

## 12. Special Zones

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

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

**Penrith Park Zone**

**Bendemeer Zone**

**Remarkables Park Zone**

**Hydro Generation Zone**

**Quail Rise Zone**

**Meadow Park Zone**

**Frankton Flats Zone**

**Ballantyne Road Mixed Use Zone**

**Three Parks Zone**

**Kingston Village Zone**

### Introduction

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

### 12.1 Resort Zones

#### 12.1.1 Resources and Activities

##### i Millbrook Resort and Jacks Point

The Council recognises the potential of the Millbrook Resort and Jacks Point to contribute to visitor and economic development within the District. This will arise from increased employment and visitor activity generated by the zones. Both zones provide for golf courses and a

range of outdoor and indoor sporting and recreational activities. In Millbrook Resort hotel and other visitor accommodation exist along with support facilities and services. Similar developments are proposed for Jacks Point. The Resort zone recognises the special amenities of the rural area in which the development is located and provides for the on-going implementation of the activities of the resort.

##### ii Waterfall Park Resort

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

#### 12.1.2 Values

##### i Millbrook Resort

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

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

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

Thirdly, the site has been maintained in a high quality sward of pasture grasses. A large number of mature trees exist on the site, many of which date back to the first settlers. The tree species are predominantly

European deciduous hardwoods including oaks, maples and walnuts. These mature trees give the farm an outstanding parkland character. Finally, the site lies within a high quality environment in terms of its scenic, visual and climatic values, clean air and open vistas.

## ii Waterfall Park Resort

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

## iii Jacks Point

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

The proposed zone has a varying landform across the site, comprising hummocky to channelled topography in the east by Kingston Road, a central valley which is flat to slightly undulating and an elevated schist ridge adjacent to Lake Wakatipu, the highest point of which is known as Jacks Point and lakeside terraces extending around Homestead Bay, where recreational access to Lake Wakatipu can be provided. Homestead Bay is the first point south of Kelvin Peninsula where public access to the lake is available.

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

## i Provision of Essential Services

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

## ii Visual Amenities

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

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

## iii Traffic Safety and Access

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

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

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

## 12.1.3 Resource Management Issues

## v Historical Character (Millbrook Resort)

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

## vi Natural Character (Waterfall Park Resort)

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

## vii Public Access (Jacks Point)

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

## 12.1.4 Objectives and Policies

### Objective 1 - Millbrook Resort Zone

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

#### Policies:

- 1.1 *To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.*
- 1.2 *To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.*

1.3 *To require the external appearance of buildings to have regard to landscape and heritage values of the site.*

1.4 *To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to minimise the impact on neighbouring activities, the road network and the landscape amenity of the Basin.*

1.5 *To protect and enhance the important heritage features on the site, particularly the original farm buildings and tree plantings.*

1.6 *To require adequate on-site car parking.*

1.7 *To control air emissions for visual amenity purposes.*

1.8 *To control the take-off and landing of aircraft.*

#### Implementation Methods

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

#### (i) District Plan

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

#### (ii) Other Methods

- (a) Encourage a reduction in the use of fertiliser in the catchment.
- (b) Encourage the establishment of planted stream bank buffer strips with stock excluded.

- (c) Encouraging the re-establishing wetlands and ponds in Mill Creek.
- (d) Controlling the discharge of pollutants that can enter Lake Hayes.

## Explanation and Principal Reasons for Adoption

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

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

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

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

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

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

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

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

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

## Objective 2 - Waterfall Park Resort Zone

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

### Policies:

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

- 2.6 *To require adequate on-site vehicle parking and manoeuvring.*
- 2.7 *To control air emissions for visual amenity purposes.*
- 2.8 *To protect and enhance Mill Creek as an important brown trout spawning habitat.*

## Implementation Methods

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

### (i) District Plan

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

### (ii) Other Methods

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

## Explanation and Principal Reasons for Adoption

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

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

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

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

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

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

## Objective 3 - Jacks Point Resort Zone

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

## **Policies:**

- 3.1 To maintain and protect views into the site when viewed from the lake, and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway.
- 3.2 To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental values on or off the site.
- 3.3 To require the external appearance, bulk and location of buildings to have regard to the landscape values of the site.
- 3.4 To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to mitigate the impact on neighbouring activities, the road network and landscape values.
- 3.5 To control the take-off and landing of aircraft within the zone.
- 3.6 To provide public access from the State Highway to the lake foreshore and to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu.
- 3.7 To ensure that subdivision, development and ancillary activities on the Tablelands and Jacks Point are subservient to the landscape.
- 3.8 To provide for local biodiversity through:
- The protection and enhancement of existing ecological values, in a holistic manner;
  - Reduction in grazing around wetland areas; and
  - The provision of links between grey shrublands, wetlands and the lakeshore escarpment.
- 3.9 To ensure that development within the sensitive areas of the Zone results in a net environmental gain.
- 3.10 To ensure that residential development and all development in the Hanley Downs part of the zone is not readily visible from the State Highway.
- 3.11 To ensure that subdivision and development does not compromise those visual amenity values associated with the southern entrance to Queenstown.
- 3.12 To provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.
- 3.13 To ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay.
- 3.14 To provide for farming and associated activities in appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape.
- 3.15 To avoid mining activities which do not contribute to the sustainable development of the Jacks Point Zone.
- 3.16 In the Hanley Downs part of the Zone, development shall be consistent with any relevant approved Outline Development Plan.
- ~~3.17 In the Hanley Downs part of the Zone, development areas A, H, I, J, K, and L the design and location of buildings and landscaping shall avoid or minimise visibility ensure development is not readily visible of development from State Highway 6.~~
- 3.18 In the Hanley Downs part of the Zone, existing watercourses are used, enhanced and interconnected for the purposes of stormwater management and opportunities for stormwater paths to provide corridors of biodiversity value and public amenity are realised.

