

Memorandum

Date 26 July 2018
Matter no. 2008
To Hearing Commissioners, Hearing Stream 14, District Plan Review
From Warwick Goldsmith
Subject Submission 2388 by Waterfall Park Developments Limited

1. This Memorandum is lodged on behalf of Waterfall Park Developments Limited in respect of S2388 following the hearing on 23 July 2018, in response to the Directions of the Commission and in respect of some matters arising during the hearing.

Flood Modelling Plans

2. Please see attached Flood Modelling Plans, overlaid over the proposed Ayrburn Zone Structure Plan, as requested by the Commission.

Additional Tree Protection Areas (TPA's)

3. In response to a question from the Commission, Mr Skelton advised the Commission that the residential development anticipated by the Ayrburn Zone Structure Plan would be significantly more visible from a section of the Lake Hayes-Arrowtown Road if certain mature trees within the site were removed. Accompanying this Memorandum are:
 - a. An amended Ayrburn Zone Structure Plan dated 24/07/18, with two additional TPA's (separated by a gap for the proposed road) now included to protect the mature trees Mr Skelton was referring to;
 - b. A Supplementary Statement dated 24 July 2018 prepared by Mr Skelton which comments on the effects of the addition of those two TPA's.

Amended Ayrburn Zone Plan Provisions

4. Accompanying this Memorandum are:
 - a. An updated version Ayrburn Zone plan provisions, with amendments highlighted by tracked change;

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- b. A clean version of the document described in (a) above, with all tracked changes accepted.
5. Commencing with the version Ayrburn Zone plan provisions tabled for the hearing, being the version containing (in the right hand column) comments by Jeff Brown in response to comments by Mr Langman, the following changes have been made:
 - a. The tracked changes in that version have all been accepted;
 - b. All of the comments in the right hand column have been deleted;
 - c. New amendments have been made and are identified by tracked changes in the tracked change version attached;
 - d. The right hand column contains comments relating to those tracked change amendments.



Warwick Goldsmith
Barrister
Counsel for Waterfall Park Developments Limited

24 July 2018

REFERENCE: Ayrburn Amended Structure Plan- East Tree Protection Area

Dear Lauren,

Thank you for providing an amended proposed Ayrburn Zone Structure Plan for consideration. This new plan addresses a matter raised by Commissioner Dimery during the Ayrburn Rezoning hearing on 23 July 2018. I was asked by Commissioner Dimery, if the trees to the east of Mill Creek were to be removed, would the AZSP development in the proposed R areas be more visible. My response to Commissioner Dimery was that the R areas would be significantly more visible from parts of the Lake Hayes – Arrowtown Road, between McEntyre's Hill and the North Lake Hayes Rural Residential Zone and its associated screening vegetation and buildings.

As I understand the avenue of mature trees that lines the existing drive to the Homestead is protected under the provisions contained within the PDP Chapter 32, tree reference 275 and 196. However, the mature trees to the south are not protected. Most of these trees, particularly all the trees on the lands level with the open paddock to the east, have now been included in the amended AZSP as a TPA. There is a gap in this TPA to allow for any potential amendments to the consented road, which is currently subject to appeal. This road will include some avenue planting of pin oaks, which is a large deciduous tree. Additional shrub planting and earthworks will occur near the road at the upper edge of the terrace riser, where the gap in the TPA is proposed. I consider the vegetation and earthworks which is likely to accompany an approved road will mitigate any view through the gap in the TPA. With this addition TPA area, in tandem with the landscaping which will accompany the road, development in the interior of the site will continue to be appropriately mitigated such that there will be very low to negligible adverse visual effects on users of the Arrowtown – Lake Hayes Road.

Steve Skelton



Registered Landscape Architect



APPENDIX A

ANNOTATIONS ON THE AYRBURN ZONE – PROVISIONS

47 Ayrburn Zone

Chapter 47: Ayrburn Zone provisions

Purpose

The purpose of the Ayrburn Zone is to provide for the development of residential, retirement and visitor activities and facilities, sympathetic to the natural setting. The site is bordered by a high quality scenic environment which includes the Millbrook Zone and the Waterfall Park Zone.

The focus of the zone is Mill Creek which flows through the centre of the zone, and the heritage features of the Ayrburn Homestead and Stone Farm Buildings. Development limits are imposed in the zone given its scenic and environmental qualities. Development is to complement and enhance the natural and scenic values contained within the zone.

47.1 Objectives and Policies

Objective – Residential, recreation and visitor facilities and activities developed in an integrated manner with particular regard for the natural scenic and amenity values of the setting.

Policies

47.1.1.1 Ensure that the external appearance of buildings and other structures are appropriate to the location with particular regard to the site's natural and scenic values.

47.1.1.2 Enable residential activities and retirement living to be developed ~~in association~~ with a variety of residential densities in an integrated manner.

~~47.1.1.2~~ 47.1.1.3 Limit non-residential activities other than in association with the adjoining Waterfall Park Zone.

- The primary proposed activity should be referenced in the policies.
- Provide policy support for limitations on non-residential activities.

~~47.1.1.3~~47.1.1.4 Facilitate the ~~complementary~~ development of visitor accommodation activities which complement activities enabled within in association with the adjoining Waterfall Park Zone.

~~47.1.1.4~~47.1.1.5 Require all development to be as specified in, and located in accordance with, the Structure Plan in order to promote integrated development and prevent the inappropriate development of sensitive parts of the site.

~~47.1.1.6~~ Protect and enhance Mill Creek, and protect the open pastoral visual amenity values of Christine's Hill and the flat land adjoining and visible from the Arrowtown-Lake Hayes Road.

