

QUEENSTOWN-LAKES DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN HEARING – STREAM 14

**IN THE MATTER**

of a hearing on submissions to the Proposed District Plan Stage 2 and Variation 1 pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

**UNDERDOWN TRUST (NEE: GRIFFIN)**

Submitter #2580

**ARCHIBALD**

Submitter #2501

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JOINT EVIDENCE OF CAREY VIVIAN  
(PLANNER)  
13 JUNE 2018

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# 1. Introduction

- 1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management, urban design and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner for twenty-two years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown-Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.
- 1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

# 2. Submissions

- 2.1 This joint evidence addresses the submissions of Griffin (#2580.54) and Archibald (#2501.54) which seek to rezone the submitters land at 19 and 35 Middlerigg Lane from WBLP to Millbrook Resort Zone (MRZ)<sup>1</sup> as shown on the below plan:



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<sup>1</sup> I note I have not been instructed to prepare evidence on the alternative WBLP "A" zone sought in the submission.

- 2.2 I note that the new registered proprietors of the Griffin property are now the Underdown Trust. I understand that as successors in title, and pursuant to s2A of the RMA, Underdown Trust have the ability to continue the Griffin submission.
- 2.3 The Archibald property is 1.523 hectares in area and the Underdown Trust property is 1.675 hectares in area. Both have one residential dwelling established and access Malaghans Road via Middlerigg Lane. I have attached copies of the relevant titles to my evidence.
- 2.4 These submissions are considered jointly in Part 58 of Mr Langman's section 42A report. The subject sites are shown on Mr Langman's Figure 61 of his section 42A report. Mr Langman's summary on page 184 of his report states:
- "The submission lacks specificity as to how it would be integrated into the Millbrook Resort Zone. Further detail is sought from the Submitter as to appropriate changes to Chapter 42. In the interim, Precinct is considered appropriate as it reflects the capability of the land to absorb additional development."
- 2.5 I have therefore been instructed to prepare evidence on how the submitters' land could be integrated into the MRZ. I rely on Mr Langman's section 42A report with respect to the merit of including the subject sites within the MRZ.
- 2.6 Attached to my evidence is a set of the most up-to-date provisions for MRZ. I understand these MRZ provisions are subject to Millbrook Country Club's appeal. I understand that appeal relates specifically to Rule 43.5.12 which relate to golf course development in the South Dalgleish part of the zone. The integration of the submitters' land into the MRZ is not affected by that appealed rule.
- 2.7 I have been told that there are land covenants registered on the titles for the Underdown Trust and Archibald properties with respect to the amount and type of development that Millbrook Country Club Ltd will support on these properties. I understand this includes:
- A total of eight residential units (inclusive of the two existing dwellings); and
  - Visitor accommodation in the form of bed and breakfasts; and
  - Some commercial activity on Archibald property; and
  - Access.
- 2.8 I have not been instructed to assess the merit of what could be achieved under these land covenants. I have been instructed to integrate the development of the submitters' land into the Millbrook Resort Zone in accordance with the land covenants. Although I haven't carried out a formal assessment, I generally consider the outcome has merit and is logical from a planning perspective. I also note that I have consulted

with Millbrook's planning consultant, Mr Edmonds, in respect of these matters.

2.9 I recommend the following changes to the integrate the submitters land into the MRZ in accordance with the agreements:

(1) Amend the Provision 43.7 Structure Plan as follows:



(2) Amend Rule 43.4.10 as follows:

|         | Activities – Millbrook  | Activity Status |
|---------|---|-----------------|
| 43.4.10 | <b>Buildings</b><br>a. Village Activity Area<br>b. R1 to R13 <u>and R20</u> of the Residential Activity Area<br>c. The Recreational Facilities Activity Area Control is reserved to:<br>i. The appearance of the building<br>ii. Effects on visual and landscape amenity of the area including coherence with the surrounding buildings | C               |

(3) Amend Rule 43.5.2 as follows:

|        | Activities – Millbrook  | Non-Compliance Status |
|--------|---|-----------------------|
| 43.5.2 | <b>Setbacks</b><br>a. No building or structure shall be located closer than 6m to the Zone boundary | RD                    |

|  |   |  |
|--|---|--|
|  | b. No building shall be located closer than 10m from Malaghans Road or the Arrowtown Lake Hayes Road<br>c. On Residential Activity Sites 14, <del>and 19</del> <u>and 20</u> buildings shall be located at least 7m from the Residential Activity Area boundary |  |
|--|---|--|

(4) Amend Rule 43.5.4 as follows:

|        | Activities – Millbrook   | Non-Compliance Status |
|--------|--|-----------------------|
| 43.5.4 | <b>Residential Density</b><br>The maximum number of residential units in the Millbrook Resort Zone shall be limited to <del>450</del> <u>458</u> . | NC                    |

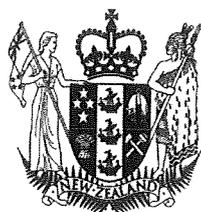
(5) Amend Rule 43.5.5 as follows:

|        | Activities – Millbrook   | Non-Compliance Status |
|--------|--|-----------------------|
| 43.5.5 | <b>Residential Density</b><br>a. In the following parts of the Residential Activity Area the total number of residential units shall not exceed: <ul style="list-style-type: none"> <li>i. R13 10 residential units</li> <li>ii. R14 6 residential units</li> <li>iii. R15 15 residential units</li> <li>iv. R16 6 residential units</li> <li>v. R17 7 residential units</li> <li>vi. R18 1 residential unit</li> <li><u>vii. R20 8 residential units</u></li> </ul> b. In addition there shall be no more than one residential unit per Indicative Residential Site | NC                    |

2.10 I consider the above recommended additions are consistent with the objectives and policies for the MRZ. I therefore do not recommend any changes to objectives and policies.

