

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 4
– Subdivision and
Development

**MEMORANDUM OF COUNSEL ON BEHALF OF THE QUEENSTOWN LAKES
DISTRICT COUNCIL PROVIDING UPDATED RECOMMENDATIONS FOR
CHAPTER 27, SUBDIVISION AND DEVELOPMENT**

10 March 2017

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**) to provide the Hearings Panel (**Panel**) with updated recommendations for Chapter 27 – Subdivision and Development.

Further recommended changes to Chapter 27

2. The Panel considered recommendations for Chapter 27 in Hearing Stream 04. The reply evidence of Mr Nigel Bryce for the Council dated 26 August 2016 included a recommended revised chapter 27 at Appendix 1.
3. Some subdivision site specific provisions (and submissions on them) were deferred from the Subdivision hearing, and instead heard alongside the relevant zone chapter in subsequent hearing streams. Therefore after the reply evidence for Hearing Stream 04 was filed, additional recommendations for Chapter 27 have been made in the Council's reply evidence for the following three hearing streams:
 - (a) Stream 06 Residential Reply Evidence dated 11 November 2016 (recommended revised chapters 7, 8, 9,¹ 10 and 11);
 - (b) Stream 08 Business Reply Evidence dated 13 December 2016 (recommended revised chapter 17); and
 - (c) Stream 09 Resort Zones Reply Evidence dated 24 February 2017 (recommended revised chapter 41).
4. For clarity, the Council confirms that where recommendations for Chapter 27 have been made in subsequent hearings on zone specific chapters, those recommendations represent the Council's position.

1 The recommendation made by Ms Banks (the author of the s42A report for Chapter 9) with respect to Rule 27.7.13 is contained in Appendix 2 to her Summary of Evidence and Response to Additional Submissions on Subdivision Provisions dated 7 October 2016. Ms Banks's reply evidence for Chapter 9 does not repeat this recommendation, as her position on it did not change during the hearing.

5. To assist the Panel, the recommended revised chapter 27 attached as **Appendix 1** now incorporates all the relevant recommended changes to Chapter 27 from the Council's reply evidence filed in Hearing Streams 04, 06, 08 and 09.

DATED this 10th day of March 2017



S J Scott
Counsel for Queenstown Lakes District
Council

APPENDIX 1
COMPREHENSIVE REVISED CHAPTER 27 SUBDIVISION AND DEVELOPMENT

SUBDIVISION and DEVELOPMENT 27

Key:

Purple underlined text for additions and ~~strike through~~ text for deletions from the Council's Right of Reply for Hearing Stream 06 Residential dated 11 November 2016; Hearing Stream 08 Business dated 13 December 2016; and Hearing Stream 09 Resort Zones dated 24 February 2017.

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

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

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

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

27 Subdivision and Development

27.1 Purpose

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

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

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

Comment [RC2]: Submission 383.47

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

Good subdivision design will be encouraged by the use of the ~~QLDC Land Development and Subdivision Code of Practice, and the~~ QLDC Subdivision Design Guidelines 2015. The Subdivision Design Guidelines 2015 includes subdivision and urban design principles and outcomes that se are guiding principles to give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals. Proposals at odds with these documents are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the purpose of the RMA. The purpose of the QLDC Land Development and Subdivision Code of Practice is to provide a best practice guideline for subdivision and development infrastructure in the District.

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Except where specific provisions are provided to assess subdivision, such as the Rural, Gibbston and Rural Lifestyle Zones, ~~t~~The subdivision chapter is the primary method to ensure that the District's neighbourhoods are quality environments that take into account the character of local places and communities.

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

27.2 Objectives and Policies – district wide

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

Policies

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

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

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

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

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

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

Comment [RC5]: Submission 453.12

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

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

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

Comment [RC7]: Submission 453.13

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

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

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

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

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

Policies

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

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

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

Comment [RC8]: Submission 632.44

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

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

i. existing and planned areas of employment;

ii. community activities and facilities;

Comment [RC10]: Submission 524.45

iii. services;

iv. trails and trail connections;

Comment [RC11]: Submission 671.5 and 625.13

v. public transport; and

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

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

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

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

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

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

Comment [RC12]: Submission 632.59

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

Comment [RC13]: Dowd for Aurora (635)

Comment [RC14]: A MacLeod for Transpower

Comment [RC15]: Dowd for Aurora (635)

Comment [RC16]: Submission 805.64, 635.37, 719.134

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

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

Policies

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

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

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

Comment [RC18]: Submission 453

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

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

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

Policies

27.2.4.1 Enhance biodiversity, riparian and amenity values by incorporating existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces.

27.2.4.2 Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage items and protected features scheduled or identified in the District Plan.

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~~27.2.4.3 The Council will support subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise.~~

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

27.2.4.3 Encourage ~~Provide for~~ the protection of heritage and archaeological sites, and avoid the ~~unacceptable~~ loss of archaeological sites and heritage items in the first instance, and where effects on these features cannot be reasonably avoided, effects shall be mitigated to an extent that is proportionate to the level of significance of the feature.

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

~~27.2.4.4 Ensure opportunity for the input of the applicable agencies where the subdivision and resultant development could modify or destroy any archaeological sites.~~

Comment [RC23]: Submissions 632 and 806

27.2.4.6 ~~27.2.4.4~~ Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wahi tapu and other taonga.

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

27.2.4.7 ~~27.2.4.5~~ Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to:

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

- i. Whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection;
- ii. Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes.

~~27.2.4.6 Ensure that new subdivisions and developments recognise, incorporate and where appropriate adopt suitable measures to enhance existing established protected indigenous vegetation.~~

Comment [RC26]: Proposed New Policy 27.2.4.7

Comment [RC27]: Submission 809.5

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

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

Comment [RC28]: Submission 635.35

Policies

Transport, Access and Roads

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

Comment [RC29]: Submission 719.134

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

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

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

Comment [RC31]: Submission 798.49

Comment [RC32]: Submission 632.47

Comment [RC33]: Submission 671.5 and 625.13

Comment [RC34]: Submission 632.53

Comment [RC35]: Submission 289.18

Comment [RC36]: Submission 798.50

Water supply, stormwater, wastewater

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

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Water

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

Stormwater

- 27.2.5.12 Ensure appropriate stormwater design and management by having regard to:
- ~~Recognise and encourage~~ **Viable** alternative design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas;
 - 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 opportunities to maintain and enhance water quality through**, ~~including~~ the control of water-borne contaminants, litter and sediments, and the control of peak flow.

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

Comment [RC38]: Submission 632.49

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

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

Comment [RC39]: Resiting of existing Policy 27.2.4.3

Comment [RC40]: Officer suggested amendment

Wastewater

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

- i. is consistent with ~~in~~ Maintains ing public health; ~~and~~
- ii. a-Avoids or mitigates adverse effects on the environment in the first instance; and
- iii. Where effects on the environment cannot be reasonably avoided, effects shall be minimised to an extent that is proportionate to the level of significance of the effects.

Comment [RC41]: Submission 632.50

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

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

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

Energy Supply and Telecommunications

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

- i. Providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;
- ii. Ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground and in the context of rural environments where this may

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not be practicable, infrastructure is sited in a manner that does not adversely impact upon visual amenity and landscape values of the receiving environment;

- iii. Have regard to the design, location and direction of lighting to avoid upward light spill, recognising the night sky as an element that contributes to the District's sense of place;
- iv. Generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves. Where the subdivision provides for a residential building platform the proposed connections to electricity supply and telecommunications systems shall be established to the residential building platform.

Easements

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

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

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

Policies

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

Comment [RC42]: Officer suggested amendment

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

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

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

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27.2.7 Objective - Create esplanades where opportunities arise.

Policies

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

Comment [RC44]: Submission 632.55

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

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

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

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

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

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

Comment [RC46]: Submission 383.48

Policies

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

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

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

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

Comment [RC47]: Submission 719.140

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

27.3 Location-specific objectives and policies

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

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

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

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

Policies

- 27.3.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.
- 27.3.1.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.
- 27.3.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation

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

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

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

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

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

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

Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies

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

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

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

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

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

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

Policies

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

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

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

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

Policies

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

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

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

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

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

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

Policies

Natural Hazards

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

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

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

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

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works encouraged by the Otago Regional Council, and the District Plan's objectives, policies and servicing standards for subdivision in the Makarora Rural Lifestyle Zone.