~~47.1.1.5~~47.1.1.7 Provide for vehicle access into and through the zone to enable development of the zone and the adjoining Waterfall Park Zone.

~~47.1.1.6~~47.1.1.8 Enable and encourage access for the public to and through the zone to enjoy the natural attributes and developed values within the zone and the adjoining Waterfall Park ~~Z~~zone.

~~47.1.1.7~~47.1.1.9 Protect, ~~and~~ enhance and encourage the adaptive reuse of the important heritage features of the site ~~Z~~zone.

~~47.1.1.10~~ Avoid or mitigate adverse effects on the amenities of properties adjoining the ~~Z~~zone. (including the Queenstown Trail) using building setbacks, landscaping controls and retention of mature vegetation.

~~47.1.1.8~~47.1.1.11 Avoid adverse effects on developed properties caused by flood hazard.

47.1.2 Objective – Protection and enhancement of the ecological values of Mill Creek.

Policies

47.1.2.1 Ensure that wastewater and water supply services and stormwater treatment are provided and managed so as not to adversely impact on water quality within or downstream of the ~~site~~zone.

47.1.2.2 Prevent stock from accessing Mill Creek and ensure riparian planting along the banks of Mill Creek.

47.2 Other Provisions and Rules

- Specify the ~~complementary~~ activities to be enabled.
- Require compliance with the Structure Plan and provide policy guidance as to the intended outcomes of the Structure Plan.
- Provide policy support for the primary access road needed to develop both zones
- Broaden the policy support for public access.
- Include policy support for adaptive reuse of Heritage features within the zone.
- Clarify that the Queenstown Trail qualifies as a ~~property~~ adjoining the zone
- Include a specific flood hazard policy.

47.2.1 District Wide

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

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

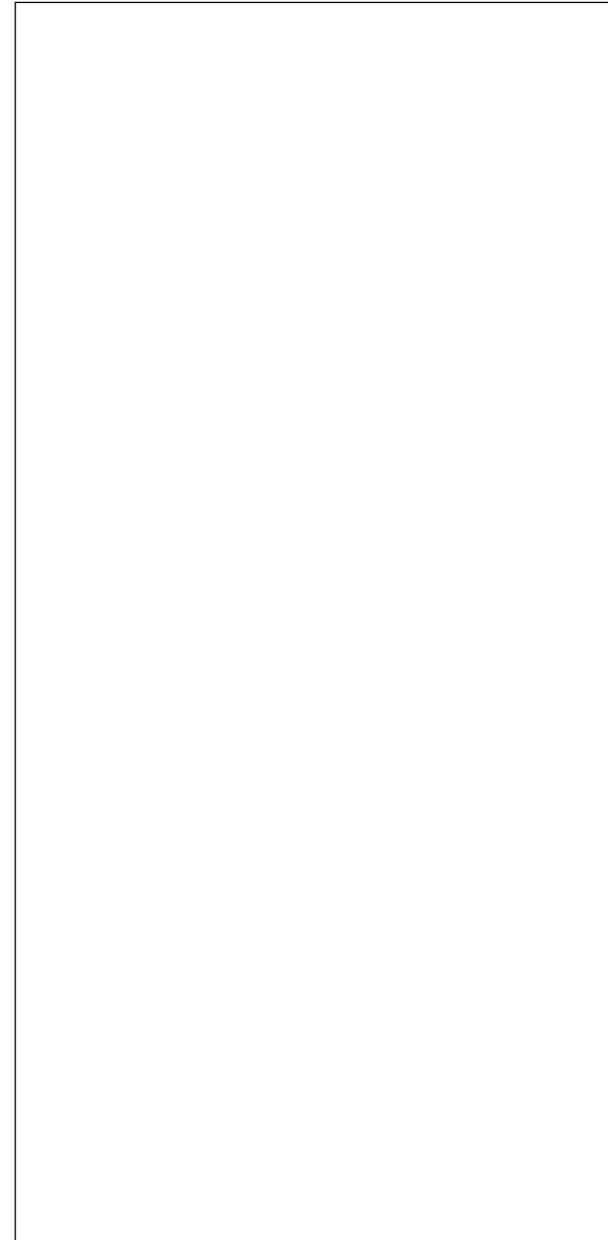
47.2.2 Clarification

- 47.2.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.
- 47.2.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 47.2.2.3 The following abbreviations are used within this Chapter.

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

47.3 Rules - Activities

	Activities located in the Ayrburn Zone	Activity status



47.3.1	Activities which are not listed in this table	NC
47.3.2	In the Residences Area (R) of the Structure Plan: Residential, Retirement Village, Community Activities	C
47.3.3	In the Village Area (V) of the Structure Plan: Visitor Accommodation (including ancillary facilities: licensed premises, conference, cultural and resort facilities, and office and administration)	C
47.3.4	Residential, Retirement Village, Community Activities, visitor Accommodation (including ancillary facilities: licensed premises, conference, cultural and resort facilities, and office and administration) not otherwise identified	NC
47.3.45	In all Structure Plan Activity Areas: Recreation Facilities (noting that in areas shown as O/BR on the Structure Plan recreation facilities shall not include buildings or structures) Administration activities for administering and servicing of other facilities within the zone, including storage, maintenance and depot facilities <u>Roading, infrastructure and other services to enable development within the zone and the adjoining Waterfall Park Zone.</u>	C