2.11 With respect to visitor accommodation or commercial activities, I consider the existing MRZ rules cover these activities adequately.

Carey Vivian  
 13 June 2018



COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952



R. W. Muir  
Registrar-General  
of Land

Search Copy

Identifier **594920**  
Land Registration District **Otago**  
Date Issued 01 September 2015

Prior References

416327

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|                   |  |
|-------------------|--|
| Estate            | Fee Simple   |
| Area              | 1.6785 hectares more or less   |
| Legal Description | Lot 4 Deposited Plan 20526 and Lot 2<br>Deposited Plan 404716 and Lot 1<br>Deposited Plan 458042 |

Proprietors

Neale Underdown and Underdown Trustees Limited

Interests

Subject to a right of way and a right to convey power and telephone over part Lot 4 DP 20526 marked E on DP 20526, over part Lot 2 DP 404716 marked E5, E6 & E7 on DP 404716 and over part Lot 1 DP 458042 marked W, V, X, AD, AM, AN & AO on DP 458042 and a right to convey power and telephone over part Lot 1 DP 458042 marked C, D, Q, U, AE & AF on DP 458042 specified in Easement Certificate 702348.2 - 16.5.1988 at 9:18 am

Appurtenant to part Lot 2 DP 404716 (formerly contained in CT OT16A/965) and part Lot 1 DP 458042 (formerly Lot 1 DP 404716) is a right of way and a right to convey power and telephone specified in Easement Certificate 702348.2 - 16.5.1988 at 9:18 am

Some of the easements specified in Easement Certificate 702348.2 are subject to Section 309(1)(a) Local Government Act 1974 (see DP 20526)

Subject to a right of way and a right to convey power and telephone over part Lot 2 DP 404716 marked EC26 on DP 404716 and a right to drain sewage over part Lot 1 DP 458042 marked E & F on DP 458042 created by Transfer 702348.3 - 16.5.1988 at 9.18 am

Appurtenant to part Lot 1 DP 458042 (formerly Lot 1 DP 404716) and Lot 2 DP 404716 is a right of way, a right to convey power and telephone and to part Lot 1 DP 458042 (formerly Lot 2 DP 20526) is a right to drain sewage created by Transfer 702348.3 - 16.5.1988 at 9:18 am

The easements created by Transfer 702348.3 are subject to Section 309(1)(a) Local Government Act 1974

Subject to a right of way over part Lot 2 DP 404716 marked E5 on DP 404716 created by Transfer 712936.7 - 4.10.1988 at 9:16 am

Appurtenant to part Lot 2 DP 404716 and part Lot 1 DP 458042 (formerly contained in CT OT16A/965) are rights of way specified in Easement Certificate 712936.9 - 4.10.1988 at 9.16 am

Subject to a right to convey power and telephone over part Lot 2 DP 404716 marked EC26 on DP 404716 created by Transfer 750483.1 - 21.3.1990 at 9.13 am

The easements created by Transfer 750483.1 are subject to Section 309(1)(a) Local Government Act 1974

Land Covenant in Deed 5079285.6 - 5.9.2001 at 9:03 am (affects part Lot 2 DP 404716 and part Lot 1 DP 458042 formerly contained in CT 413761)

7534979.7 Resolution pursuant to Section 243(f)(ii) Resource Management Act 1991 partially cancelling some easement conditions on Deposited Plan 20526 specified in Easement Certificate 702348.2 - 10.9.2007 at 9:00 am

7534979.9 Surrender of the right of way and the right to convey power and telephone over parts marked E & F on DP 20526 specified in Easement Certificate 702348.2 insofar as being appurtenant to Lot 2 DP 24111 -

**Identifier****594920**

10.9.2007 at 9:00 am

7534979.10 Surrender of the right of way and the right to convey power and telephone over parts marked E & F on DP 20526 specified in Easement Certificate 702348.2 insofar as being appurtenant to Lot 1 DP 24111 - 10.9.2007 at 9:00 am

Appurtenant to part Lot 2 DP 404716 and part Lot 1 DP 458042 (formerly contained in CFR 413761) is a right of way and to part Lot 2 DP 404716 (formerly Lot 8 DP 381937) is a right to convey and drain water created by Easement Instrument 7534979.21 - 10.9.2007 at 9:00 am

7923789.1 Removal of the right of way over parts marked E & F on DP 20526 specified in Easement Certificate 702348.2 insofar as being appurtenant to Lots 1 & 2 DP 23038 and Lots 1 & 9 DP 381937 pursuant to Section 70 Land Transfer Act 1952 - Produced 1.9.2008 at 9:00 am and entered 10.11.2008 at 9:00 am

8031124.8 Partial Surrender of the appurtenant right of way specified in Easement Certificate 712936.9 - 17.12.2008 at 9:00 am

8031124.14 Partial Surrender of the appurtenant right of way specified in Easement Certificate 702348.2 - 17.12.2008 at 9:00 am

Subject to a right (in gross) to convey gas over part Lot 1 DP 458042 marked G on DP 458042 in favour of Rockgas Limited created by Easement Instrument 8031124.27 - 17.12.2008 at 9:00 am

The easement created by Easement Instrument 8031124.27 is subject to Section 243(a) Resource Management Act 1991

Subject to a right (in gross) to convey gas, electricity, water, telecommunications and computer media and a right (in gross) to drain stormwater and sewage over part Lot 1 DP 458042 marked G on DP 458042 in favour of Millbrook Country Club Limited and Millbrook Infrastructure Company Limited created by Easement Instrument 8031124.32 - 17.12.2008 at 9:00 am