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

Landscape Values, Rural Character

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

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

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

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

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

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

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

Policies

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

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

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

27.3.8 **Objective - Wyuna Station Rural Lifestyle Zone - Subject to Objective 27.7.7 27.3.7 to enable rural living development is enabled in a way**

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

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that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.

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

Policies

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

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

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

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

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

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

27.3.9 **Objective - Industrial B Zone**

Policies

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

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27.3.10 Objective - Industrial B Zone

Policies

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

27.3.11 Objective - Industrial B Zone

Policies

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

27.3.12 Objective - Industrial B Zone

Policies

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

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

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

Policies

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

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

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

27.3.13.3 The extent to which the subdivision achieves the matters of control listed under ~~Rule 27.7.1~~ Rule 27.7.4 and as they relate to the Jacks Point Structure Plan located within Chapter 41.

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

Comment [MSOffice88]: RCL (632)
Right of Reply dated 24 February 2017, Chapter 41.

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

Comment [MSOffice89]: Jacks Point Landowners, Sally and Clive Geddes (540), Margaret Joans Williams (605), and Tim and Paula Williams (601).
Right of Reply dated 24 February 2017, Chapter 41.

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

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

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

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Policies

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

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

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

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

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

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

Policies

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

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

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

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

27.4 Other Provisions and Rules

27.4.1 District Wide

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

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

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

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

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27.4.2 Earthworks associated with subdivision

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

27.4.3 Zones exempt from the Proposed District Plan and subdivision chapter

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

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

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

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

- a Jacks Point
- b Waterfall Park
- c Millbrook

27.5 Rules – Subdivision

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

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

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

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

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

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

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

Comment [RC102]: Submission 370.8

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

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

Comment [RC105]: Submissions 672.23 and 688.19

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

| | Subdivision Activities – District Wide | Activity status |
|------------------|--|-----------------|
| 27.5.5 27.5.6 | <p><u>All urban subdivision activities, unless otherwise stated, contained within urban areas identified within the District's Urban Growth Boundaries and including the following zones:</u></p> <ol style="list-style-type: none"> 1. <u>Low Density Residential Zones;</u> 2. <u>Medium Density Residential Zones;</u> 3. <u>High Density Residential Zones;</u> 4. <u>Town Centre Zones;</u> 5. <u>Arrowtown Residential Historic Management Zone;</u> | RD |

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

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| <p>6. <u>Large Lot Residential Zones;</u></p> <p>7. <u>Local Shopping Centres;</u></p> <p>8. <u>Business Mixed Use Zones;</u></p> <p>9. <u>Queenstown Airport Mixed Use Zone - Queenstown.</u></p> <p>Discretion is restricted to <u>all of</u> the following:</p> <ul style="list-style-type: none"> • <u>Lot sizes, averages and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land; including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use where Council would apply its discretion to the following situations:</u> <ul style="list-style-type: none"> <u>(i) any requirement for widening, formation or upgrading of existing roads; and</u> <u>(ii) any provisions relating to access and service easements for future subdivision on adjoining land, which may necessitate changes to lot size and dimensions.</u> • <u>The extent to which the sSubdivision design and layout of Lots achieves the subdivision and urban design principles and outcomes set out in QLDC Subdivision Design Guidelines;</u> • <u>Property access and roading;</u> • <u>Esplanade provision;</u> • <u>On site measures to address the risk of Nnatural and other hazards on land within the subdivision;</u> • <u>Fire fighting water supply;</u> • <u>Water supply;</u> • <u>Stormwater design and disposal;</u> • <u>Sewage treatment and disposal;</u> • <u>Energy supply and telecommunications;</u> • <u>Open space and recreation; and</u> • <u>Ecological and natural values;</u> • <u>Historic Heritage;</u> • <u>Easements; and</u> • <u>Bird strike and navigational safety.</u> | |
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Comment [SG107]: Consequential amendment due to recommended amendment to zone name.

Right of Reply dated 13 December 2016, Chapter 17.

Comment [RC108]: Submissions 370.6, 177.10

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

Comment [MSOffice109]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).

Right of reply dated 24 February 2017, Chapter 41.

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

Comment [RC110]: Submission 635.42 and further submission F51301.12 and 805.95

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

Comment [SG111]: Right of reply dated 13 December 2016, Chapter 17.

Comment [SG112]: Right of reply dated 13 December 2016, Chapter 17.

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

Right of reply dated 24 February 2017, Chapter 41.

Comment [RC114]: Relocated from Notified Rule 27.5.1.4 (page 13)

Comment [RC115]: Relocated from Notified Rule 27.5.1.5 (page 13)

Comment [RC116]: Relocated from Notified Rule 27.5.1.6 (page 13)

Comment [RC117]: Relocated from Notified Rule 27.5.1.7 (page 13)

SUBDIVISION and DEVELOPMENT 27

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| 27.5.14 | | |
| 27.5.13 27.5.15 | Within the Jacks Point Zone, subdivision that does not comply with the standards in Part 27.56 and location specific standards in part 27.87, excepteluding that the Hanley Downs part of the Jacks Point Zone, where the creation of lots less than 380m ² minimum lot in size within the R(HD) Activity Area shall be assessed as a restricted discretionary activityRD under Rule 27.7.11.3. | D |
| 27.5.14 27.5.16 | Subdivision that does not comply with the standards in Part 27.6 5 and location specific standards in part 27.8 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.15. | NC |
| 27.5.15 27.5.17 | The further subdivision of an allotment that has previously been used to calculate the minimum average densities for subdivision in the Rural Lifestyle Zone and Rural Residential Zone. | NC |
| 27.5.15 27.5.18 | The subdivision of land resulting in the division of a building platform. | NC |
| 27.5.16 27.5.19 | The subdivision of a residential flat from a the residential unit it is ancillary to, except where this is permitted in the Low Density Residential Zone. | NC |
| 27.5.17 27.5.20 | A subdivision under the Unit Titles Act where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings. | NC |
| 27.5.18 27.5.21 | Any subdivision of land in any zone within the National Grid Subdivision Corridor, which does not comply with matter of discretion (a) under Rule 27.5.8. | NC |
| 27.5.18 27.5.22 | A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use resource consent. | D |
| 27.5.23 | Subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.15. | NC |
| 27.5.24 | Subdivision that does not comply with the standards related to building platforms; the dimensions of site; lots created for access; subdivision associated with residential development on site less than 450m ² in the Low Density Residential Zone; and subdivision associated with infill development under Rules 27.7.12, 27.7.13, and 27.7.14 | NC |

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

Comment [MSOffice118]: Non substantive to improve legibility only.
Right of reply dated 24 February 2017, Chapter 41.

Comment [RC121]: Relocated from Notified Rule 27.4.2(a) (page 10)

Comment [RC120]: Consequential amendments as a consequence of Redrafted Rule 27.6, which specifically lists non-complying activities

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

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

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

Comment [RC124]: Submission 453.24

Comment [RC126]: Relocated from Notified Rule 27.4.2(e) (page 10)

Comment [RC127]: Submission 805.95

Comment [RC128]: Relocated from Notified Rule 27.4.2(f) (page 10)

Comment [MSOffice129]: Notified Rule 27.4.2 which clarified that a breach of these standards was non-complying, is missing in the right of reply recommended revised chapter 27 and needs to be re-instated as this is considered to be an unintended / formatting error.

Right of reply dated 24 February 2017, Chapter 41.