- 3.19 High standards of urban design are required throughout Hanley Downs, and a high standard of individual building design is promoted throughout and required for medium density residential and non-residential development.
- 3.20 In the Hanley Downs part of the Zone, roads, carriageways and walkways are designed and sized to:
- (i) encourage walking, cycling and (where relevant and practical) public transport use through being safe and pleasant to use for those purposes
  - (ii) accommodate the likely nature and scale of future use, including existing or proposed public transport routes
  - (iii) contribute to amenity and safety
  - (iv) accommodate on-street car parking where needed
  - (v) ensure that important road connections (as identified in the Structure Plan and subsequent approved Outline Development Plans) are completed in a timely manner.
- 3.21 The main road shall provide a high amenity multi-modal connection from the State Highway through the Hanley Downs area and beyond to the balance Jacks Point area and its design shall be generally consistent with the Maori Jack Road entrance, in that it will be:
- (i) Designed to encourage a relatively low traffic speeds;
  - (ii) Be flanked by wide landscaped open space corridors either side with adjacent development being generally low density; up until it travels through Area MU/ (G), at which point it may take on a 'main street' character with buildings close to the road.

Note: The Part 4 landscape objective 4.2.5 and the associated policies shall be considered in respect of any application for development in the open space Area of the Hanley Downs zone,

Objective 4: The Hanley Downs part of the Jacks Point Zone has a predominantly residential character, with its mixed density residential neighbourhoods focused around a core of consolidated non-residential uses and higher density housing, which are intended to support the Jacks Point village to become the commercial and community hub of the Jacks Point community.

## Policies

- 4.1 Development in Hanley Downs integrates with Greater Jacks Point through visually coherent landscape treatment, roading and walkways, and built form<sup>1</sup>.
- 4.1 Non-residential uses are clustered in Area MU/G in a manner that supports and compliments the Jacks Point village, ensuring that any non-residential activity outside Area MU/G is avoided unless it is small scale; does not dominate the landscaped, low - medium density residential character of the main road, and does not detract from the importance of achieving a vibrant community core within Area MU/G.
- 4.2 Residential development in Areas B, C, D, E, F, and G shall be in accordance with the required density ranges in order to ensure efficient development of the land; to ensure a range of densities is achieved; and to provide certainty in terms of the scale of the ultimate capacity of the Hanley Downs Zone.
- 4.3 The majority of MDH, commercial and community activities are to be located within Area G.

<sup>1</sup> Need to be sure that the rules will result in visually coherent built form (throughout or on the edges) and If not, amend policy.

4.4 Non-residential activities are avoided in (R) areas other than where small scale precincts have been approved for this express purpose at the Outline Development Plan stage.

4.5 MDH precincts are enabled only in Areas D, E, F, and within 10 minutes' walk of the main road or an existing public transport route; and only where such developments will not dominate the informal landscaped low - medium density character of the main road

4.6 Service or industrial activities are avoided other than those expressly provided for within the Structure Plan and ensure that such activities are contained only to the activity Area or approved precinct.

4.7 Hours of operation and noise emissions from non-residential activities do not compromise residential amenity values, social wellbeing, residential cohesion and privacy.

4.8 Ensure the urban structure (including road layout, cycle and walking networks, landuse densities, the location of commercial and community activities, and block sizes) is well-connected and specifically designed to:

- (i) Reduce travel distances through well-connected streets
- (ii) Provide a logical and legible street layout
- (iii) Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and local facilities and amenities
- (iv) Enable public transport to efficiently service Greater Jacks Point, now or in the future.
- (v) Create a commercial and community focus in Area G which compliments and adds to the vibrancy of the Jacks Point Village.

## Implementation Methods

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

### (i) District Plan

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

### (ii) Other Methods

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

## Explanation and Principal Reasons for Adoption

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

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

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

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

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

### 12.1.5 Environmental Results Anticipated

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

- (a) Preservation of the open space and rural amenity.
- (b) Preservation and enhancement of the recreational facilities while conserving the key physical and scenic values of the area namely:
  - i recognition of the predominant land forms surrounding the site particularly the peaks and mountain ranges.
  - ii recognition and enhancement of the important vegetation on the site.
  - iii recognition and enhancement of the important natural and visual resources that dominate the site.
- (c) Provision of a range of accommodation facilities while ensuring the quality of the local environment is maintained.
- (d) Exclusion or mitigation of activities which cause adverse environmental effects through the use of performance standards.
- (e) Ensuring traffic safety on local roads and State Highway 6.
- (f) Maintenance and enhancement of the water quality of Mill Creek and Lake Hayes.
- (g) A resort at Millbrook which complements the rural and alpine environment of the Wakatipu Basin in both its design and general visual appearance.
- (h) Enhancing public access to the lake foreshore from State Highway 6 and facilitating increased use and enjoyment of Lake Wakatipu (Jacks Point).
- (i) Completion of a public walkway connecting Jardine's Park (Kelvin Heights) with the public recreation area south of Lakeside Estates (Jack's Point).
- ii The following environmental results are anticipated in Waterfall Park Resort:**

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

## 12.2 Resort Zone Rules

**Key:** ==: Amendments recommended to the notified Plan Change  
\_\_: Amendments proposed in the notified Plan Change,  
which are recommended to be accepted/ incorporated  
into the Resort Zone.