The easements created by Easement Instrument 8031124.32 are subject to Section 243(a) Resource Management Act 1991

Land Covenant in Easement Instrument 8031124.35 - 17.12.2008 at 9:00 am (affects Lot 2 DP 404716 & Lot 1 DP 458042)

Appurtenant hereto are rights of way created by Easement Instrument 8434170.37 - 19.5.2010 at 3:09 pm

Subject to a right of way over part Lot 2 DP 404716 marked E5 & E6 on DP 404716 created by Easement Instrument 8434170.38 - 19.5.2010 at 3:09 pm

Appurtenant hereto is a right of way created by Easement Instrument 8434170.38 - 19.5.2010 at 3:09 pm

Some of the easements created by Easement Instrument 8434170.38 are subject to Section 243(a) Resource Management Act 1991 (see DP 404716)

Appurtenant hereto are rights of way, rights to convey power and rights to transmit telecommunications created by Easement Instrument 8434170.39 - 19.5.2010 at 3:09 pm

Some of the easements created by Easement Instrument 8434170.39 are subject to Section 243(a) Resource Management Act 1991 (see DP 404716)

Land Covenant in Easement Instrument 8434170.42 - 19.5.2010 at 3:09 pm

Land Covenant in Easement Instrument 8434170.43 - 19.5.2010 at 3:09 pm

Land Covenant in Easement Instrument 8434170.44 - 19.5.2010 at 3:09 pm

Land Covenant in Easement Instrument 8434170.45 - 19.5.2010 at 3:09 pm

Land Covenant in Easement Instrument 8434170.48 - 19.5.2010 at 3:09 pm

Subject to Section 241(2) Resource Management Act 1991 (affects DP 458042)

Subject to a right (in gross) to convey electricity over part Lot 1 DP 458042 marked C, D, Q, R, S, T, U, AE, AF, AG, AK & AL on DP 458042 in favour of Aurora Energy Limited created by Easement Instrument 10132360.2 - 1.9.2015 at 2:55 pm

The easement created by Easement Instrument 10132360.2 is subject to Section 243(a) Resource Management Act 1991

Subject to a right (in gross) to convey telecommunications and computer media over part Lot 4 DP 20526 marked AA & AC, over part Lot 2 DP 404716 marked Y & AB and over part Lot 1 DP 458042 marked D, S, T, U, V, W & X, all on DP 458042 in favour of Chorus New Zealand Limited created by Easement Instrument 10132360.3 - 1.9.2015 at 2:55 pm

The easements created by Easement Instrument 10132360.3 are subject to Section 243(a) Resource Management Act 1991

**Identifier**

**594920**

Subject to a gas easement (in gross) over part Lot 1 DP 458042 marked O, P, Q, R & S on DP 458042 in favour of Rockgas Limited created by Easement Instrument 10132360.4 - 1.9.2015 at 2:55 pm

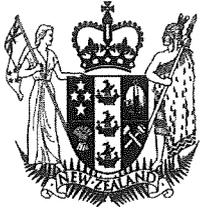
The easement created by Easement Instrument 10132360.4 is subject to Section 243(a) Resource Management Act 1991

Subject to a right to drain sewage, a right to convey water and a gas easement over part Lot 1 DP 458042 marked O, P, Q, R & S on DP 458042, a right to convey telecommunications and computer media over part Lot 4 DP 20526 marked AA & AC, over part Lot 2 DP 404716 marked Y & AB and over Lot 1 DP 458042 marked D, S, T, U, V, W & X, all on DP 458042, a right to convey electricity over part Lot 1 DP 458042 marked Q, R, S & AG on DP 458042 and a right to drain water over part Lot 1 DP 458042 marked AI & AJ on DP 458042 created by Easement Instrument 10132360.5 - 1.9.2015 at 2:55 pm

Appurtenant to Lot 1 DP 458042 is a right of way created by Easement Instrument 10132360.5 - 1.9.2015 at 2:55 pm

The easements created by Easement Instrument 10132360.5 are subject to Section 243(a) Resource Management Act 1991

10132360.6 Encumbrance to Millbrook Country Club Limited and Millbrook Infrastructure Company Limited - 1.9.2015 at 2:55 pm



# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

Identifier **416330**  
Land Registration District **Otago**  
Date Issued 19 May 2010

#### Prior References

|        |        |        |
|--------|--------|--------|
| 327851 | 413758 | 413761 |
| 515938 | 64067  |        |

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|                          |  |
|--------------------------|--|
| <b>Estate</b>            | Fee Simple   |
| <b>Area</b>              | 1.5230 hectares more or less   |
| <b>Legal Description</b> | Lot 3 Deposited Plan 404716 and Section<br>4 Survey Office Plan 405219 |

#### Proprietors

Philippa Helen Archibald

#### Interests

Subject to Section 8 Mining Act 1971 (affects Lot 3 DP 404716 part formerly Lot 802 DP 404025 formerly part Lot 6 DP 20693)

Subject to Section 5 Coal Mines Act 1979 (affects Lot 3 DP 404716 part formerly Lot 802 DP 404025 formerly part Lot 6 DP 20693)

4838 Order in Council imposing Building Line Restriction - 17.3.1939 at 10.00 am (affects Lot 3 DP 404716 part formerly contained in CT 13A/101)

Appurtenant to Lot 3 DP 404716 ( part formerly Lot 1 DP 21054 and DP 5247 ) is a right of way and as to Lot 3 DP 404716 ( parts formerly Lot 1 DP 21054 and DP 5247 & Lot 802 DP 404025 & part Section 64 BLK VI Shotover Survey District & Lot 8 DP 381937 formerly part Section 64 BLK VI Shotover Survey District ) is a right to convey power and telephone specified in Easement Certificate 702348.2 - 16.5.1988 at 9:18 am

The easements specified in Easement Certificate 702348.2 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right of way and a right to convey power and telephone over part Lot 3 DP 404716 marked EC25 on DP 404716 created by Transfer 702348.3 - 16.5.1988 at 9.18 am.