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

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

- ~~a Subdivision that does not comply with the standards in Part 27.5 and location specific standards in part 27.8. Except within the following zone where any non-compliance shall be a discretionary activity.~~
 - ~~i. Jacks Point Zone~~
- ~~b The further subdivision of an allotment that has previously been used to calculate the minimum average densities for subdivision in the Rural Lifestyle Zone and Rural Residential Zone.~~
- ~~c The subdivision of a building platform.~~
- ~~d The subdivision of a residential flat from the residential unit it is ancillary to, except where this is permitted in the Low Density Residential Zone.~~
- ~~e A subdivision under the Unit Titles Act where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.~~
- ~~f For avoidance of doubt, a Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use resource consent shall be a discretionary activity.~~

Comment [RC130]: Relocated into redrafted Rule 25.5, as per Submissions 632.4, 636.11, 643.16, 688.10, 693.16, 702.13

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

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

Comment [RC131]: Rule changed to controlled status and relocated to Redrafted Rule 27.7 (page 27-25 below)

27.6 Rules - Standards for Subdivision Activities

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

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

Comment [RC132]: Relocated from Notified Rule 27.5.1 (page 11)

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

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| Zone | | Minimum Lot Area |
|--------------------------|--|--|
| Airport Mixed Use | | No minimum |
| Industrial | Industrial A | 200m ² |
| | Industrial B | 4000m² Except that the minimum lot size shall be 200m ² where the subdivision is part of a complying combined land use/ subdivision consent application or where each lot to be created, and the original lot, all contain at least one business unit. |
| Residential | High Density | 450m ² |
| | Medium Density | 250m ² |
| | Low Density | 450m ² <u>Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary</u> <u>600m²</u> |
| | Queenstown Heights Sub Zone | 1500m ² |
| | Arrowtown Residential Historic Management Zone | 800m ² |
| | Large Lot Residential A | 4000m ² <u>2000m² in the following locations:</u> <u>Between Studholme Road and Meadowstone Drive</u> |
| | <u>Large Lot Residential B</u> | <u>2000m²</u> |
| Township | Makarora | 4000m ² |
| | Kingston | 800m ² |
| | Glenorchy | 800m ² |
| | Lake Hawea | 800m ² |
| | Luggate | 800m ² |
| | Kinloch | 800m ² |

Comment [RC133]: Outside of scope of Stage 1 Zones

Comment [RC134]: Submission 433.99

Comment [SG135]: Non-substantive amendment for consistency.
Right of Reply dated 11 November 2016, Chapter 10

Comment [SG136]: Submission 166
Right of Reply dated 11 November 2016, Chapter 11

Comment [SG137]: Submission 166
Right of Reply dated 11 November 2016, Chapter 11

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| Zone | | Minimum Lot Area |
|-------------------|--|--|
| | Albert Town | 600m ² |
| | Riverside Stage 6 Subzone A | 50-55% of lots will be developed to a minimum area of 400m ² Average lot size: 600m ² Maximum lot size: 800m ² |
| | Riverside Stage 6 Subzone B | Average lot size: 800m ² (minimum 700m ² , maximum 1000m ²) |
| | Riverside Stage 6 Subzone C | Minimum 1,000m ² , maximum 2000m ² |
| Rural | Rural. Gibbston Character. Hydro Generation. | No minimum |
| Rural Lifestyle | Rural Lifestyle | One hectare providing the average lot size is not less than 2 hectares. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares. |
| | Rural Lifestyle at Makarora. | No minimum, providing the average lot size is not less than 2 hectares. |
| | Rural Lifestyle Deferred A and B. | No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments. |
| | Rural Lifestyle Buffer. | The land in this zone shall be held in a single allotment |
| Rural Residential | Rural Residential | 4000m ² |
| | Rural Residential Bob's Cove sub-zone | No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ² |

Comment [RC138]: Outside of scope of Stage 1 Zones

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| Zone | | Minimum Lot Area |
|----------------|---|--|
| | Rural Residential Ferry Hill Subzone | 4000m ² with no more than 17 lots created for residential activity |
| | Rural Residential Zone at the north of Lake Hayes | 4000m ² provided that the total lots to be created by subdivision, including balance lots, shall not be less than an 8,000m ² lot average. |
| Jacks Point | Residential Activity Areas | 380m ² |
| | FP-1 Activity Area | 4000m ² Average 2ha |
| | FP-2 Activity Area | 2 hectares Average 40ha |
| | All other Activity Areas | Subdivision shall comply with the average density requirements set out in Rule 41.5.9.8. To enable this to be assessed, all subdivision applications shall identify all lots that are intended to be developed as medium density residential development (pursuant to rule 41.4.6) and provide an overall maximum residential unit yield for the subdivision. |
| | Rural Living (RL) Activity Area | No minimum, provided the lot average achieved over the whole RL Activity Area is at least 4,000m ² |
| Millbrook | | No minimum |
| Waterfall Park | | No minimum |

Comment [RC139]: Submission 26.3

Comment [RC140]: Submission 762.4.
Right of reply dated 24 February 2017, Chapter 41.

Comment [MSOffice141]: Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), and Margaret Joans Williams (605).
Right of reply dated 24 February 2017, Chapter 41.

Comment [MSOffice142]: Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), and Margaret Joans Williams (605).
Right of reply dated 24 February 2017, Chapter 41.

27.7 Rules – Zone and Location Specific Standards

| | Zone Specific Standards | Activity status |
|--------|--|-----------------|
| 27.7.1 | <u>Except subdivision of the Open Space Activity Areas of the Jacks Point Zone, sSubdivision undertaken in accordance with a structure plan, spatial layout plan, or concept development plan that is identified in the District Plan and in accordance with a comprehensive</u> | C |

Comment [MSOffice143]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and JPROA (765).
Right of reply dated 24 February 2017, Chapter 41.

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| | Zone Specific Standards | Activity status |
|--|---|-----------------|
| | <p><u>development plan approved pursuant to Rule 41.4.7</u></p> <p>Control is restricted to all of the following:</p> <ul style="list-style-type: none"> The extent to which the subdivision is consistent with the relevant location specific objectives and policies in part 27.3; Lot sizes, averages and dimensions; Subdivision design, lot configuration, roading patterns (including footpaths and walkways) in accordance with the applicable structure plan or spatial layout plan; The extent to which the subdivision design achieves the subdivision and urban design outcomes set out in QLDC Subdivision Design Guidelines; Property access and roading; Landscaping and vegetation; Heritage, where applicable; Esplanade provision; Natural and other hazards; Fire fighting water supply; Water supply; Stormwater design and disposal; Sewage treatment and disposal; Energy supply and telecommunications; Open space and reserves; Easements; and Ecological and natural values Opportunities for enhancement of ecological and natural values; Provision for internal walkways, cycle ways and pedestrian linkages; The nature, scale and adequacy of environmental protection measures associated with earthworks. | |

Comment [MSOffice144]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joan Williams (605) and JPROA (765).

Right of reply dated 24 February 2017, Chapter 41.

Comment [RC145]: Submission points 456.30, 632.63, 696.20 and FS1097.638

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| | Zone Specific Standards | Activity status |
|--------|---|-----------------|
| 27.7.2 | <p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the principal roading layout depicted in the Kirimoko Structure plan shown in part 27.14, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> Consistency with the Kirimoko Structure Plan; Subdivision design and roading layout; The provision and location of walkways and the green network; The protection of native species as identified on the structure plan as green network; Any earthworks required to create any road, vehicle accesses, of building platforms or modify the natural landform; The design of the subdivision including lot configuration and roading patterns and design (including footpaths and walkways); Creation and planting of road reserves; The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13; The protection of native species as identified on the structure plan as green network. | C |
| 27.7.3 | <p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Ferry Hill Concept Development Plan shown in part 22.7.2, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> Consistency with the Ferry Hill Concept Development Plan; and The number, location and design of access points; The subdivision design has had regard to m Minimising the number of accesses to roads; The location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape | C |

Comment [RC146]: Relocated from Notified Rule 27.7.3.1 (page 27-16)

Comment [RC147]: Submission 656.2

Comment [RC148]: Submission 656.2

Comment [RC149]: Relocated from Notified Rule 27.7.3.1 (page 27-16)

Comment [RC150]: Submission 383.50

Comment [RC151]: Submission 383.50

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| | Zone Specific Standards | Activity status |
|--------|--|-----------------|
| | <p>treatment is an integral component when constructing such access;</p> <ul style="list-style-type: none"> The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 (as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone); The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road; | |
| 27.7.4 | <p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Jacks Point Zone Structure Plan identified in 41.7, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> <u>Consistency with the Jacks Point Zone Structure Plan;</u> <u>Traffic generation effects, including the effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone.</u> <u>The diversity of residential lot sizes and the location of lots identified for medium density residential development, relative to open space and primary roads, and existing or practical future public transport routes</u> <u>With regard to any subdivision within the Rural Living (RL) Activity Area</u> <ul style="list-style-type: none"> <u>The location of residential building platforms on each lot</u> <u>Landscape values</u> <u>Effects on the distinctive rocky outcrops</u> <u>Minimising disturbance to native vegetation</u> The provision of public access routes, primary, secondary and key road connections. Within the R(HD) Activity Areas, the extent to which the structure plan provides for the following matters: <ol style="list-style-type: none"> The development and suitability of public transport routes, pedestrian and cycle trail connections within | C |

Comment [RC152]: Relocated from Notified Policy 27.7.6.1 (page 16)

Comment [MSOffice153]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners.

Right of reply dated 24 February 2017, Chapter 41.