### 12.2.1 Zone Purposes

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

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

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

The anticipated villages and associated residential activities at Jacks Point will be sustainable in their nature, constituting mixed density development, best practice methods of waste disposal and longevity in their quality and built form. The preparation of development controls and design guidelines, in conjunction with provisions of the District Plan and other methods, will ensure that the villages contribute to providing for the social, economic and cultural wellbeing of the wider community, while also assisting in ecological enhancement and the seamless integration of the built and natural environment.

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

### 12.2.2 District Rules

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

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

### 12.2.3 Activities

#### 12.2.3.1 Permitted Activities

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

#### 12.2.3.2 Controlled Activities

The following shall be **Controlled Activities** provided they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

##### i Recreation Facilities

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

## ii Visitor Accommodation

In the Waterfall Park Resort Zone all Visitor Accommodation.

## iii Administration

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

## iv Community Activities

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

## v Dams and Other Structures

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

## vi Education Facilities

In the Waterfall Park Resort Zone education facilities.  
All activities from i to vii above are controlled in respect of the following matters:

- (a) Location and external appearance of buildings
- (b) Setback from roads
- (c) Setback from internal boundaries
- (d) Vehicle access and street layout
- (e) Outdoor living space
- (f) Street scene including landscaping
- (g) Enhancement of ecological and natural values
- (h) Provision for internal walkways, cycle ways and pedestrian linkages
- (i) Noise
- (j) Hours of operation.

## vii Commercial, community, and visitor accommodation activities<sup>1</sup>

In Activity Area MU/ G of the Hanley Downs part of the Jacks Point Zone, commercial activities, community activities and visitor accommodation, including the addition, alteration or construction of associated buildings, with control limited to:

- a) The location, external appearance and design of buildings; and
- b) infrastructure and servicing; and
- c) associated earthworks and landscaping; and
- d) access; and
- e) the amount of vehicle parking, its location and layout; and
- f) hours of operation.

## viii Buildings

- (a) In the Millbrook Resort Zone buildings which comply with Figure 1 Structure Plan – Millbrook Resort Zone with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (b) In the Waterfall Park Resort Zone buildings with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (c) In the Jacks Point Zone, excluding buildings within the (HD-R) Activity Areas of the Hanley Downs part of Jacks Point, buildings which comply with the relevant Jacks Point Structure Plan with the exercise of the Council's control being limited to:
  - the external appearance of buildings with respect to the effect of visual values of the area and coherence with surrounding buildings; and

<sup>1</sup> Or rely on compliance with the Structure Plan under rule xx as per the Village areas.

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- infrastructure and servicing; and
- associated earthworks and landscaping;
- access;
- location; and
- compliance with any relevant Council approved development controls and design guidelines.

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

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

## viii Parking, Loading and Access

(a) In the Millbrook Resort, Jacks Point and Waterfall Park Zones parking, loading and access in respect of the location and design of access points and their impact on the safety and efficiency of

the surrounding road network, and the number of parking spaces to be provided.

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

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

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

## x Earthworks

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

## xi Outline Development Plan - Residential Activity Areas in the Jacks Point Zone, excluding Hanley Downs

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

- (a) Roading pattern.
- (b) Indicative subdivision design and lot configuration and allotment sizes.

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- (c) Compliance with the relevant Density Master Plan.
  - (d) Mitigation measures to ensure that no building will be readily visible from State Highway 6.
  - (e) Mitigation measures to ensure that no building in the central valley will be readily visible from Lake Wakatipu.
  - (f) Proposed setbacks from roads and internal boundaries.
  - (g) Pedestrian links through the (R) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas.
  - (h) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
  - (i) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
  - (j) The maintenance of view shafts.
  - (k) The relationship and preservation of public use of and access to public open spaces.
  - (l) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.
- xii Outline Development Plan - Village Activity Areas**  
In the Jacks Point Zone, the Outline Development Plan of any Village (V) Activity Area lodged with the Council for approval pursuant to Rule 12.2.5.1(viii), in respect of:
- (a) Roading pattern.
  - (b) Indicative subdivision design and configuration and allotment sizes.
  - (c) Proposed setbacks from roads and internal boundaries.
  - (d) Pedestrian links through the (V) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas,
  - (e) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
  - (f) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
  - (g) The maintenance of view shafts.
  - (h) The relationship and preservation of public use of and access to public open spaces.
  - (i) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.
  - (j) Within the Homestead Bay Area (Figure 3) the Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan will:
    - Demonstrate compliance with the Site and Zone Standards in relation to proposed activities, building coverage limits, building distribution across the village and limits on height and building bulk.
    - Specify the controls necessary in order to provide for visual breaks between buildings on both a vertical (west-east) and horizontal (north-south) plane across the village when viewed from the lake.
    - Take into account the other matters over which the Council exercises control listed above in items (a) to (h).