The easements created by Transfer 702348.3 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right of way over part Lot 3 DP 404716 ( part formerly Lot 2 DP 20654 ) marked B DP 20693 created by Transfer 712936.6 - 4.10.1988 at 9:16 am

Appurtenant to Lot 3 DP 404716 ( part formerly Lot 1 DP 21054 and DP 5247 ) is a right of way created by Transfer 712936.7 - 4.10.1988 at 9:16 am

Appurtenant to Lot 3 DP 404716 ( part formerly Lot 1 DP 21054 and DP 5247 ) is a right of way created by Transfer 712936.8 - 4.10.1988 at 9:16 am

The easement created by Transfer 712936.8 is subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right of way over part Lot 3 DP 404716 marked EC3,EC23,EC24 and EC25 on DP 404716 created by Transfer 712936.8 - 4.10.1988 at 9.16 am.

The easements created by Transfer 712936.8 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant to Lot 3 DP 404716 (parts formerly Lot 802 DP 404025, Lot 8 DP 381937 formerly part Section 64 BLK VI Shotover Survey District and Lot 1 DP 21054) are rights of way specified in Easement Certificate 712936.9 - 4.10.1988 at 9:17 am

**Identifier** **416330**

Some of the easements specified in Easement Certificate 712936.9 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right to convey power and telephone over part Lot 3 DP 404716 marked EC23,EC24,EC25 and EC3 on DP 404716 created by Transfer 750483.1 - 21.3.1990 at 9.13 am.

The easements created by Transfer 750483.1 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant to Lot 3 DP 404716 ( part formerly Lot 802 DP 404025 & part Section 64 BLK VI Shotover Survey District) is a right of way specified in Easement Certificate 873071.8 - 22.12.1994 at 10:51 am

The easement specified in Easement Certificate 873071.8 is subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Deed 5079285.6 - 5.9.2001 at 9:03 am (affects Lot 3 DP 404716 part formerly Lot 802 DP 405025 formerly part Lot 4 & Lot 6 DP 20693)

Land Covenant in Easement Instrument 6205027.6 - 5.11.2004 at 9:00 am (affects Lot 3 DP 404716 part formerly Lot 802 DP 404025 formerly part Lot 4 DP 20693)

Land Covenant in Easement Instrument 6205027.7 - 5.11.2004 at 9:00 am (affects Lot 3 DP 404716 part formerly Lot 802 DP 404025 formerly part Lot 4 DP 20693)

7534979.4 Resolution pursuant to Section 243(f)(ii) Resource Management Act 1991 partially cancelling the easement condition on plan DP 20693 specified in Easement Certificate 712936.9 - 10.9.2007 at 9:00 am

7534979.7 Resolution pursuant to Section 243(f)(ii) Resource Management Act 1991 partially cancelling the easement condition on plan 20526 described in Easement Certificate 702348.2 - 10.9.2007 at 9:00 am

7534979.9 Partial surrender of the right of way marked H on DP 20693 specified in Easement Certificate 712936.9 and marked B on DP 20693 created by Transfer 712936.6 - 10.9.2007 at 9:00 am

7534979.10 Partial surrender of the right of way over parts marked H on DP 20693 specified in Easement Certificate 712936.9 and marked B on DP 20693 created by Transfer 712936.6 - 10.9.2007 at 9:00 am

Appurtenant to Lot 3 DP 404716 ( part formerly Lot 802 DP 404025 and part Section 49 Block VI Shotover SD) is a right of way r created by Easement Instrument 7534979.21 - 10.9.2007 at 9:00 am

7923789.1 Partial removal of the right of way specified in Easement Certificate 712936.9 pursuant to Section 70 Land Transfer Act 1952 - Produced 1.9.2008 at 9:00 am and Entered 10.11.2008 at 9.00 am

8031124.8 Partial Surrender of the right of way specified in Easement Certificate 712936.9 - 17.12.2008 at 9:00 am

8031124.10 Partial Surrender of the right of way specified in Easement Certificate 712936.8 - 17.12.2008 at 9:00 am

8031124.12 Partial Surrender of the right of way specified in Easement Certificate 712936.6 - 17.12.2008 at 9:00 am

Subject to a right (in gross) to convey gas over part Lot 3 DP 404716 marked EC8 on DP 404716 in favour of Rockgas Limited created by Easement Instrument 8031124.27 - 17.12.2008 at 9:00 am

The easements created by Easement Instrument 8031124.27 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey gas, electricity, water, telecommunications and computer media and a right to drain stormwater and sewage over part Lot 3 DP 404716 marked EC8 on DP 404716 in favour of (now) Millbrook Country Club Limited and Millbrook Infrastructure Company Limited created by Easement Instrument 8031124.32 - 17.12.2008 at 9:00 am

The easements created by Easement Instrument 8031124.32 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 8031124.35 - 17.12.2008 at 9:00 am (affects Lot 3 DP 404716 part formerly part Section 64 BLK VI Shotover Survey District)

Land Covenant in Easement Instrument 8031124.36 - 17.12.2008 at 9:00 am ( Affects Lot 3 DP 404716)

Land Covenant in Easement Instrument 8291967.15 - 11.12.2009 at 12:54 pm (affects Lot 3 DP 404716 parts formerly in CsT 413758, 413761, 327851, 515938 & 64067 )