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| | Zone Specific Standards | Activity status |
|--|--|-----------------|
| | <p>and beyond the Activity Area.</p> <ul style="list-style-type: none"> ii. Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu. iii. Road and street designs. iv. The location and suitability of proposed open spaces. v. Management responses to remove wilding trees. <ul style="list-style-type: none"> • Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6. • Within the R(HD) Activity Area, the creation of sites sized between 380m² and 550m², without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over: <ul style="list-style-type: none"> i. Building setbacks from boundaries. ii. Location and heights of garages and other accessory buildings. iii. Height limitations for parts of buildings, including recession plane requirements. iv. Window locations. v. Building coverage. vi. Roadside fence heights. • Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation. • Within the R(HD) A-E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees). • In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m² in area: <ul style="list-style-type: none"> b. The extent to which such sites are configured: <ul style="list-style-type: none"> i. with good street frontage. ii. to enable sunlight to existing and future | |

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| | Zone Specific Standards | Activity status |
|----------|---|-----------------|
| | <p>residential units.</p> <p>iii. To achieve an appropriate level of privacy between homes.</p> <p>c The extent to which parking, access and landscaping are configured in a manner which:</p> <p>i. minimises the dominance of driveways at the street edge.</p> <p>ii. provides for efficient use of the land.</p> <p>iii. maximises pedestrian and vehicular safety.</p> <p>iv. addresses nuisance effects such as from vehicle lights.</p> <p>d The extent to which subdivision design satisfies:</p> <p>i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.</p> <p>ii. Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.</p> | |
| 27.7.5 | Peninsula Bay | |
| 27.7.5.1 | <p>Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council.</p> <p><u>The matters over which the Council reserves control are:</u></p> <ul style="list-style-type: none"> <u>The matters of control listed under Rule 27.7.1; and</u> <u>Landscape and visual effects</u> | C |
| 27.7.6 | Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is inconsistent with an Outline Development Master Plan that has been lodged | NC |

Comment [RC154]: Relocated from Notified Rule 27.7.14.2 (page 20)

Comment [RC155]: Consequential amendment as a consequence of Location Specific Rules under Redrafted Rule 27.7.1

Comment [RC156]: Relocated from Notified Rule 27.8.2.1 (page 24)

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| | Zone Specific Standards | Activity status |
|----------|---|-----------------|
| | with and approved by the Council. | |
| 27.7.7 | Kirimoko | |
| 27.7.7.1 | <ul style="list-style-type: none"> i. Any subdivision that does not comply with the principal roading layout and reserve network depicted in the Kirimoko Structure Plan shown in Part 27.4315 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties). ii. Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title. iii. Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural General. | NC |
| 27.7.8 | Bob's Cove Rural Residential sub-zone | |
| 27.7.8.1 | <p>Activities that do not meet the following standards:</p> <ul style="list-style-type: none"> i. Boundary Planting – Rural Residential sub-zone at Bobs Cove: <ul style="list-style-type: none"> a. Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and b. Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected. ii. Development Areas and Undomesticated Areas within the Rural Residential sub-zone at Bob's Cove: <ul style="list-style-type: none"> a Within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the | NC |

Comment [RC157]: Relocated from Notified Rule 27.8.3.1 to 27.8.3.3 (page 24)

Comment [RC158]: Relocated from Notified Rule 27.8.5.1 and 27.8.5.2 (page 24/25)

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| | Zone Specific Standards | Activity status |
|----------|--|-----------------|
| | <p>benefit of all lot holders and the Council.</p> <ul style="list-style-type: none"> b At least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council. c The remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council. d The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and e This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots. f Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council. | |
| 27.7.9 | Ferry Hill Rural Residential sub-zone | |
| 27.7.9.1 | Any subdivision of the Ferry Hill Rural Residential sub-zone that is inconsistent with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. | NC |
| 27.7.9.2 | Activities that do not meet the following standards: | NC |

Comment [RC159]: Relocated from Notified Rule 27.8.6.1 to 27.8.6.8 (page 25/26)

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| | Zone Specific Standards | Activity status |
|--|--|-----------------|
| | <p>i. Retention of Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone which shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.</p> <p>ii. Any application for subdivision consent shall:</p> <ul style="list-style-type: none"> a Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above; b Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.6.9.2(i) 27.7.9.2(i) above; c Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure: <ul style="list-style-type: none"> i. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and ii. That residential development is subject to screening along Tucker Beach Road, <p>iii. Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.</p> <p>iv. Plantings elsewhere may include maple as well as indigenous species.</p> <p>v. The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vi. Any subdivision shall be subject to a condition of</p> | |

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| | Zone Specific Standards | Activity status |
|-----------|--|-----------------|
| | <p>resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vii. Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.</p> | |
| 27.7.10 | Ladies Mile | |
| 27.7.10.1 | <p>i. Subdivision of land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes that is zoned Low Density Residential or Rural Residential as shown on the Planning Maps and that does not meet the following standards:</p> <p style="margin-left: 40px;">a The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.</p> <p style="margin-left: 40px;">b No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.</p> | NC |
| 27.7.11 | Jacks Point | |
| 27.7.11.1 | <p>Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <p>a. A variance of up to 120m from the location and</p> | D |

Comment [RC160]: Relocated from Notified Rule 27.8.7.1 (page 26)

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| | Zone Specific Standards | Activity status |
|-----------|--|-----------------|
| | <p>alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;</p> <p>b Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;</p> <p>c Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;</p> <p>d <u>The boundaries of Open Spaces Activity Areas are indicative and may be varied by up to 20 m. Open Spaces are shown indicatively,</u> with their exact location and parameters to be established through the subdivision process.</p> | |
| 27.7.11.2 | <p>Subdivision failing to comply with standards for the Jacks Point Zone Conservation Lots.</p> <p>i. Within the Farm Preserve 1 (FP-1) Activity Area, any subdivision shall:</p> <p>a. Provide for the creation and management of open space, which may include native re-vegetation, within the "open space" areas shown on the Structure Plan, through the following:</p> <p>ii. The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or</p> <p>iii. Held within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site from any future building development.</p> | RD |
| 27.7.11.3 | <p>Subdivision that failing to comply with the 380m² minimum lot size for subdivision within the Hanley Downs Residential Activity Areas of the Jacks Point Zone.</p> <p>part of the Jacks Point Zone.</p> <p>For Rules 27.7.11.2 and 27.7.11.3 Discretion is restricted to all of the following:</p> | RD |

Comment [SG161]: [RCL \(632\).](#)

[Right of Reply dated 24 February 2017, Chapter 41](#)

Comment [SG162]: [Sally and Clive Geddes \(540\), Alexander Schrantz \(195\), Scope Resources \(342\), Margaret Joans Williams \(605\), the Jacks Point Landowners, and Tim and Paula Williams \(601\).](#)

[Right of Reply dated 24 February 2017, Chapter 41](#)

Comment [RC163]: [Submission 762.7](#)

[Right of Reply dated 24 February 2017, Chapter 41](#)

Comment [SG164]: [Non substantive; amended wording for improved legibility and consistency.](#)

[Right of Reply dated 24 February 2017, Chapter 41](#)

Comment [RC165]: [D Wells for RCL](#)

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| | Zone Specific Standards | Activity status |
|-----------|---|-----------------|
| | <p>i. <u>Subdivision design</u></p> <p>ii. <u>Traffic generation</u> including effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone;</p> <p>iii. <u>Access; and</u></p> <p>iv. <u>Landscape and visual effects; and</u></p> <p>v. <u>The design controls proposed to be secured through appropriate legal mechanisms, including in relation to building bulk and location, roadside fencing, window heights and locations, effects on the amenity of adjacent sites, and landscaping;</u></p> <p>vi. <u>† The visibility of future development from State Highway 6 and Lake Wakatipu.</u></p> <p>vii. <u>‡ Traffic, access.</u></p> <p>viii. <u>‡ Maintenance or enhancement of nature conservation values.</u></p> <p>ix. <u>The diversity of lot sizes and the location of medium density residential development sites.</u></p> <p>x. <u>iv. Creation of open space and infrastructure, in a location and of a size and form that is appropriate to the proposed lot sizes and resultant residential density being enabled by the subdivision.</u></p> | |
| 27.7.11.4 | <p>Every allotment created within the RL Activity Area for the purposes of containing residential activity shall:</p> <p>i) <u>Identify one building platform of not less than 70m² in area and not greater than 1000m² in area and this shall be registered on the relevant Computer Register; and</u></p> <p>ii) <u>Provide a landscape and ecological management strategy for the whole Activity Area, which shall:</u></p> <ul style="list-style-type: none"> <u>provide for at least 1.6 hectares (being an average of 25% per lot) of native revegetation; and</u> <u>be designed to be comprehensively applied across the activity areas and building on existing vegetation communities within the area; and</u> <u>be co-ordinated with vehicle access and the location of building platforms.</u> | NC |

Comment [MSOffice166]: Jacks Point Residential No. 2 (762), RCL (855), NZTA (719), Scope Resources (342), and the Jardine Family Trust and Remarkables Station Limited (715).

