 Assessment Matters for Resource Consents

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

- (i) The safety and efficiency of the roading network and the proposed roading pattern, having regard to the roading hierarchy, standards of design, construction for roads and private access.
- (ii) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
- (iii) The provisions of the Council's Code of Practice for Subdivision in respect of the design and construction of roads and private access, with the exception of the Mount Cardrona Station Special Zone, where roads and private access shall be designed and constructed in accordance with the Roding Schedule contained within the Mount Cardrona Station Design Guidelines (2008).
- (iv) The account taken of safe, pleasant and efficient pedestrian movement, provision of space for cyclists, amenity values of the street and opportunities for tree planting in the open space of the road way to enhance the character and amenity of the neighbourhood.
- (v) The need to provide pedestrian accessway facilities in circumstances where the roading network does not provide sufficient or direct access or easy walking access to facilities in the vicinity.
- (vi) The need to provide cycle ways in circumstances where the roading network does not enable sufficient or direct cycle routes through the locality.

- (vii) The need to provide alternative access for car parking and vehicle loading in the Business, Town Centre, Corner Shopping Centre or Industrial Zones by way of vested service lanes at the rear of properties.
- (viii) Any impact of roading and access on lakes and rivers, ecosystems, drainage patterns and the amenities of adjoining properties.
- (ix) The need to provide for appropriate standards of street lighting or private access lighting having regard to the classification of the road or the access.
- (x) The need to provide distinctive names for roads and private vehicular access. The name to be agreed by the Council.
- (xi) Any need to make provision for future roads to serve surrounding land or for road links that need to pass through the subdivision.
- (xii) In the Ferry Hill Rural Residential sub-zone the extent to which:
  - the number of accesses to roads is minimised
  - the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access.
- (xiii) Within the Mount Cardrona Station Special Zone, the extent to which:
  - (a) Roding location and design is in general accordance with the Structure Plan A - Mount Cardrona Station Structure Plan.
  - (b) Roding is designed in a manner reflecting a rural environment, avoiding the use of kerb and channelling, and instead using techniques such as planted swales.

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

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

#### 15.2.9 Esplanade Provision

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

###### i Minor Adjustments

Where a proposed subdivision is either:

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

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

## ii Road Designations, Utilities and Reserves

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

### 15.2.9.2 Controlled Subdivision Activities - Esplanade Provision

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

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

### 15.2.9.3 Site Subdivision Standards - Esplanade Provision

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all of the Zone Subdivision Standards, but does not comply with any one or more of the

following Site Subdivision Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

## i Esplanade Reserves

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

Whether the area:

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

### 15.2.9.4 Assessment Matters for Resource Consents

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

- (i) The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act.
- (ii) The appropriateness of creating an esplanade reserve or strip in relation to security or public safety concerns.
- (iii) The extent of the public's ability to obtain access to and along the margin of the water body.

- (iv) The extent that recreational use will be assisted or hindered.
  - (v) The compatibility of the proposed reserve or strip with physical characteristics of the land.
  - (vi) The extent to which the natural character and visual quality of the area will be preserved.
  - (vii) The extent to which natural hazards will be mitigated.
  - (viii) The future use and purpose of any existing building that would otherwise encroach on, or be within, a reserve or strip.
  - (ix) The need for and practicality of easements being created to provide public access to lakes and rivers, where appropriate, through consultation and negotiation with the landowner.
  - (x) The safety of any access point to the esplanade reserve, esplanade strip or access strip from arterial roads.
  - (xi) The provisions of relevant foreshore management plans and in the case of the Rural Residential zone at the North end of Lake Hayes, the Lake Hayes Management Strategy (1995) and any amendments thereto.
- (ii) The effect of the subdivision on the impact of the following natural and other hazards on the site or on other land in the vicinity.
    - (a) Erosion
    - (b) Flooding and Inundation
    - (c) Landslip
    - (d) Rockfall
    - (e) Alluvion
    - (f) Avulsion
    - (g) Unconsolidated Fill
    - (h) Soil Contamination
    - (i) Subsidence.