8434170.4 Partial surrender of the rights of way created by Transfer 712936.8 and specified in Easement Certificate 712936.9 - 19.5.2010 at 3:09 pm

Appurtenant hereto is a right of way created by Easement Instrument 8434170.36 - 19.5.2010 at 3:09 pm

Subject to a right of way over part Lot 3 DP 404716 marked EC3,EC2,EC22,EC23,EC24 & EC25 on DP 404716 and over part Section 4 SO 405219 marked A on SO 405219 created by Easement Instrument 8434170.38 - 19.5.2010 at 3:09 pm

Appurtenant hereto is a right of way created by Easement Instrument 8434170.38 - 19.5.2010 at 3:09 pm

**Identifier****416330**

Some of the easements created by Easement Instrument 8434170.38 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey electricity in gross over part Lot 3 DP 404716 marked EC22,EC23,EC2 & EC3 and over part Section 4 SO 405219 marked C23 on DP 404716 in favour of (now) Millbrook Country Club Limited and Millbrook Infrastructure Company Limited created by Easement Instrument 8434170.40 - 19.5.2010 at 3:09 pm

Subject to a right to convey electricity in gross over part Lot 3 DP 404716 marked EC22,EC23,EC2 & EC3 and over part Section 4 SO 405219 marked C23 on DP 404716 in favour of Aurora Energy Limited created by Easement Instrument 8434170.41 - 19.5.2010 at 3:09 pm

Land Covenant in Easement Instrument 8434170.42 - 19.5.2010 at 3:09 pm

Land Covenant in Easement Instrument 8434170.43 - 19.5.2010 at 3:09 pm

Land Covenant in Easement Instrument 8434170.44 - 19.5.2010 at 3:09 pm

Land Covenant in Easement Instrument 8434170.46 - 19.5.2010 at 3:09 pm

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# 43 MILLBROOK

# 43.1

## Resort Zone Purpose

- 43.1.1** The purpose of the Millbrook Resort Zone is to provide for a visitor resort of high quality. The Zone provides for recreational activities (including golf), commercial, residential and visitor accommodation together with support facilities and services. The general amenity of the Zone is one of development enclaves located in the open rural countryside with well landscaped grounds. Well located and designed development is expected throughout the Zone. To achieve this, integrated planning in accordance with a Structure Plan is required.
- 43.1.2** The Millbrook Structure Plan includes several 'Activity Areas' which correspond with rules. The purpose of the various Activity Areas is summarised as follows:
- Village Activity Area (V) – to provide for residential and visitor accommodation activities and commercial activities associated with a resort.
  - Golf / Open Space Activity Area (G) – to provide for outdoor recreation activities and open space.
  - Residential Activity Area (R) – to provide for residential activities (different areas are individually numbered so as to correspond with rules).
  - Recreational Facilities Activity Area (F) – to provide for recreational activities.
  - Landscape Protection Activity Area (LP) – to manage sensitive landscape areas in a manner which prevents inappropriate development.
  - Landscape Protection (Malaghans) Activity Area (LPM) - to maintain a mature tree lined edge to Malaghans Road.
  - Resort Services Activity Area (S): to provide for service and maintenance activities which support the functioning of a resort.
  - Helicopter Landing and Take Off Activity Area (H) – to enable the consideration of applications for helicopter landings and take offs from this location.
- 43.1.3** The Structure Plan also includes the following overlays which apply in addition to the Activity Areas that cover the same areas. The purpose of these overlays is summarised as follows:
- Amenity Landscaping Overlay (L) – to identify those locations where measures will be undertaken to avoid adverse effects on landscape amenity.
  - Height Restriction Overlay (HR) – used to specify height restrictions on Indicative Residential Sites 10 and 11.
  - Earthworks Overlays (E1 and E2) - to identify where earthworks will be undertaken to mitigate effects on neighbouring properties, and prevent buildings in those areas.
  - Gully Planting (GP) and Open Planting (OP) Overlays - to specify where landscape planting is required for ecological restoration purposes.
  - Indicative Residential Sites - to identify locations of future buildings and specify height limits and recession plane controls.

## 43.2

# Objectives and Policies

### 43.2.1 **Objective – Visitor, residential and recreation activities developed in an integrated manner with particular regard for landscape, heritage, ecological, and water quality values.**

- Policies
- 43.2.1.1** Require development and activities to be located in accordance with a Structure Plan so as to promote orderly and integrated development and prevent the inappropriate development of sensitive parts of the site.
  - 43.2.1.2** Require buildings and associated landscaping to have regard to landscape and heritage values.
  - 43.2.1.3** Protect valuable ecological remnants and promote the enhancement of ecological values where reasonably practical.
  - 43.2.1.4** Require the take-off and landing of aircraft to be controlled.
  - 43.2.1.5** Require an integrated landscape management plan for the South Dalgliesh part of the zone
  - 43.2.1.6** Reduce nutrient levels and other pollutants entering Mill Creek.

## 43.3

# Other Provisions and Rules

### 43.3.1 **District Wide**

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless shown in italics.