Right of reply dated 24 February 2017, Chapter 41.

Comment [SG167]: Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

Right of reply dated 24 February 2017, Chapter 41.

Comment [MSOffice168]: Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

Right of reply dated 24 February 2017, Chapter 41.

Comment [RC169]: Relocated from Notified Rule 27.8.9.1 and 27.8.9.2 (page 27)

Comment [MSOffice170]: The wording of this rule and rule 27.7.11.6 is consistent with the equivalent rule (27.7.12.1) that relates to the rural and rural lifestyle zones.

Right of reply dated 24 February 2017, Chapter 41.

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| | Zone Specific Standards | Activity status |
|-----------|---|-----------------|
| 27.7.11.5 | Within the Open Space Golf Activity Area, any Design Guidelines relating to the Preserve shall be given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council Discretion is restricted to the effects of building, lighting, earthworks, and landscaping on landscape and amenity values | RD |
| 27.7.11.6 | Every allotment created within the Open Space Golf Activity Area for the purposes of containing residential activity shall contain at least one Homesite Activity. | D |
| 27.7.12 | Any subdivision of the Millbrook Resort Zone that is inconsistent with the Millbrook Resort Zone Structure Plan specified in part 43.7. | D |

Comment [MSOffice171]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joan Williams (605), and the Jacks Point Landowners.

Right of reply dated 24 February 2017, Chapter 41.

Comment [SG172]: Right of reply dated 24 February 2017, Chapter 43

Comment [RC173]: New Redrafted rule added as there does not appear to be any rule governing non-compliance with Millbrook Resort Zone structure plan.

Comment [MSOffice174]: I note that notified 27.7.4.2, which refers to 27.7.12 – 27.7.14, was inadvertently removed from the reply version of this chapter and has been reinstated it at 27.5.24 above.

Comment [RC175]: Relocated from Notified Rule 27.5.1.1 (page 12)

Comment [RC176]: Relocated from Notified Rule 27.5.1.2 (page 13)

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

a Rural Zone.

b Gibbston Character Zone.

c Rural Lifestyle Zone.

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

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

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

Comment [RC177]: Relocated from Notified Rule 27.5.1.3 (page 13)

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

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

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

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

Comment [RC178]: Transferred into Redrafted Rule Table 27.5.

27.7.13 Subdivision associated with infill development

Comment [RC179]: Relocated from Notified Rule 27.5.2 (page 13)

~~a~~ The specified minimum allotment size in Rule 27.5.1, and minimum dimensions in Rule ~~27.5.1.2~~ 27.7.12.2 shall not apply in the: High Density Residential Zone, Medium Density Residential Zone and Low Density Residential Zone

(a) High Density Residential Zone (limited to unit title, strata title or cross lease subdivisions);

(b) Medium Density Residential Zone; and

(c) Low Density Residential Zone;

Comment [SG180]: Summary of Evidence and Response to Additional Submissions on Subdivision Provisions dated 7 October 2016, Chapter 9

where each allotment to be created, and the original allotment, all contain at least one established residential unit (established meaning a Building Code of Compliance Certificate has been issued or alternatively where a Building Code of Compliance Certificate has not been issued, construction shall be completed to not less than the installation of the roof).

Comment [RC181]: Submission 370.7, 453.4, 453.5, 166.11, 169.9, 389.1, and 389.1

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

Comment [RC182]: Relocated from Notified Rule 27.5.3 (page 13)

27.7.14.1 In the Low Density Residential Zone, the specified minimum allotment size in Rule 27.5.1 shall not apply in cases where the residential units are not established, providing;

~~a A certificate of compliance is issued for a residential unit(s) or;~~

~~b-a~~ A resource consent has been granted for a residential unit(s).

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

Comment [SG183]: Consequential change as a result of redraft Rule 7.4.10.

Right of Reply dated 11 November 2016, Chapter 7.

Comment [RC184]: D White for Paterson Pitts Limited

a That the construction of any residential unit shall be undertaken in accordance with the applicable certificate of compliance or resource consent (applies to the additional undeveloped lot to be created).

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~~d b~~ The maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created).

~~e c~~ There shall be not more than one residential unit per lot (applies to all lots).

Comment [SG185]: Consequential renumbering as a result of recommended amendments to redraft Rule 7.4.10.

Right of Reply dated 11 November 2016, Chapter 7.

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

Comment [RC186]: Submission 433.97 and 433.98

27.7.15 Standards related to servicing and infrastructure

Comment [RC187]: Relocated from Notified Rule 27.5.4 (page 14)

Water

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

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

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

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

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

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

Comment [RC188]: Outside of scope of Stage 1 Zones, therefore recommended for deletion by section 42a officer

Comment [RC189]: Relocated from Notified Rule 27.5.4.1 (page 14)

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

Comment [RC190]: Relocated from Notified Rule 27.5.4.2 (page 14)

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

Comment [RC191]: Relocated from Notified Rule 27.5.4.3 (page 14)

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

Comment [RC192]: Submission 179.13, 191.11, 781.12.

27.8 Rules - Exemptions

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

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

Comment [RC193]: Transferred into Redrafted Rule Table 27.5 (Rule 27.5.2)

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

- a Activities that qualify as exempt under rules (27.8.1 6.1.4) above.
- b Where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve, then section 230 of the Act shall not apply.

Comment [RC194]: Consequential amendment

Comment [RC195]: Relocated from Notified Rule 27.6.1.2 (page 15)

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

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

Comment [RC196]: Relocated to renumbered 27.3 – Location specific objectives and policies

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

~~Policies~~

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

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

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

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

Comment [RC197]: Relocated to Renumbered Objective 27.3.1 and Policies 27.3.1.1 to 27.3.1.3

Comment [RC198]: Validity issues with referring to the Operative District Plan in the PDP

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

~~Policies~~

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

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

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

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- ~~27.7.2.4 Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.~~
- ~~27.7.2.5 Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.~~
- ~~27.7.2.6 Provide for road and walkway linkages to neighbouring developments.~~
- ~~27.7.2.7 Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.~~
- ~~27.7.2.8 Minimise Avoid disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.~~
- ~~27.7.2.9 Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.~~
- ~~27.7.2.10 Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.~~
- ~~**27.7.3 Kirimoko Structure Plan - Matters of Discretion for Restricted Discretionary Activities**~~
- ~~27.7.3.1 In order to achieve Objective 27.7.2 and policies 27.7.2.1 to 27.7.2.10, when assessing any subdivision in accordance with the principal roading layout depicted in the Kirimoko Structure plan shown in part 27.13, in accordance with rule 27.8.2, particular regard shall be had to the following:~~
- ~~i. Any earthworks required to create any vehicle accesses of building platforms;~~
 - ~~ii. The design of the subdivision including lot configuration and roading patterns;~~
 - ~~iii. Creation and planting of road reserves;~~
 - ~~iv. The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;~~
 - ~~v. The protection of native species as identified on the structure plan as green network;~~
- ~~**27.7.4 Objective - Large Lot Residential Zone between Studholme Road and Meadowstone Drive - Ensure protection of landscape and amenity values in recognition of the zone's low density character and transition with rural areas be recognised and protected.**~~

Comment [RC199]: Relocated to Renumbered Objective 27.3.2 and Policies 27.3.2.1 to 27.3.2.10 (redrafted page 10).

Comment [RC200]: Transferred into Zone Specific Rule Table 27.7 as matters of control under redrafted Rule 27.7.2 (redrafted page 27).

Policies

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

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

Comment [RC201]: Relocated to Renumbered Objective 27.3.3 and Policies 27.3.3.1 to 27.3.3.12 (redrafted page 11).

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

Policies

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

Comment [RC202]: Relocated to Renumbered Objective 27.3.4 and Policy 27.3.4.1 (redrafted page 11).

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

Comment [RC203]: Relocated to Renumbered Objective 27.3.5 (redrafted page 11).

