

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

of proposed Private Plan Change 51
to the Queenstown Lakes District
Plan

**CLOSING LEGAL SUBMISSIONS FOR
PENINSULA BAY JOINT VENTURE**

Dated 2 September 2016

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: L J Semple
(Lauren@greenwoodroche.com)

Level 5
83 Victoria Street
P O Box 139
Christchurch
Phone: 03 353 0570

MAY IT PLEASE THE COMMISSIONERS:

Introduction

- 1 These closing legal submissions:
 - (a) Identify and discuss further amendments to the proposal considered appropriate as a result of matters raised during the hearing;
 - (b) Summarise the differences in the evidence critical to your assessment of the plan change; and
 - (c) Address substantive and legal issues which arose during the hearing.

Further Amendments

- 2 As will be clear to the Commissioners from the evidence adduced during the hearing, the Requestor recognises the inherent values of the plan change land. As an experienced local development entity with a well established reputation in this community, it has worked assiduously to develop the most appropriate future zoning for the land. A process of expert assessment and iterative design over time has provided the Requestor with confidence that the proposal as presented in evidence is indeed a better and more sustainable outcome than the status quo. The evidence supports this.
- 3 That said, the Requestor's commitment to an iterative process has continued throughout the hearing and while the expert witnesses for the Requestor continue to support the proposal, as outlined in my opening legal submissions and in their evidence, the Requestor accepts that there is sufficient local concern about the potential loss of future recreational opportunities to warrant reviewing the extent and configuration of the proposal. Having done that, it now proposes to delete Lots 20, 21 and 22 and alter the access to Lots 13 - 19 to further reduce the area of land to be rezoned as LDR. This refinement effectively results in only a single row of additional houses in the LDR zone, immediately adjoining the existing largely developed LDR zoned land. This amendment increases the area of remaining OSZ land, preserving the opportunity for future recreational use of that land as

well as protecting some of the best quality tussock grassland present on the site¹ and the cushion pimelea which is located in Lot 20².

- 4 The combination of these amendments:
 - (a) Reduces the number of lots to 21;
 - (b) Reduces the area of the land to be rezoned from 4.37 hectares to 3.5 hectares;
 - (c) Increases the area that will remain zoned Open Space to 9.23 hectares;
 - (d) Reduces (by two thirds) the extent of tussock to be removed³ and increases the ecological benefits of the proposal by retaining some of the best examples of tussock grassland; and
 - (e) Removes all of the more elevated lots that would be close to, or north of, the crest of the rounded ridgeline⁴.
- 5 These amendments, and the recommendations made in Dr Bramley's rebuttal evidence⁵ (with the exception of the recommendation to direct transfer tussock which would no longer be necessary given that the best examples will be retained in former Lots 20 - 22), are reflected in the following amended plans which are **attached** to these legal submissions:
 - (a) Zoning Plan;
 - (b) Indicative Earthworks Plan;
 - (c) Structure Plan;
 - (d) Concept Scheme Plan;
 - (e) Landscape Concept Plan.

¹ Dr Gary Bramley states in paragraph 22 of his rebuttal evidence that "throughout the site, the quality of the tussock grassland vegetation varies substantially....There is some relatively good quality grassland in the area encompassed by proposed Lot 20 (some of which would be removed by the proposal) and also in the area affected by the proposed cul de sac north of Lots 17 and 18".

² Evidence of Dawn Palmer at paragraph 18

³ At the time of hearing, a total of 5225m² of tussock was proposed to be removed. As a result of the deletion of Lots 20-22, this has been reduced to 1690m².

⁴ Evidence of Ben Espie at paragraph 8(i)

⁵ Evidence of Dr Gary Bramley at paragraph 34.

- 6 The information requested by the Commissioners at the close of the hearing with respect to the location of vegetation removal and enhancement is also **attached** (in spreadsheet form). The spreadsheet reflects the amendments to the proposal set out above. To assist the Commissioners, a plan is also included which shows the location of the existing vegetation in the LDR zone and the OSZ enhancement areas.
- 7 Consistent with the Requestor's instruction to continue to refine the proposal as required, the proposed rules have also been amended (as **attached**):
- (a) Rule 7.5.5.3(Xiv) in the Residential Chapter has been amended to require compliance with the Structure Plan together with a cross reference to Rule 15.2.6.3(xi). This resolves the concern Ms Jones raised on the last day of the hearing that if the developer chose to establish one or more dwellings on the land without going through a subdivision, they could do so without compliance with the Structure Plan and associated performance standards. A new Rule 7.5.6.3 has been included in the Residential Chapter to apply the same control to any non-residential activities.
 - (b) Objective 22 – Specific reference to kanuka and short tussock grassland has been added, as well as openness and natural character in the ONL.
 - (c) Rule 15.2.3.4(v)(ii) – An ODMP has already been approved for the existing development at Peninsula Bay. A new, separate ODMP for Peninsula Bay North is not proposed. The reference to a separate ODMP for Peninsula Bay North has therefore been deleted from this rule.
 - (d) Rule 15.2.6.3(xi)(a)(iii) –Reference to Lots 20, 21 and 22 has been removed. Reference to “natural” has also been removed as this is considered to be unduly subjective.
 - (e) Rule 15.2.6.3(xi)(a)(iv)(a) – A clause has been added which requires a management plan to be prepared and given effect to regarding species mix and plant spacings, timing of plantings, pest and weed control processes and processes for thinning,

pruning and plant replacement to ensure a thriving vegetation area. There is no separate process for approval of this management plan in the rules, but this would form a condition of subdivision consent and can be dealt with in the subdivision process.

- (f) Rule 15.2.6.3(xi)(a)(iv)(d) – Reference to Lots 20, 21 and 22 has been deleted.
 - (g) Rule 15.2.6.3(xi)(a)(viii) – Reference to Lots 20, 21 and 22 has been deleted. It has also been made clear that additional residential flats are excluded from “residential unit” for the purposes of this rule.
- 8 It is submitted that these amendments address the issues raised by Ms Jones without unnecessarily complicating the provisions.

Variations 15 and 25

- 9 As set out in my opening, the previous decisions with respect to this land have been the subject of some discussion during the hearing. When forming their conclusions as to the plan change, Dr Read⁶ and Ms Jones⁷ have relied heavily on the Council’s decision on Variation 25 and the reasons for the current OSZ zoning.
- 10 It is important to be clear that those previous decisions are only relevant to this decision to the extent that they identify specific values that the subject land may have. It is a decision for you as Commissioners on this proposal as to how those values are best recognised and provided for. The decisions made on Variations 15 and 25 were made on the basis of the evidence before the decision makers at that time, in response to particular proposals. That context is critical.
- 11 Variation 15 proposed 11 house sites within AA5a, and within the area defined by the Court as ONL⁸. Development in that area would have been a controlled activity. By way of comparison, PC51 proposes only one 700m² building platform on Lot 4 within what was the AA5a development area in Variation 15. PC51 also proposes a large area of

⁶ Supplementary Evidence of Dr Marion Read at section 2.4

⁷ Supplementary Evidence of Vicki Jones at paragraphs 2.2 – 2.5

⁸ Evidence of Ben Espie at paragraph 7(i)

enhancement planting in the OSZ immediately adjoining Lot 4⁹. Lots 5 and 6 and Lots 20 - 22 in PC51, which were within AA5a, are no longer proposed¹⁰.

12 Significantly, Lots 1 - 3, 7 - 19 and 23 - 26 in PC51 are very largely located within the AA1 development area that was proposed by Variation 15 and supported by Council at that time¹¹. The Court found that development of Peninsula Bay other than in Areas 2 and 5 would **not** have significant adverse landscape and visual amenity effects¹².

13 In terms of Variation 25:

- (a) That variation proposed some LDR zoning extending northwards to touch the ONL line, with lots of 700m² and a 7 or 8m building height restriction depending on the gradient of the individual site, but no other specific dwelling location or design controls;
- (b) Mr Espie, advising the Council at that time, did not support those lots due to the lack of specific dwelling location or design controls;
- (c) It is accepted that proposed Lots 1 - 3 and 7 - 16 in PC51 are largely located within that same area but Mr Espie is now able to support them due to the specific measures proposed (reduced density, reduced maximum building heights of 5-5.5m and new areas of vegetation) which will ensure that built form will be only very minimally visible from the north¹³.

14 In my submission it would be wrong of you to simply infer from the Council's decisions on the previous variations that the OSZ remains the most appropriate zoning of this land in the absence of specific evidence that that is the case in the context of the current proposal. Those previous decisions were made with respect to specific proposals and with regard to the environment which existed at that time. While the OSZ might have been found to be the best zoning then, it is not (on the basis of the Requestor's evidence) the best option now. This is a de novo hearing in which you must start with a blank piece of

⁹ Evidence of Ben Espie at paragraph 18. 2500m² of planting was previously proposed to be contained within Lot 4 but has the size of Lot 4 has been reduced so that the planting occurs within the OSZ as sought by the Council.

¹⁰ Evidence of Ben Espie at paragraph 7(iv)

¹¹ Evidence of Ben Espie at paragraph 7(iv)

¹² C010/2005 at [148]

¹³ Evidence of Ben Espie at paragraph 7(iii)

paper and decide on the best option available to you on the evidence – in simple terms, that is either the LDR zoning or the status quo OSZ. In my submission the evidence clearly favours the LDR zoning.

- 15 The Council's witnesses support the OSZ but on closer examination of that evidence it is clear that in nearly all cases, their support is predicated on some improved management of this land, either by way of enhanced pest control or other intervention. There is no evidence before you that this "status quo plus" is an option.

Assessment of the Plan Change

- 16 This proposal effectively represents a choice between no built form on the subject land, arguably preserving opportunities for future unspecified uses but at the expense of an uncertain future in terms of the ecological values of this land and future public access to it, compared with the enablement of some (carefully positioned and controlled) built form and a certain and sustainable future regime to protect and preserve identified values. If the plan change is approved, the vegetation enhancement proposed **must** be undertaken before titles issue and the OSZ land **must** be vested in the Council, securing public access to the land in perpetuity. Moreover the framework of the plan provisions will provide the Council with ample opportunity to direct and enforce the balance of the controls provided.
- 17 As such, your determination as to whether this plan change is the most appropriate means of achieving the purpose of the Act must be determined considering the potential effects of the subsequent development enabled by this rezoning (recognising of course that the acceptance of a Structure Plan to enable development is itself a fully discretionary activity) compared with the effects of retaining the status quo. Such effects are then to be evaluated through an analysis of the benefits, costs and risks as required by s32. This requires consideration of the settled objectives in the District Plan.
- 18 You must make your determination on the basis of the evidence before you as to the values of this land and whether those values are better addressed through an LDR zoning, or an OSZ zoning. In my submission the weight of evidence firmly favours the LDR zoning.

Landscape and Visual Amenity

Location of the ONL

- 19 The Lot 4 building platform is located within the ONL determined by the Court in C010/2005. This part of the ONL is relatively low in natural character. No remnant kanuka is present and considerable consented earthworks nearby have modified the landform. The platform is located on a relatively flat terrace with slightly rising ground to the north, meaning that the platform reads as being part of the non-ONL land. Mr Espie considers that this is a part of the ONL with a particularly high capacity to absorb change¹⁴. Dr Read's evidence does not specifically address Lot 4.
- 20 Unlike in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited*¹⁵, the landscape policies in the operative District Plan do not require effects on an ONL to be avoided. Therefore the construction of a dwelling within Lot 4 is not inconsistent with or contrary to the objectives and policies of the District Plan per se.
- 21 As conceded by Dr Read in her evidence¹⁶, Mr Espie has the distinct advantage of having been involved in both the assessment of the previous variations and the hearing of those variations (including in the Environment Court). Dr Read agrees that the ONL boundary determined by the Court was 'fit for purpose' at the time but in her opinion, should now be amended because:
- (a) She had understood that Ms Lucas was the only witness who was willing to identify the boundary of the ONL, and therefore the Court had no option but to accept Ms Lucas' evidence.
 - (b) In her view, a revised line would better connect with her assessment of other ONLs on the southern side of the Clutha River if it were drawn in a different location on the plan change site¹⁷.

¹⁴ Evidence of Ben Espie at paragraph 23

¹⁵ [2014] NZSC 38

¹⁶ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 2.4.1

¹⁷ Evidence of Dr Marion Read at paragraph 4.1

- 22 Dr Read is quite wrong about Ms Lucas being the only witness who identified the boundary of the ONL in the Environment Court¹⁸. Moreover there are in fact a number of different options that would connect the Northlake Special Zone ONL line to the Court's ONL line in a way that is logical¹⁹. Mr Espie demonstrates that in his rebuttal evidence.
- 23 In reaching your determination as to this competing evidence, consideration of the context of the site is important²⁰, including when assessing effects and interpreting landscape or natural character²¹. The following paragraphs distill the evidence before you on those matters:
- (a) As Mr Espie describes in his evidence, the environment against which the most appropriate zoning for the site is to be considered and the proposal in front of you (including the development controls) have changed significantly since previous variations. The surrounding environment has changed from rural to suburban²².
 - (b) Neither Dr Read nor Ms Steven has acknowledged this context, or that the environment has changed over time. They (as well as Ms Jones²³) would have you draw the ONL line around the entire plan change site for the sake of convenience. There is no evidence before you that the characteristics of the plan change site have changed such that that land is now ONL. At the time the Court set the ONL, the land to the south was a pastoral landscape. It is now a suburban landscape which contains very extensive urban development²⁴. In neither instance do its qualities suggest an ONL.

Visual Amenity and Landscape Character

- 24 In terms of effects, Dr Read makes the following findings in respect of the proposal (as it was proposed at the time of the hearing):

¹⁸ Rebuttal Evidence of Ben Espie at paragraph 6

¹⁹ Rebuttal Evidence of Ben Espie at paragraph 15

²⁰ *Jones v Kapiti Coast District Council* W055/07 at [16]

²¹ *Royal Forest and Bird Protection Society Inc v Whakatane District Council* [2012] NZEnvC 38 at [4.5]

²² Evidence of Ben Espie at paragraphs 14, 15, 16, 22

²³ Supplementary Evidence of Vicki Jones at paragraph 4.2(d)

²⁴ Evidence of Ben Espie at paragraph 56

- (a) Effects on landscape character – “adverse and very significant to adverse and significant”²⁵;
 - (b) Effect on ‘sense of place’ within Peninsula Bay – “adverse and of a moderate extent”²⁶;
 - (c) Effects on character of the Lake Wanaka outlet – “moderate”²⁷;
 - (d) Visual effects on existing subdivision – unchanged, relatively localised, range from “small to very significant”²⁸;
 - (e) Visual effects from Deans Bank track – reduced from significant to moderate²⁹;
 - (f) Effects on visual amenity of lake users – “moderately small”³⁰;
 - (g) Effects on visual amenity of users of the OSZ – “moderately insignificant”³¹.
- 25 Dr Read accepted that that all of the modifications to the proposal at the time of the hearing were positive and would diminish the adverse effects of the plan change on the landscape. She concludes in her supplementary evidence that the adverse effects of the proposal on the landscape of the vicinity are “on balance adverse and of a moderate extent”³² but then subsequently (and inconsistently) describes the effects as “significant” overall³³.
- 26 In Mr Espie’s opinion, the landscape character of the site itself will be substantially changed but that change will be confined in area, and visual effects will be minimal except for observers on the north side of Infinity Drive. He confirmed in his evidence that the development proposed on the non-ONL land is consistent with the operative District Plan provisions relating to landscape and visual amenity³⁴.

²⁵ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 3.2.1

²⁶ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 3.2.2

²⁷ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 3.2.3

²⁸ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 3.3.1

²⁹ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 3.3.2

³⁰ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 3.3.3

³¹ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 3.3.4

³² Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 3.5

³³ Supplementary Evidence of Dr Marion Read dated 9 August 2016 at paragraph 4.3

³⁴ Evidence of Ben Espie at paragraphs 32 – 37 and 50

Ms Steven's Evidence

- 27 Mr Alty acknowledged that Ms Steven was involved in the preparation of Forest and Bird's submission on the plan change and therefore was both an advocate and an expert witness, a practice which the Court does not encourage because of the inherent conflict between those roles³⁵.
- 28 Rather oddly, and perhaps indicative of this conflict, the Forest and Bird submission did not directly challenge the ONL line and in fact did not oppose Lots 7 to 12, despite Ms Steven having a hand in preparing the submission and concluding in her evidence³⁶ that 'the majority, and perhaps all, of the PC51 area is within an ONL'.
- 29 The role of an expert witness is to assist you on the issues arising in this case which is within the sphere of his or her knowledge or expertise, not to act as an advocate for either side's cause³⁷. The Code of Conduct makes it clear³⁸ that 'an expert witness is not, and must not behave as, an advocate for the party who engages the witness'. Ms Steven attempted to limit her role as an expert witness to only the location of the ONL line. However it is not possible for an expert witness who has acknowledged their advocacy role to be independent. Moreover, Ms Steven strayed beyond the location of the ONL line into her personal views³⁹ and also into ecological matters⁴⁰. Ms Palmer refers in her evidence⁴¹ to Ms Steven having sent her a photograph of *Coprosma brunnea* (Lot 13) on 27 July which is also, to say the least, unorthodox.
- 30 Of the three landscape experts you heard from, in my submission Mr Espie's evidence is to be preferred. Ms Steven is unable to fulfil the role of an impartial expert witness. You are therefore entitled to set her evidence to one side or at the very least reduce the weight you attribute to it⁴². Dr Read failed to consider the significant changes to

³⁵ *Golden Bay Cement Ltd v Whangarei District Council* A015/2005 at [25]

³⁶ At paragraph 35

³⁷ *McGregor v Rodney District Council* [2004] NZRMA 481 at [16]

³⁸ At paragraph 7.2(b)

³⁹ Her para 23 – community values and para 25 – the ecological significance of the area. She referred, in answer to a question from the Commissioners, to the value of the landscape to her. Commissioners asked whether policies still allow development within an ONL. She said she couldn't answer as an expert. "ONL would disappear".