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

### 43.3.2 Explanatory Rules

**43.3.2.1** 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.

**43.3.2.2** The following abbreviations are used within this Chapter.

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

## 43.4 Rules - Activities

|               | Activities – Millbrook  | Activity Status |
|---------------|---|-----------------|
| <b>43.4.1</b> | <b>Any activity</b> which complies with the standards for permitted activities and is not listed as a controlled, discretionary, non-complying or prohibited activity.  | P               |
| <b>43.4.2</b> | <b>Residential Activity</b><br>a. Resort Services Activity Area, except for residential activity ancillary to a permitted or approved activity<br>b. Golf / Open Space Activity Area, except for residential activity ancillary to a permitted or approved activity<br>c. Recreational Facilities Activity Areas, except for residential activity ancillary to a permitted or approved activity   | D               |
| <b>43.4.3</b> | <b>Visitor Accommodation outside of the Village Activity Area</b>   | D               |
| <b>43.4.4</b> | <b>Golf Courses</b><br>a. In the Landscape Protection Activity Area<br>b. In the Landscape Protection (Malaghans) Activity Area   | NC              |
| <b>43.4.5</b> | <b>Commercial and Community Activities</b> , except for:<br>a. Commercial recreation activities<br>b. Offices and administration activities directly associated with the management and development of Millbrook or ancillary to other permitted or approved activities located within the Resort Services and Village Activity Areas<br>c. Bars, restaurants, theatres, conference, cultural and community facilities in the Village Activity Area<br>d. Retail activities which comply with rule 43.5.10 (Retail Sales) | D               |

| <b>Activities – Millbrook</b> |  | <b>Activity Status</b> |
|-------------------------------|--|------------------------|
| <b>43.4.6</b>                 | <p><b>Commercial Recreation Activities</b>, except for:</p> <ul style="list-style-type: none"> <li>a. Golf courses; or</li> <li>b. Within the Recreation Facilities Activity Area or Village Activity Area</li> </ul>  | D                      |
| <b>43.4.7</b>                 | <p><b>Licensed Premises in the Village Activity Area</b></p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale and supply of alcohol to any person who is residing (permanently or temporarily) on the premises or to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. The scale of the activity</li> <li>b. Car parking and traffic generation</li> <li>c. Effects on amenity (including that of adjoining residential zones and public reserves)</li> <li>d. The configuration of activities within the building and site (e.g. outdoor seating, entrances)</li> <li>e. Noise issues and hours of operation</li> </ul> | C                      |
| <b>43.4.8</b>                 | <p><b>Licensed Premises Outside Village Activity Area</b></p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale and supply of alcohol:</p> <ul style="list-style-type: none"> <li>a. To any person who is residing (permanently or temporarily) on the premises</li> <li>b. To any person who is present on the premises for the purpose of dining up until 12am</li> </ul>   | NC                     |
| <b>43.4.9</b>                 | <p><b>Farm Buildings</b></p> <p>All Activity Areas except for the Landscape Protection (Malaghans) Activity Area.</p> <p>Control is reserved to effects on heritage and landscape values.</p>  | C                      |
| <b>43.4.10</b>                | <p><b>Buildings</b></p> <ul style="list-style-type: none"> <li>a. Village Activity Area</li> <li>b. R1 to R13 of the Residential Activity Area</li> <li>c. The Recreational Facilities Activity Area</li> </ul> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>i. The appearance of the building</li> <li>ii. Effects on visual and landscape amenity of the area including coherence with the surrounding buildings</li> </ul>   | C                      |

| Activities – Millbrook |  | Activity Status |
|------------------------|--|-----------------|
| <b>43.4.11</b>         | <p><b>Buildings</b></p> <p>a. R14, R15 and R16 of the Residential Activity Area</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>i. The appearance of the building</li> <li>ii. Associated landscaping controls</li> <li>iii. The effects on visual and landscape amenity values of the area including coherence with the surrounding buildings</li> </ul> | RD              |
| <b>43.4.12</b>         | <p><b>Buildings</b></p> <p>a. R17 and R18 of the Residential Activity Area</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>i. The appearance of the building</li> <li>ii. Effects on visual and landscape amenity of the area including coherence with the surrounding buildings and heritage values</li> </ul>   | RD              |
| <b>43.4.13</b>         | <p><b>Buildings</b></p> <p>a. Golf Course and Open Space Activity Area, except for utilities, service and accessory buildings up to 40m<sup>2</sup> in gross floor area</p>  | D               |
| <b>43.4.14</b>         | <p><b>Buildings in the Landscape Protection and Landscape Protection (Malaghans) Activity Area</b>, except for:</p> <ul style="list-style-type: none"> <li>a. One farm building relocated from within the zone and restored the Landscape Protection (Malaghans) Activity Area (refer Rule 43.4.9)</li> <li>b. Utility buildings up to 25m<sup>2</sup> in gross floor area</li> </ul>                  | NC              |
| <b>43.4.15</b>         | <b>Buildings in the E1 and E2 Earth Moulding Overlay Areas</b>   | PR              |