## 12.2.3.2b Restricted Discretionary Activities

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## **(i) Outline Development Plan - Urban Activity Areas in the Jacks Point (Hanley Downs) Zone**

In the Jacks Point (Hanley Downs) Zone, the Outline Development Plan of any Urban (RR, RL, or HS) Activity Area lodged with the council for approval pursuant to Rule 12.2.5.1(viii), in respect of:

- (a) Those matters listed in 12.2.3.2 other than (c), (f) and (l); relating to the density master plan, setbacks, and guidelines;
  - (b) The density of residential development
  - (c) The comprehensiveness of the information;
  - (d) The locations of building platforms in Areas A, I and J;
  - (e) Proposed road and street designs, intersection design, timing, and funding.
  - (f) The location and design of Medium Density Housing and Commercial and Community Precincts and any visitor accommodation;
  - (g) Natural hazard risks;
  - (h) The location of and suitability of proposed open space areas, public transport links, cycle links;
  - (i) Treatment of the interface between the urban and open space areas;
  - (j) Biodiversity management and restoration of the wetland area;
  - (k) Servicing in respect of water, stormwater, and waste water;
  - (l) Compliance with the NES re Contaminants in Soil.
- (ii) Jacks Point (Hanley Downs) Zone - Commercial activities, community activities and visitor accommodation outside Area MU/ G**

In the Hanley Downs part of the Jacks Point Zone, commercial activities, community activities and visitor accommodation, including the addition, alteration or construction of associated buildings, which are outside of the MU Area and in a location/ precinct approved as part of an Outline Development Plan, with the exercise of Council's discretion limited to:

- a) The location, external appearance and design of buildings; and
- b) infrastructure and servicing; and
- c) associated earthworks and landscaping; and
- d) access; and
- e) the amount of vehicle parking, its location and layout; and
- f) hours of operation.

## **(iii) In the Jacks Point (Hanley Downs) Zone - Medium Density Housing and Multi-Unit Residential Buildings and non-residential buildings**

The addition, alteration or construction of buildings with more than three residential units; and any residential, commercial, community, and visitor accommodation buildings in a Medium Density Housing or Commercial and Community Precinct or location approved as part of an Outline Development Plan with the exercise of Council's discretion limited to:

- a. the location, external appearance and design of buildings; and
- b. infrastructure and servicing; and
- c. associated earthworks and landscaping; and
- d. access; and
- a. the amount of vehicle parking, its location and layout; and
- b. location of buildings on the site; and
- c. hours of operation.

## **(iv) In the Jacks Point (Hanley Downs) Zone - Sale of liquor<sup>2</sup>**

<sup>2</sup> Preferably this should be a zone standard anywhere outside the MU activity area.

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

- a. the location; and
- b. the scale of the activity; and
- c. retention of amenity; and
- d. noise; and
- e. hours of operation.

## 12.2.3.3 Discretionary Subdivision Activities

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

## 12.2.3.4 Discretionary Activities

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

### i Buildings

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

- associated earthworks and landscaping;
- access and parking;
- bulk and location;
- exterior lighting; and
- compliance with any relevant Council approved development controls and design guidelines.

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

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

### ii Residential Units

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

### iii Airports

- (a) Limited to a single helicopter landing area in the Millbrook Resort Zone
- (b) Limited to helicopter landing areas in the Jacks Point Zone.

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

## v **Vegetation (Jacks Point Zone)**

In the Jacks Point Zone:

- (a) Within the Highway Landscape Protection Area (refer Structure Plan) - the planting and/or growing of any tree which may or does obscure views from the State Highway to the mountain peaks beyond the zone.
- (b) Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) - the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Peninsula Hill escarpment.
- (c) Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Lake Wakatipu foreshore.
- (d) Within the Tablelands (refer Structure Plan), the planting and/or cultivation of any exotic vegetation, with the exception of:
  - (i) grass species if local and characteristic of the area; and
  - (ii) other vegetation if it is:
    - less than 0.5 metres in height; and
    - less than 20 square metres in area; and
    - within 10 metres of a building; and
    - intended for domestic consumption.
- (e) Anywhere within the zone, other than in the Hanley Downs part of the Jacks Point Zone, the planting and/or growing of the following tree species:

- Pinus muricata; or
- Pinus contorta; or
- Pinus nigra.

(f) In the Hanley Downs part of the Zone<sup>3</sup> there shall be no clearance of indigenous vegetation except for:

(a) The clearance of indigenous vegetation that is:

(i) Totally surrounded by pasture and other exotic species; and

(ii) less than 0.5 hectares in area; and more than 200 metres from any other indigenous vegetation which is greater than 0.5 hectares in area; and

(iii) less than 1070 metres above sea level; and

(iv) more than 20 metres from a water body; and

(v) not listed as a threatened species in Appendix 9.

(b) The clearance of indigenous vegetation for the operation and maintenance of existing roads, tracks, drains, utilities, structures and fence lines, excluding their expansion.

(c) The clearance of indigenous vegetation for the construction of public walkways up to 1.5 metres in width provided that it is not listed as a threatened species in Appendix 9.

(d) The clearance of indigenous trees that have been windthrown or are dead standing as a result of natural causes and have become dangerous to life or property.

<sup>3</sup> Or perhaps only in the open space activity area of the Hanley Downs part of the Zone).

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(e) The Council shall restrict the exercise of its discretion in relation to this matter to its effect on nature conservation, landscape and visual amenity values and the natural character of the rural environment.