- Rule not necessary because already covered under 47.3.1

- Add rule provision for essential services

47.3.56	<p>For the Controlled Activities in Rules 47.3.2, 47.3.3 and 47.3.45, control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location and external appearance of buildings • Setback from roads • Setback from internal boundaries • Vehicle access and street layout • Outdoor living space • Street scene including landscaping • Enhancement of ecological and natural values • Provision for internal walkways, cycle ways and pedestrian linkages • Noise • Vegetation within any O/BR area shown on the Structure Plan, including species location, and whether vegetation should be limited to pasture grass to ensure appropriate visual amenity outcomes. • Vegetation within the 15m wide O/BR area along the western boundary of the zone to create a vegetative buffer which partially screens built development as viewed from the Queenstown Trail while maintaining appropriate views from the Queenstown Trail. • Where a site is subject to <u>flood</u> any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the <u>flood</u> hazard(s) poses to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated. 	C
47.3.6	<p><u>In any area shown as O/BR on the Structure Plan, control is reserved</u>ferred to the following:</p> <ul style="list-style-type: none"> • <u>Vegetation within any O/BR area shown on the Structure Plan, including species location, and whether vegetation should be limited to pasture grass to ensure appropriate visual amenity outcomes.</u> • <u>Vegetation within the 15m wide O/BR area along the western boundary of the zone to create a vegetative buffer which partially screens built development as</u> 	C

• This rule needs to be split into 2 rules because different parts of the rule relate to different areas.

	<u>viewed from the Queenstown Trail while maintaining appropriate views from the Queenstown Trail.</u>	
47.3.7	Licensed Premises not otherwise identified	<u>NC/NG</u>
47.3.8	Industrial Activities	NC
47.3.9	Fish or meat processing	PR
47.3.10	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, or fishmonger), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
47.3.11	Factory Farming	PR
47.3.12	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

47.4 Rules - Standards

	Standards for activities located in the Ayrburn Resort Zone	Non-compliance Status
47.4.1	<p>Setbacks</p> <p>No building or structure shall be located within the areas marked O/BR on the Structure Plan, and no building shall be located closer than 7<u>20</u>m from Mill Creek, provided this standard does not apply to bridges crossing Mill Creek.or to the existing heritage protected buildings in Activity Area V/R.</p> <p><u>Minimum Boundary Setback from road boundary setback: 3m minimum, except for garages, where the setback shall be 4.5m minimum;</u></p> <p><u>b. all other boundaries: 1.5m.</u></p> <p><u>Exceptions to setback requirements other than any road boundary setback.</u></p> <p><u>Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane</u></p> <p><u>Attached residential units do not require setbacks from boundaries.</u></p>	D
	<p>Residential Capacity</p> <p>The maximum number of residential units within the Zone shall be limited to 200. <u>For the purposes of this rule a residential flat is deemed to be a separate residential unit.</u></p>	<p>NCRD <u>Discretion is restricted to the capacity of available</u></p>

	Standards for activities located in the Ayrburn Resort Zone	Non-compliance Status
	b. external amenity values for future occupants of buildings on the site; c. effects on views, sunlight and shading on adjacent properties; d. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours;	
47.4.7	<p>Atmospheric Emissions</p> <p>There shall be no indoor solid fuel fires, except for feature open fireplaces in communal buildings including bars and restaurants.</p> <p>Note . Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.</p>	NC
47.4.8	Retail sales	NC

- Unnecessary repetition

47.4.124	<p>Vegetation</p> <p>a) No vegetation which grows to greater than 2m in height at maturity shall be planted within 25m of the southern boundary of the Zone;</p> <p>b) No vegetation other than pasture grass shall be planted within 25m of the eastern boundary of the Zone, provided that this standard does not apply to avenue trees along a vehicle access.</p> <p>c) No vegetation other than pasture grass shall be planted within 130m of the northern boundary of the Zone.</p> <p>d) Trees located within the Tree Protection Areas shown on the Structure Plan cannot be removed or trimmed, provided this standard does not apply to branches which extend outside the Tree Protection Areas.</p> <p>e) <u>Within the 15m setback from the western boundary of the zone:</u> I. <u>Within the western half of the 15m setback, no species which will exceed 2m in height at maturity shall be planted;</u> II. <u>Within the eastern half of the 15m setback no species which will exceed 5m in height at maturity shall be planted.</u></p>	D
47.4.13	<p><u>Access Road</u></p> <p><u>The Access Road shall be located as shown on the Structure Plan except that the section east of and crossing Mill Creek may vary in location by up to 50m northwards.</u></p>	

47.4.13	<u>Activities not in accordance with the Structure Plan</u>	<u>NC</u>
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47.5 Rules - Non-Notification of Applications

47.5.1 All applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

47.6 Ayrburn Zone Structure Plan

Insert Structure Plan



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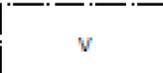
Key:

 Access Road

 Mill Creek

Ayrburn Zone

 Open Space / Building Restriction

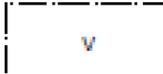
 Village

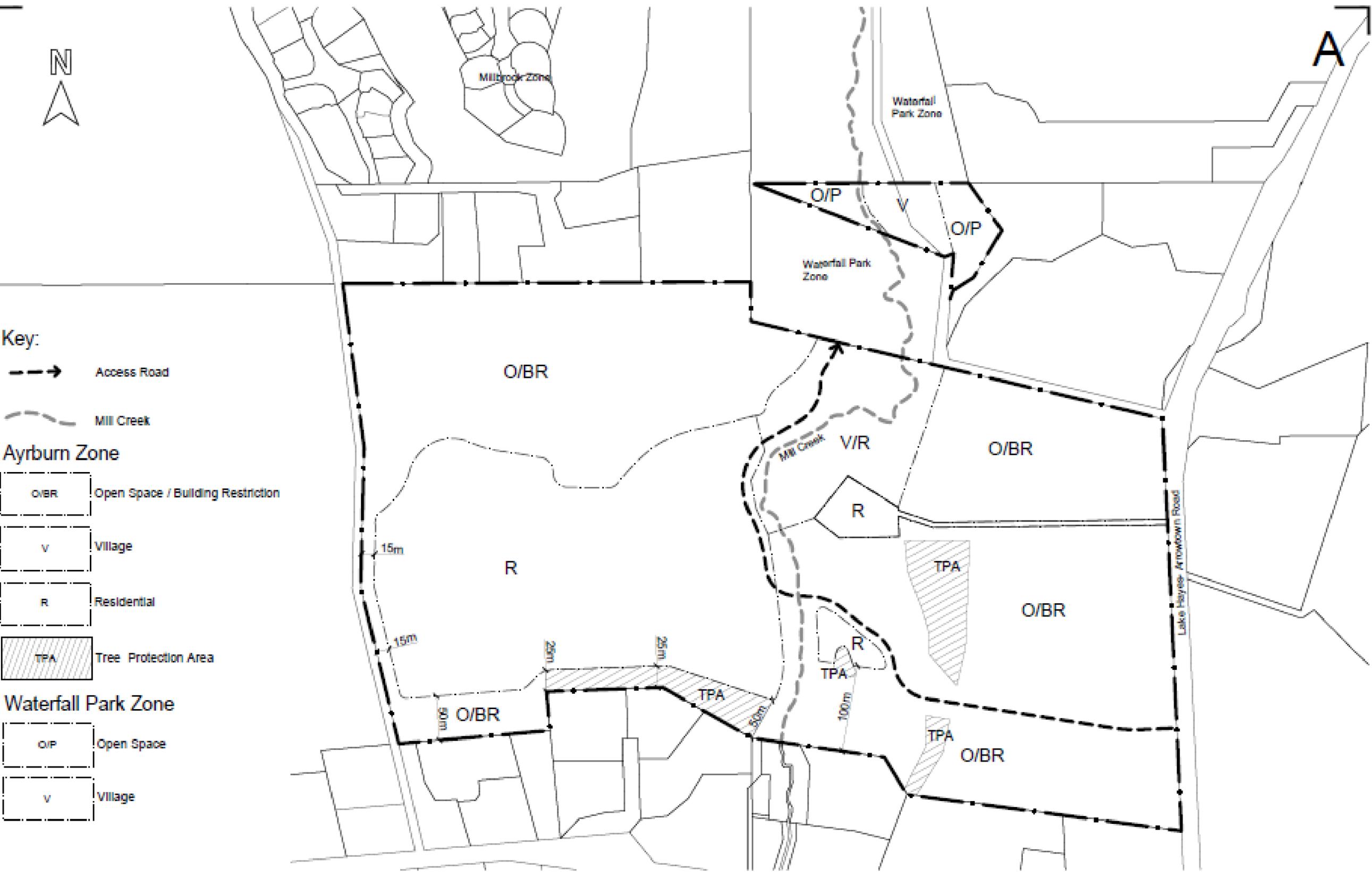
 Residential

 Tree Protection Area

Waterfall Park Zone

 Open Space

 Village



AYRBURN ZONE STRUCTURE PLAN - 24/07/18
Scale 1:4000 @ A3

4.3 Consequential amendment to Chapter 27 – Subdivision

- (a) Modify Chapter 27 to provide for subdivision as a Controlled Activity in the Ayrburn Zone:

27.4.4 The following shall be controlled activities:

(a) Subdivision in Ayrburn Zone. Control is limited to the following:

- (i) Subdivision design, lot size and dimensions, including the variety of lot sizes and whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the landuse;
- (ii) Property access and roading;
- (iii) Natural hazards;
- (iv) Fire fighting water supply;
- (v) Water supply;
- (vi) Stormwater disposal;
- (vii) Sewage treatment and disposal;
- (viii) Energy supply and telecommunications;
- (ix) Easements;
- (x) The provision of open space areas, walkway and cycleway linkages, and their connectivity within the Zone and to the boundaries of the Zone, including public access as required by Rule 47.4.10;
- (xi) Vegetation within any O/BR area shown on the Structure Plan, including species, location and whether vegetation should be limited to pasture grass to ensure appreciate visual amenity outcomes.
- (xii) Vegetation within the 15m wide O/BR area along the western boundary of the Zone to create a vegetative buffer which partially screens built development as viewed from the Queenstown Trail while maintaining appropriate views from the Queenstown Trail.

- (b) Modify Table 27.5.1 as follows:

27.5.1 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.

Zone		Minimum Lot Area
ō		ō
Millbrook		No minimum
Waterfall Park		No minimum
<u>Ayrburn</u>		<u>No minimum</u>

27.7 Zone – Location Specific Rules

Add a new section in the Table as follows:

	Zone and Location Specific Rules	Activity Status
ō	ō	ō
27.7.10	<p><u>Ayrburn Zone</u></p> <p><u>27.7.10.1</u> Any subdivision that is inconsistent with the Ayrburn Zone Structure Plan contained in Section 27.13</p>	<u>NC</u>