⁴⁰ At paragraph 31 of her evidence

⁴¹ Paragraph 18 of Dawn Palmer's supplementary evidence.

⁴² *Norwood Lodge v Upper Hutt City Council* W073/04 at [63]

the existing environment in her assessment, which is a fundamental flaw.

Ecology

31 There appears to now be very few differences between the ecological experts. Ms Palmer agrees with Dr Bramley that:

- (a) Biodiversity will be improved by the plan change and there will be a net gain in the species present⁴³.
- (b) The introduction of indigenous species other than those present will provide ecological benefits to the area in so far as birds and invertebrates are likely to benefit from their presence⁴⁴.
- (c) If planting occurs to enhance the diversity of kanuka shrubland with divaricating shrubland species and fescue tussocks and mat forming species, there will be a valuable ecological benefit⁴⁵.
- (d) Ongoing maintenance of plantings will not be difficult, *"it will simply be required during establishment and maintenance of the overall values in the open space otherwise conifers will establish..."*⁴⁶.

32 Ms Palmer recommends that the shrubland plantings comprise 80% to 90% kanuka. Dr Bramley's intention was to use 75-85%.

33 Ms Palmer describes the issue of the historical vegetation present at the site as the 'primary crux' of the difference in opinion between her and Dr Bramley⁴⁷. That is because Ms Palmer had understood that the Requestor proposed to replace the existing vegetation community with beech forest⁴⁸. As Dr Bramley states in his rebuttal evidence, that was never the case, and therefore the relevance of what previously existed on the site becomes of little importance, especially given that Ms Palmer does not object to inclusion of beech trees as minor components of landscape design.

⁴³ Supplementary Evidence of Dawn Palmer at paragraph 13

⁴⁴ Supplementary Evidence of Dawn Palmer at paragraph 20

⁴⁵ Supplementary Evidence of Dawn Palmer at paragraph 21

⁴⁶ Supplementary Evidence of Dawn Palmer at paragraph 16

⁴⁷ Supplementary Evidence of Dawn Palmer at paragraph 55

⁴⁸ Supplementary Evidence of Dawn Palmer at paragraphs 40, 52, 54, 57, 58, 76, 79

- 34 Ms Palmer supports the rezoning of Lots 1-3 and 7-11 (although she later says Lots 1-12⁴⁹) provided the planting mix is per her revised Table 1. Mr Bramley has addressed Ms Palmer's Table 1 in his rebuttal evidence and maintains that the appropriate time to deal with the mix of plantings is at subdivision consent stage. Ms Palmer accepted in questioning that the debate about plant species could be dealt with through a management plan at resource consent stage.
- 35 In Ms Palmer's own words, "*the best management of the site is protection, release from infestations of conifer and rabbits and enhanced with supplementary planting to support the existing diversity or to plant additional seral shrubland species to support the kanuka shrubland*"⁵⁰. That is exactly what is proposed in the plan change, but with some built form to fund that important work.
- 36 It is clear that Ms Palmer would prefer that this land remain zoned Open Space but with the improved custodial management proposed by the plan change⁵¹. As I have set out above, that is not an option before you.

The Status Quo Option

- 37 In Dr Bramley's assessment, the tussock that exists in some parts of the plan change site is under too much pressure from weed, pests and recreational use to be sustainable, and the site is also in the process of reverting to kanuka forest. This is consistent with Mr Haworth's confirmation at the hearing that kanuka is expanding on the site.
- 38 Ms Palmer agrees that if no conifer control were to be undertaken, conifers will continue to infest the site and will eventually, if unchecked, dominate the kanuka stand.
- 39 Ms Palmer states in her evidence "*status quo with better management is a preferred outcome for this site, i.e. declining the plan change*"⁵². However if the land remains zoned Open Space, and if it is vested in the Council, the area would likely be classified under QLDC's Levels of Service programme as M6 (weed and fire suppression with no or

⁴⁹ Supplementary Evidence of Dawn Palmer at paragraph 84

⁵⁰ Supplementary Evidence of Dawn Palmer at paragraph 52

⁵¹ Supplementary Evidence of Dawn Palmer at paragraph 63

⁵² Supplementary Evidence of Dawn Palmer at paragraph 56

minimal mowing requirements)⁵³. Any other maintenance or enhancement (such as the rabbit control described by Ms Palmer⁵⁴) would need to be the subject of submissions to the Council's annual plan. According to Ms Palmer's supplementary evidence, the costs of such maintenance and enhancement are significant.

The Plan Change Proposal

- 40 The ecotone planting proposed by Dr Bramley will see areas of vegetation expand and re-connect. In his words, it will "*allow nature to do what is happening on this site anyway*". Dr Bramley confirmed in his answers to questions that kanuka is "not a tasty plant", that there are seedlings there now, therefore kanuka would establish on the site relatively easily and quickly.
- 41 The Commissioners questioned Dr Bramley as to whether the size of overall increase in planting proposed was sufficient. Dr Bramley confirmed that it was, given that the site itself is small and the fact that vegetation outside of the plan change site will not be adversely affected by the proposal.

Recreation

- 42 While there was evidence from submitters as to the use of the existing trails in the plan change area, those trails will not be affected by the plan change. Mr Croft's uncontroverted evidence is that there is low level use of the plan change site itself.
- 43 The new walking tracks proposed, the improvements to the existing trails, the two new car parks and toilet provide benefits and will address the conflict between existing recreational uses of the site⁵⁵. Effects on the sense of 'remoteness' on users of the existing trails will be mitigated by screen planting. The dominant experience of users of the OSZ is the aspect to the north. That will not be affected by the plan change⁵⁶.
- 44 The Requestor has acknowledged that the remaining effect is a reduction in the overall extent of the OSZ. In Mr Greenaway's view, it

⁵³ Supplementary Report of Jeannie Galavazi dated 9 August 2016, page 2

⁵⁴ Supplementary Evidence of Dawn Palmer at paragraphs 63 and 64

⁵⁵ Evidence of Robert Greenaway at paragraph 36

⁵⁶ Evidence of Ben Espie at paragraph 81

is unlikely that the proposed LDR land (even if it is not rezoned) will ever be the subject of any significant recreational use in the future, however a financial contribution rule (which is based on track construction costs⁵⁷) has been proposed to address any perceived residual effect in terms of the loss of potential future development opportunity. Any residual open space effect not related to recreation is dealt with by the deletion of Lots 20 – 22.

- 45 Ms Galavazi has accepted in her supplementary evidence that a track formed to Council's Grade 3 standard would be acceptable, rather than the Grade 2 track Council initially sought. The Grade 3 standard requires a 1.5m width but allows a width of 1.2m in short sections to protect environmental or visual amenity, which is in fact less onerous than the Requestor has proposed.
- 46 Of the few submitters who attended the hearing:
- (a) Mr Hamilton referred to the ability of people to wander over the site without looking at buildings, however buildings are plainly visible from some parts of the site already.
 - (b) Mr Greenaway (Bike Wanaka) agreed that there is a benefit in separating cyclists and walkers but expected that Council could achieve this. There is no evidence that that outcome is achievable if the land is not rezoned. It will certainly never occur if the land is not vested in the Council.
 - (c) Ms Lawton confirmed that the Aspiring Tracks Network is neutral in relation to the plan change. ATN represents/is made up of five community stakeholders – Bike Wanaka, Department of Conservation, Lake Wanaka Tourism, Queenstown Lakes District Council and Upper Clutha Tracks Trust.

Legal Issues

Lost Opportunity?

- 47 The Commissioners explored with the witnesses whether, if the land is rezoned, there is some form of lost opportunity for 'breathing space' which has not been addressed by the plan change.

⁵⁷ Ms Galavazi agrees with these cost estimates at page 3 of her supplementary evidence.

- 48 Ms Taylor stated, in answers to questions from the panel, that in her opinion this would be included as part of the “amenity values” of the site. “Amenity values” are defined in s2 of the Act as meaning ‘those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes’.
- 49 It is accepted that the built form proposed will reduce the area of land available for all types of activities that can be undertaken on OSZ land, and will change the amenity values of the land which is developed. However the enhancement planting proposed will positively and considerably increase natural character⁵⁸ and the amenity experience of future users of the OSZ will be a high one⁵⁹. Overall, in terms of s7(c), amenity values will be maintained and enhanced.
- 50 It must also be remembered that, in terms of the status quo, this land is privately owned. It is not yet (and might never be) public land. There is no right of public access to it. Ms Jones questions, in her supplementary evidence, whether it would be lawful for the Requestor not to complete the existing subdivision and vest the Open Space land in the Council, on the basis that she considers this to be ‘inconsistent with the commensurate intention of the condition’. I addressed this issue in opening but for completeness I address it again here. Condition 11 of RM060929 allows the consent holder to progressively vest the OSZ land within Peninsula Bay as public reserve in stages that match the staging of the subdivision. The Requestor has vested land as the stages of the subdivision have been completed⁶⁰. However if the remaining Stage 6(c) is not completed, the balance vesting need not occur⁶¹. The condition is unambiguous in that regard.

The Financial Contribution Rule

- 51 A question arose during the hearing as to whether the financial contribution rule proposed is vires because it is not tied to a particular project. The rule as proposed provides:

⁵⁸ Evidence of Ben Espie at paragraphs 64 and 77

⁵⁹ Evidence of Ben Espie at paragraph 73

⁶⁰ As shown in Appendix B to Mike Botting’s evidence

⁶¹ Evidence of Mike Botting at paragraphs 18 and 19

iii Peninsula Bay North

A financial contribution for the purpose of developing or maintaining tracks and trails within the Wanaka area may be included as a condition of any resource consent for subdivision within the Peninsula Bay North Zone.

The contribution shall be \$5,000 per Lot being consented and shall be in monetary form only.

- 52 The level of contribution required by the rule, and the purpose for which the contribution will be applied, is sufficiently certain that the rule is vires.

Outline Development Plan

- 53 The potential issue in relation to the vires of the requirement for a new ODMP has been resolved by amending Rule 15.2.3.4(v)(ii) to make it clear that a new, separate ODMP for Peninsula Bay North is not proposed.

Landscape Boundaries Previously Determined by the Court

- 54 Dr Read states in her evidence that regardless of what is stated on the Appendix 8 maps, the boundaries determined by the Court cannot be considered to be 'set in stone', and she relies on an opinion from MacTodd in that regard. However the legal opinion from MacTodd in fact confirms that "a good deal of reliance can be placed on previous decisions particularly those of the Court" and "the presumption (of an earlier decision on an ONL location) will be more difficult to overcome if it has been the subject of scrutiny by the Court".
- 55 In my submission there is no justification for revisiting the Court's finding as to the location of the ONL for the reasons I have addressed above.

UGB

- 56 The land is within the Wanaka Structure Plan Inner Growth Boundary in the Queenstown Lakes District Growth Management Strategy (GMS). The Court held in *Appealing Wanaka Incorporated v QLDC*

and Northlake Investments [2015] NZ EnvC 139 that the GMS is not a 'statutory document' for the purposes of s74(2)(b)⁶².

- 57 However the land is also included in the UBG in the Wanaka Structure Plan 2007. The Structure Plan is intended to provide a tool for the Council to manage growth in Wanaka over the next 20 years. You are required to have regard to the WSP under s74(2)(b)⁶³.
- 58 In Ms Jones view, there should be no presumption that all land within the UBG is necessarily to be developed for urban purposes⁶⁴. I agree, however the evidence for the Requestor is that the plan change land is suitable for this purpose.

Planning Matters

- 59 Ms Taylor is clear that the amended proposal is the most appropriate way to achieve the objectives of the District Plan, and Part 2 of the Act. In her assessment, and on the basis of Mr Espie's opinion on landscape matters, the proposal also sits very well with the RPS.
- 60 Ms Jones comes to the view⁶⁵ that the land containing at least Lots 13 - 26 should be considered ONL, on the basis of her understanding that all of the experts including Mr Espie accept that the eastern half of the south facing part of the site is ONL. Ms Jones is wrong about that as Mr Espie has been very clear that he does not consider the eastern half of the south facing part of the site to be ONL.
- 61 Ms Jones concludes that 'outcomes would be better served and more cost effectively achieved by protecting and enhancing what is already present on the site'⁶⁶. The fact that she does not appreciate that this is not an option before you is a significant omission.

Conclusion

- 62 Apart from their formal requirements as to what a district plan must (and may) contain, s74 and s75 of the Act impose three sets of positive substantive obligations on a territorial authority when preparing or changing a plan. These are:

⁶² *Appealing Wanaka* decision at [48]

⁶³ *Appealing Wanaka* decision at [49]

⁶⁴ Supplementary Evidence of Vicki Jones at paragraph 3.6

⁶⁵ Supplementary Evidence of Vicki Jones at paragraph 4.2(d)

⁶⁶ Supplementary Evidence of Vicki Jones at paragraph 4.2(h)

- (a) Firstly, to ensure the district plan or change accords with the authority's functions under s31, including management of the effects of development, use and protection of natural and physical resources in an integrated way;
 - (b) Secondly, to give the proper consideration to Part 2 of the RMA and the list of statutory documents in s74 and s75; and
 - (c) Thirdly, to evaluate the proposed plan or change under s32 of the RMA⁶⁷.
- 63 The evidence for the Requestor is that the plan change accords with the authority's functions under s31, including management of the effects of development, use and protection of natural and physical resources in an integrated way.
- 64 The Requestor has given proper and very careful consideration to Part 2 of the RMA and the list of statutory documents in s74 and s75.
- 65 Ms Taylor has also thoroughly evaluated the proposal as required by s32 and concludes that the proposed zoning is appropriate and will enable the sustainable development of the site. Section 32 requires you to take into account the risk of approving the plan change or of refusing it ('not acting'). One of your options is retention of the Open Space zoning and rejection of the plan change. That potential outcome must be carefully considered⁶⁸. In this case, retention of the existing zoning would forego all of the benefits of the proposal (including ensuring that the OSZ land is vested in the Council), and the values of the OSZ will deteriorate.
- 66 The current Open Space Zoning of this land is perceived by the Council's witnesses as offering more protection than an LDR zoning, but the Open Space Zoning in and of itself only prevents built form⁶⁹. The evidence is clear that in the absence of the plan change, the ecological values of the land will decline. The ongoing degradation of

⁶⁷ *Appealing Wanaka* at [35]

⁶⁸ As it was in *Appealing Wanaka* at Section 8.3

⁶⁹ Under Rule 20.2.2.1 of the operative District Plan, the only permitted activities in the OSZ are:

- i. Passive or informal recreation (e.g. walking, running, biking, picnics).
- ii. Maintenance activities associated with permitted activities, or those activities that have a resource consent.
- iii. Removal/control of weeds and wilding trees.
- iv. Fencing of ecologically valued areas.
- v. Fencing on the boundary of the Zone where it bounds privately owned land.

the tussocks due to browsing and invasion of wilding conifers will continue. The open area north of Lots 11 and 12, where vegetation is dominated by hawkweeds and there is a high proportion of bare soil, is the most likely outcome at some of the tussock areas, whilst at others, the existing browntop and other exotic grasses are likely to come to dominate in the medium term, with conifers taking over in the longer term⁷⁰. In addition, the land may never be vested in the Council and public use of the land could be precluded.