OR

(g) In the open space activity area of the Hanley Downs part of the Zone:

- a) no clearance of indigenous vegetation shall exceed 100m<sup>2</sup> in area in any one hectare in any continuous period of 5 years; and
- b) there shall be no exotic tree or shrub planting

## vi Earthworks (Jacks Point Zone)

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

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

## vii Golf Course Development (Jacks Point Zone)

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

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

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

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

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

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

## ix Mining

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

## x Health and Education Services

In the Jacks Point Zone, health and education services and facilities, with the exercise of Council's discretion being limited to:

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

xi Jacks Point (Hanley Downs) zone - Forestry Activities limited to the harvesting of trees that existed as at August 2013.

## 12.2.3.5 Non-Complying Activities

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

**i Factory Farming**

**ii Farming**

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

**iii Forestry Activities<sup>4</sup>, excluding harvesting in the Jacks Point (Hanley Downs) Zone, as provided for by rule 12.2.3.4 (xi).**

**iv Mining Activities**

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

**v Industrial and Service Activities**

With the exception of service activities in the Jacks Point Zone, excluding the Hanley Downs part of that Zone.

**vi Airports**

Airports **other than**

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

**vii Buildings**

- (a) In the Waterfall Park Resort Zone buildings within 7 m of Mill Creek.
- (b) In the Jacks Point Zone all buildings which do not comply with the relevant Structure Plan.
- (c) In the Jacks Point (Hanley Downs) Zone, buildings located outside of an approved building platform in Development Areas A, I and J/K

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

**viii Residential Flat**

Except in the Jacks Point Zone.

**ix Wetlands**

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

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

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

**Xi Medium density housing (MDH), visitor accommodation, commercial and community activities in the Hanley Downs part of the Jacks Point Zone**

Any MDH, visitor accommodation, commercial, or community activity that is not located within an approved MDH or commercial and community precinct, as is relevant to the proposed activity.

<sup>4</sup> As notified, forestry and service activities were discretionary.

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Note: All activities, including Medium Density Housing (MDH) are defined in the Definitions section of the Plan<sup>5</sup>.

**xi Outline Development Plan which proposes a Non-complying Activity**

Any Outline Development Plan which proposes a Non-Complying Activity

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

## 12.2.3.6 Prohibited Activities

The following shall be **Prohibited Activities**

I Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

ii Planting the following trees in the Hanley Downs part of the Jacks Point Zone:

- a) Radiata Pine (Pinus radiata)
- b) Bishops pine (Pinus muricata)
- c) Contorta or lodgepole pine (Pinus contorta)
- d) Ponderosa pine (Pinus ponderosa)
- e) Scots pine (Pinus sylvestris)
- f) Douglas fir (Pseudotsuga menziesii)

<sup>5</sup> MDH could be defined as "Any contiguous area of housing development proposed, with an average density of 25 dwelling units/ ha (gross or net) or greater", for example.

- g) European larch (Larix decidua)
- h) Corsican pine (Pinus nigra)
- i) Mountain Pine/Dwarf Mountain pine (Pinus mugo)
- j) Maritime pine (Pinus pinaster)
- k) Sycamore
- l) Hawthorn
- m) Boxthorn

(iii) **Outline Development Plan which proposes a Prohibited Activity**

Any Outline Development Plan which proposes a Prohibited Activity.

## 12.2.4 Non-Notification of Applications

(a) In the Jacks Point Zone the design and layout of the Highway and Lakeshore Landscape Protection Areas and Open Space – Foreshore Activity Area under Rule 12.2.3.2(ix) and any variation of the Public Access Route shown on the Jacks Point Structure Plans may be publicly notified under section 94 of the Act.

(d) Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with section 93 of the Act, unless special circumstances exist in relation to any such application:

(i) All applications for **Controlled** Activities.

(ii) Applications for the restricted discretionary activities detailed in rules 12.2.3.4 i (b), vi, vii, and viii.

(e) In the Jacks Point (Hanley Downs) Zone, in addition to a) and b) above:

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

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ii Except as provided for by the Act, the following restricted discretionary activities (including those that breach certain site standards as outlined below) will be considered without public notification or the need to obtain the written approval of or serve notice on affected person:

- (a) Outline Development Plans, except as provided for in 12.20.3(iii)(a)below
- (b) Residential buildings
- (c) Non-residential activities
- (d) Sale of liquor, except as provided for in 12.20.3(iii)(a)below
- (e) Earthworks in breach of Site Standard 12.30.4.1(iii)(2)(a), except as provided for in 12.20.3(iii)(b)below

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

- (a) Outline Development Plans, where the owners of land adjoining the Outline Development Plan may be affected by a) a proposed roading connection (or lack thereof); or b) by a commercial, visitor accommodation, community, servicing, or medium density housing precinct or multi-unit site that is proposed on the boundary of the Outline Development Plan and that owner's adjoining land.
- (b) Applications for earthworks in breach of Site Standard 12.30.4.1(iii)(2)(a).
- (c) The sale of liquor, pursuant to 12.30.2.2(iv) outside a commercial, visitor accommodation, or community precinct approved through an Outline Development Plan.

Note:

- Notification decisions in relation to a breach of any other site standards will be made in accordance with the Act.
- For the purposes of this clause, "adjoining" means land that shares a boundary with the part of the Hanley Downs Zone to which the Outline Development Plan relates.

- For the purposes of this clause, an Outline Development Plan includes a variation to an Outline Development Plan.