	<p><u>27.7.10.2</u> Subdivision failing to comply with any of the following:</p> <p>(a) <u>Any subdivision of land containing any part of an O/BR area shown on the Structure Plan that does not require, by condition of consent, the following requirements to be registered in a consent notice on the relevant titles (to the extent that the following requirements apply to that land);</u></p> <p>(b) <u>No vegetation which grows to greater than 2m in height at maturity shall be planted within 25m of the southern boundary of the Zone;</u></p> <p>(c) <u>No vegetation other than pasture grass shall be planted within 25m of the eastern boundary of the Zone, provided that this standard does not apply to avenue trees along a vehicle access;</u></p> <p>(d) <u>No vegetation other than pasture grass shall be planted within 130m of the northern boundary of the Zone;</u></p> <p>(e) <u>Trees located within the Tree Protection Areas shown on the Structure Plan cannot be removed or trimmed, provided this standard does not apply to branches which extend outside the Tree Protection Areas;</u></p> <p>(f) <u>All planting carried out as required by Rule 47.4.9 (in relation to planting to protect the values of Mill Creek) shall be maintained in perpetuity. If any plant dies or becomes diseased it shall be replaced as soon as practicable. Maintenance shall include weed and pest control.</u></p>	<p>NC</p>
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27.13 Structure Plans

Add a new section as follows:

27.13.7 Structure Plan: Ayrburn Zone

Insert new structure plan



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Key:

- Access Road
- Mill Creek

Ayrburn Zone

- Open Space / Building Restriction
- Village
- Residential
- Tree Protection Area