## 15.2.10 Natural and Other Hazards

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

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

- (i) The effect of the following natural and other hazards on the land within the subdivision;

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

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

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

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

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

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

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

### 15.2.10.3 Assessment Matters for Resource Consents

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

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

- (v) Whether a minimum floor height should be specified for buildings in situations where inundation is likely and damage to structures could occur, but the land may not be suitable for filling.

(vi) In relation to flooding and inundation from any source, the Council shall have regard to the following:

- (a) The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
- (b) Any proposed boundary drainage to protect surrounding properties;
- (c) Any effect of such filling or boundary drainage on the natural character or hydrological functions of wetlands;
- (d) The adequacy of existing outfalls and any need for upgrading;
- (e) Any need for retention basins to regulate the rate and volume of surface run-off.

(vii) In relation to erosion, falling debris, slope instability or slippage:

- (a) The need for certification by a Registered Engineer that each lot is suitable for the erection of buildings designed in accordance with NZS 3604;
- (b) Any need for registration of consent notices on the Certificate of Title;
- (c) Any need for conditions relating to physical works to limit the instability potential.

(viii) In relation to landfill and subsidence, the need for the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title of the lots in the subdivision.

- (ix) In relation to contaminated sites, the need for conditions to avoid, mitigate or remedy the effects of the land contamination, including removal to approved disposal points.
- (x) In relation to any land filling or excavation, the following factors:
  - (a) The effects on the infrastructure of surrounding properties;
  - (b) The effects on the natural pattern of surface drainage;
  - (c) The effects on stormwater drainage systems;
  - (d) The type of and placement of fill material;
  - (e) Mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
  - (f) Remedies necessary during emergencies.

## 15.2.11 Water Supply

### 15.2.11.1 Controlled Subdivision Activities - Water Supply

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

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

### 15.2.11.2 Discretionary Activity - Water Supply

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

### 15.2.11.3 Zone Subdivision Standards - Water Supply

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

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



- (iii) Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.
  - (a) Except within the Mount Cardrona Station Special Zone where:
    - i every allotment, other than allotments for access, roads, reserves, open space or utilities, shall be connected to the one reticulated restricted potable water supply.
    - ii the reticulated restricted potable water supply shall be capable of meeting fire fighting requirements, including provision for 24 hour storage at average levels of demand; and
    - iii where bulk water meters are not provided every allotment connected to the reticulated restricted water supply shall be provided with a water meter at the frontage to the allotment to measure the consumption of water on that allotment.
    - iv A consent notice shall be placed on each certificate of title restricting the use of reticulated restricted water supply for potable use; any water used for irrigation must be sourced from a separate supply (for example rain water or recycled greywater).
- (iii) The provisions of the Council's Code of Practice for Subdivision in respect of the construction and installation of the water supply system.
- (iv) The suitability of the proposed water supply for fire fighting purposes having regard to the density and nature of development anticipated and the availability of a public reticulated water supply system.
- (v) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public water supply utility.
- (vi) The requirements of any Regional Rules or the need to obtain water permits from the Otago Regional Council.
- (vii) Any need to make provision for future water supply systems to serve surrounding land.
- (viii) In addition to the above, within the Kingston Village Special Zone, the ability to stage subdivision and development in order to ensure water supply can be provided efficiently and effectively.
- (ix) Within the Mount Cardrona Station Special Zone, the extent to which:
  - Initiatives to reduce water use, including education of future landowners and restrictions on irrigation, have been proposed.
  - Techniques to reuse and recycle water, including the recycling of greywater, have been proposed.
  - The collection of rainwater and its use for household water supply and irrigation is provided.