- 67 The plan change, which has been the subject of significant refinement since notification, better meets the purpose of the Act than the status quo. In terms of effects:
- (a) The proposal will result in a large area of new and enhanced planting and will have a positive effect on the terrestrial ecology of the site. The ecological functioning, diversity and resilience of the site will be improved, as will the local connection between patches of shrubland habitat.
 - (b) The enhancement planting proposed is better than 'like for like'⁷¹. It will enhance the diversity of kanuka shrubland with divaricating shrubland species and fescue tussocks and mat forming species, which Ms Palmer agrees will have a valuable ecological benefit.
 - (c) The amount of tussock to be removed has been reduced significantly, to 1690m².
 - (d) The effects on landscape and visual amenity values have been well mitigated.
 - (e) One building platform is within the ONL as defined by the Court in C010/2005. Section 6(b) does not require that, whatever the level of modification, the remaining level of natural character must be maintained⁷². Only one visually inconspicuous⁷³ dwelling, together with a large area of enhancement planting, would be enabled within the ONL, in an area capable of absorbing such change and in a planning environment which

⁷⁰ Rebuttal Evidence of Dr Gary Bramley at paragraph 10

⁷¹ Rebuttal Evidence of Dr Gary Bramley at paragraph 27

⁷² *Doves Bay Society Incorporated v Northland Regional Council* Env C C126/02 at [51]

⁷³ Evidence of Ben Espie at paragraph 23

does not exclude development within an ONL. The ONL, and the reasonable person's perception of it, will not be diminished in any way⁷⁴. Therefore the very limited development within the ONL is not inappropriate.

- (f) While the landscape character of the plan change site itself will be changed by the introduction of some built form, this change will be confined in area.
 - (g) Visual effects will be minimal except for observers on the north side of Infinity Drive. With the deletion of Lots 20 – 22, all of the dwellings will sit under the ridgeline.
 - (h) Recreational effects have been well mitigated and have been reduced further by the removal of Lots 20 - 22 from the proposal.
- 68 Granting PC51 will enable an additional single row of houses within the urban growth boundary, immediately adjacent to an existing urban environment. It will result in positive ecological effects, positive recreational effects and create additional housing. Those outcomes are certain, sustainable and secure and better meet the purpose of the Act than the status quo.

DATED this 2nd day of September 2016

A handwritten signature in blue ink, appearing to read 'L J Semple', is written above a horizontal line.

L J Semple / M A Thomas

Counsel for Peninsula Bay Joint Venture Limited

⁷⁴ Evidence of Ben Espie at paragraph 85

7.5 Low Density and High Density Residential Zone Rules

PAGES NOT INCLUDED HERE

PAGES NOT INCLUDED HERE

7.5.5.3 Zone Standards - Residential Activities and Visitor Accommodation

Xiv Outline Development Master Plan – Peninsula Bay

No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council pursuant to Rule 7.5.3.3(iii) [and for Peninsula Bay North unless it is consistent with the Structure Plan attached as Figure \[insert figure number\] and complies with the performance standards listed in Rule 15.2.6.3\(xi\)\(a\).](#)

PAGES NOT INCLUDED HERE

7.5.6.3 Zone Standards - Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone).

Xv Outline Development Master Plan – Peninsula Bay

No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council pursuant to Rule 7.5.3.3(iii) [and for Peninsula Bay North unless it is consistent with the Structure Plan attached as Figure \[insert figure number\] and complies with the performance standards listed in Rule 15.2.6.3\(xi\)\(a\).](#)

15. Subdivision, Development and Financial Contributions

15.1 Issues, Objectives and Policies

15.1.1 Introduction

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

Subdivision provides the framework of service provision for land use including roading, water supply, sewage treatment and disposal, energy, telecommunication, stormwater and trade waste. Subdivision is the mechanism for the provision of esplanade reserves, esplanade strips and access strips and is therefore significant in the context of providing public access to lakes and rivers. Subdivision is also a means by which provision is made for additional land and facilities to meet the open space and recreation needs of the District's residents and visitors.

15.1.2 Issues

i Site Suitability

The underlying objective is to ensure that the lots created by subdivision are suitable for the anticipated use, that the land is of a suitable size and shape, is able to be serviced and developed and it is not subject to any unacceptable man-made or natural hazard.

ii Future Land Uses

There is an expectation by land purchasers that many of the effects of anticipated land uses will have been examined before a new land parcel is allowed to be created by way of subdivision. This includes the framework of services, reserves, access, water supply, stormwater disposal and sewage treatment and disposal. It also includes the effects on landscape, cultural or amenity values of the density and character of development that is likely to result from the subdivision pattern.

iii Costs of Infrastructure

Development facilitated by subdivision increases demands on the infrastructure of the District. New development will be subject to assessment in accordance with Council's Long Term Community Plan Development Contributions Policy to ensure that developments contribute to the cost of infrastructure associated with that demand.

iv Land subject to Natural Hazards

The opportunity may arise to subdivide and develop land which may be subject to natural hazards. This may require significant infrastructure works. Where land, or any structure on that land, is likely to be subject to damage by erosion, subsidence, or inundation from any source, the Act provides that the Council shall not grant a subdivision consent unless the effects can be avoided, remedied or mitigated. The suitability of land for future development in terms of susceptibility to natural hazards needs to be considered at the stage of subdivision.

The Council has identified the Makarora Rural Lifestyle Zone as one such area where development may occur at low densities subject to avoiding, remedying or mitigating the effect of natural hazards.

v Environmental Considerations

Where appropriate, the Council can secure the protection of environmentally sensitive sites, sites of significance to all cultures, or the margins of lakes and rivers, by way of esplanade reserves or conservation covenants, bonds or other such effective techniques at the time of subdivision. Subdivision also provides the opportunity to provide public access to and along lakes and rivers, and to obtain areas of land for public open space and recreation.

vi Special Lots

Provision needs to be made for special sites for activities such as utilities, roads, access lots to landlocked land or land with no practical access, recreation land or land of cultural or heritage significance including archaeological sites. The area of these lots may need to be less than the minimum otherwise permitted.

vii Public Access – Peninsula Bay Wanaka

There is a clear community desire to establish and maintain public access throughout the open space zone within Peninsula Bay, providing linkages throughout the site, and connections to the Lake. Where land is not vested in the Council as a reserve, public access needs to be established through the creation of easements at the time of subdivision. To ensure that the community's desires are met, it is important that the public access easements are established prior to any other development occurring within the site.

viii Appropriate Subdivision – Kirimoko Block, Wanaka

The Kirimoko Block is predominantly undulating topography and inappropriate subdivision and development has the potential to require significant earthworks and may compromise elevated, more visually sensitive spurs surrounding the block.

15.1.3 Objectives and Policies

Objective 1 – Servicing

The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.

Policies:

- 1.1 *To integrate subdivision roading with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.*
- 1.2 *To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.*

- 1.3 *To achieve provision of pedestrian, cycle and amenity linkages, where useful linkages can be developed.*
- 1.4 *To avoid or mitigate any adverse visual and physical effects of subdivision and development roading on the environment.*
- 1.5 *To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.*
- 1.6 *To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.*
- 1.7 *To ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy.*
- 1.8 *To encourage the retention of natural open lakes and rivers for stormwater disposal, where safe and practical, and to ensure disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.*
- 1.9 *To ensure, upon subdivision or development, that anticipated land uses are provided with means of treating and disposing of sewage in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.*
- 1.10 *To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.*

- 1.11 *To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.*
- 1.12 *To ensure the requirements of other relevant agencies are fully integrated into the subdivision/development process.*

Explanation and Principle Reasons for Adoption

High vehicle ownership necessitates the provision of vehicular access to newly created lots. Roding and access standards must be a reflection of anticipated traffic, be it volume or type, and must integrate into the existing roding system to provide safe, convenient and efficient access. Subdivision provisions for roding and access need to reflect the opportunities to create a variety of vehicle and access systems, for the benefit of both vehicular transport, cyclists and pedestrians. Roding and access can also have a major visual impact and as such both the location in terms of the topography and landscape, and the design of access routes, should enhance the natural environment and minimise any visual intrusion.

The subdivision of land is often followed by intensification or changes in land use that subsequently increase the demand for water usage. Where the proposed subdivision creates new lots and where the users will require water for human consumption, then that supply must be potable and reliable in the long-term. In addition, as life and property needs to be protected, ready access to sufficient water supplies must be available for fire fighting purposes. Unless the water supply system has an excess of capacity, subdivision and development will lead to the need for the water supply system to be upgraded. Some land use activities may place heavy demands upon a water supply system and consideration must be given to their location to ensure the sustainability of the water resource.

Notwithstanding regular monitoring and testing programmes, individual wells run the risk of contamination, variable quantity and inadequate levels of supply at some times of the year. Connections to a public supply provide much greater certainty as to the adequacy of the water quality and the reliability of the supply.

The design of stormwater systems and the capacity of existing systems must be adequate to achieve satisfactory disposal. It is the responsibility of the

person who changes the existing land and water surfaces to investigate the effects of the proposal. If any adverse effects on the surrounding or receiving environment will, or could, result from the subdivision or development of land, then mitigating measures must be carried out by the subdivider or developer.

Recognition and enhancement of the values of natural lakes and rivers and receiving waters is a necessary part of planning subdivision and subsequent land use developments. Lakes and rivers can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. Preservation of the catchment is ecologically more acceptable and can assist in avoiding contamination of surface waters from stormwater run-off. These benefits need to be balanced by safety and practicality considerations in urban areas.

Proper treatment and disposal of sewage is a matter of importance. This is significant in terms of the protection of the quality of the surface and groundwaters and in the protection of public health.

Treatment of sewage effluent requires adequate provision for treatment systems and a means of disposal for the waste generated by the subdivision. In the existing urban areas where the Council provides or intends to provide for public sewage reticulation, treatment and disposal, there is a greater assurance that public health risks and adverse effects on the environment will be avoided.

In rural areas and townships, where connection to public reticulated systems is impracticable, care must be exercised to ensure the individual treatment and disposal system does not cause contamination of any adjoining lakes and rivers or groundwater, particularly if that could affect public health and the quality of a locality's water supply.

The taking of water and the discharge of the contaminants in stormwater and sewage are also the responsibility of the Otago Regional Council and consents may also be required from this Council in conjunction with a subdivision consent from the District Council.

The supply of electric power and telecommunications to all sectors of the community can be regarded as an essential service. It includes any upgrading or establishment of a system to service an area, and supply to individual users of sites created upon subdivision. The widespread use of electric power means

a provision of power lines and their associated structures. With appropriate planning, the adverse effects of overhead lines can be mitigated to a certain degree in some locations, however, for most properties in the residential areas, townships, and town centres, provision of new reticulation is more appropriate underground.

Objective 2 - Cost of Services to be Met by Subdividers

The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.

Policies:

2.1 *To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:*

- *roading and access;*
- *water supply;*
- *sewage collection, treatment and disposal;*
- *stormwater collection, treatment and disposal;*
- *trade waste disposal;*
- *provision of energy;*
- *provision of telecommunications.*

2.2 *Contributions will be in accordance with Council's Long Term Community Plan Development Contributions Policy.*

Explanation and Principle Reasons for Adoption

Subdivision of land provides a framework of services for subsequent purchasers of new lots who have an expectation that services will be available.

New subdivision may also give rise to demands for extending or upgrading of existing services.

The provision of services to, and within the subdivision, is a cost recoverable from the sale of lots and can be imposed on a subdivider via Council's Long Term Community Plan Development Contributions Policy at the time resource consent for subdivision/development is issued.

Contributions are set according to methods of determination provided in Council's Long Term Community Plan Development Contributions Policy to ensure a reasonable degree of certainty for developers.

Objective 3 - Reserve Contributions (Hydro Generation Zone only)

Refer: Open Space and Recreation, Part 4.4

Objective 4 – Outstanding Natural Features, Landscape and Nature Conservation Values

The recognition and protection of outstanding natural features, landscapes and nature conservation values.

Policies:

4.1 *To take the opportunity to protect outstanding natural landscapes and features, nature conservation values and ecosystems through the subdivision process.*

4.2 *To ensure works associated with land subdivision and development avoid or mitigate the adverse effects on the natural character and qualities of the environment and on areas of significant conservation value.*

4.3 *To avoid any adverse effects on the landscape and visual amenity values, as a direct result of land subdivision and development.*

4.4 *To use opportunities through the subdivision/development process to improve the level of protection for the natural character and nature conservation values of the lakes and rivers with reference to section 230 of the Resource Management Act 1991.*

Explanation and Principle Reasons for Adoption

It is important to ensure, where possible, the subdivision pattern does not artificially divide and create difficult management circumstances for areas of land forming part of outstanding natural landscape or natural features, habitats or river and stream environments which often have a natural and irregular pattern. Accordingly, the subdivision of land should be undertaken in a way which specifically identifies, and where necessary excludes, such areas from parcels of land that are intended for more intensive land use practices. Conditions attached to subdivisions may be imposed in situations where they can achieve the protection of outstanding natural landscapes and features as part of the subdivision process.

The Plan recognises the importance of access to and from the rivers and lakes according to the value of these areas for public access, their ability to provide walkway and other linkages across various parts of the District, both urban and rural, and their natural values. The safety of access points to esplanade reserves and strips from arterial roads also requires assessment.

Subdivision approvals frequently involve proposals or conditions involving earthworks, which can significantly alter vegetation or the surface of the land and cause erosion and sedimentation.

It is important to ensure earthworks do not unnecessarily affect adjoining land, lakes and rivers, outstanding natural features and in particular the natural and physical qualities of the hill areas.

Subdivision of land generally results in changed or intensified patterns of land use which can have significant adverse effects on landscape and visual amenity values.

Objective 5 - Amenity Protection

The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

Policies:

- 5.1 *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*
- 5.2 *To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*
- 5.3 *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.*
- 5.4 *To encourage the protection of significant trees or areas of vegetation, upon the subdivision of land.*
- 5.5 *To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.*
- 5.6 *To encourage the identification of archaeological sites and sites of cultural significance.*
- 5.7 *To minimise street lighting in the Rural Residential area at the north of Lake Hayes in order to retain the rural amenity values of the area.*
- 5.8 *To promote the use of stormwater management methods which involve the use of pervious surfaces such as open swales in the Rural Residential area at the north of Lake Hayes, in order to retain the rural amenity values of the area.*

Explanation and Principle Reasons for Adoption

Subdivision of larger parcels of land provides the opportunity for developers to express innovation in such matters as roading design and layout, the shape and size of lots, orientation of lots and energy efficiency, protection of views,

open space networks, the rural-urban interface, protection of nature conservation values and the amenity values of the lakeshores and rivers.

It is desirable to maintain and enhance the amenity values of areas, regardless of their land use, when subdivision takes place. This applies to the levels and patterns of open space, plantings and built density desired in all areas of the District. This can be influenced by the pattern of subdivision, which leads to land-use activities such as the location of fencelines, shelterbelts, access roading and buildings.

The potential for subdivision patterns to influence the land use patterns should be considered at the time of subdivision consent, particularly in rural areas. Significant trees can also make an important contribution to the amenities of an area, especially residential environments.

The pattern of subdivision can affect the safety, efficiency and cost of provision of roading facilities, as well as services such as water supply and sewerage. The number and location of subdivisional roads and access points onto the roading network can be a factor in determining the safety and efficiency of those roads, particularly arterial roads. Patterns of subdivision development can minimise the numbers of new intersections or access onto roads. New subdivisional roads also need to be designed to accommodate safely the number and nature of vehicles using the network.

Implementation Methods

- a. The objectives and associated policies will be implemented through the rules, standards and assessment matters in the Subdivision Development and Financial Contribution Rules.

Objective 6

To ensure effective public access is provided throughout the Peninsula Bay land.

Policies:

- 6.1 *To ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has*

been approved confirming easements for the purposes of public access through the Open Space Zone.

- 6.2 *Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.*
- 6.3 *To ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.*

In addition to the above, refer: Open Space Zone Objective 2, Part 20.

Explanation and Principle Reasons for Adoption

It is important that amenity values are maintained, or where possible, enhanced, through the provision of public access. The use of easements for the purposes of ensuring public access enables the bulk of the land to remain in private ownership, with the cost associated with maintenance of that land borne by the landowner/s.

The policies establish that the public access easements must be created prior to any other subdivision or development within the Peninsula Bay Low Density Residential Zone.

Objective 7 – Kirimoko Block, Wanaka

To create a liveable urban environment which achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.

Policies:

- 7.1 *To protect the landscape quality and visual amenity of the Kirimoko Block and to preserve sightlines to local natural landforms.*

To require that the walkway from Scur Heights across the Kirimoko Block to Peninsula Bay is completed before any subdivision is applied for.