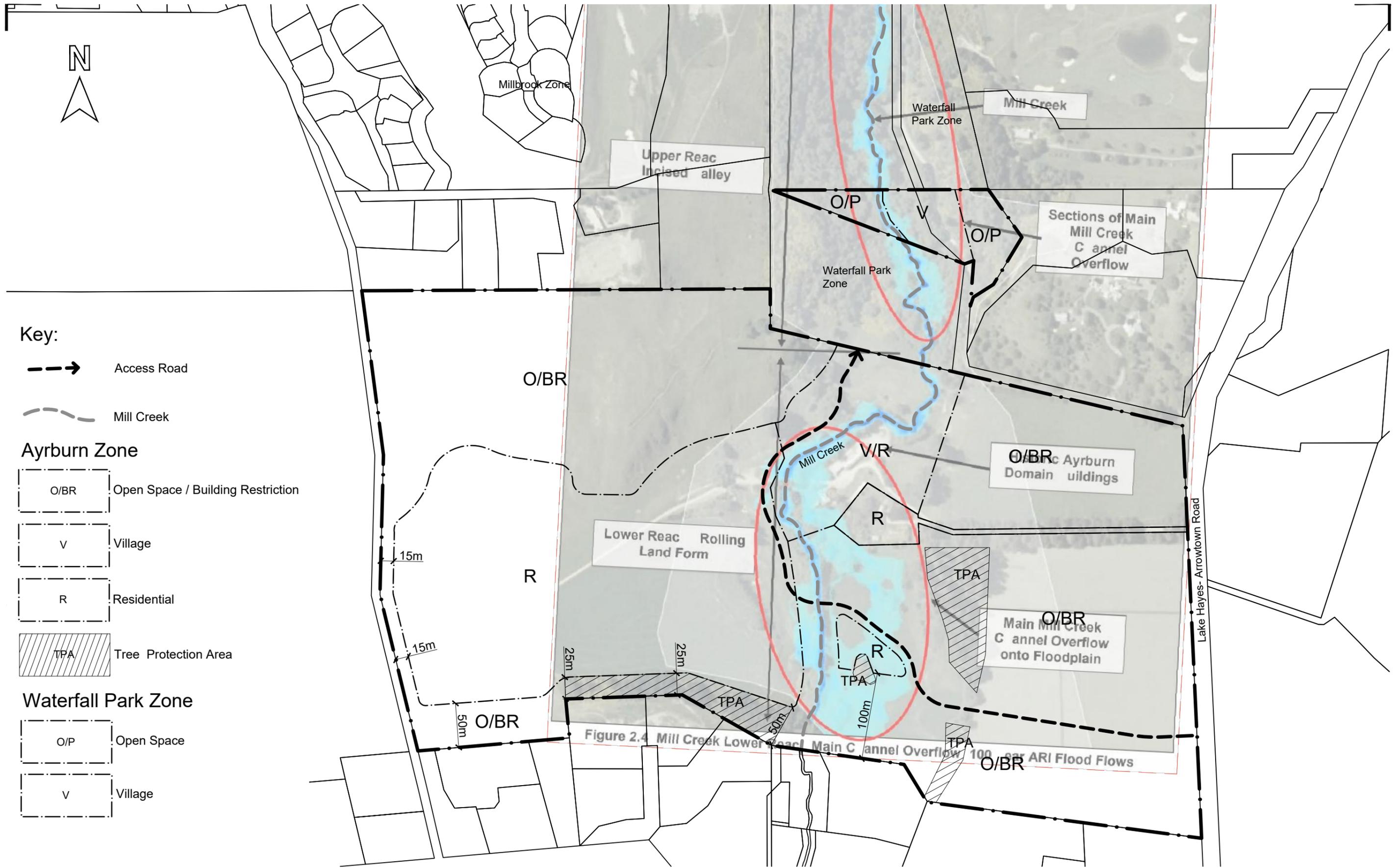
Waterfall Park Zone

- Open Space
- Village

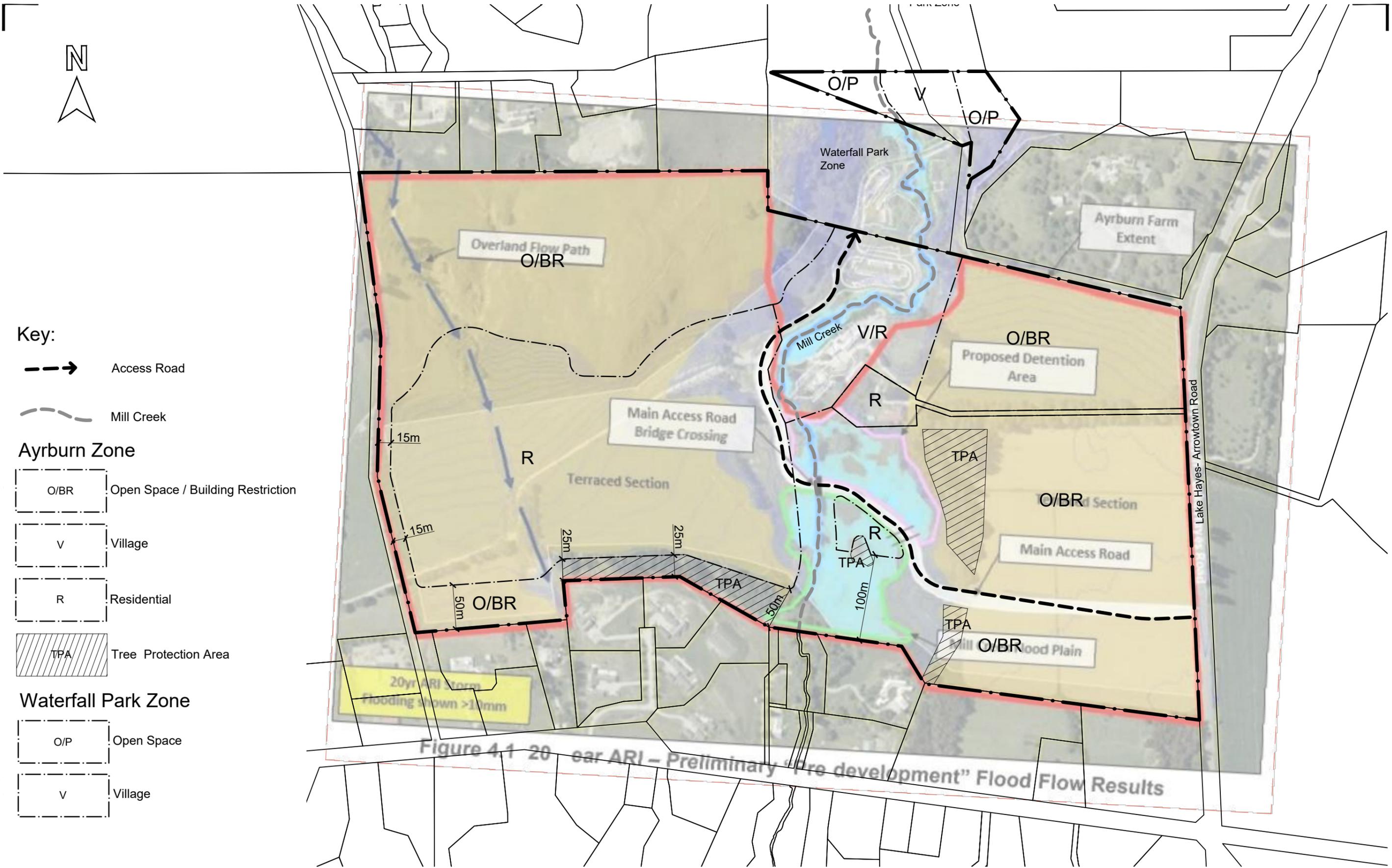


AYRBURN ZONE STRUCTURE PLAN - 24/07/18

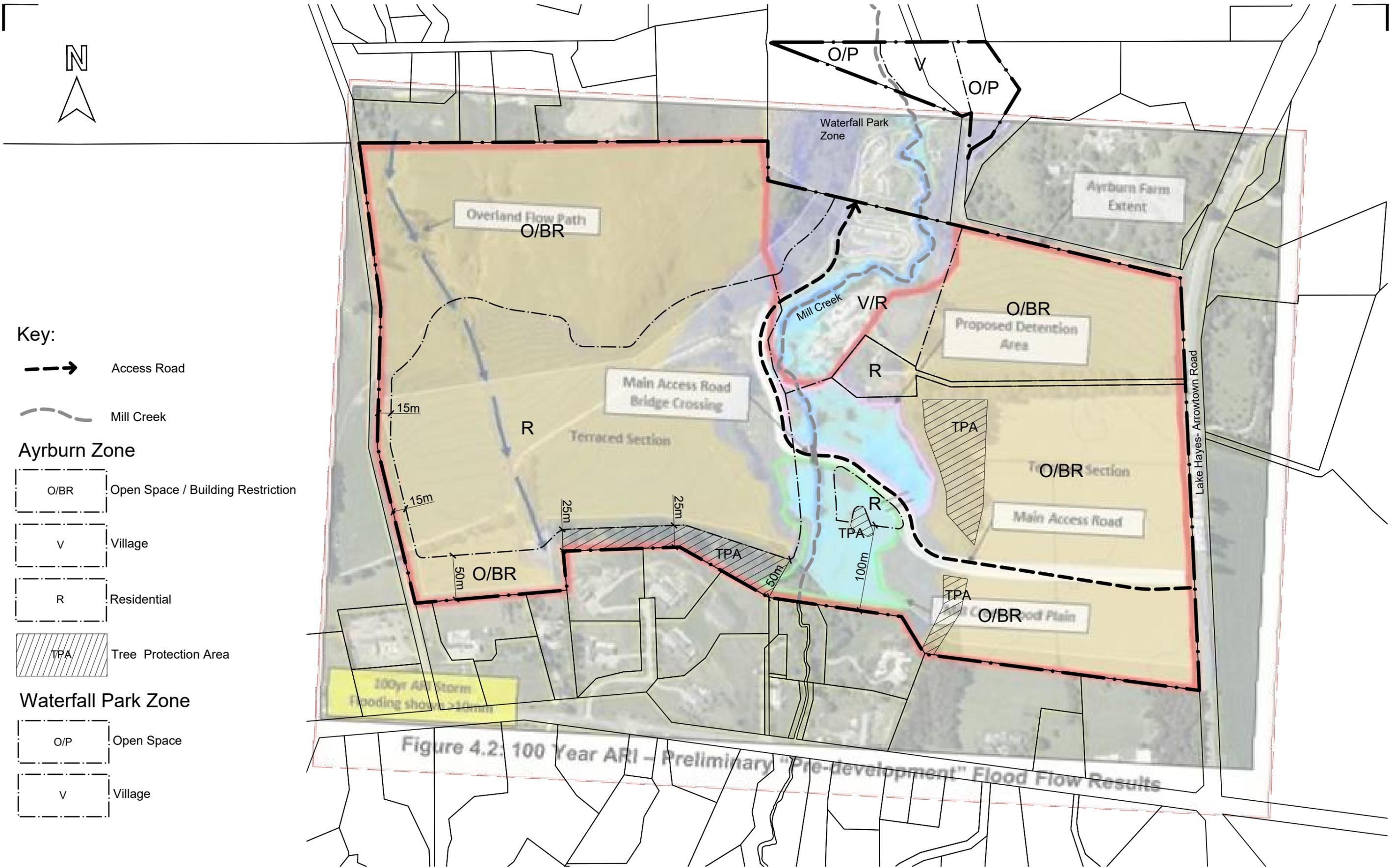