#### 15.2.11.4 Assessment Matters for Resource Consents

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

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

#### 15.2.12 Stormwater Disposal

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

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

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

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

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

### 15.2.12.2 Zone Subdivision Standard – Stormwater

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

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

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

- (iii) indicative secondary overflow paths for a 100 year ARI event or a 1% AEP event;
- (iv) proposed stormwater management options which are to be adopted at the time of subdivision, such as piping, open swales, etc;
- (v) proposed stormwater treatment and disposal options, including treatment facility options for roading, public carparking areas and commercial carparking areas;
- (vi) flexibility to enable alternative options to be explored prior to obtaining engineering approval required for subsequent subdivision consents;

(b) Shall not be required to include:

- (i) detailed engineering design;
- (ii) investigation into individual lot onsite stormwater disposal;

(c) Shall be approved by the Council subject to a condition that the consent applicant obtain any required discharge permit from the Otago Regional Council.

### 15.2.12.3 Assessment Matters for Resource Consents

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

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



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

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

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

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

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

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

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

## 15.2.13 Sewage Treatment and Disposal

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

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

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

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

### 15.2.13.2 Assessment Matters for Resource Consents

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

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

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

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

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

### 15.2.14 Trade Waste Disposal

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

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

#### 15.2.14.2 Assessment Matters for Resource Consents

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

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

## 15.2.15 Energy Supply and Telecommunications

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

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

- The adequacy and installation of any electrical supply system, gas supply systems and telecommunications system;
- Connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.
- Within the Mount Cardrona Station Special Zone, the provision for alternative energy sources.

#### Notes:

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

### 15.2.15.2 Assessment Matters for Resource Consents

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

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

## 15.2.16 Open Space and Recreation

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

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

### 15.2.16.2 Assessment Matters for Resource Consents

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

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

## 15.2.17 Protection of Vegetation and Landscape

### 15.2.17.1 Controlled Subdivision Activities - Vegetation and Landscape

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

- The protection of vegetation and landscape features;
- Provision for street scape planting within the road and public spaces;
- The preservation and enhancement of the indigenous vegetation, within the 'Forest Hill' Rural Residential zone, and the removal and control of wilding pines.
- Measures to provide for the establishment and management of open space, including native vegetation, within the open space areas shown on the Hanley Downs Structure Plan.

### 15.2.17.2 Site Standard – Vegetation

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

#### (ii) Hanley Downs Conservation Lots

Within the Farm Preserve 1 (FP-1) Activity Area of the Jacks Point Resort Zone, 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 at Jacks Point and Hanley Downs; 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.~~

### 15.2.17.3 Zone Subdivision Standard – Vegetation

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

- (i) Prior to any subdivision (excluding boundary adjustments) of any land containing part of Activity Area 5b, the Riverside Protection Area and/or 5d, all plant pests shall be removed from the relevant part of Activity Area 5b, the Riverside Protection Area and/or 5d, being gorse, broom, briar, tree lupin, hawthorn, crack willow, buddleia, Californian thistle, and any other Pest Plant as specified in the Regional Pest Management Strategy for Otago except crack willow along the edge of the Shotover River.
- (ii) Prior to subdivision (excluding boundary adjustments) where the site to be subdivided includes part of Activity Area 5b, planting shall take place within the relevant part of Activity Area 5b which:
  - (a) Comprises the species detailed in Appendix 1 – Plant List, Part 1: Terrace Escarpment/Grey Shrubland Areas (Activity Area 5b); and
  - (b) Will achieve 25% site coverage (canopy closure) once the planting reaches maturity.
- (iii) Prior to any subdivision within the zone (excluding boundary adjustments), methods shall be implemented to exclude stock from Activity Area 5d.

- (iv) A consent notice or other legal mechanism shall be registered against the relevant certificate(s) of title to any applicable lot to achieve the following ongoing obligations:
  - (a) Any planting required to be implemented under this rule shall be maintained for a period of 5 years during which time any plant which dies, is removed, or becomes diseased shall be replaced by the subdivider responsible for creating the relevant lot and by the lot owner.
- (vi) Prior to any subdivision within the zone (excluding boundary adjustments):
  - (a) A qualified heritage consultant shall detail steps required to stabilise the Hicks Cottage in Activity Area 4, in order to prevent further deterioration pending long term restoration; and
  - (b) Those steps shall be implemented.