- 7.3 *To protect the natural topography of the Kirimoko Block and to incorporate existing environmental features into the design of the site.*
- 7.4 *To ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies (all zoned Low Density Residential) and that visually sensitive areas such as the spurs are left undeveloped (building line restriction area).*
- 7.5 *To ensure the provision of open space and community facilities that are suitable for the whole community and which are located in safe and accessible areas.*
- 7.6 *To develop an interconnected network of streets, footpaths, walkways and open space linkages which facilitate a safe, attractive and pleasant walking, cycling and driving environment.*
- 7.7 *To provide for road and walkway linkages to neighbouring developments*
- 7.8 *To ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.*
- 7.9 *To minimise disturbance of existing native plant remnants and to enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.*
- 7.10 *To design for stormwater management which minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.*
- 7.11 *To require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.*

Three Parks zone objectives and policies

Objective 8

Three Parks Zone - A layout and design of development that demonstrates best practice in terms of achieving environmental sustainability

- 8.1 *To ensure, through well-planned layouts, that buildings and open spaces are located and orientated in a way that achieves good solar access*
- 8.2 *To encourage energy efficiency in the design, location, and orientation of buildings.*
- 8.3 *To require development and subdivision to demonstrate best practice in regard to managing the quantity and quality of stormwater runoff.*
- 8.4 *To encourage the creation or restoration of wetlands where opportunities exist*

Objective 9

Three Parks Zone - An urban structure, well-considered building design, and other initiatives which, together, help to reduce car use and provide practical alternatives.

Policies

- 9.1 *To require that the urban structure (including road layout, cycle and walking networks, land use densities, and block sizes) is well-connected and specifically designed to:*
 - 9.1.1 *Enable public transport to efficiently service the area, now or in the future (which may, in the future, also include the provision of a transport node); and*
 - 9.1.2 *Ensure that on-street carparking is provided; and*

9.1.3 *Reduce travel distances through well-connected streets; and*

9.1.4 *Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and local facilities and amenities within the zone, and which are well-connected to other areas beyond the zone, particularly the Wanaka Town Centre.*

Objective 10

Three Parks Zone - Staged development which keeps pace with the growth of Wanaka and results in a high quality urban area containing a network of open spaces and a mix of compatible uses.

Policies

- 10.1 *To ensure that development is consistent with the Wanaka Structure Plan (2007) and the Wanaka Transport Study (2007).*
- 10.2 *To avoid development that is not in accordance with the Three Parks Structure Plan or approved Outline Development Plans or Comprehensive Development Plans.*
- 10.3 *To ensure development is staged in a manner which results in a logical progression of development, the cost effective provision of infrastructure, an appropriate mix of uses, and a consolidated urban form.*
- 10.4 *To ensure that development and subdivision does not occur unless appropriate infrastructure is in place to service it.*
- 10.5 *To ensure that the open space network includes those open spaces shown on the Three Parks Structure Plan in order to provide landscaped buffers along SH84 and Riverbank Rd , to protect key landscape features, and to provide for passive and active outdoor recreation activities.*
- 10.6 *To avoid buildings within the fixed open space areas shown on the Three Parks Structure Plan, other than small buildings that are ancillary to the infrastructure or recreation function of the area.*

10.7 *To require high quality landscape design of the Open Space areas*

10.8 *To recognise that pastoral and arable farming may be suitable in early stages of development while also acknowledging that it may become unsuitable as surrounding areas become more urbanised.*

10.9 *To avoid any subdivision or development of the Deferred Urban Zone in order to preserve it for future urban use and so as to not pre-empt what that use may be.*

Objective 11

Three Parks Zone - A high level of residential amenity and a range of housing types which promote strong, healthy, and inclusive communities.

Policies

- 11.1 *A mixture of residential densities is encouraged in order to provide greater housing choice, a greater range of affordability, and a more diverse resident community.*
- 11.2 *Residential densities are required to be consistent with those specified in the assessment matters for Outline Development Plans in order to ensure that the various subzones are distinctly different from one another and that desired level of consolidation and open space is achieved in the respective areas.*
- 11.3 *Neighbourhoods are required to be laid out in a manner which encourages residences to address the street by avoiding long, thin lots with narrow frontages.*

- 11.4 *Small clusters of higher density housing is appropriate in the Low Density Residential subzone provided it is identified in an approved Outline Development Plan, is well designed, and is located such that it provides a high level of residential amenity.*
- 11.5 *Some variation in densities is required in the Low Density Residential subzone in order to achieve a more diverse streetscape and resident community.*
- 11.6 *The multi unit developments within the LDR subzone are comprehensively designed to ensure a quality residential living environment and attractive streetscape.*

Objective 12

Three Parks Zone - Establishment of a high quality, functional business area which provides for a wide range of light industrial, service and trade-related activities whilst protecting it from residential and inappropriate retail uses.

Policies

- 12.1 *Small lot subdivision shall be avoided unless combined with a land use Resource Consent, which illustrates how a complying business development can occur on the site(s).*

Objective 13

Three Parks Zone - A high quality urban fabric, which is consistent with the vision set out in the Wanaka Structure Plan and the subsequent Structure Plan for the Three Parks Zone.

Policies

- 13.1 *To require street layouts and design to:*
 - 13.1.1 *Have an informal character in the Low Density residential subzone, including elements such as open swales where appropriate.*

- 13.1.2 *Be well-connected, with cul-de-sacs being avoided wherever connected streets would offer greater efficiency and amenity*
- 13.1.3 *Minimise the creation of rear sites.*
- 13.1.4 *Be safe for vehicles, cyclists, and pedestrians.*
- 13.1.5 *Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways, landscaping, and the location of compatible uses.*

- 13.2 *To encourage pedestrian and cycle links to be located within the public street, whilst acknowledging that off-street links are also appropriate provided they offer a good level of safety and amenity for users.*
- 13.3 *To encourage pedestrian and cycle links to provide for both the commuter and recreational needs of residents within the zone and the wider community.*
- 13.4 *To require well-located and well-designed open spaces that encourage high levels of usage and which are generally consistent with the Indicative Open Space Plan which forms part of the Three Parks Structure Plan*
- 13.5 *To require a number of public spaces to be developed in the Commercial Core; the scale and purpose of which shall be commensurate with the design capacity of the ODP (in terms of the GFA proposed and the number of employees and residents), including:*
 - 13.5.1 *An appropriately scaled public square in the Commercial Core, which provides a focal point for social interaction and contributes to a sense of place;*

13.5.2 *An appropriately scaled village green, which provides a relaxed distinctly non- commercial atmosphere*

13.5.3 *A number of small public spaces, which provide a range of different environments in which to congregate and/ or relax, such that there is one within a 5 minute walk from all parts of the Commercial Core.*

13.6 *To require a network of well connected, usable, and safe open spaces.*

13.7 *To encourage, where feasible, local reserves to be located and designed such that they can provide for stormwater disposal as well as providing for open space and/ or recreational needs.*

13.8 *To recognise that the relocation of a collector road by more than 50 metres (from that shown on the Three Parks Structure Plan) is likely to significantly affect the integrity of the Three Parks Structure Plan and should be avoided.*

Objective 14 Deferred Urban Subzone

The preservation of an area of land adjacent to the Commercial Core for future urban development once those zoned areas within 3 Parks have been largely developed and there is a clear need for more land to be released.

14.1 *To prevent development and subdivision of the deferred subzone until a future plan change demonstrates a need and purpose for the urban development of the land*

14.2 *To acknowledge that the Deferred Urban Zone may be suitable for either commercial, business, or residential use or a combination of these but that this decision is best deferred until the existing zoned areas have been developed.*

14.3 *To enable this area to continue to be farmed or to be used as open space and outdoor recreation until such a time as it is required for urban growth.*

Objective 15

The establishment of a green network including parks, areas for community facilities, cycleways, and pedestrian linkages that permeate all parts of the zone and links seamlessly into the more urbanised public realm in the commercial core.

15.1 *To ensure open space is created as part of a comprehensively planned hierarchy of spaces (including those for ecological and nature conservation purposes, active and passive recreation, soft and hard surface spaces, and those which contribute to the cycle and walking network).*

15.2 *To encourage community reserves and facilities to be in easily accessible, sunny, and flat locations.*

15.3 *To encourage spaces to be provided in the Commercial Core where the public can congregate.*

15.4 *To avoid residential development in close proximity to Riverbank Road.*

15.5 *To consider the possibility of providing additional playing fields that service the wider Wanaka catchment as part of assessing each Outline Development Plan.*

15.6 *To ensure good visual connection between the private and public realm by avoiding high fences and walls between the private allotment and public open space.*

Objective 16

Shotover Country Special Zone – Transport infrastructure design which minimises car use and achieves efficient transport connections.

Policies

16.1 *To ensure that the transport infrastructure (including road layout, cycle and walking networks) is well-connected and designed to:*

- 16.1.1 Enable public transport to efficiently service the area, now or in the future (which may, in the future, also include the provision of a park and ride facility);
- 16.1.2 Ensure that on-street car parking is provided;
- 16.1.3 Reduce travel distances through well-connected streets;
- 16.1.4 Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and local facilities and amenities within the zone, and which are well-connected to other areas beyond the zone, particularly Old School Road and Lake Hayes Estate.

Objective 17

Shotover Country Special Zone – To recognise the importance of the National Grid to the district's, region's and nation's social and economic wellbeing and take into account the benefits derived from that infrastructure at a local, regional and national level.

Policy

- 17.1 The reverse sensitivity effects generated by subdivision and land development within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line shall be managed in order to avoid, remedy or mitigate adverse effects on both the safe, secure and efficient use and development of the transmission network and the safety and amenity values of the community.

Objective 18 Industrial B Zone

In the Industrial B zone, a high quality, functional area that provides for a wide range of business, industrial, service and trade-related activities and avoids residential, office, and most retail uses.

Policies

- 18.1 *To avoid development that is not in accordance with the relevant Structure Plan or approved Outline Development Plans.*
- 18.2 *To ensure that development and subdivision only occurs where either the necessary infrastructure exists to service it, or temporary measure(s) have been agreed to by the council and the applicant has committed to connect to the council reticulated system once available.*
- 18.3 *Other than ancillary retail and that retail specifically permitted by the rules, all other retail shall be avoided in order to:*
 - 18.3.1 *Preserve the zone for those uses that are specifically enabled; and*
 - 18.3.2 *Ensure that the vibrancy of the existing town centres and the mixed use and commercial core areas of the Frankton Flats and Three Parks Zones is not undermined.*
 - 18.3.3 *Prevent the further distribution of retail across numerous areas and to, therefore encourage continued consolidation of retail activity in those areas intended for that purpose.*
- 18.4 *Residential and office activities shall be prevented in order to avoid reverse sensitivity issues and to preserve the zone for industrial and service activities*
- 18.5 *Small lot subdivision shall be avoided unless combined with a landuse Resource Consent, which illustrates how a complying development can occur on the site(s).*
- 18.6 *Adequate road access and on-site loading and manoeuvring areas shall be provided for heavy vehicles in order to prevent i) any loading or manoeuvring from occurring within the road corridor and ii) any large vehicles (truck and trailer units) having to reverse out of a site onto a road.*
- 18.7 *To ensure the provision of adequate loading zones in the design and layout of the zone, as well as on site loading at the time of development.*
- 18.8 *To require street layouts and design to:*

18.8.1 *Be well-connected, with cul-de-sacs being avoided wherever connected streets would offer greater efficiency and amenity*

18.8.2 *Minimise the creation of rear sites.*

18.8.3 *Be safe for vehicles, cyclists, and pedestrians.*

18.8.4 *Minimise opportunities for criminal activity through incorporating “Crime Prevention Through Environmental Design” (CPTED) principles as appropriate in the design of lot configuration and the street network, car parking areas, lighting, public and semi-public spaces, access ways, landscaping, fencing, and the location of compatible uses.*

18.9 *To recognise that the relocation of a fixed road by more than 50 metres or a fixed connection point by more than 20 metres (from that shown on the relevant Structure Plan) is likely to significantly affect the integrity of the Structure Plan and should be avoided.*

Objective 19 Industrial B Zone

In the Industrial B zone, effectively mitigate a) the adverse visual effects of business and industrial development, when viewed from public and private places and b) the adverse nuisance effects on the amenity of residential zones within the vicinity of the Industrial B Zone and

Avoid unreasonable and objectionable odour, which will affect amenity in the residential zones in the vicinity of the Industrial B Zone.

Policies

19.1 *To ensure that the fixed open spaces shown on the relevant Structure Plan are provided in order to separate and partially screen the zone from adjacent existing or future residential zones in order to minimise the visual and nuisance effects of development from both public and private places.*

Objective 20 Industrial B Zone

In the Industrial B Zone, a street layout that helps to reduce car use and provides practical alternatives.

Policies

20.1 *To require that the street layout and cycle and walking networks are designed to:*

20.1.1 *Enable public transport to efficiently service the area, now or in the future; and*

20.1.2 *Reduce travel distances through well-connected streets; and*

20.1.3 *Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and that are well-connected to other areas beyond the zone.*

Objective 21 Industrial B Zone

In the Industrial B Zone, a subdivision layout and built form that demonstrates best practice in terms of achieving environmental sustainability

Policies

21.1 *To ensure, through the street layout, that buildings are located and orientated in a way that achieves good solar access*

21.2 *To incorporate stormwater and sediment management options that ensure that:*

21.2.1 *The rate of discharge remains equal to or less than that of pre-development*

21.2.2 *The quality of the water in that discharge remains equal to or better than that of pre-development.*

Objective 22 Peninsula Bay North Low Density Residential Zone

Low density residential development at Peninsula Bay North:

- a) enhances and where appropriate, protects areas of significant indigenous biodiversity, in particular kanuka and short tussock grasslands;
- b) protects the visual amenity values, openness, and natural character associated with the Outstanding Natural Landscape;
- c) enables people to access land for passive and active recreation.

Policies

22.1 Development within Peninsula Bay North Low Density Residential Zone shall be generally in accordance with the Structure Plan, in particular the identification of ecological enhancement areas, connections to the adjacent open space zone, building platform locations and building heights.

15.1.4 Environmental Results Anticipated

- (i) A safe and efficient roading network.
- (ii) Safe, convenient access to and from subdivided lots.
- (iii) Enhanced and extended patterns of vehicular, cycle and pedestrian linkages.
- (iv) Water supplies which are sufficient in volume and of potable quality to meet reasonable needs and future expectations.
- (v) Adequate, safe and sustainable disposal of stormwater, sewage and trade wastes.
- (vi) Retention and enhancement of natural drainage systems.

- (vii) Adequate provision for energy supplies and telecommunications.
- (viii) Maintenance of the quality of the environment, particularly water and natural ground features.
- (ix) Cost effective provision of services for redevelopment and growth without additional financial burdens on District ratepayers.
- (x) Continued provision of esplanade reserves or strips, in appropriate locations, where enhancement of habitats and/or access can be achieved.
- (xi) A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.
- (xii) A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in existing and proposed residential environments.
- (xiii) Increased innovation in subdivision design and protection of significant trees or features.
- (xiv) Avoidance of potential risk from flooding, erosion, rockfall or subsidence.

15.2 Subdivision, Development and Financial Contributions Rules

15.2.1 Statement

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

15.2.2 General Provisions

15.2.2.1 Definition of Subdivision of Land

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

15.2.2.2 Relevant Sections of the Act

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

15.2.2.3 Legal Road Frontage

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

15.2.2.4 Regional Council Requirements

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

15.2.2.5 Transit New Zealand Requirements

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

15.2.2.6 Non-Notification of Applications

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

15.2.2.7 Joint Hearings

Any land use consent application arising from non-compliance with rules in this Plan as a result of a proposed subdivision shall be considered jointly with the subdivision consent application. In some circumstances consideration of a resource consent application may require a joint hearing with one or more additional consent authorities.

15.2.2.8 Application of Assessment Matters

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

15.2.3 Subdivision Activities

15.2.3.1 Permitted Subdivision Activities

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

15.2.3.2 Controlled Subdivision Activities

Except where specified as a Discretionary or Non-Complying Activity in Rules 15.2.3.3 and 15.2.3.4 any subdivision or development in any zone which complies with all of the Site and Zone Standards shall be a **Controlled Activity**. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

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

in respect of:

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

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

15.2.3.3 Discretionary Subdivision Activities

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

- (i) Any subdivision which complies with all the Zone Subdivision Standards but does not comply with any one or more Site Subdivision standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.
- (ii) Any subdivision of a lot in any zone, which complies with all of the Zone Subdivision Standards, but which contains an Area of Significant Indigenous Vegetation listed in Appendix 5 or a Heritage Item or Archaeological Site listed in Appendix 3, shall be a **Discretionary Subdivision Activity**.
- (iii) Any subdivision of land in the Penrith Park Zone north of the Visual Amenity Line as shown on the Penrith Park Plan 'A' shall be a **Discretionary Subdivision Activity**.
- (iv) In the Rural Residential zone at the north of Lake Hayes, the further subdivision of any allotment, including balances that had previously been used to calculate the average allotment size under Rule 15.2.6.2(iv).

- (v) In the Gibbston Character Zone all subdivision and location of residential building platforms shall be a **Discretionary Activity**.
- (vi) In the Rural General Zone all subdivision and location of residential building platforms shall be a Discretionary Activity, except any subdivision of land zoned Rural General pursuant to Rule 15.2.3.3 (vii) (Kirimoko Block - Wanaka)
- (vii) Any subdivision complying with the principal roading layout depicted in the Kirimoko Structure Plan shown on Page 7-59 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties) shall be a Restricted Discretionary Activity.