| Activities – Millbrook |  | Activity Status |
|------------------------|--|-----------------|
| <b>43.4.16</b>         | <p><b>Amenity Landscaping Works</b></p> <p>Landscaping works within the Gully Planting Overlay, the Open Planting Overlay the Amenity Landscaping Overlay, the Earth Mounding Overlay, the Landscape Protection (Malaghans) Activity Area and the Landscape Protection Activity Area.</p> <p>Discretion is restricted to the following:</p> <p>a. An integrated landscape management plan that incorporates:</p> <ul style="list-style-type: none"> <li>i. Landscape designs and planting plans that indicate how the Gully Planting and Open Planting Overlays will be planted and maintained with at least 90 % of plants listed in Appendix 1</li> <li>ii. Practical and reasonable measures within the Amenity Landscaping overlay to avoid or mitigate adverse effects on the amenity values enjoyed within properties beyond the Zone boundary, utilising the species lists for the Gully Planting and Open Planting Overlays in Appendix 1</li> <li>iii. Removal of all Pinus, Pseudotsuga and Cystisus from the E1, E2, Open Planting, Gully Planting and Amenity Landscaping overlay areas</li> <li>iv. Earthworks to be undertaken in E1 for the purpose of visually screening all residential properties within the R14 and R15 Residential Activity Areas from approved Residential Building Platforms on Lot 1 DP 475822 and Lot 2 DP 475822</li> <li>v. Earthworks to be undertaken in E2 for the purpose of mitigating views of golfing activities as viewed from approved Residential Building Platforms on Lot 1 DP 475822 and Lot 2 DP 475822</li> <li>vi. Details on and commitments to prompt establishment, density of planting, replacement of dead and diseased plants, restrictions on removal of other vegetation, irrigation, fertiliser, composting, rabbit control and use of gender dimorphic stock sourced from local seeds where practical</li> <li>vii. The measures that shall be employed to maintain or enhance the quality of water within Mill Creek</li> <li>viii. Landscape designs and planting plans for the Landscape Protection (Malaghans) Activity Area that ensures a predominantly screened effect when viewed from the road</li> </ul> | RD              |
| <b>43.4.17</b>         | <p><b>Helicopter Landing and Take Off</b></p> <p>a. Helicopter Landing and Take-off Activity Area</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>i. Safety</li> <li>ii. Effects on amenity values</li> </ul>   | RD              |
| <b>43.4.18</b>         | <p><b>Airports</b>, except for:</p> <ul style="list-style-type: none"> <li>a. Helicopter landings and take-offs approved under rule 43.4.17</li> <li>b. The use of land and water for any emergency landings, rescues and fire-fighting.</li> </ul>  | NC              |
| <b>43.4.19</b>         | <p><b>Service Activities</b>, except where:</p> <ul style="list-style-type: none"> <li>a. Directly related to other approved or permitted activities within the Zone and located within the Resort Services Activity Area; or</li> <li>b. Located within the Golf / Open Space Activity Area and which have a gross floor area of no more than 40m<sup>2</sup></li> </ul>  | NC              |

| Activities – Millbrook |   | Activity Status |
|------------------------|---|-----------------|
| <b>43.4.20</b>         | <b>Industrial Activities;</b> except for:<br>a. Activities directly related to other approved or permitted activities within the Zone<br>b. Activities located within the Resort Services Activity Area   | NC              |
| <b>43.4.21</b>         | <b>Mining</b>   | NC              |
| <b>43.4.20</b>         | <b>Panelbeating, spray painting, motor vehicle repair or dismantling</b> except for activities directly related to other approved or permitted activities within the Zone and located within the Resort Services Activity Area.   | NC              |
| <b>43.4.21</b>         | <b>Forestry Activities</b>  | NC              |
| <b>43.4.22</b>         | <b>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, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.</b> | PR              |
| <b>43.4.23</b>         | <b>Factory Farming</b>  | PR              |

## 43.5 Rules - Standards

| Rules – Millbrook |  | Non-compliance status |
|-------------------|--|-----------------------|
| <b>43.5.1</b>     | <b>Structure Plan</b><br>Development shall be undertaken in general accordance with the Structure Plan.  | D                     |
| <b>43.5.2</b>     | <b>Setbacks</b><br>a. No building or structure shall be located closer than 6m to the Zone boundary<br>b. No building shall be located closer than 10m from Malaghans Road or the Arrowtown Lake Hayes Road<br>c. On Residential Activity Sites 14 and 19 buildings shall be located at least 7m from the Residential Activity Area boundary | RD                    |

|        | Rules – Millbrook   | Non-compliance status |
|--------|---|-----------------------|
| 43.5.3 | <p><b>Building Colours and Materials in Residential Activity Areas R14, R15, R16</b></p> <p>a. Roof materials and colours will be limited to:</p> <ul style="list-style-type: none"> <li>i. Dark grey corrugated iron</li> <li>ii. Dark grey tray profile</li> <li>iii. Slate</li> <li>iv. Copper (left to weather)</li> <li>v. Gutters and downpipes to match the roof colour</li> </ul> <p>b. Claddings will be limited to:</p> <ul style="list-style-type: none"> <li>i. Millbrook quarry stone</li> <li>ii. Painted or stained weatherboards</li> <li>iii. Steel sheeting</li> <li>iv. Textured concrete</li> <li>v. Painted plaster</li> </ul> <p>c. Paint colours and external joinery shall have a maximum 30% light reflectancy value</p> <p>*Council's discretion is restricted to:</p> <ul style="list-style-type: none"> <li>i. Effects on amenity and landscape values</li> <li>ii. Building design</li> <li>iii. the degree to which the colours and materials are recessive within the context of the building</li> </ul> | RD                    |
| 43.5.4 | <p><b>Residential Density</b></p> <p>The maximum number of residential units in the Millbrook Resort Zone shall be limited to 450.</p>  | NC                    |
| 43.5.5 | <p><b>Residential Density</b></p> <p>a. In the following parts of the Residential Activity Area the total number of residential units shall not exceed:</p> <ul style="list-style-type: none"> <li>i. R13 10 residential units</li> <li>ii. R14 6 residential units</li> <li>iii. R15 15 residential units</li> <li>iv. R16 6 residential units</li> <li>v. R17 7 residential units</li> <li>vi. R18 1 residential unit</li> </ul> <p>b. In addition there shall be no more than one residential unit per Indicative Residential Site</p>   | NC                    |