### 15.2.17.4 Assessment Matters for Resource Consents

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

- (i) Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;
- (ii) Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes;
- (iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetative cover;



- (iv) The extent of any earthworks or roading within the subdivision and the need for additional planting or landscaping;
- (v) Any need to provide continual protection for vegetation and or landscape features within the subdivision, including protection of Heritage Trees listed in Appendix 5.
- (vi) The preservation and enhancement of the indigenous vegetation, over 70 per cent of the net site area within the "Forest Hill" Rural Residential zone, and the removal and control of wilding pines within the zone. For the purpose of this matter net area shall exclude access to sites and the building restriction area within the zone.
- (vii) Within the Bob's Cove sub-zone, whether and the extent to which:
  - (a) Consent notices have been entered into to ensure the effective and permanent protection of the open space and areas of indigenous vegetation; and
  - (b) Methods have been proposed to prevent stock from browsing and otherwise damaging areas of indigenous vegetation by fencing.
- (viii) The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- (ix) The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.

(x) Within the FP-1 and FP-2 Activity Areas of the Jacks Point Resort Zone, whether and the extent to which subdivision:

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

(b) Prevents the loss of grey shrubland habitats

(c) Removes woody pest plants

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

## 15.2.18 Easements

### 15.2.18.1 Controlled Subdivision Activity – Easements

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

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

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

### 15.2.18.2 Assessment Matters for Resource Consent

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

- (i) The need for easements:
  - (a) where a service or access is required by the Council;
  - (b) for stormwater passing through esplanade reserves where drainage will be to the wetland, lake or river;
  - (c) to meet network utility operator requirements;
  - (d) in respect of other parties in favour of nominated lots or adjoining Certificates of Title;

- (e) for private ways and other private access;
- (f) for stormwater treatment and disposal, sewage treatment and disposal, water supply, electricity reticulation, gas reticulation, telecommunications;
- (g) for party walls and floors/ceilings;
- (h) for reticulation servicing with sufficient width to permit maintenance, repair or replacement;
  - (i) for walkways and cycle ways, including access to water bodies.
  - (ii) The need for the cancellation of easements.
- (i) for the provision of public access throughout the Open Space Zone within Peninsula Bay.
- (j) within the Mount Cardrona Station Special Zone the extent to which:
  - (i) public access easements through Activity Area 7 provide access to the historic water races, while ensuring their protection.
  - (ii) access easements provide potential linkages between the site and surrounding walkways, enabling connection between Mount Cardrona Station and the existing Cardrona village.
  - (iii) access easements and easements in gross are in general accordance with the Mount Cardrona Station Walkways Plan (Structure Plan C).

### 15.2.19

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

- the location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and existing vegetation patterns and existing or proposed accesses;





**Amendments to operative District Plan Provisions by RCL  
Queenstown Pty Ltd, Henley Downs Farm Ltd, Henley  
Downs Land Holdings Ltd and Henley Downs Farm Holdings  
Ltd**

Changes are denoted by underline for additions and ~~strike through~~ for deletions

## **12. Special Zones**

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

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

**Penrith Park Zone**

**Bendemeer Zone**

**Remarkables Park Zone**

**Hydro Generation Zone**

**Quail Rise Zone**

**Meadow Park Zone**

**Frankton Flats Zone**

**Ballantyne Road Mixed Use Zone**

**Three Parks Zone**

**Kingston Village Zone**

### **Introduction**

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

### **12.1 Resort Zones**

#### **12.1.1 Resources and Activities**

##### **i Millbrook Resort and Jacks Point**

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

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

##### **ii Waterfall Park Resort**

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

#### **12.1.2 Values**

##### **i Millbrook Resort**

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

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

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

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

#### ii **Waterfall Park Resort**

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

#### iii **Jacks Point**

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

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

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

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

### 12.1.3 **Resource Management Issues**

#### i **Provision of Essential Services**

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

#### ii **Visual Amenities**

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

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

#### iii **Traffic Safety and Access**

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

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

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

**v Historical Character (Millbrook Resort)**

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

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

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

**vii Public Access (Jacks Point)**

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

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

The characteristics of the Hanley Downs area lend many parts of it to a greater intensity and scale of residential development, without compromising landscape and natural values.