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

- Any earthworks required to create any vehicle accesses of building platforms
 - The design of the subdivision including lot configuration and roading patterns
 - Creation and planting of road reserves
 - The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block contained within part 7 of this District Plan
 - The protection of native species as identified on the structure plan as green network
- (viii) Within the Shotover Country Special Zone, any subdivision within 32m either side of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line shall be a Restricted Discretionary Activity with the Council's discretion restricted to:
- (a) The extent to which the subdivision design mitigates potential adverse effects on the transmission line, for example through the location of roads, reserves and open space under the line;
 - (b) The ability for maintenance and inspection of the transmission line, including ensuring access;

- (c) The extent to which the design and development will minimise risk or injury and/or property damage from the transmission line;
- (d) The extent to which potential adverse effects from the transmission line including visual impact are mitigated, for example through the location of building platforms and landscape design;
- (e) The location of any building platforms;
- (f) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)

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**
 - i 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).
 - ii Any subdivision within the Peninsula Bay North Low Density Residential Zone that is not in accordance with an approved Outline Development Master Plan or the Peninsula Bay North Structure Plan.

- (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.
- (xv) **Industrial B Zone** – Any subdivision that is not in accordance with the relevant Structure Plan unless a variation has been expressly approved as part of a subsequent, more detailed Outline Development Plan, except that:

- (a) Any fixed connection points shown on the relevant Structure Plan may be moved up to 20 metres
- (b) Any fixed roads shown on the relevant 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.
- (c) The boundaries of any fixed open spaces shown on the relevant Structure Plan may be moved up to 5 metres.
- (d) All indicative roads and any other elements shown as 'indicative' on the relevant Structure Plan may be moved or varied provided they are generally in accordance with and achieve the relevant Structure Plan and the relevant objectives and policies.
- (e) Where a boundary (or boundaries) has been expressly approved as part of a subsequent, more detailed ODP, then that subsequent boundary (or boundaries) shall take precedence over that shown in the relevant Structure Plan.

Note: An ODP that 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 Structure Plan will be processed as a non complying activity.

- (xvi) **Industrial B Zone** - Any subdivision that is not in accordance with an approved Outline Development Plan (ODP).

Note: The intention of this rule is to ensure that an ODP is submitted and approved prior to a subdivision consent being applied for.

- (xvii) **Industrial B Zone** – Any subdivision of the open space areas shown on the Connell Terrace Precinct Structure Plan prior to 70% of the western boundary planting in combination with the mounding having reached a minimum combined height of 6 metres and a continuous screen in the horizontal plane.

15.2.3.5 Prohibited Subdivision Activities

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

15.2.3.6 Assessment Matters for Resource Consents

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

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

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

- (vi) Any need to restrict the location or bulk of future buildings on the lot.

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

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

Also refer to Part 15.2.10.1.

- (v) Consideration of the long term development of the entire property.
- (vi) Whether the subdivision will result in the loss of the life supporting capacity of soils.

(vii) In the Bendemeer Special Zone the extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and does not compromise the ice sculptured legibility of the land within the zone particularly when viewed from State Highway 6 to the south of the zone, Morven Ferry and Arrow Junction Roads and any other public places to the south, excluding the Crown Range Road.

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

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

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

(ii) Prohibiting and future landowner from making complaints, request or resource consent applications to the Council for the topping or removal of vegetation from the G (Design Urban Edge) Activity Area.

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

- a. whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
- b. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.
- (x) In considering whether or not to grant consent or impose conditions in respect of subdivision and the location of residential building platforms in the Rural General Zone, the Council shall apply Rules 5.4.1 and 5.4.2.1 and shall have regard to, but not be limited to, the relevant assessment matters in Rules 5.4.2.2 and 5.4.2.3

(c) Gibbston Character Zone – Assessment Matters

A) Effects on Gibbston Valley's character

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

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

B) Visibility of development

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

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

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

C) Rural Amenities

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

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

D) Form and Density of Development

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

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

E) Cumulative Effects of Development on the Landscape

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

- (i) the assessment matters detailed in (a) to (d) above;
- (ii) the nature and extent of existing development within the vicinity or locality;
- (ii) 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.
(b) [In relation to subdivision within the Peninsula Bay North Zone.](#)

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.

iii Peninsula Bay North

A financial contribution for the purpose of developing or maintaining tracks and trails within the Wanaka area may be included as a condition of any resource consent for subdivision within the Peninsula Bay North Zone.

The contribution shall be \$5,000 per Lot being consented and shall be in monetary form only.

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.

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES **15**

- 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

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

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 ²
Shotover Country Special Zone - Activity Areas 1a – 1e	750 m ²

- (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 5 DP 15096
Lot 2 DP 26803	

- (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 ²

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

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

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).

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 ²
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 ²
In the Ferry Hill Rural Residential sub-zone	4000m ² – 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
Rural Visitor	No Minimum – Controlled Activity
Remarkables Park	Activity Area 1 600m ² Activity Areas 2a-8 – No Minimum controlled activity
Low Density Residential	Arthurs Point 800m ² Queenstown Heights Area 1500m ² Wanaka 700m ² Elsewhere 600m ²
High Density Residential	450m ²
Residential Arrowtown (Historic)	800m ²
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.

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

Zone	Minimum Lot Area
The Townships:	
Kingston	800m ²
Glenorchy	800m ²
Lake Hawea	800m ²
Luggate	800m ²
Kinloch	800m ²
Makarora	1000m ²
Albert Town	800m ²
Riverside Stage 6 Subzone A	<ul style="list-style-type: none"> 50-55% of lots will be developed to a minimum area of 400m² Average lot size: 600m² Maximum lot size: 800m²
Riverside Stage 6 Subzone B	<ul style="list-style-type: none"> Average lot size: 800m² (minimum 700m², maximum 1000m²)
Riverside Stage 6 Subzone C	<ul style="list-style-type: none"> Minimum 1,000m², maximum 2000m²
Penrith Park	Activity Area 1 3000m ² Activity Area 2 1000m ²
Bendemeer	Activity Area 1 1500m ² Activity Area 2 2000m ² Activity Area 3 2500m ² Activity Area 4 3000m ² Activity Area 5 4000m ² Activity Area 6 6000m ² Activity Area 7 7000m ² Activity Area 8 50000m ² Activity Area 9 17500m ² Activity Area 10 7500m ² 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 ²
Wanaka Town Centre	No Minimum – Controlled Activity
Arrowtown Town Centre	No Minimum – Controlled Activity
Business	200m ²
Industrial	200m ²

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

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

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 ² Activity Area D – 1000m ² 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 ² maximum 500m ²
	Activity Area 1b: Minimum 450m ² Maximum 700m ²
	Activity Area 1c: Minimum 700m ²
	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 1000m²; 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 ²
	Activity Area 2b - 250m ²
	Activity Area 3 - 500m ²
	Activity Area 4 - 1000m ²
	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 500m², except where a comprehensive subdivision plan creating more than 5 allotments is lodged, in which case the average allotment size shall be 500m², with a minimum of 400m².

Zone	Minimum Lot Area
Industrial B Zone	1000 m ² ;

	Except that the minimum lot size shall be 200m ² where the subdivision is part of a complying combined land use/ subdivision consent application or where each lot to be created, and the original lot, all contain at least one business unit.
--	--

(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.

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 ³) 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

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

	Combined superficial density:	greater than 25kg/m ² (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plaster board.
	Mass walls	Minimum of not less than 25kg/m ² 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 ² on each side of structural elements.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6mm laminated glazing
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminium with compression seals	
Skillion Roof	Cladding:	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking: Frame:	17mm plywood (no gaps) Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m ³)
	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 ³)

	Combined superficial density:	Combined mass of cladding and lining of not less than 25kg/m ² with no less than 10kg/m ² 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 ³) required for all ceilings. 12mm gypsum plaster board. Combined mass with cladding and lining of not less than 25kg/m ²
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 ² for the floor layer and any external cladding (excluding floor joists or bearers)
External Door to Habitable Rooms	Solid core door (min 25kg/m ²) 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.

(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 200th residential lot within the MCSSZ, at least 350m² of gross floor area suitable for use for commercial purposes shall be constructed within Activity Area 1a.

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 sub-zone	4000m ²
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 m² in area and not greater than 1000 m² 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 70m² in area and not greater than 1000m² 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 The creation of rear sites in the Industrial B Zone

No more than 10% of all sites shown on a subdivision scheme plan may be “rear sites”; except that

- (a) Any rear sites resulting from the subdivision of an existing building shall not be deemed to be ‘rear sites’ for the purpose of standard 15.2.6.3.

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

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

- ix **In the Industrial B Zone, any application for subdivision within the fixed open space areas** identified on the Connell Terrace Precinct Structure Plan prior to 70% of the western boundary planting in combination with the mounding having reached a minimum combined height of 6 metres and a continuous screen in the horizontal plane
- x **Within the Connell Terrace Precinct of the Industrial B Zone, any application for subdivision of the Special Use Area A from the adjoining open space area.**
- xi Subdivision or development within Peninsula Bay North - Wanaka**
 - (a) Any subdivision or development at Peninsula Bay North shall be in general accordance with the Structure Plan attached as Figure [insert figure number] below and shall be subject to the following:
 - (i) Buildings, other than garden sheds, retaining walls or other garden structures or fences less than 3m in height, shall not be established outside of the building platforms shown the Peninsula Bay North Structure Plan;
 - (ii) Buildings shall not exceed the building height restrictions shown on the Peninsula Bay North Structure Plan. Where a building platform reduced level is specified, the height of buildings contained within the allotment shall be measured from the specified reduced level, otherwise the predevelopment level shall apply;
 - (iii) No exterior cladding on any building shall have a reflectivity value of greater than 36% and for Lots 4 and 20 23 to 26 the external finishes on any building shall be within the range of natural greens, browns and greys;
 - (iv) a) Revegetation areas shown on the Peninsula Bay North Structure Plan shall be planted prior to s224c certificates being issued for the relevant subdivided Lots. The revegetation

areas shall be managed in accordance with a management plan which details species mix and plant spacings, timing of plantings, pest and weed control processes, and processes for thinning, pruning and plant replacement to ensure a thriving vegetation area.

(b) Planting required within the Open Space Zone shall occur prior to s224c certificates being issued for any Lots within the Peninsula Bay North Zone.

(c) The consent holder shall maintain required planting in the Open Space Zone for a period of five years following its completion.

(d) With respect to Lots 4 and 20 23 to 26 any planting of exotic vegetation species shall not be allowed to reach a height of more than 2m.

(v) Should any plants within the vegetation protection or revegetation areas shown on the Peninsula Bay North Structure Plan die, become diseased or fail to thrive they shall be replaced by species listed on the Peninsula Bay North Structure Plan during the next planting season. The landowner shall maintain requiring planting in perpetuity. No short tussock grassland shall be removed on any Lot outside the approved building platform.

(vi) Prior to any dwelling being constructed on the relevant allotment, earthworks shall be established as per the Peninsula Bay North Indicative Earthworks Plan attached as Figure [insert Figure number].

(vii) Residential activity shall be restricted to a maximum of one residential unit per allotment shown on the Peninsula Bay North Structure Plan and shall not exceed 24-21 residential units in total. In this zone, residential unit shall be limited to one dwelling only and excludes an additional residential flat.

(viii) [Prior to s224c certificates being issued for any Lots within the Peninsula Bay North Zone walking tracks shall be constructed to a width of 1.5m in the general alignment shown on the Peninsula Bay North Structure Plan.](#)

(b) [The conditions set out in \(a\)\(i\) to \(vii\) shall be subject to a consent notice that is registered on the respective titles and is deemed to be a covenant pursuant to section 221\(4\) of the Act.](#)

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) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

15.2.7 Subdivision Design

15.2.7.1 Controlled Subdivision Activities - Subdivision Design

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

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

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

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

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

- lot boundaries;
- planting and fencing;
- the visibility of development from public places;

- the provision of services;
- the maintenance of visual access across Arcadian pastoral landscapes from public places;
- the relationship of buildings to the roading pattern of the area.

The purpose of these additional controls is:

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

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

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

15.2.7.2 Site Subdivision Standards – Subdivision Design

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

15.2.7.3 Assessment Matters for Resource Consents

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

- (i) 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.
- (ii) 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;
- (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:
 - (a) Consistency with the Road Layout Plan and Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010);
 - (b) Providing open space and recreation areas as the development progresses;
 - (c) Achieving the range of section sizes, concentrating highest density within Activity Area 1a;
 - (d) Providing for rear access lanes;
 - (e) Avoiding sections that result in garages and backs of houses facing the street;
 - (f) Achieving section layout that provides maximum solar access for future dwellings;
 - (g) Landscaping of the street and open spaces that reflects the character of the existing Kingston Township;
 - (h) 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.

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.

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES **15**

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

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

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

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

15.2.8.2 Site Subdivision Standards - Landscaping and Recreational Access

- (i) This Rule shall only apply to subdivision of land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes which is zoned Low Density Residential or Rural Residential as shown on Planning Map 30.
- (ii) The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be

granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.

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

15.2.8.3 Assessment Matters for Resource Consents

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

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

- (vi) The need to provide cycle ways in circumstances where the roading network does not enable sufficient or direct cycle routes through the locality.
- (vii) The need to provide alternative access for car parking and vehicle loading in the Business, Town Centre, Corner Shopping Centre or Industrial Zones by way of vested service lanes at the rear of properties.
- (viii) Any impact of roading and access on lakes and rivers, ecosystems, drainage patterns and the amenities of adjoining properties.
- (ix) The need to provide for appropriate standards of street lighting or private access lighting having regard to the classification of the road or the access.
- (x) The need to provide distinctive names for roads and private vehicular access. The name to be agreed by the Council.
- (xi) Any need to make provision for future roads to serve surrounding land or for road links that need to pass through the subdivision.
- (xii) In the Ferry Hill Rural Residential sub-zone the extent to which:
 - the number of accesses to roads is minimised
 - the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access.
- (xiii) Within the Mount Cardrona Station Special Zone, the extent to which:
 - (a) Roding location and design is in general accordance with the Structure Plan A - Mount Cardrona Station Structure Plan.

- (b) Roading is designed in a manner reflecting a rural environment, avoiding the use of kerb and channelling, and instead using techniques such as planted swales.

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

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

15.2.9 Esplanade Provision

15.2.9.1 Exemptions from Provision of Esplanade Reserves or Strips

i Minor Adjustments

Where a proposed subdivision is either:

- (a) a boundary adjustment in accordance with Rules 15.2.6.2 i or 15.2.6.3 i(a); or
- (b) a minor adjustment to an existing cross lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the addition of an accessory building, or the relocation of accessory buildings; then section 230 of the Act shall not apply to the subdivision consent.

ii Road Designations, Utilities and Reserves

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

15.2.9.2 Controlled Subdivision Activities - Esplanade Provision

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

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

15.2.9.3 Site Subdivision Standards - Esplanade Provision

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

exercise of the Council's discretion limited to the matter(s) subject to that standard.

i Esplanade Reserves

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

Whether the area:

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

15.2.9.4 Assessment Matters for Resource Consents

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

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

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;
- (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.

15.2.10.2 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.

15.2.10.3 Zone Subdivision Standard - Natural and Other Hazards

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) No subdivision of any part of Activity Area 1f of the Shotover Country Special Zone shall occur until fill works have been constructed in accordance with the plans contained in Appendix 3 to the Shotover Country Special Zone. The fill works shall be:
 - (a) located within the Fill Area shown on the Fill Area Plan in Appendix 3 to the Shotover Country Special Zone.
 - (b) constructed to achieve a height throughout the Fill Area no lower than the Minimum Required Ground Level shown on the Fill Area Plan and the Fill Area Cross Sections Plan in Appendix 3 to the Shotover Country Special Zone, assuming that the ground levels detailed in the Fill Area Plan are extrapolated across the Fill Area to achieve a plane surface.
- (ii) No works of any nature shall interfere with, damage or otherwise adversely affect the fill works constructed under subclause (i) of this rule so that those fill works shall be maintained permanently. A consent notice or other legal mechanism shall be registered against any title containing land located within the Fill Area referred to in subclause (i) of this rule requiring the fill works constructed under subclause (i) of this rule to be maintained permanently.
- (iii) No subdivision of any part of Activity Area 1f shall occur until the outer batter (facing the Shotover River) of the fill works required to be implemented under subclause (i) of this rule has been topsoiled and planted to achieve a permanent vegetative cover.