Policies

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

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

Comment [RC204]: Transferred into Zone Specific Rule Table as matters of control under Redrafted Rule 27.7 (Rule 27.7.3)

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

Policies

Natural Hazards

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

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

Landscape Values, Rural Character

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

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

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

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

Policies

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

Comment [RC205]: Relocated to Renumbered Objective 27.3.6 and Policies 27.3.6.1 to 27.3.6.4 (redrafted page 11 and 12).

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

Comment [RC206]: Relocated to Renumbered Objective 27.3.7 and Policy 27.3.7.1 (redrafted page 12).

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

Policies

~~**27.7.9.1** The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from Glenorchy Township, Oban Street or the Glenorchy-Paradise Road. Measures to achieve this include:~~

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

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

- i. ~~Methods to remove or kill existing wilding exotic trees and weed species from the lower banks of the zone area and to conduct this eradication annually;~~

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- ii. ~~Methods to exclude and/or suitably manage pests within the zone in order to foster growth of indigenous vegetation within the zone, on an ongoing basis;~~
- iii. ~~A programme or list of maintenance work to be carried out on a year to year basis on order to bring about the goals set out above.~~

Comment [RC207]: Relocated to Renumbered Objective 27.3.8 and Policies 27.3.8.1 to 27.3.8.2 (redrafted page 12 and 13).

~~27.7.10 Objective – Industrial B Zone~~

~~Policies~~

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

~~27.7.11 Objective – Industrial B Zone~~

~~Policies~~

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

~~27.7.12 Objective – Industrial B Zone~~

~~Policies~~

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

~~27.7.13 Objective – Industrial B Zone~~

~~Policies~~

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

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

~~Policies~~

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

Comment [RC208]: Relocated to Renumbered Objective 27.3.13 and Policy 27.3.13.1 (redrafted page 14).

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

- i. ~~Consistency with the Jacks Point Zone Structure Plan identified in 41.7, including the provision of public access routes, primary, secondary and key road connections.~~
- ii. ~~Lot sizes, averages and dimensions.~~
- iii. ~~Subdivision design.~~
- iv. ~~Property access.~~
- v. ~~Esplanade provision.~~
- vi. ~~Natural hazards.~~
- vii. ~~Fire fighting water supply.~~

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- viii. ~~Water supply.~~
- ix. ~~Stormwater disposal.~~
- x. ~~Sewage treatment and disposal.~~
- xi. ~~Energy supply and telecommunications.~~
- xii. ~~Open space and recreation.~~
- xiii. ~~Easements.~~
- xiv. ~~The nature, scale and adequacy of environmental protection measures associated with earthworks.~~

Comment [RC209]: Transferred into Rule Table under Rule 27.7 and specifically redrafted Rule 27.7.1 and 27.7.4.

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

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

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

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

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

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

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

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

~~a The extent to which such sites are configured:~~

- ~~i. with good street frontage.~~
- ~~ii. to enable sunlight to existing and future residential units.~~
- ~~iii. To achieve an appropriate level of privacy between homes.~~

~~b The extent to which parking, access and landscaping are configured in a manner which:~~

- ~~i. minimises the dominance of driveways at the street edge.~~
- ~~ii. provides for efficient use of the land.~~
- ~~iii. maximises pedestrian and vehicular safety.~~
- ~~iv. addresses nuisance effects such as from vehicle lights.~~

~~c The extent to which subdivision design satisfies:~~

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

Comment [RC210]: Transferred into Rule Table under Rule 27.7 and specifically redrafted Rule 27.7.4.

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

Policies

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

Comment [RC211]: Relocated to Renumbered Objective 27.3.14 and Policy 27.3.14.1 (redrafted page 14).

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

Comment [RC212]: Transferred into Rule Table 27.6.1

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

- ~~i. Allotment sizes and configuration.~~
- ~~ii. Property access.~~

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

Comment [RC213]: Transferred into Redrafted Rule Table 27.6.1

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

Policies

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

Comment [RC214]: Relocated to Renumbered Objective 27.3.15 and Policy 27.3.15.1 (redrafted page 14).

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

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

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

Comment [RC215]: Transferred into Redrafted Rule Table 27.7.1

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~~27.8 Rules – Location Specific Standards~~

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

Comment [RC216]: Transferred into Redrafted Rule Table 27.7

~~27.8.2 Peninsula Bay~~

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

Comment [RC217]: Transferred into Redrafted Rule Table 27.7

~~27.8.3 Kirimoko~~

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

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

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

Comment [RC218]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.2)

~~27.8.2 Industrial B Zone~~

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

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

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

~~c. Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and~~

~~d. Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected.~~

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

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

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

Comment [RC219]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.8)

27.8.6 Ferry Hill Rural Residential sub-zone

- ~~27.8.6.1~~ Notwithstanding any other rules, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- ~~27.8.6.2~~ Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.
- ~~27.8.6.3~~ Any application for subdivision consent shall:
 - ~~a~~ Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above;
 - ~~b~~ Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.8.6.2 above;
 - ~~c~~ Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:

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- i. ~~That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and~~
- ii. ~~That residential development is subject to screening along Tucker Beach Road,~~

~~27.8.6.4 Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.~~

~~27.8.6.5 Plantings elsewhere may include maple as well as indigenous species.~~

~~27.8.6.6 The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~

~~27.8.6.7 Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~

~~27.8.6.8 Any subdivision of Lots 1 and 2 DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.~~

Comment [RC220]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.9)

~~27.8.7 Ladies Mile~~

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

- ~~a The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.~~
- ~~b No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.~~

Comment [RC221]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.10)

27.8.3 Riverside Stage 6 - Albert Town

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

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27.8.9 Jacks Point

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

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

- a. A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;
- b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;
- c. Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;
- d. Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process.

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

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

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

Discretion is restricted to all of the following:

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

Comment [RC222]: Transferred into Redrafted Rule Table 27.7 (specifically redrafted Rule 27.7.11)

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27.9 Assessment Matters for Resource Consents

27.9.1 Controlled Activity Boundary Adjustments

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

| | <u>27.5.3 Assessment Matters (Boundary Adjustments)</u> |
|--|---|
| | <ul style="list-style-type: none"> • <u>The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings and vegetation patterns and existing or proposed accesses;</u> • <u>The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:</u> <ul style="list-style-type: none"> <u>(i) is able to accommodate development in accordance with the relevant district-wide and zone rules;</u> <u>(ii) the potential effects the safety of pedestrians and cyclists and other users of the space or access;</u> • <u>Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</u> • <u>Refer Policies 27.2.1.7, 27.2.3.2, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.2.</u> |

| | <u>27.5.4 Assessment Matters (Boundary Adjustments involving Heritage Items and within Arrowtown's urban growth boundary)</u> |
|--|---|
| | <ul style="list-style-type: none"> • <u>The location of the proposed boundaries, including their relationship to existing buildings and vegetation patterns and existing or proposed accesses;</u> • <u>The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:</u> <ul style="list-style-type: none"> <u>(i) is able to accommodate development in accordance with the relevant district-wide and zone rules;</u> <u>(ii) the potential effects on the safety of pedestrians and cyclists and other users of the space or access;</u> • <u>Whether any landscape features or vegetation, including mature trees, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</u> |

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| | <u>27.5.4 Assessment Matters (Boundary Adjustments involving Heritage Items and within Arrowtown's urban growth boundary)</u> |
|--|---|
| | <ul style="list-style-type: none"> • <u>The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.</u> • <u>Where lots are being amalgamated within the Medium Density Residential Zone and Low Density Residential Zone, the extent to which future development will effect the historic character of the Arrowtown Residential Historic Management Zone;</u> • <u>Refer Policies 27.2.1.7, 27.2.3.2, 27.2.4.2, 27.2.4.5, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.2.</u> |

27.9.2 Controlled Unit Title Subdivision Activities

In considering whether or not to impose conditions in respect to unit title, strata-title or cross lease subdivision under Rules 27.5.5, the Council shall have regard to, but not be limited by, the following assessment criteria:

| | <u>27.5.5 Assessment Matters (Unit Title, Strata Title and Cross Lease Subdivision)</u> |
|--|--|
| | <ul style="list-style-type: none"> • <u>Compliance with an approved resource consent;</u> • <u>The location of the proposed boundaries, including their relationship to existing buildings existing or proposed accesses;</u> • <u>The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:</u> <ul style="list-style-type: none"> (i) <u>is able to accommodate development in accordance with the relevant district-wide and zone rules;</u> (ii) <u>the potential effects the safety of pedestrians and cyclists and other users of the space or access;</u> • <u>The effects of infrastructure provision;</u> • <u>Refer Policies 27.2.1.7, 27.2.3.1, 27.2.3.2, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.3.</u> |