## 12.2.5 Standards – Activities

### 12.2.5.1 Site Standards

#### i Structure Plan<sup>6</sup>

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

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

<sup>6</sup> In relation to Hanley Downs, these site standards are changed to Zone Standards in order to be consistent with the Rule 12.2.3.5(vii)(b) which makes all buildings which do not comply with the Structure Plan, non-complying.

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- (c) Recreation Activities (F) - the use of this area is restricted to recreation activities.
  - (d) Golf Course and Open Space (G) - the use of this area is restricted to outdoor recreation activities and open space provided that up to two residential units may be established on Lot 6 DP 22166.
  - (e) Open Space, Landscaping and Passive Recreation (O/P) - the use of this area is restricted to outdoor recreation activities and open space.
  - (f) Resort Services (S) - the use of this area is restricted to service and maintenance facilities for other activities in the Zone.
  - (g) Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants, and conference or meeting facilities.
  - (h) Home site Activity Area (HS Activity Area) - the use of this area is restricted to Residential Activities and, in addition, a maximum of one residential unit per HS Activity Area.
  - (i) Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities, provided that:
    - (i) No more than 15 building platforms are permitted within the Activity Area;
    - (ii) Those 15 building platforms referred to in (i) above are confined to 3 or 4 clusters; and
    - (iii) No building is to be erected prior to the horticultural activity being approved by the Council and planted.
  - (j) Open Space - Foreshore (OSF) - the use of this area is restricted to the regeneration of native endemic species over 80% of the land area, and retention of open space.
  - (k) Open Space (OS) - the use of this area is restricted to pastoral and arable farming and endemic revegetation.
  - (l) Open Space - Residential (OSR) - the use of this area is restricted to 12 low level, low impact residential dwellings set within a regenerating foreshore environment, provided that:
    - (i) Prior to any development occurring within any allotment located within the Open Space - Residential Activity Area, at least 50% of that allotment must be planted with native vegetation.
  - (m) Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and farming related activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation.
  - (n) Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use
- ii Size of Outline Development Plans**
- Outline Development Plans shall cover at least one entire Development Area as identified in the Structure Plan.
- ii Setback from Roads and Internal Boundaries**
- (a) No building or structure shall be located closer than 6m to the Zone boundary, **except:**
    - (i) in the Jacks Point Zone (excluding the Boating Facilities (BFA) Activity Area) no building or structure shall be located closer than 20m to the Zone boundary.

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- (ii) This rule shall not apply to the Boating Facilities (BFA) Activity Area in the Jacks Point Zone.
- (b) In the Millbrook Resort Zone no building shall be located within the following minimum setback distances from Malaghan Road or the Arrowtown Lake Hayes Road;
  - (i) Buildings for Residential Accommodation, Recreation 10m Activities, Retail Activities
  - (ii) Buildings for Visitor Accommodation 20m

(f) In the Jacks Point (Hanley Downs) Zone -

- (i) In R (HD) and RL (HD) Activity Areas, the minimum setback for buildings from internal boundaries for any building shall be:

Front Site: One setback of 4.5m and all other setbacks 2m.

Rear Sites: Two setbacks of 4.5m and all remaining setbacks to be 2m.

Except that:

- a. Accessory buildings for residential activities other than those used for the housing of animals may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.
- b. Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
  - i. eaves up to 0.6m into the setback; and
  - ii. balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such

- balcony or bay or box window, intrusion is permitted on each setback of each building; and
- iii. porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
- iv. chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
- v. no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.
- vi. No setback is required from an internal boundary where buildings share a common wall on that boundary.

- (ii) In Activity Area MU/ G and the Medium Density Housing and Commercial and Community Precincts identified as part of an approved Outline Development Plan, the minimum setback for buildings from internal boundaries for any building shall be 1.5 metres.

Except that:

- a. Eaves may be located up to 0.6m into the minimum setback
  - b. No setback is required from an internal boundary where buildings share a common wall on that boundary.
  - c. Buildings within approved precincts shall be setback at least 4.5 m along any internal boundary that adjoins either:
    - An area within the Urban Activity Area that has not been identified as a commercial or community precinct in any approved Outline Development Plan; or
    - Public open space.
- (iii) Except in Commercial and Community Precincts and Medium Density Housing Precincts identified as part of an approved Outline Development Plan, buildings in the (HD-R)

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and (HD-RL) Activity Areas shall be set back at least 4.5m from a road boundary.<sup>7</sup>

- (iv) In Commercial and Community and Medium Density Housing Precincts, buildings shall be set back at least 3 m from a road boundary.
- (v) In all activity areas, where a garage has the garage entrance facing the street, that garage shall be set 1 metre back from the front façade of the dwelling.

### **iii — Access (Jacks Point Zone)**

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

~~(b) The approved access referred to in (a) above shall be established prior to:~~

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

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

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

### **(i) Jacks Point (Hanley Downs) Zone - Outdoor living space**

a. In the Jacks Point (Hanley Downs) Zone, the minimum provision of outdoor living space for each residential unit and residential flat

<sup>7</sup> Road setbacks are a zone standard in the notified version but this is considered unnecessary.

at the ground floor level contained within the net area of the site shall be:

- (i) In Medium Density Housing Precincts and Commercial and Community Precincts identified in an approved Outline Development Plan, 20m<sup>2</sup> contained in one area with a minimum dimension of 3m;
- (ii) In all other areas 36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m.