- (iv) No works of any nature (excluding mowing or other plant maintenance works) shall interfere with, damage or otherwise adversely affect the vegetative cover on the outer batter implemented under subclause (iii) of this rule so that that vegetative cover shall be maintained permanently. A consent notice or other legal mechanism shall be registered against any title containing any part of the outer batter referred to in subclause (iii) of this rule requiring the vegetative cover on that part of the outer batter implemented under subclause (iii) of this rule to be maintained permanently.

15.2.10.4 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).

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.

(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.

15.2.12 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 Kingston Village Special Zone, and the existing Kingston Township.

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

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

15.2.14 Trade Waste Disposal

15.2.14.1 Controlled Subdivision Activity - Trade Waste Disposal

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

15.2.14.2 Assessment Matters for Resource Consents

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

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

- (v) 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.

15.2.17.2 Site Standard – Vegetation

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

15.2.17.3 Zone Subdivision Standard – Vegetation

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

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

- (a) A qualified heritage consultant shall detail steps required to stabilise the Hicks Cottage in Activity Area 4, in order to prevent further deterioration pending long term restoration; and
- (b) Those steps shall be implemented.

15.2.17.4 Assessment Matters for Resource Consents

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

- (i) Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;
- (ii) Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes;
- (iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetative cover;
- (iv) The extent of any earthworks or roading within the subdivision and the need for additional planting or landscaping;
- (v) Any need to provide continual protection for vegetation and or landscape features within the subdivision, including protection of Heritage Trees listed in Appendix 5.
- (vi) The preservation and enhancement of the indigenous vegetation, over 70 per cent of the net site area within the “Forest Hill” Rural Residential zone, and the removal and control of wilding pines within the zone. For the purpose of this matter net area shall exclude access to sites and the building restriction area within the zone.
- (vii) Within the Bob’s Cove sub-zone, whether and the extent to which:

- (a) Consent notices have been entered into to ensure the effective and permanent protection of the open space and areas of indigenous vegetation; and
 - (b) Methods have been proposed to prevent stock from browsing and otherwise damaging areas of indigenous vegetation by fencing.
- (viii) The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- (ix) The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.

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.

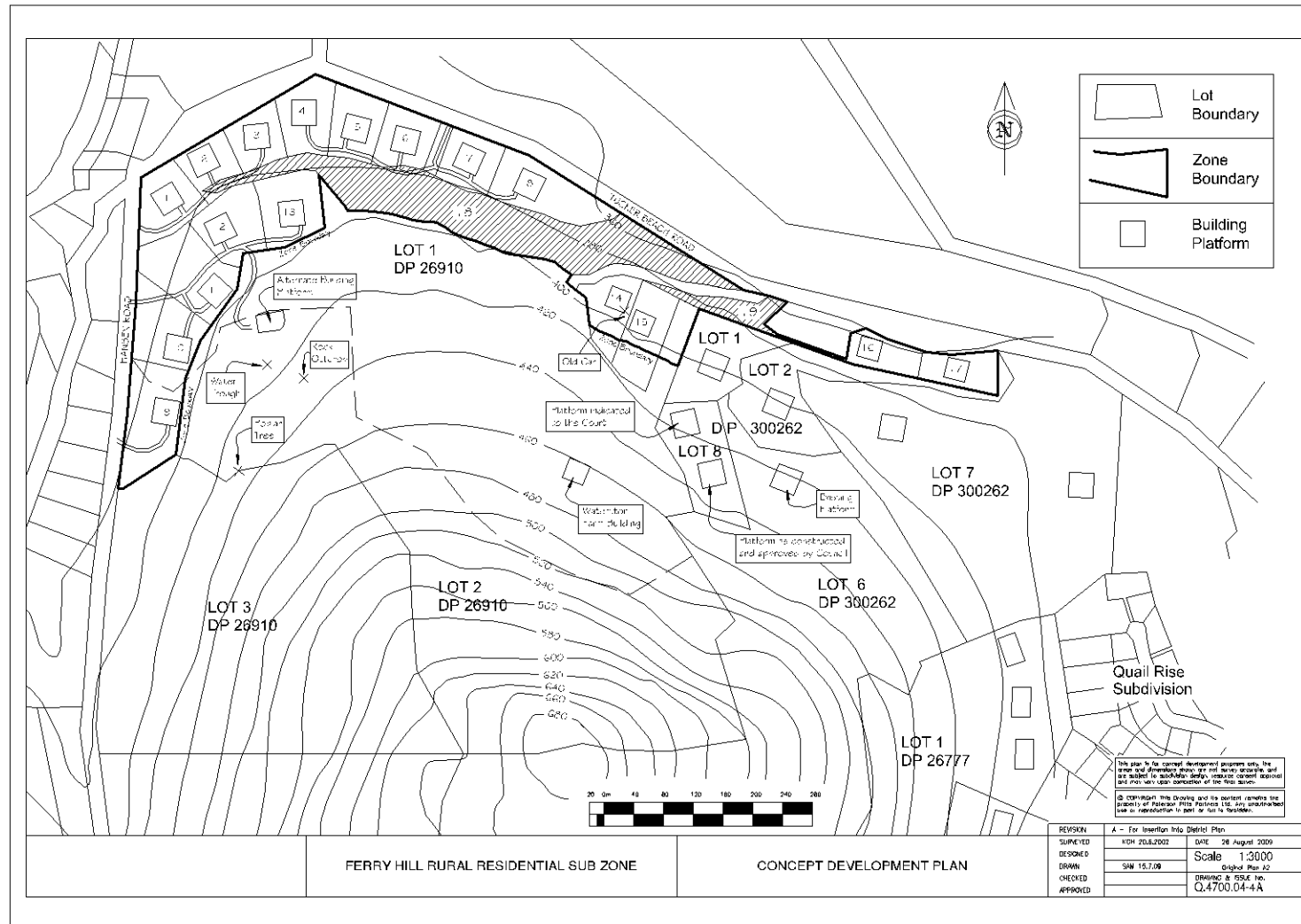
- (iii) access easements and easements in gross are in general accordance with the Mount Cardrona Station Walkways Plan (Structure Plan C).

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;
- boundary treatment;
- easements for access and services.

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15



Peninsula Bay North – Wanaka

Structure Plan - 30 August 2016

Species for Revegetation

E Exposed to sun, frost and wind

Carmichaelia petriei
Coprosma intertexta *
Coprosma rugosa
Corokia cotoneaster
Pseudopanax cliffortioides
Griselinia littoralis
Hebe salicifolia
Leonohebe cupressoides
Melicthus alpinus

Olearia nummularifolia
Olearia hectori
Olearia odorata
Phormium cookianum
Phyllocladus alpinus
Pittosporum tenuifolium *
Plagianthus regius
Chionochloa rigida
Kunzea species *

S Sheltered amongst kanuka, shady

Aristotelia serrata *
Coprosma lucida *
Fuchsia excorticata *
Hoheria lyallii
Podocarpus laetus *
Pseudopanax colensoi *
Sophora microphylla
Coprosma propinqua *

Coprosma intertexta *
Coprosma crassifolia *
Coprosma virescens *
Carmichaelia petriei
Olearia lineata
Teucrium parvifolium
Kunzea species *

G Tussock grassland

Hebe subalpina
Muehlenbeckia axillaris
Teucrium parvifolium
Festuca novae-zealandiae
Poa colensoi
Poa cita
Pimelea sericeovillosa
Anthosachne solandri

Melicthus alpinus
Carmichaelia petriei
Coprosma petriei *
Coprosma propinqua *
Kunzea species *
Coprosma brunnea
Connarochloa tenuis
Raoulia beauverdi

Maintenance

- Revegetation areas must be heavily mulched with wood chip to suppress weeds and contain moisture.
- Planting must occur in spring to allow two growing seasons of establishment before onset of winter.
- Plant holes shall be well-worked with added slow-release fertiliser and compost.
- Deep irrigation shall be provided for at least the first five years to allow for strong plant establishment.
- Necessary rabbit protection must be applied to all planted and protected areas; in the form of rabbit proof fencing, individual plastic sleeves around plants and poison programs.

Sourcing

- * Gender dimorphic species stock shall be sourced from seed (not cuttings) so as to produce fertile seed from male and female plants.
- * Locally eco-sourced plants shall be used where available.
- Plant density of 1 plant per 1.5m² (1m² preferred to allow for plant mortality).

Clearance

- All *Pinus*, *Pseudotsuga* and *Cystisus* on site shall be removed.
- Boundary lines may be cleared of vegetation for the purpose of establishing a fence.
- Protected vegetation shall not be removed unless dead or diseased.

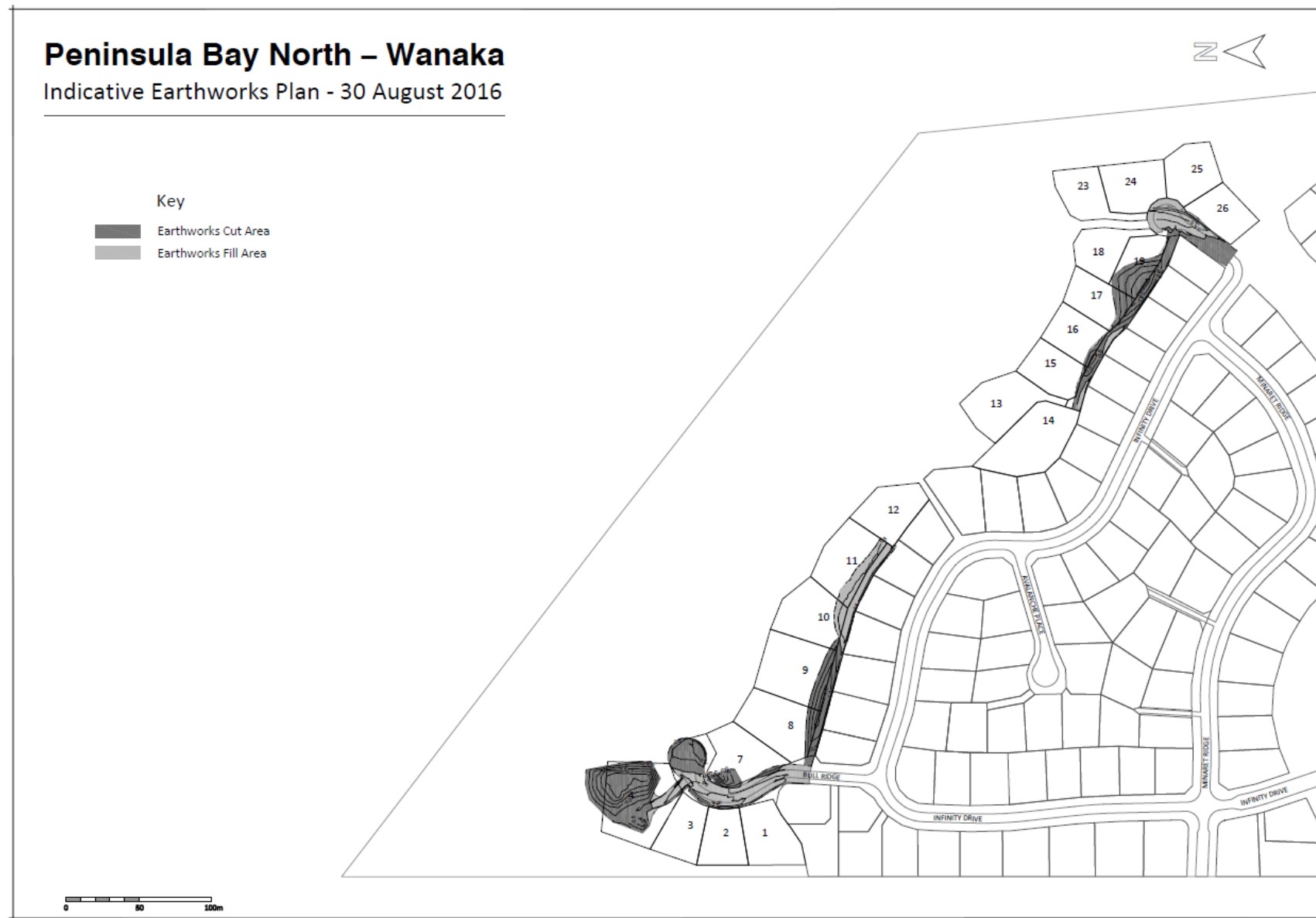
Building Platform Height Restrictions

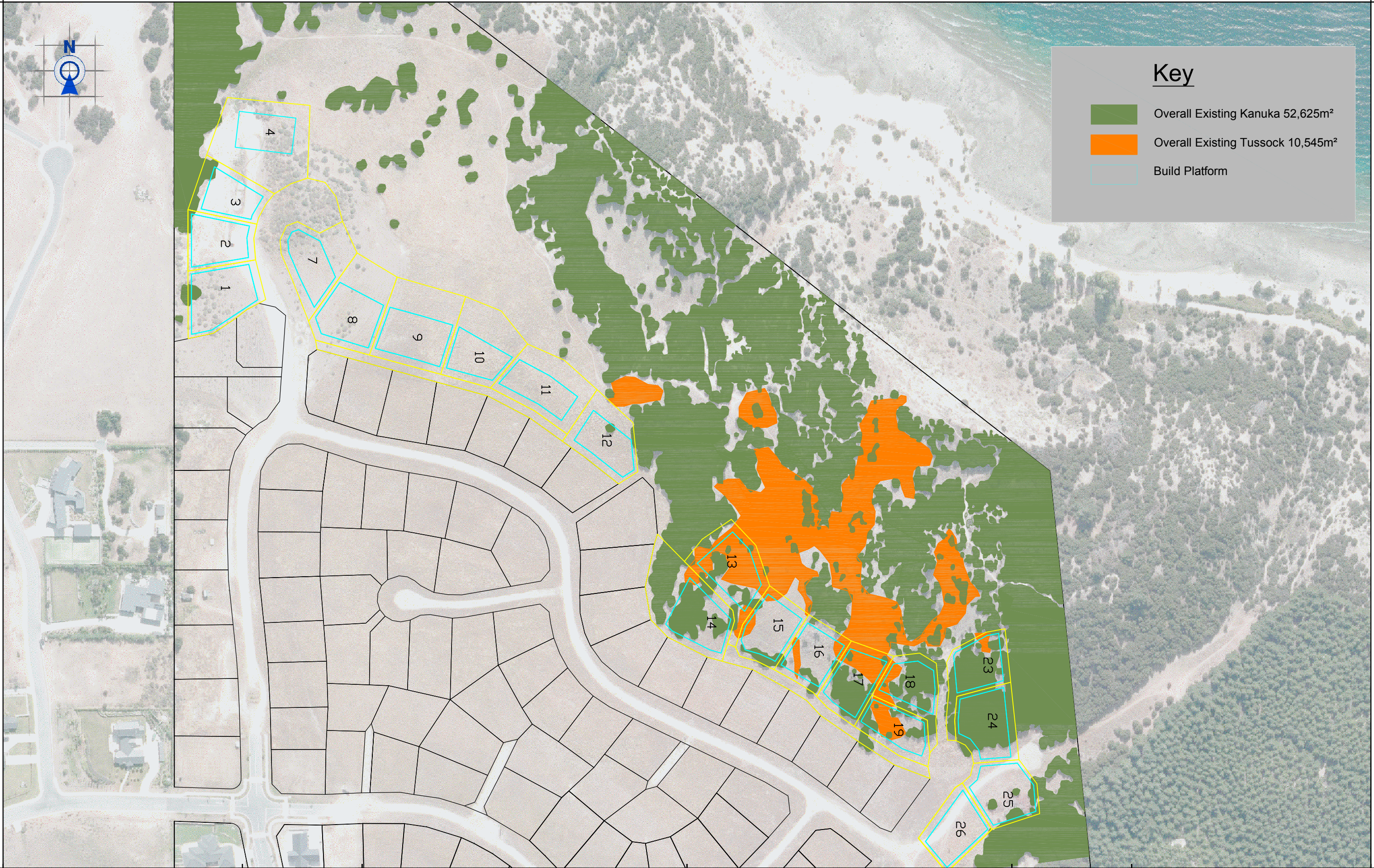
Lot No.	Building Platform Area	Building Height	Building Platform Level (MSL)
1	1100m ²	5.5m	328.9m
2	820m ²	5.0m	
3	630m ²	5.0m	
4	700m ²	5.0m	
7	690m ²	5.0m	
8	930m ²	5.0m	
9	980m ²	5.0m	
10	660m ²	5.0m	
11	720m ²	5.0m	
12	700m ²	5.0m	
13	880m ²	5.0m	
14	910m ²	5.0m	
15	780m ²	5.5m	
16	720m ²	5.5m	
17	780m ²	5.5m	
18	660m ²	5.0m	
19	630m ²	5.5m	
23	720m ²	5.5m	328.9m
24	940m ²	5.5m	
25	980m ²	5.5m	
26	790m ²	5.5m	