|  | Rules – Millbrook  | Non-compliance status                                      |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
|--|--|--|--|---|-------|---|-------|------|-------|----|-------|----|-------|--|--|---|-----|---|-----|----|
| <b>43.5.6</b>  | <p><b>Building Height</b></p> <p>The maximum height of buildings shall be:</p> <ul style="list-style-type: none"> <li>a. Visitor accommodation, clubhouses, conference and theatre facilities restaurants, retail and residential buildings except in R14, R15, R16, R17 - 8m</li> <li>b. Filming towers - 12m</li> <li>c. All other buildings and structures except in R14, R15, R16, R17 - 4m</li> </ul>   | NC   |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| <b>43.5.7</b>  | <p><b>Building Height – Residential Activity Areas R14, R15, R16 and R17</b></p> <ul style="list-style-type: none"> <li>a. In the following parts of the Residential Activity Area the following maximum building heights shall apply: <ul style="list-style-type: none"> <li>i. R14 6.5m</li> <li>ii. R15 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m</li> <li>iii. R16 6.5m</li> <li>iv. R17 5.5m</li> </ul> </li> <li>b. No part of a building shall exceed the following heights above sea level (excluding chimneys which may exceed the height control by 2.0m with a maximum horizontal dimension of 1.5m): <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Indicative Residential Site as shown on the Structure Plan</th> <th style="text-align: left;">Datum (masl) using the “Mt Nic 2000 &amp; MSL” datum</th> </tr> </thead> <tbody> <tr><td>1</td><td>481.8</td></tr> <tr><td>3</td><td>478.8</td></tr> <tr><td>6-13</td><td>475.8</td></tr> <tr><td>14</td><td>475.8</td></tr> <tr><td>19</td><td>472.8</td></tr> </tbody> </table> </li> <li>c. No part of a building on Indicative Residential Sites 1 and 3 shall protrude through a recession plane running due south at an angle of 30 degrees commencing at the boundary of the indicative residential sites noted below and as measured from the following heights above sea level: <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Indicative Residential Site as shown on the Structure Plan</th> <th style="text-align: left;">Datum (masl) using the “Mt Nic 2000 &amp; MSL” datum</th> </tr> </thead> <tbody> <tr><td>1</td><td>478</td></tr> <tr><td>3</td><td>475</td></tr> </tbody> </table> </li> </ul> | Indicative Residential Site as shown on the Structure Plan | Datum (masl) using the “Mt Nic 2000 & MSL” datum | 1 | 481.8 | 3 | 478.8 | 6-13 | 475.8 | 14 | 475.8 | 19 | 472.8 | Indicative Residential Site as shown on the Structure Plan | Datum (masl) using the “Mt Nic 2000 & MSL” datum | 1 | 478 | 3 | 475 | NC |
| Indicative Residential Site as shown on the Structure Plan | Datum (masl) using the “Mt Nic 2000 & MSL” datum   |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| 1  | 481.8  |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| 3  | 478.8  |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| 6-13   | 475.8  |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| 14   | 475.8  |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| 19   | 472.8  |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| Indicative Residential Site as shown on the Structure Plan | Datum (masl) using the “Mt Nic 2000 & MSL” datum   |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| 1  | 478  |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |
| 3  | 475  |  |  |   |       |   |       |      |       |    |       |    |       |  |  |   |     |   |     |    |

|                | <b>Rules – Millbrook</b>  | <b>Non-compliance status</b> |
|----------------|---|------------------------------|
| <b>43.5.8</b>  | <p><b>Glare</b></p> <ul style="list-style-type: none"> <li>a. All fixed lighting shall be directed away from adjacent roads and properties</li> <li>b. Any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish</li> <li>c. No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property</li> </ul> <p>External lighting shall be limited to down lighting only, not more than 1.5 metres above the finished floor level of the dwelling with the light source shielded from horizontal view.</p> | NC                           |
| <b>43.5.9</b>  | <p><b>Nature and Scale of Activities</b></p> <ul style="list-style-type: none"> <li>a. Except within the Village and Resort Services Activity Areas: <ul style="list-style-type: none"> <li>i. No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight</li> <li>ii. All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building</li> </ul> </li> </ul>  | NC                           |
| <b>43.5.10</b> | <p><b>Retail Sales</b></p> <p>No goods or services shall be displayed, sold or offered for sale from a site except:</p> <ul style="list-style-type: none"> <li>a. goods grown, reared or produced on the site</li> <li>b. goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within the Recreation Facilities Activity Area; or</li> <li>c. Within the Village Activity Area</li> </ul>   | NC                           |
| <b>43.5.11</b> | <p><b>Maximum Total Site Coverage</b></p> <p>The maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings but excludes weirs, filming towers, bridges and roads and parking areas.</p>  | NC                           |
| <b>43.5.12</b> | <p><b>Golf Course Development</b></p> <p>Development of residential units in the South Dalgleish part of the zone or more than 27 holes of golf without prior certification by the Council of the implemented plans for the Gully Planting Overlay, Open Planting Overlay and Amenity Landscaping areas (refer Rule 43.4.16).</p>   | NC                           |
| <b>43.5.13</b> | <p><b>Helicopter Landing Areas</b></p> <p>More than one permanent helicopter landing area within the Zone.</p>  | NC                           |

**APPENDIX 1**

| Overlay Area             | Plant List  |
|--------------------------|---|
| Gully Planting Overlay   | Carex secta<br>Hebe salicifolia<br>Aristotelia serrata<br>Coprosma lucida<br>Coprosma propingua<br>Fluscopora solandri var. cliffortioides<br>Olearia lineata<br>Cortaderia richardii<br>Phormium tenax                     |
| Opening Planting Overlay | Festuca novae-zelandiae<br>Coprosma propingua<br>Leonohebe cupressoides<br>Olearia odorata<br>Melicyrus alpin us<br>Sophora microphylla<br>Olearia avicenniifolia<br>Carmichaelia petriei<br>Poa colensoi<br>Hebe subalpina |

## 43.6

## Non-Notification of Applications

**43.6.1 Except as provided for by the Act, all applications for controlled activities and restricted discretionary activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.**

# 43.7

# Structure Plans