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

a. The outdoor living space shall be readily accessible from a living area.

b. No outdoor living space shall be occupied by:

- (i) any building, other than an outdoor swimming pool or accessory building of less than 8m<sup>2</sup> gross floor area; or
- (ii) a driveway or parking space
- (iii) areas to be used for the storage of waste and recycling.

### **(ii) Jacks Point (Hanley Downs) Zone - Continuous building length for residential buildings**

Where the aggregate length along one elevation of residential buildings measured parallel to any internal boundary or internal boundaries exceeds 16m; either:

- a. The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum internal setback (continuous façades) at the same distances from the boundary; or

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- b. That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard internal setback (varied façade(s) with stepped setbacks from the boundary).

Refer Appendix 4

## iv Planting (Jacks Point Zone)

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

## v Fencing (Jacks Point Zone)

- (i) There shall be no fences or walls within the boundary of any lot or title within the Tablelands Area of the Jacks Point Zone outside of any Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock and for the purpose of demarcating private land from land accessible to the public as a result of the creation of public walkways additional to those walkways identified as "Public Access Route" on Figure 1 and Figure 2 – Jacks Point Zone. Any such fencing shall be post and wire only.
- (ii) In the Jacks Point (Hanley Downs) Zone, fences located within a setback from roads shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be

erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site.

## vi Earthworks

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

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

### 1 Volume of Earthworks

- (a) The total volume of earthworks does not exceed **100m<sup>3</sup>** (or 200m<sup>3</sup> in the Hanley Downs part of the Jacks Point Zone) per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m<sup>2</sup>** (or 400m<sup>2</sup> in the Hanley Downs part of the Jacks Point Zone) in area within that site (within a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m<sup>3</sup> (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
- (i) expose any groundwater aquifer;
  - (ii) cause artificial drainage of any groundwater aquifer;
  - (iii) cause temporary ponding of any surface water.

### 2 Height of cut and fill and slope

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- (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe from the site boundary (See interpretative diagram 6). Except where the cut of fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.
- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height or any fill shall not exceed 2 metres.

## 3 Environmental Protection Measures

- (a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
- (b) Any person carrying out earthworks shall:
  - (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
  - (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- (c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

## 4 Protection of Archaeological sites and sites of cultural heritage

- (a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
- (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Area.

## vii **Density Master Plan (Jacks Point Zone, excluding within Hanley Downs)**

- (a) No residential development shall take place within any Jacks Point Residential Activity Area (R(JP) Activity Area) identified on Structure Plan 1 - Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(JP) and V(JP) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(JP) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(JP) Activity Area in order to achieve the required overall average density of between 10-12 dwellings per hectare across all of the R(JP) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(JP) Activity Areas.
- (b) An amended Density Master Plan may be lodged with the council in respect of all R(JP) Activity Areas from time to time - with the effect of amending densities within individual R(JP) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(JP) Activity Areas.
- (c) ~~No residential development shall take place within any Hanley Downs Residential Activity Area (R(HD) Activity Area) identified on Structure Plan 2 - Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(HD) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(HD) Activity Areas. The Density Master Plan~~

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~~shall identify how many dwellings are proposed within each R(HD) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(HD) Activity Areas.~~

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

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

## viii **Outline Development Plan (Jacks Point Zone, excluding the Hanley Downs part of the Zone)**

(a) No subdivision or development shall take place within an individual Residential (R) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2 (xi) with respect to all of that area.

(b) No subdivision or development shall take place within any Residential (R) Activity Area which does not comply with an Outline Development Plan in respect of that area approved by the Council pursuant to the preceding rule.

(c) No subdivision or development shall take place within any Village (V) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2(xii) with respect of all of that (V) area.

(d) No subdivision or development shall take place within any (V) Area which does not comply with an Outline Development Plan in respect

of that (V) Area approved by the Council pursuant to the preceding rule.

## ix **Nature and Scale of Activities**

In the Jacks Point Zone the maximum net floor area (as defined) for any commercial activity shall be 200m<sup>2</sup>.

## x **Density (Jacks Point zone – Village Activity Areas)**

(a) No development shall take place within any Jacks Point Village Activity Area (V(JP) Activity Area) identified on Structure Plan 1 – Jacks Point Zone which does not comply with the following standards:

(i) building coverage across the whole V(JP) Activity Area shall not exceed 60%;

(ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;

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

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

~~(i) building coverage across the whole V(HD) Activity Area shall not exceed 60%;~~

~~(ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;~~

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

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

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

## (xii) **Building height - Jacks Point (Hanley Downs) Zone**

(a) In Commercial and Community Precincts or Medium Density Housing Precincts identified in an approved Outline Development Plan, the maximum height of buildings shall not exceed 8m.

(b) In Area MU/ G, the maximum height of buildings shall not exceed 10m, and shall not exceed a maximum of 3 storeys.