Key

- Existing Mountain Biking Track
- Existing Walking Track
- Proposed Walking Track
- Proposed Biking Track
- Building Platform
- Revegetation Area
- Fencing - Macrocarpa post, warratah and wire
- Toilet Block
- Existing Kanuka Vegetation to be protected
- Indicative Car Parks

0 50 100m





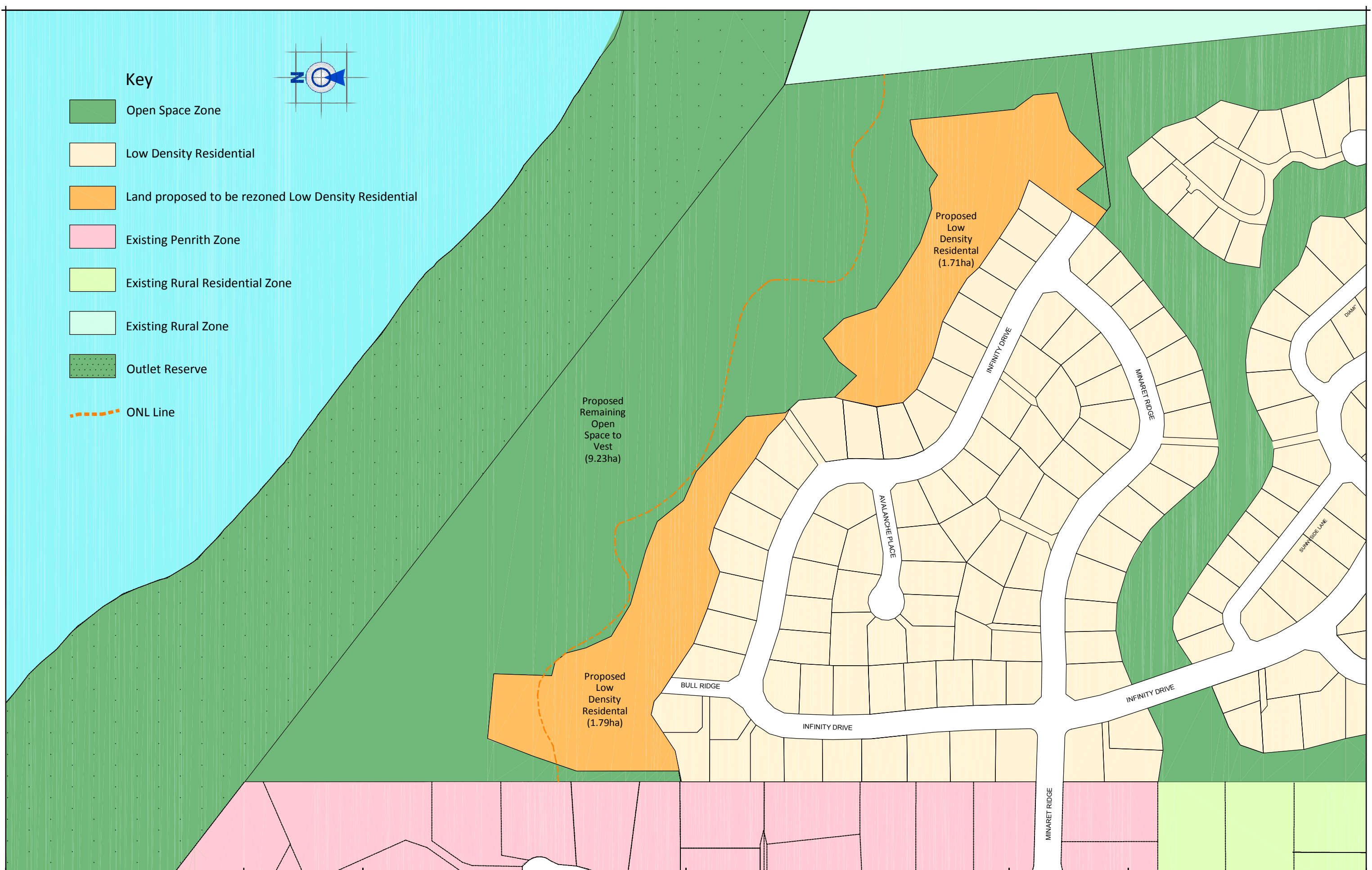
Key

Overall Existing Kanuka 52,625m²

Overall Existing Tussock 10,545m²

Build Platform

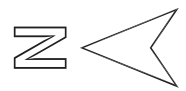
<div><div>PATERSONPITTSGROUP</div><div>Your Land Professionals</div><div>www.ppgroup.co.nz</div><div>0800 PPGROUP</div></div> <div></div>	<div>WANAKA BRANCH</div> <div>19 Reece Crescent</div> <div>or P.O. Box 283</div> <div>Wanaka 9343</div> <div>T 03 443 0110</div> <div>E wanaka@ppgroup.co.nz</div>	<div>Client & Location:</div> <div>Infinity Investments</div> <div>Peninsula Bay</div>	<div>Purpose & Drawing Title:</div> <div>Peninsula Bay North Existing</div> <div>Vegetation</div>	<div>© COPYRIGHT. This drawing, content and design remains the property of Paterson Pitts Group Limited and may not be reproduced in part or full or altered without the written permission of Paterson Pitts Group Limited. This drawing and its content shall only be used for the purpose for which it is intended. No liability shall be accepted by Paterson Pitts Group Limited for its unauthorized use</div>	<div>Surveyed by:</div> <div>-</div>	<div>Original Size:</div> <div>A3</div>	<div>Scale:</div> <div>1:2000 @ A3</div>	
					<div>Designed by:</div> <div>-</div>			
					<div>Drawn by:</div> <div>PGS</div>			
					<div>Checked by:</div> <div>MJB</div>	<div>DO NOT SCALE</div>		
					<div>Approved by:</div> <div>MJB</div>	<div>Sheet No:</div> <div>1</div>	<div>Revision No:</div> <div>B</div>	<div>Date Created:</div> <div>30/08/2015</div>
					<div>Job No:</div> <div>W4332</div>			



<div><div><div><div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div></div></div></div>
--

Peninsula Bay North – Wanaka

Structure Plan - 30 August 2016



Species for Revegetation

E Exposed to sun, frost and wind

Carmichaelia petriei
Coprosma intertexta *
Coprosma rugosa
Corokia cotoneaster
Fuscopora cliffortioides
Griselinia littoralis
Hebe salicifolia
Leonohebe cupressoides
Melicytus alpinus

Olearia nummularifolia
Olearia hectorii
Olearia odorata
Phormium cookianum
Phyllocladus alpinus
Pittosporum tenuifolium *
Plagianthus regius
Chionochloa rigida
Kunzea species °

S Sheltered amongst kanuka, shady

Aristotelia serrata *
Coprosma lucida *
Fuchsia excorticata *
Hoheria lyallii
Podocarpus laetus *
Pseudopanax colensoi *
Sophora microphylla
Coprosma propinqua *

Coprosma intertexta *
Coprosma crassifolia *
Coprosma virescens *
Carmichaelia petriei
Olearia lineata
Teucrium parvifolium
Kunzea species °

G Tussock grassland

Hebe subalpina
Muehlenbeckia axillaris
Teucrium parvifolium
Festuca novae-zelandiae
Poa colensoi
Poa cita
Pimelea sericeovillosa
Anthosachne solandri

Melicytus alpinus
Carmichaelia petriei
Coprosma petriei *
Coprosma propinqua *
Kunzea species °
Coprosma brunnea
Connorochloa tenuis
Raoulia beauverdi

Maintenance

- Revegetation areas must be heavily mulched with wood chip to suppress weeds and contain moisture.
- Planting must occur in spring to allow two growing seasons of establishment before onset of winter.
- Plant holes shall be well-worked with added slow-release fertiliser and compost.
- Deep irrigation shall be provided for at least the first five years to allow for strong plant establishment.
- Necessary rabbit protection must be applied to all planted and protected areas; in the form of rabbit proof fencing, individual plastic sleeves around plants and poison programs.

Sourcing

- * Gender dimorphic species stock shall be sourced from seed (not cuttings) so as to produce fertile seed from male and female plants.
- ° Locally eco-sourced plants shall be used where available.
- Plant density of 1 plant per 1.5m² (1m² preferred to allow for plant mortality).

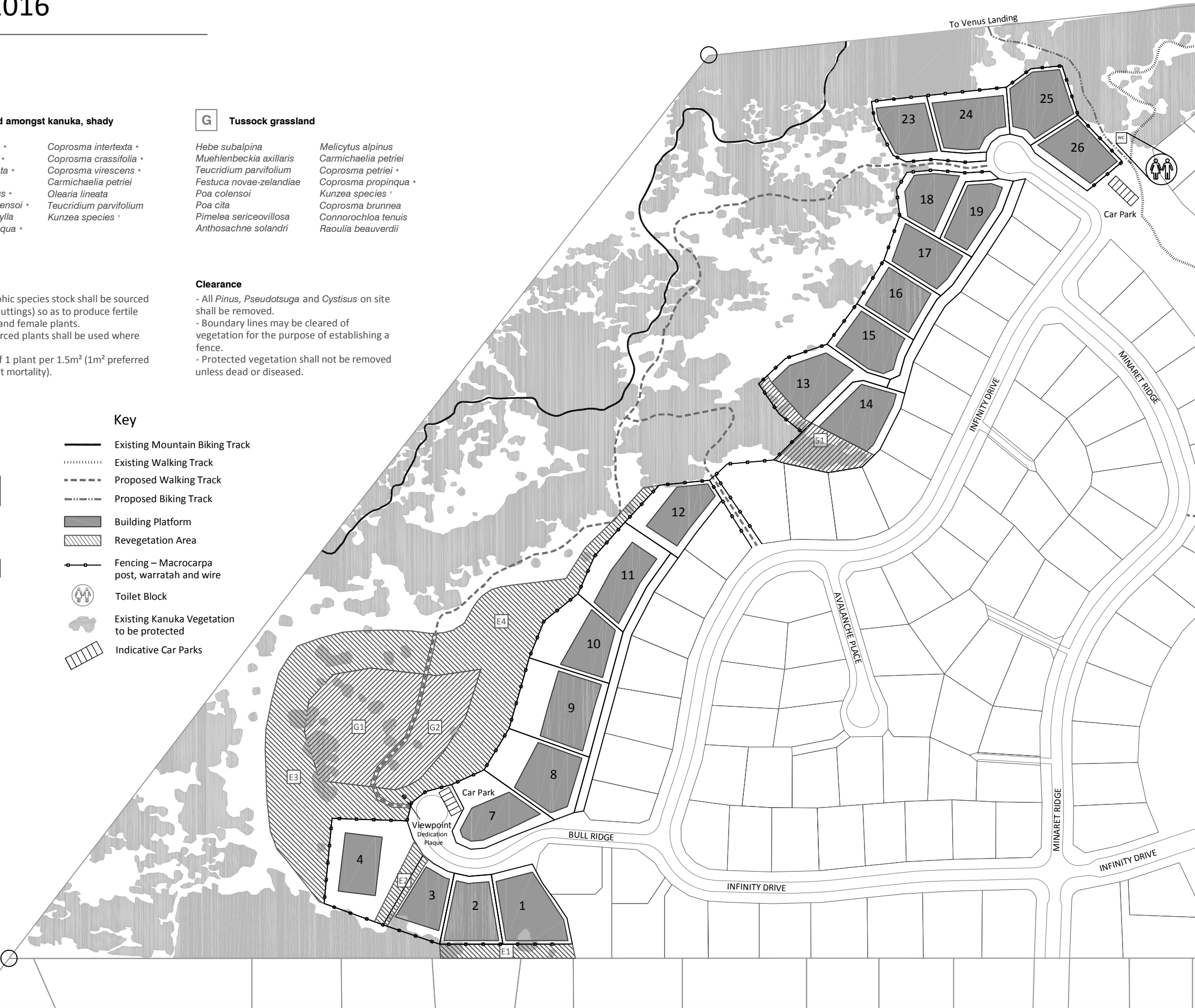
Clearance

- All *Pinus*, *Pseudotsuga* and *Cystisus* on site shall be removed.
- Boundary lines may be cleared of vegetation for the purpose of establishing a fence.
- Protected vegetation shall not be removed unless dead or diseased.

Building Platform Height Restrictions

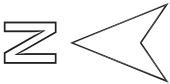
Lot No.	Building Platform Area	Building Height	Building Platform Level (MSL)
1	1100m ²	5.5m	328.9m
2	820m ²	5.0m	
3	630m ²	5.0m	
4	700m ²	5.0m	
7	690m ²	5.0m	
8	930m ²	5.0m	
9	980m ²	5.0m	
10	660m ²	5.0m	
11	720m ²	5.0m	
12	700m ²	5.0m	
13	880m ²	5.0m	
14	910m ²	5.0m	
15	780m ²	5.5m	
16	720m ²	5.5m	
17	780m ²	5.5m	
18	660m ²	5.0m	
19	650m ²	5.5m	
23	720m ²	5.5m	
24	940m ²	5.5m	
25	980m ²	5.5m	
26	790m ²	5.5m	

- Key**
- Existing Mountain Biking Track
 - Existing Walking Track
 - Proposed Walking Track
 - Proposed Biking Track
 - Building Platform
 - Revegetation Area
 - Fencing – Macrocarpa post, warratah and wire
 - Toilet Block
 - Existing Kanuka Vegetation to be protected
 - Indicative Car Parks



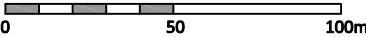
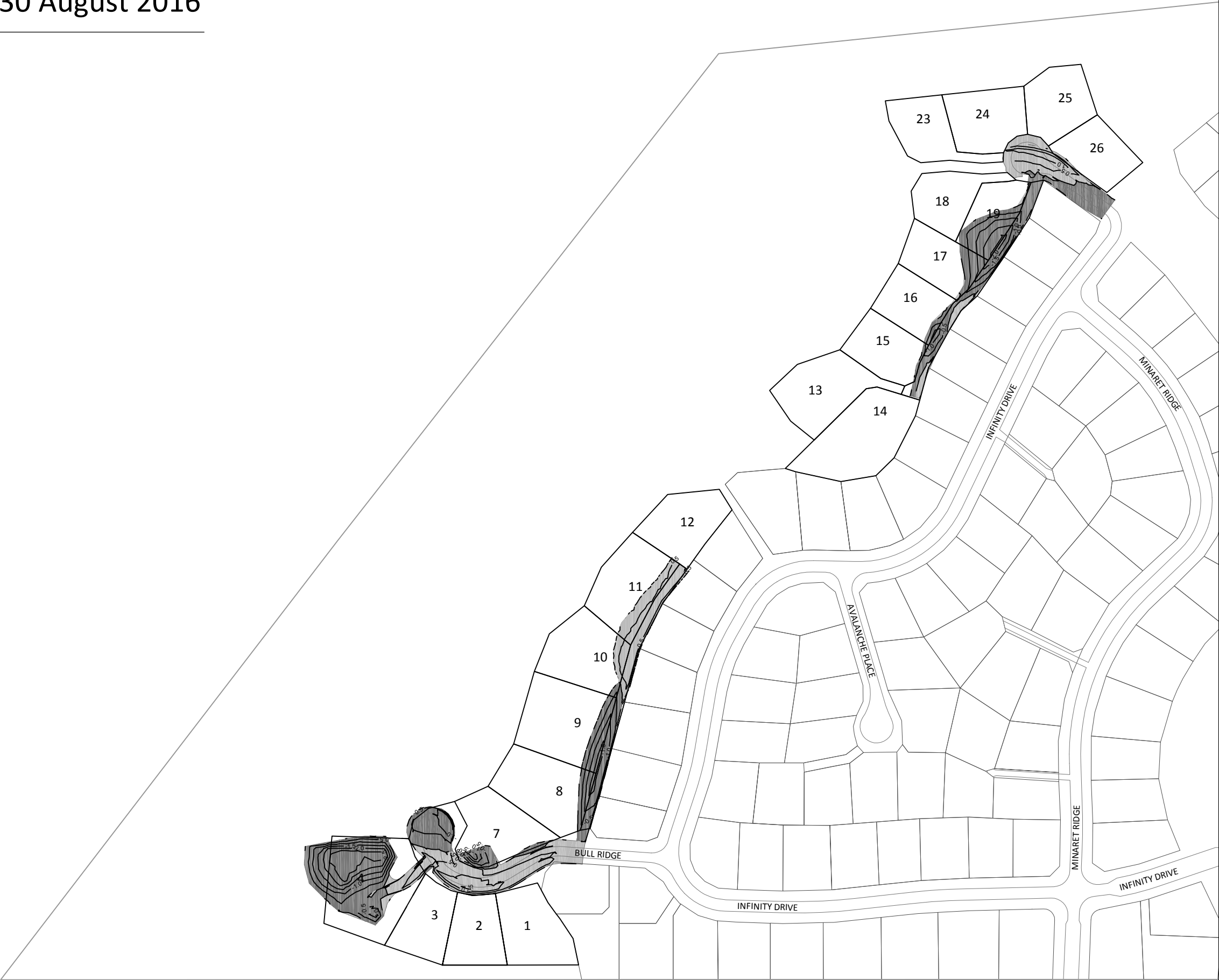
Peninsula Bay North – Wanaka