27.9.3 Restricted Discretionary Activity Subdivision Activities

In considering whether or not to grant consent or impose conditions in respect to boundary adjustments under Rules 27.5.6, 27.5.7, 27.5.8 and 27.5.9, the Council shall have regard to, but not be limited by, the following assessment criteria:

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| | <u>27.5.6 Assessment Matters (Urban Subdivision Activities)</u> |
|--|--|
| | <ul style="list-style-type: none"> i. <u>Lot sizes and dimensions in respect of widening, formation or upgrading of existing and proposed roads and any provisions relating to access for future subdivision on adjoining land.</u> ii. <u>Consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;</u> iii. <u>Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</u> iv. <u>The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;</u> v. <u>The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency;</u> vi. <u>The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;</u> vii. <u>The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</u> viii. <u>The provision of services in accordance with Council's Code of Practice for Subdivision;</u> ix. <u>The extent to which the safe and efficient operation of aircraft may be compromised by subdivision and its ancillary activities that encourage the congregation of birds within aircraft flight paths.</u> x. <u>Easements for existing and proposed access and services.</u> xi. <u>Refer Policies 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.3.2, 27.2.4.5, 27.2.4.6, 27.2.5.5, 27.2.5.6, 27.2.5.10, 27.2.5.12, 27.2.5.15, 27.2.5.17 and 27.2.7.1.</u> |

| | <u>27.5.7 Assessment Matters (Rural Residential and Rural Lifestyle Subdivision Activities)</u> |
|--|---|
| | <ul style="list-style-type: none"> • <u>The extent to which the design maintains and enhances rural living character, landscape values and visual amenity;</u> • <u>The extent to which the location of building platforms could adversely affect adjoining non residential land uses;</u> • <u>Orientation of lots to optimise solar gain for buildings and</u> |

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| | <u>27.5.7 Assessment Matters (Rural Residential and Rural Lifestyle Subdivision Activities)</u> |
|--|---|
| | <p><u>developments:</u></p> <ul style="list-style-type: none"> • <u>Lot sizes and dimensions in respect of widening, formation or upgrading of existing and proposed roads and any provisions relating to access for future subdivision on adjoining land.</u> • <u>Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</u> • <u>The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;</u> • <u>The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency;</u> • <u>The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;</u> • <u>The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</u> • <u>The provision of services in accordance with Council's Code of Practice for Subdivision;</u> • <u>In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state;</u> • <u>In the Rural Residential Zone at the north end of Lake Hayes, the protection and restoration of wetland areas;</u> • <u>Easements for existing and proposed access and services;</u> • <u>Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.</u> • <u>Refer Policies 27.2.1.2, 27.2.4.5, 27.2.4.6, 27.2.5.4, 27.2.5.5, 27.2.5.10, 27.2.5.12, 27.2.5.15, 27.2.5.17 and 27.2.7.1.</u> |

Comment [RC223]: A MacLeod for New Zealand Fire Service

27.9.4 Restricted Discretionary Activity - Subdivision Activities with National Grid Subdivision Corridor and Electricity Sub-Transmission Lines

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In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rules 27.5.8 and 27.5.9, the Council shall have regard to, but not be limited by, the following assessment criteria:

| | <u>27.5.8 Assessment Matters (National Grid Subdivision Corridor)</u> |
|--|--|
| | <ul style="list-style-type: none"> • <u>Whether the allotments are intended to be used for residential or commercial activity;</u> • <u>The need to identify a building platform to ensure future buildings are located outside the National Grid Yard;</u> • <u>The ability of future development to comply with NZECP34:2001;</u> • <u>The location and planting of vegetation;</u> • <u>Ensure the operation, maintenance and upgrade of the National Grid is not restricted;</u> • <u>Refer Policy 27.2.2.9.</u> |

| | <u>27.5.9 Assessment Matters (Electricity Sub-Transmission Lines)</u> |
|--|--|
| | <ul style="list-style-type: none"> • <u>Whether the allotments are intended to be used for residential or commercial activity;</u> • <u>The need to provide restricted areas to limit activities to outside the Electricity Sub-Transmission Lines;</u> • <u>Ensure the operation, maintenance and upgrade of the Electricity Sub-Transmission Lines is not restricted;</u> • <u>The ability of future development to comply with NZECP34:2001;.</u> • <u>The location and planting of vegetation;</u> • <u>Refer Policy 27.2.2.9.</u> |

27.9.5 Controlled Subdivision Activities – Structure Plan spatial layout plan, or concept development plan

In considering whether or not to impose conditions in respect to subdivision activities undertaken in accordance with a structure plan, spatial layout plan, or concept development plan under Rules 27.7.1, 27.7.2, 27.7.3, 27.7.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

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| | <u>27.7.1 Assessment Matters</u> |
|--|---|
| | <ul style="list-style-type: none"> • <u>Consistency with the relevant location specific objectives and policies in part 27.3;</u> • <u>Consistency with the relevant structure plan, spatial layout plan or concept development plan;</u> • <u>The assessment criteria identified under Rule 27.7.1.</u> |

| | <u>27.7.2 Assessment Matters</u> |
|--|--|
| | <ul style="list-style-type: none"> • <u>The assessment criteria identified under Rule 27.7.1.</u> • <u>Any earthworks required to create any road, vehicle accesses, or building platforms or modify the natural landform;</u> • <u>The design of the subdivision including lot configuration and roading patterns and design (including footpaths and walkways);</u> • <u>Creation and planting of road reserves</u> • <u>The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;</u> • <u>The protection of native species as identified on the structure plan as green network.</u> • <u>Refer Policies 27.3.2.1 to 27.3.2.10.</u> |

Comment [RC224]: Submission 656.2

Comment [RC225]: Submission 656.2

Comment [RC226]: Relocated from Notified Rule 27.7.3.1 (page 27-16)

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| | <u>27.7.3 Assessment Matters</u> |
|--|---|
| | <ul style="list-style-type: none"> • <u>The assessment criteria identified under Rule 27.7.1:</u> • <u>Minimising the number of accesses to roads;</u> • <u>The location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;</u> • <u>The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 (as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone);</u> • <u>The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.</u> • <u>Refer Policy 27.3.5.1.</u> |

Comment [RC227]: Relocated from Notified Policy 27.7.6.1 (page 16)

| | <u>27.7.4 Assessment Matters</u> |
|--|---|
| | <ul style="list-style-type: none"> • <u>The assessment criteria identified under Rule 27.7.1.</u> • <u>The provision of public access routes, primary, secondary and key road connections.</u> • <u>Within the R(HD) Activity Areas of the Jacks Point Zone, the extent to which the structure plan provides for the following matters:</u> <ul style="list-style-type: none"> - <u>The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.</u> - <u>Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.</u> - <u>Road and street designs.</u> - <u>The location and suitability of proposed open spaces.</u> - <u>Management responses to remove wilding trees.</u> • <u>Within the R(HD-SH) Activity Areas of the Jacks Point Zone, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.</u> • <u>Within the R(HD) Activity Area of the Jacks Point Zone, the creation of sites sized between 380m² and 550m², without limiting any other</u> |

Comment [MSOffice228]: Non substantive change for legibility only.

Right of reply dated 24 February 2017, Chapter 41.

Comment [MSOffice229]: Non substantive change for legibility only.

Right of reply dated 24 February 2017, Chapter 41.

Comment [MSOffice230]: Non substantive change for legibility only.

Right of reply dated 24 February 2017, Chapter 41.

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| | 27.7.4 Assessment Matters |
|--|---|
| | <p><u>matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:</u></p> <ul style="list-style-type: none"> - <u>Building setbacks from boundaries.</u> - <u>Location and heights of garages and other accessory buildings.</u> - <u>Height limitations for parts of buildings, including recession plane requirements.</u> - <u>Window locations.</u> - <u>Building coverage.</u> - <u>Roadside fence heights.</u> <ul style="list-style-type: none"> • <u>Within the OS-Open Space Activity Areas shown on of the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.</u> • <u>Within the R(HD) A - E Activity Areas of the Jacks Point Zone, ensure cul-de-sacs are straight (+/- 15 degrees).</u> • <u>In the Hanley Downs R(HD) Activity Areas of the Jacks Point Zone where subdivision of land within any Residential Activity Area results in allotments less than 380m² in area:</u> <ul style="list-style-type: none"> - <u>Those matters listed for consideration in relation to the creation of sites sized between 380m² and 550m² sites in the R(HD) Activity Area of the Jacks Point Zone, plus:</u> <ul style="list-style-type: none"> - <u>The extent to which such sites are configured:</u> <ul style="list-style-type: none"> ▪ <u>with good street frontage.</u> ▪ <u>to enable sunlight to existing and future residential units.</u> ▪ <u>To achieve an appropriate level of privacy between homes.</u> - <u>The extent to which parking, access and landscaping are configured in a manner which:</u> <ul style="list-style-type: none"> ▪ <u>minimises the dominance of driveways at the street edge.</u> ▪ <u>provides for efficient use of the land.</u> ▪ <u>maximises pedestrian and vehicular safety.</u> ▪ <u>addresses nuisance effects such as from vehicle lights.</u> |

Comment [MSOffice231]: Non substantive change for legibility only.