## **12.1.4 Objectives and Policies**

### **Objective 1 - Millbrook Resort Zone**

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

#### **Policies:**

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

#### **Implementation Methods**

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

**(i) District Plan**

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

**(ii) Other Methods**

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

**Explanation and Principal Reasons for Adoption**

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

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

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

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

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

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

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

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

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

**Objective 2 - Waterfall Park Resort Zone**

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

### **Policies:**

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

### **Implementation Methods**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***To enable development of an integrated community, incorporating residential activities, visitor accommodation, small-scale commercial activities and outdoor recreation - with appropriate regard for landscape and visual amenity values, integrated servicing, provision and management of open space and public access issues.***

#### **Policies:**

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

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



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

### **Hanley Downs**

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

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

- 3.17 To ensure subdivision and development incorporates the ~~design elements shown on the Structure Plan, namely roads, road connections, state highway mitigation, open space, access connections and trails as shown on the Hanley Downs Structure Plan.~~

- 3.18 To provide a diversity of living accommodation, including opportunities for farm and rural living at low densities.

- 3.19 To recognise the Residential (Hanley Downs) Activity Area as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.

- 3.20 To ensure that the Education Innovation Campus is developed as a high quality precinct that

- (a) Complements the function of the Jacks Point Village

- (b) Avoids large format retail and a scale of commercial activity conflicting with the function of other commercial centres within Queenstown and Frankton

- (c) Enables technology based activities, film and video production, education, community activities (excluding hospitals), visitor accommodation and ancillary activities

- (d) Achieves a layout, scale and appearance of built form with a high standard of urban design and avoids car parking visually dominating the entrance into Hanley Downs through Woolshed Road

- (e) Mitigates the visual impacts of building development through appropriate landscape mitigation and provision of open space.

- 3.21 To require a comprehensively designed landscape edge to the northern edge to the zone along the interface with State Highway 6 that mitigates the visual impact of development within the Residential State Highway and Education Innovation Campus Activity Areas.

- 3.22 To provide farming in the Farm Preserve Activity Area to enable continued rural land management, where such use can protect the natural biodiversity values by restricting grazing around wetlands, remnant indigenous communities and schist outcrops and presents the loss of grey shrubland habitats.

- 3.23 To avoid adverse effects on landscape and amenity values on the ONL(WB) from the use, development or subdivision within the home sites identified within Activity Area FP-2, by:

- (i) Confining development to the home sites areas shown on the Structure Plan
- (ii) Restricting the use of non-recessive buildings materials and colours