Indicative Earthworks Plan - 30 August 2016



Key

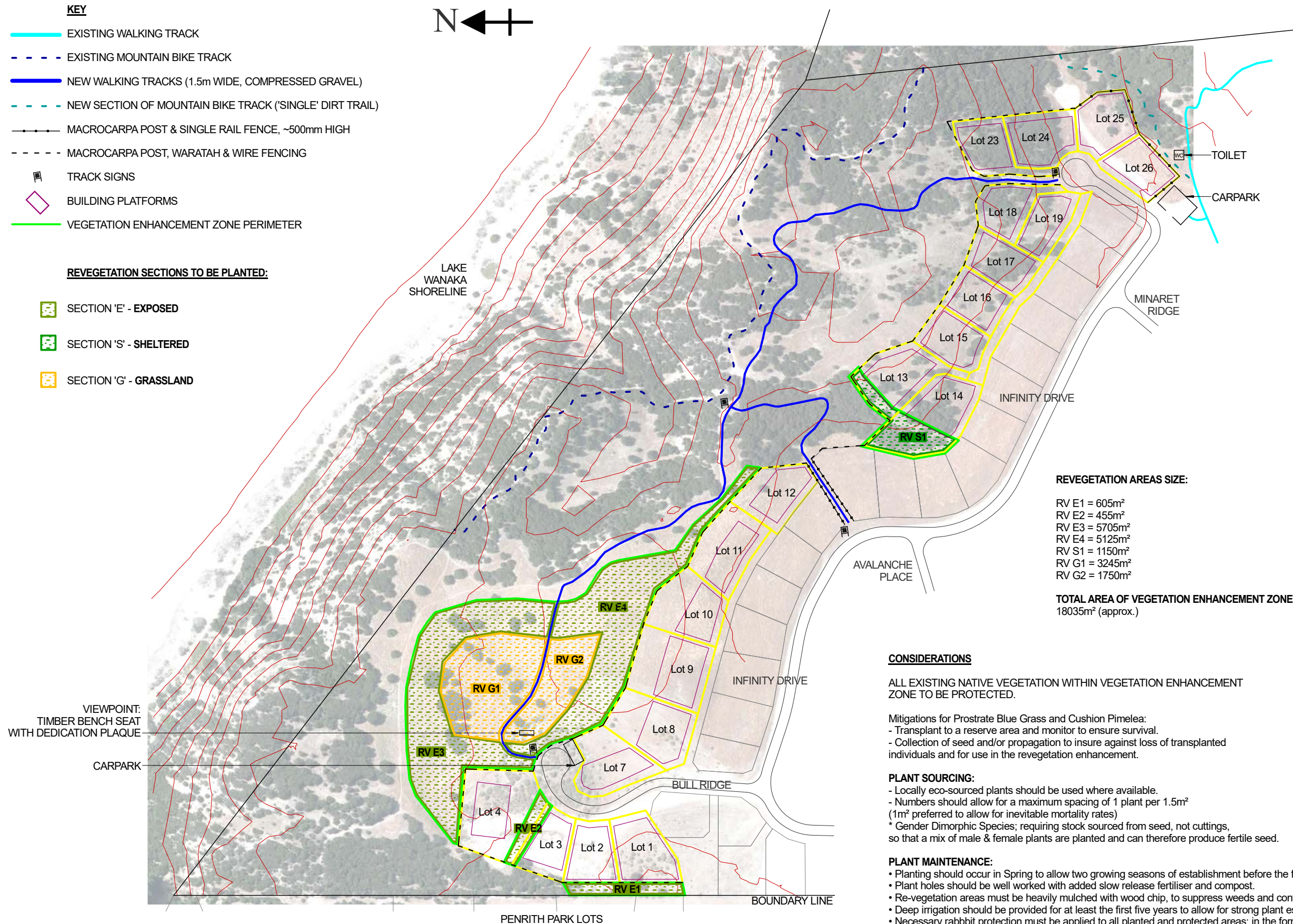
- Earthworks Cut Area
- Earthworks Fill Area



- KEY**
- EXISTING WALKING TRACK
 - EXISTING MOUNTAIN BIKE TRACK
 - NEW WALKING TRACKS (1.5m WIDE, COMPRESSED GRAVEL)
 - NEW SECTION OF MOUNTAIN BIKE TRACK ('SINGLE' DIRT TRAIL)
 - MACROCARPA POST & SINGLE RAIL FENCE, ~500mm HIGH
 - MACROCARPA POST, WARATAH & WIRE FENCING
 - TRACK SIGNS
 - BUILDING PLATFORMS
 - VEGETATION ENHANCEMENT ZONE PERIMETER

REVEGETATION SECTIONS TO BE PLANTED:

- SECTION 'E' - EXPOSED
- SECTION 'S' - SHELTERED
- SECTION 'G' - GRASSLAND



REVEGETATION AREAS SIZE:

RV E1 = 605m²
RV E2 = 455m²
RV E3 = 5705m²
RV E4 = 5125m²
RV S1 = 1150m²
RV G1 = 3245m²
RV G2 = 1750m²

TOTAL AREA OF VEGETATION ENHANCEMENT ZONE:
18035m² (approx.)

CONSIDERATIONS

ALL EXISTING NATIVE VEGETATION WITHIN VEGETATION ENHANCEMENT ZONE TO BE PROTECTED.

Mitigations for Prostrate Blue Grass and Cushion Pimelea:

- Transplant to a reserve area and monitor to ensure survival.
- Collection of seed and/or propagation to insure against loss of transplanted individuals and for use in the revegetation enhancement.

PLANT SOURCING:

- Locally eco-sourced plants should be used where available.
- Numbers should allow for a maximum spacing of 1 plant per 1.5m² (1m² preferred to allow for inevitable mortality rates)
- * Gender Dimorphic Species; requiring stock sourced from seed, not cuttings, so that a mix of male & female plants are planted and can therefore produce fertile seed.

PLANT MAINTENANCE:

- Planting should occur in Spring to allow two growing seasons of establishment before the first winter.
- Plant holes should be well worked with added slow release fertiliser and compost.
- Re-vegetation areas must be heavily mulched with wood chip, to suppress weeds and contain moisture.
- Deep irrigation should be provided for at least the first five years to allow for strong plant establishment.
- Necessary rabbit protection must be applied to all planted and protected areas; in the form of rabbit proof fencing, individual plastic sleeves around plants and poison programs.

CLEARANCE: ALL PINUS, PSEUDOTSUGA & CYTISUS ON SITE TO BE REMOVED.

**SPECIES LIST FOR REVEGETATION SECTIONS 'E':
(EXPOSED TO SUN, FROST & WIND)**

Carmichaelia petriei
*Coprosma intertexta**
*Coprosma rugosa**
Corokia cotoneaster
Fuscopora cliffortioides
Griselinia littoralis
Hebe salicifolia
Leonohebe cupressoides
Melicytus alpinus
Olearia nummularifolia
Olearia hectorii
Olearia odorata
Phormium cookianum
Phyllocladus alpinus
*Pittosporum tenuifolium**
Plagianthus regius
Chionochloa rigida
Kunzea species -ecosourced from region

**SPECIES LIST FOR REVEGETATION SECTIONS 'S':
(SHELTERED AMONGST KANUKA, SHADY)**

*Aristotelia serrata**
*Coprosma lucida**
Connorochloa tenuis
*Fuchsia excorticata**
Hoheria lyallii
*Podocarpus laetus**
*Pseudopanax colensoi**
Sophora microphylla
*Coprosma propinqua**
*Coprosma intertexta**
*Coprosma crassifolia**
*Coprosma virescens**
Carmichaelia petriei
Olearia lineata
Teucrium parvifolium
Kunzea species -ecosourced from region

**SPECIES LIST FOR REVEGETATION SECTION 'G':
(TUSsock GRASSLAND)**

Hebe subalpina
Muehlenbeckia axillaris
Teucrium parvifolium
Festuca novae-zelandiae
Poa colensoi
Poa cita
Pimelea sericeovillosa
Anthosachne solandri
Melicytus alpinus
Carmichaelia petriei
*Coprosma petriei**
*Coprosma propinqua**
*Coprosma brunnea**
Connorochloa tenuis
Raoulia beauverdii
Kunzea species -ecosourced from region

SITE:

**PENINSULA BAY
NORTH END
PROPOSED PLAN CHANGE**

PLAN:

FOR:

**LANDSCAPE CONCEPT
INFINITY INVESTMENTS**

30 August 2016

REVISION:

N

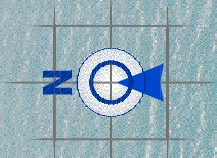
1:2500



Drawing to scale when printed on A3 sheet

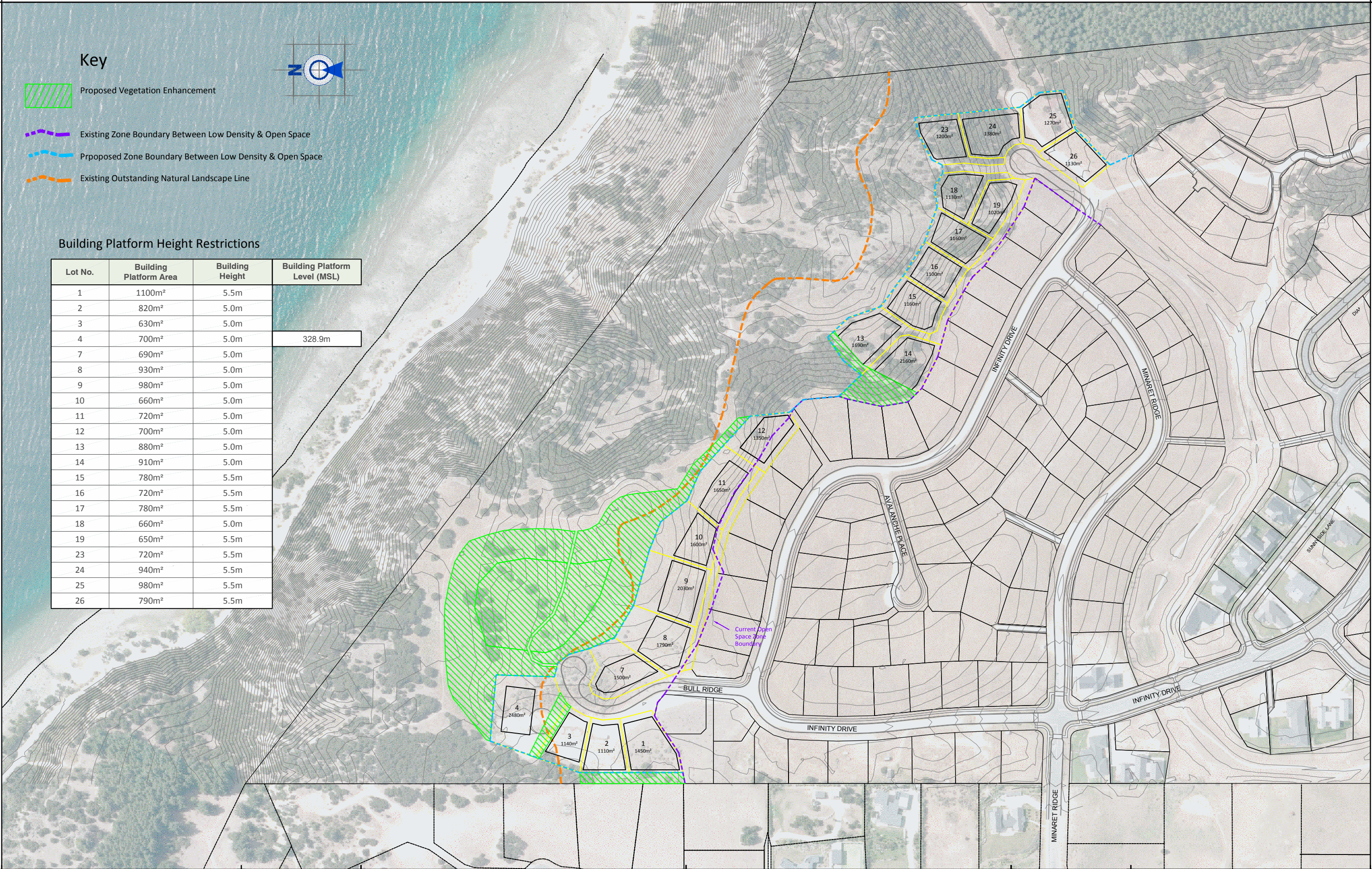
Key

- Proposed Vegetation Enhancement
- Existing Zone Boundary Between Low Density & Open Space
- Proposed Zone Boundary Between Low Density & Open Space
- Existing Outstanding Natural Landscape Line



Building Platform Height Restrictions

Lot No.	Building Platform Area	Building Height	Building Platform Level (MSL)
1	1100m ²	5.5m	328.9m
2	820m ²	5.0m	
3	630m ²	5.0m	
4	700m ²	5.0m	
7	690m ²	5.0m	
8	930m ²	5.0m	
9	980m ²	5.0m	
10	660m ²	5.0m	
11	720m ²	5.0m	
12	700m ²	5.0m	
13	880m ²	5.0m	
14	910m ²	5.0m	
15	780m ²	5.5m	
16	720m ²	5.5m	
17	780m ²	5.5m	
18	660m ²	5.0m	
19	650m ²	5.5m	
23	720m ²	5.5m	
24	940m ²	5.5m	
25	980m ²	5.5m	
26	790m ²	5.5m	



PATERSONPITTSGROUP

Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP



WANAKA BRANCH
19 Reece Crescent
or P.O. Box 283
Wanaka 9343
T 03 443 0110
E wanaka@ppgroup.co.nz

Client & Location:

Infinity Investments
Peninsula Bay

Purpose & Drawing Title:

Concept Scheme Plan
Peninsula Bay North End

© COPYRIGHT. This drawing, content and design remains the property of Paterson Pitts Group Limited and may not be reproduced in part or full or altered without the written permission of Paterson Pitts Group Limited. This drawing and its content shall only be used for the purpose for which it is intended. No liability shall be accepted by Paterson Pitts Group Limited for its unauthorized use

Surveyed by:
Designed by:
Drawn by: PGS
Checked by: MJB
Approved by: MJB
Job No: W4332

Original Size: A3
Scale: 1:2500 @ A3
DO NOT SCALE
Sheet No: 1
Revision No: N
Date Created: 30/08/2016

Peninsula Bay North Summary of Vegetation Removal - Revised Design Dated 30th August 2016					
Client:	Peninsula Village Ltd and Wanaka Bay Ltd			Date:	30/08/2016
Job No:	W4332			Prepared By:	Mike Botting
Revision:	B				

Vegetation Type	Total Existing	Area to be Removed	Area to be Retained and Enhanced	Area to be included in new planting in Enhancement Areas in Proposed LDR Zone or OSZ	Total Area of Enhancement and Retained Vegetation	Gain or (Loss) in extent
Kanuka - Proposed LDR Zone	5620	4965	655	950	1605	-4015
Kanuka - Proposed OSZ Enhancement Area	1865	475	1390	10045	11435	9570
Tussock - Proposed LDR Zone	2280	1460	820	0	820	-1460
Tussock - Proposed OSZ Enhancement Area	190	190	0	4995	4995	4805
Total	9955	7090	2865	15990	18855	8900

Note 1: Kanuka areas calculated from QLDC Aerial photography 2013.

Note 2: Tussock areas calculated from GPS survey completed with Dr Gary Bramley August 2016

Note 3: Tussock to be retained outside building platforms is 820m² and is not within the enhancement areas

Area to be Removed (Calculations)			
	Area (m ²)	Total Kanuka	Total Tussock
Kanuka within LDR - Lots (build platform and earthwork area)	4925		
Kanuka within LDR - Road corridor	0		
Kanuka within LDR - on fence line (allowing 0.5m width)	40	4965	
Kanuka within OS Walking Tracks (allowing 2m width)	360		
Kanuka within OS - Biking Track (allowing 2m width)	115	475	
Tussock within LDR - Lots (build platform and earthwork area)	1460		1460
Tussock within LDR - Road corridor	0		
Tussock within OS - Walking Tracks (allowing 2m width)	190		190
Total	7090	5440	1650

Vegetation Enhancement Areas	Area	Kanuka In LDR	Kanuka In OZ	Tussock in OZ
E1	605		605	
E2	455	455		
E3	5705		5705	
E4	5125		5125	
S1	1150	1150		
G1	3245			3245
G2	1750			1750
Total Area	18035	1605	11435	4995