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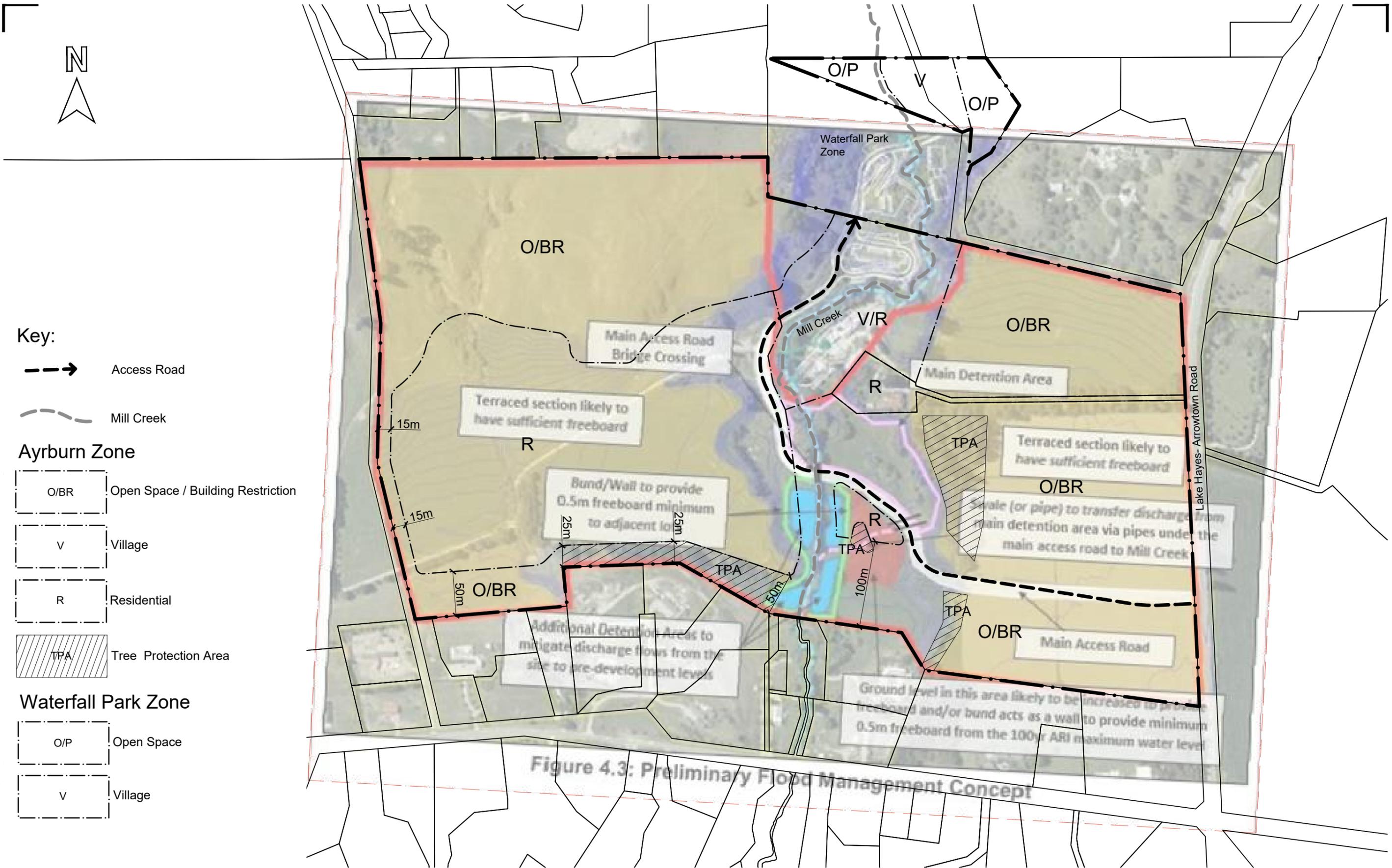
AYRBURN ZONE STRUCTURE PLAN
OVERLAID ON FLUENT FIG 2.4 - PRE DEVELOPMENT FLOOD FLOWS - 100 YEAR ARI
 Scale 1:4000 @ A3 - 24/07/2018