- (iii) Restricting landscape planting to a predominance of native vegetation consistent with the ecological habitats of that area;
  - (iv) Avoiding development on rocky outcrops
  - (v) Minimising the visible effects of vehicle access to each home site through adjacent farm land.
- 3.24 Subdivision and development of the land within Activity Area FP-1 be subject to a master planned process that responds to the landscape values of this area. Use of land within Activity Area FP-1 is restricted to residential and visitor accommodation, rural and recreation activities that implements the master planned outcomes prescribed through Policy 3.26.
- 3.25 To require the use of a Spatial Layout Plan for subdivision and building development within Activity Area FP-1. The Spatial Layout Plan is to identify the following features:
- (i) The location and size of residential building platforms
  - (ii) The location and size of platforms for any visitor accommodation;
  - (iii) Landscape absorption analysis in support of a layout of development in a manner that responds to the landscape values of the site.
  - (iv) An indicative subdivision layout
  - (v) Areas where open space, rock outcrops, streams, ephemeral wetlands, swamps and grey shrubland habitats will be protected
  - (vi) A cohesive land management framework
- 3.26 To enable commercial activities within the Residential (Hanley Downs) Activity Area, designed to service the needs of the local community, where they can locate along or near primary roads.
- 3.27 To enable commercial and community activities and visitor accommodation, provided residential amenity, health and safety are protected or enhanced through:
- a. Compatible hours of operation and noise;
  - b. A high standard of building design;
  - c. The location and provision of open space, buffers and setbacks;
  - d. Appropriate landscape mitigation;
  - e. The design of vehicle access and car parking; and
  - f. An appropriate scale of activity and form of building development.
- 3.28 To use residential development controls to protect privacy, provide access to sunlight, achieve design cohesion and to provide appropriate opportunities for outdoor living.
- 3.29 To provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.
- 3.30 To avoid Industrial activities.
- 3.31 To provide safe and efficient road access from State Highway 6.
- 3.32 To ensure provision of integrated serving infrastructure, roading and vehicle access.
- 3.33 To enable built forms and development layouts conducive to affordable housing
- 3.34 To promote landscape planting in keeping with the natural or cultural history of the area.

- 3.35 To promote the co-location of similar activities where this can help manage adverse effects or promote an efficient or legible built form
- 3.36 To make use of practical opportunities for watercourses to contribute to stormwater management, public amenity, recreation and biodiversity
- 3.37 To discourage rear sites, particularly in areas which provide for high density residential development, and encourage buildings to address the street
- 3.38 To require roads to be designed with regard to the needs of all users, including cyclists and pedestrians, and (where relevant) potential public transport and recognise the role of roads in contributing to the amenity values of Jacks Point

#### **Implementation Methods**

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

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

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

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

- (a) Development Controls and Design Guidelines in respect of buildings and landscaping.
- (b) Jacks Point Stakeholders Deed

### Explanation and Principal Reasons for Adoption

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

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

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

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

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

Hanley Downs is the name given to the northern part of the Jacks Point Zone. Some additional policies and rules apply to this part of the Zone along with a separate Structure Plan. The structure plan and associated provisions are designed to achieve an integrated approach to development which incorporates a range of densities. A transition from the more intensive urban development through to rural and natural areas is anticipated. That transition is to be achieved through the Farm Preserve Activity Areas and Education

and Innovation Precinct. Within the Farm Preserve farming and rural land management will predominate and a small number of dwellings are anticipated within appropriate areas, subject to landscape assessment. In addition to providing a transition, this area is designed to provide a diversity of lot sizes throughout the settlement and provide for maintenance and enhancement of open space and native vegetation. In the Education and Innovation Precinct buildings set within a spacious landscaped setting are anticipated.

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

### 12.1.5 Environmental Results Anticipated

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

- (a) Preservation of the open space and rural amenity.
- (b) Preservation and enhancement of the recreational facilities while conserving the key physical and scenic values of the area namely:
  - i recognition of the predominant land forms surrounding the site particularly the peaks and mountain ranges.
  - ii recognition and enhancement of the important vegetation on the site.
  - iii recognition and enhancement of the important natural and visual resources that dominate the site.
- (c) Provision of a range of accommodation facilities while ensuring the quality of the local environment is maintained.
- (d) Exclusion or mitigation of activities which cause adverse environmental effects through the use of performance standards.

- (e) Ensuring traffic safety on local roads and State Highway 6.
- (f) Maintenance and enhancement of the water quality of Mill Creek and Lake Hayes.
- (g) A resort at Millbrook which complements the rural and alpine environment of the Wakatipu Basin in both its design and general visual appearance.
- (h) Enhancing public access to the lake foreshore from State Highway 6 and facilitating increased use and enjoyment of Lake Wakatipu (Jacks Point).
- (i) Completion of a public walkway connecting Jardine's Park (Kelvin Heights) with the public recreation area south of Lakeside Estates (Jack's Point).

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

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