Right of reply dated 24 February 2017, Chapter 41.

Comment [SG232]: Improved legibility.

Right of reply dated 24 February 2017, Chapter 41.

Comment [SG233]: Improved legibility and consistency with the wording of other assessment matters.

Right of reply dated 24 February 2017, Chapter 41.

Comment [RC234]: D Wells for RCL

Comment [SG235]: Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

Right of reply dated 24 February 2017, Chapter 41.

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| <u>27.7.4 Assessment Matters</u> | |
|----------------------------------|--|
| | <ul style="list-style-type: none"> - <u>The extent to which subdivision design satisfies:</u> <ul style="list-style-type: none"> ▪ <u>public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.</u> • <u>Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.</u> • <u>Refer Policies 27.3.13.1 to 27.3.13.3.</u> |

Comment [RC236]: Relocated from Notified Rule 27.7.14.2 (page 20)

| <u>27.7.5.1 Assessment Matters</u> | |
|------------------------------------|--|
| | <ul style="list-style-type: none"> • <u>Orientation of lots to optimise solar gain for buildings and developments;</u> • <u>Consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;</u> • <u>Whether any landscape features or vegetation, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;</u> • <u>The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency;</u> • <u>The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</u> • <u>The provision of services in accordance with Council's Code of Practice for Subdivision;</u> • <u>Refer Policies 27.3.1.1 to 27.3.1.3.</u> |

| <u>27.7.11.2 Assessment Matters</u> | |
|-------------------------------------|--|
| | <ul style="list-style-type: none"> • <u>The assessment criteria identified under Rules 27.7.1 and 27.7.4.</u> • <u>The visibility of future development from State Highway 6 and Lake Wakatipu.</u> • <u>The number, location and design of access points</u> • <u>Maintenance or enhancement of nature conservation values.</u> • <u>Creation of open space and infrastructure</u> |

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~~27.9~~ **27.10 Rules - Non-notification of Applications**

~~27.9.4~~ **27.10.1** Except where as specified in Rule 27.9.10.2, applications for resource consent for the following activities shall not require the written consent of other persons and shall not be notified or limited-notified;

e Controlled Activity Boundary adjustments.

f All controlled and restricted discretionary ~~and discretionary~~ activities, ~~except within the Rural Zone.~~

~~27.9.2~~ **27.10.2** Rule 27.9.10.1 does not apply to the following. The provisions of the ~~RMA Act~~ apply in determining whether an application needs to be processed on a notified basis.

Where the application site or activity:

- a. Adjoins or has access onto a State highway;
- b. Contains an archaeological site or any item listed under the Heritage New Zealand Pouhere Taonga Act 2014;
- c. Requires the Council to undertake statutory consultation with iwi;
- d. Is in the Makarora Rural Lifestyle Zone and within an area subject to any natural hazards including erosion, flooding and inundation, landslip, rockfall, alluvion, avulsion or subsidence.
- e. Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified basis the written approval as an affected party is required from Transpower New Zealand Limited;
- f. Discretionary activities within the Jacks Point Zone.

27.10 27.11 Rules – General provisions

27.10 27.11 State Highways

~~27.10.4~~ **27.11.1** Attention is drawn to the need to obtain a Section 93 notice ~~consent from the Minister of Transport~~ NZ Transport Agency for all subdivisions with access onto state highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of state highways that are LAR. Where a subdivision will change the use, intensity or location of the access onto the state highway, subdividers should consult with the New Zealand Transport Agency.

Comment [RC237]: Submission 719.144

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27.8.6 Esplanades

- 27.8.6.1 The opportunities for the creation of esplanades are outlined in objective and policies 27.2.7 5. Unless otherwise stated, section 230 of the RMA applies to the standards and process for esplanades.

Comment [RC238]: Submission 809.24

~~27.11~~ ~~27.12~~ Natural Hazards

The Natural Hazards Chapter of the District Plan sets a policy framework to address land uses and natural hazards throughout the District. All subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the Act RMA. In addition, in some locations natural hazards have been identified and specific provisions apply.

Comment [RC239]: Submission 806.193

~~27.12~~ ~~27.13~~ Development and Financial Contributions

The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development through development contributions. The Council forms a development contribution policy as part of its 10 Year Plan and actively imposes development contributions via this process.

Comment [RC240]: Submission 453.9

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

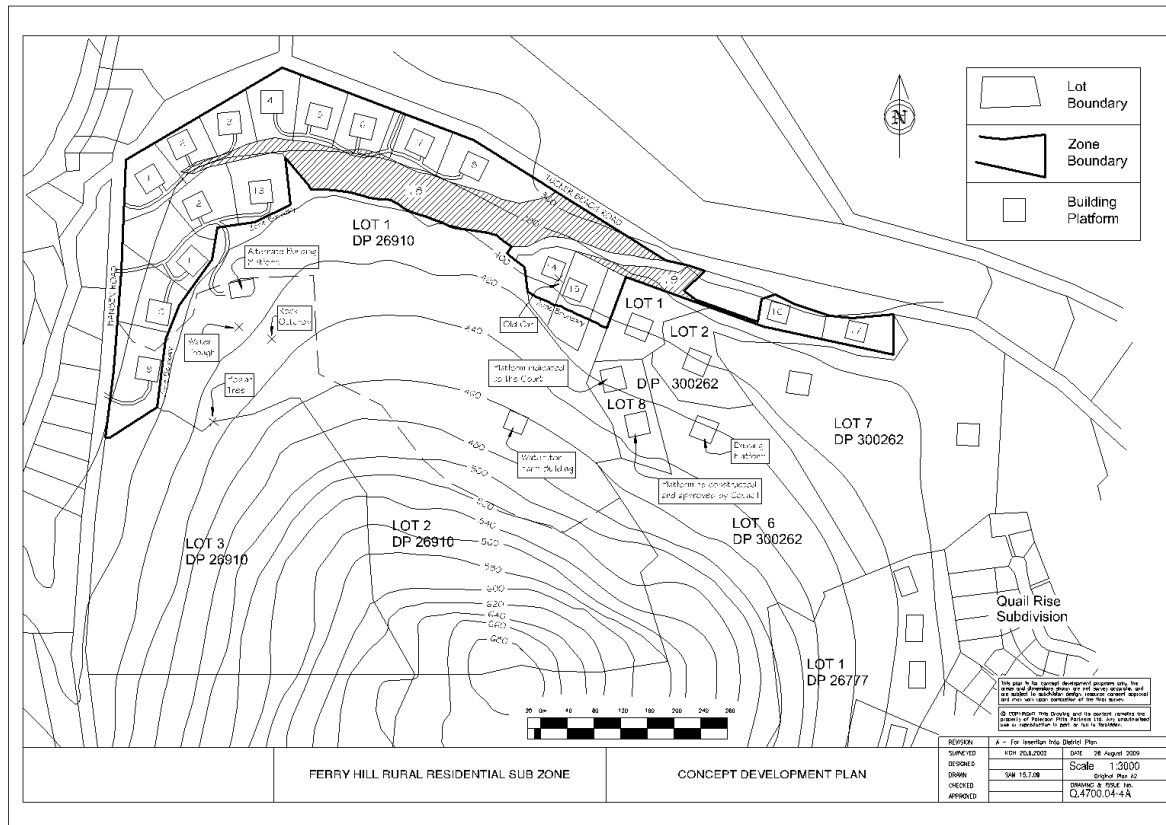
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27.13 27.14

Structure Plans and Spatial Layout Plans

27.13.1 27.14.1

Ferry Hill Rural Residential Subzone



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27.13.2 27.14.2 Kirimoko Structure Plan