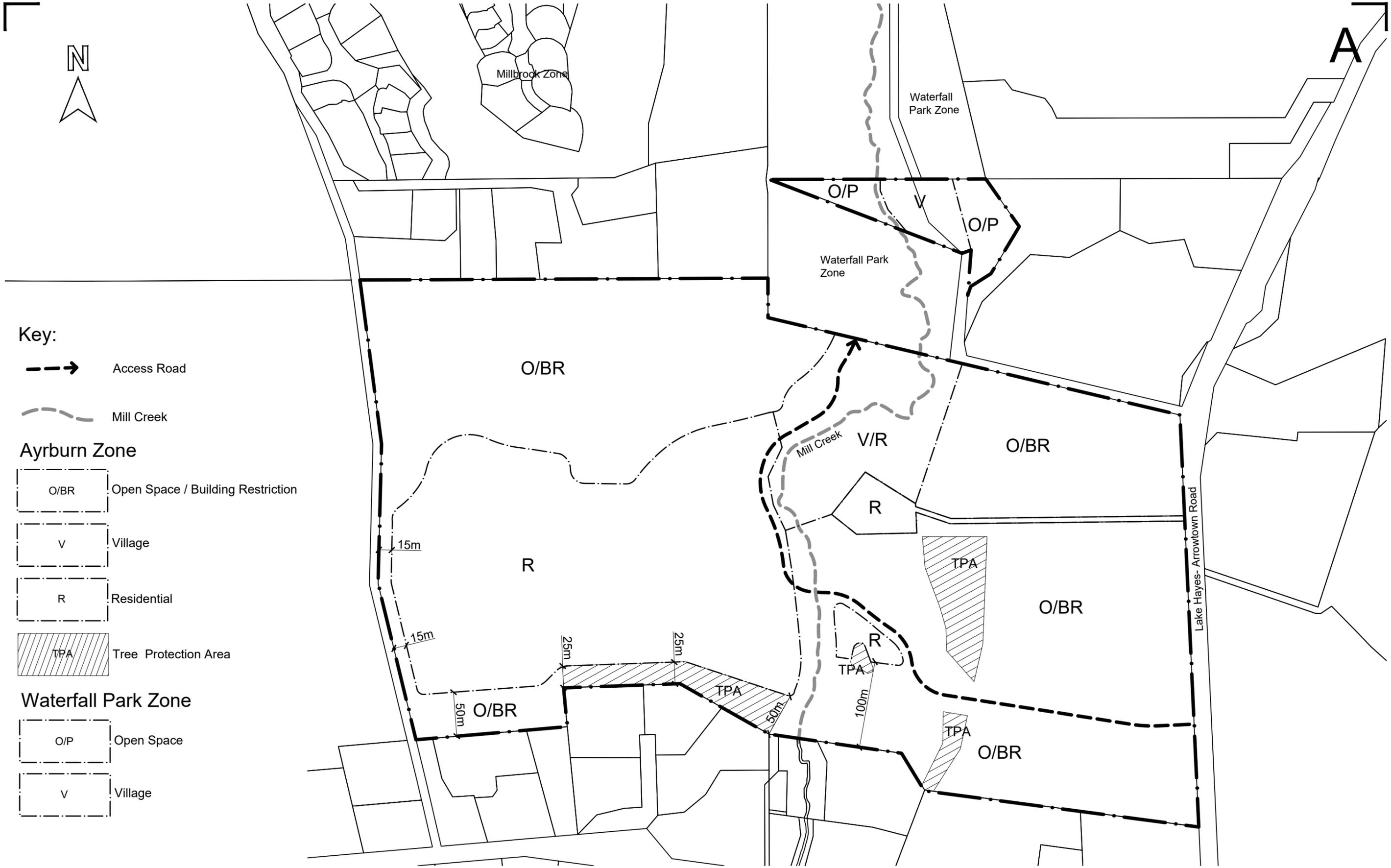
AYRBURN ZONE STRUCTURE PLAN
OVERLAID ON FLUENT FIG 4.1 - ACCESS ROAD ONLY POST DEVELOPMENT FLOOD FLOWS - 20 YEAR ARI
 Scale 1:4000 @ A3 - 24/07/2018



AYRBURN ZONE STRUCTURE PLAN
OVERLAID ON FLUENT FIG 4.2 - ACCESS ROAD ONLY POST DEVELOPMENT FLOOD FLOWS - 100 YEAR ARI
 Scale 1:4000 @ A3 - 24/07/2018



AYRBURN ZONE STRUCTURE PLAN
OVERLAID ON FLUENT FIG 4.3 - PRELIMINARY FLOOD MANAGEMENT CONCEPT FOR AYRBURN ZONE STRUCTURE PLAN - 100 YEAR ARI
 Scale 1:4000 @ A3 - 24/07/2018



AYRBURN ZONE STRUCTURE PLAN - 24/07/18

Scale 1:4000 @ A3



AYRBURN ZONE STRUCTURE PLAN - 24/07/2018 OVERLAID OVER AERIAL PHOTOGRAPH
 Scale 1:4000 @ A3