## 12.2.5.2 Zone Standards

### i Residential Units

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

### ii Building Height

- (a) In the Millbrook Resort Zone the maximum height of buildings shall be:
- (i) Hotels, clubhouses, conference and theatre facilities restaurants, retail and residential buildings - 8m
- (ii) Filming towers - 12m
- (iii) All other buildings and structures - 4m
- (b) In the Waterfall Park Resort Zone the maximum height of buildings shall be:
- (i) Accommodation, clubhouses, conference, theatre facilities restaurants, and residential buildings - 8m
- (ii) Filming towers, aerials, chimneys - 12m
- (iii) All other buildings and structures - 4m
- (c) In the Jacks Point Zone the maximum height of buildings shall be:
- |   |      |
|---|------|
| (i) Village (V) Activity Areas  | 10m  |
| (ii) Non residential farm buildings                                     | 10m  |
| (iii) Residential (R) and Rural Living (RL) <sup>8</sup> Activity Areas | 8m   |
| (iv) Open Space/Vineyard (OS/V) Activity Area                           | 8m   |
| (v) Farm Buildings and Craft (FBA) Activity Area                        | 8m   |
| (vi) Lodge (L) Activity Areas   | 7.5m |

<sup>8</sup> NB: A lower height in these areas (A, I, and J) may be more appropriate

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(vii) In the Hanley Downs Mixed use (HD-MU)/ (G) Activity Area and Commercial and Community Precincts or Medium Density Housing Precincts identified in an approved Outline Development Plan - Maximum 3 storeys, provided the total height does not exceed 10 m  
Refer Section D for definitions of a “storey” and “habitable space”.

(viii) All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event). 4m

The maximum height for any buildings shall be measured from ground level, measured at any point and the highest part of the building immediately above that point.

(x) Homesite Activity Areas (HS Activity Areas) 5m

**Except** in the following Homesite Activity Areas (HS Activity Areas), where the maximum height shall be 5m above the datum level specified for that Activity Area:

HS Activity Area Number	Datum (masl)	HS Activity Area Number	Datum (masl)
HS <sup>1</sup>	372.0	HS <sup>19</sup>	372.0
HS <sup>2</sup>	381.0	HS <sup>20</sup>	377.2
HS <sup>3</sup>	381.0	HS <sup>21</sup>	372.5
HS <sup>4</sup>	377.0	HS <sup>22</sup>	374.0
HS <sup>5</sup>	388.0	HS <sup>23</sup>	371.5
HS <sup>6</sup>	382.0	HS <sup>24</sup>	372.4
HS <sup>7</sup>	379.0	HS <sup>25</sup>	373.0
HS <sup>8</sup>	386.5	HS <sup>26</sup>	378.1
HS <sup>9</sup>	389.0	HS <sup>27</sup>	388.0
HS <sup>10</sup>	395.0	HS <sup>28</sup>	392.6
HS <sup>11</sup>	396.0	HS <sup>29</sup>	385.5
HS <sup>12</sup>	393.0	HS <sup>30</sup>	395.9

HS <sup>13</sup>	399.0	HS <sup>31</sup>	393.7
HS <sup>14</sup>	403.0	HS <sup>32</sup>	384.8
HS <sup>15</sup>	404.0	HS <sup>33</sup>	385.8
HS <sup>16</sup>	399.5	HS <sup>34</sup>	399.0
HS <sup>17</sup>	394.5	HS <sup>35</sup>	405.0
HS <sup>18</sup>	392.5	HS <sup>36</sup>	400.3

### iii Jacks Point Zone – Homestead Bay

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

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

### iv Glare

- (a) All fixed lighting shall be directed away from adjacent roads and properties.
- (b) In all parts of the zone other than the Hanley Downs part of the Jacks Point Zone, any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish.
- (c) In the Jacks Point (Hanley Downs) Zone, external building and fencing materials shall either:
  - (a) Be coated in colours which have a reflectance value of between 0 and 35%; or

<sup>9</sup> This was proposed as a site standard in the notified version and has only be changed to a zone standard to achieve greater consistency with the Jacks Point Zone.

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- (b) Consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.

Except that:

- (i) Architectural features, including doors and window frames, may be any colour; and  
(ii) Roof colours shall have a reflectance value of between 0 and 20%.

- (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.

- (e) In the Hanley Downs part of the Jacks Point Zone, no activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.

## v Servicing

- (a) All services are to be reticulated underground.  
(b) In the Millbrook Resort Zone all effluent disposal shall be reticulated to the Shotover Sewerage Treatment Plant.

## vi Site Coverage and Building Coverage

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

that area. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings. Excludes weirs, filming towers, bridges, roads and parking areas.

- (c) In the HD-R and HD-MU (G) activity areas of the Hanley Downs part of the Jacks Point Zone (Structure Plan) the maximum building coverage for all residential activities on any site shall be 45%, or 300m<sup>2</sup>, whichever is the lesser.

## vii Nature and Scale of Activities

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

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

## viii Retail Sales

- (a) In the Waterfall Park Zone no goods shall be displayed, sold or offered for sale from a site **except**:
- (i) goods grown, reared or produced on the site;
  - (ii) within those areas of the Structure Plan identified as the Village Centre.
- (b) In the Millbrook Resort Zone no goods or services shall be displayed, sold or offered for sale from a site **except**:
- (i) goods grown, reared or produced on the site;
  - (ii) goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within those areas of the Structure Plan identified as Recreation Facilities.

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- (iii) Within those areas of the structure Plan identified as the Village Centre

## ix Noise

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

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

- (b) Except that in the Jacks Point (Hanley Downs) Zone, within Commercial and Community Precincts identified in an approved outline development plan:

- (i) Sound from activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in a Commercial and Community Precinct:

- daytime (0800 to 2200 hrs) 60 dB  $L_{Aeq(15\ min)}$
- night-time (2200 to 0800 hrs) 50 dB  $L_{Aeq(15\ min)}$
- night-time (2200 to 0800 hrs) 70 dB  $L_{AFmax}$

- (ii) Sound received from non-residential activities in Commercial and Community Precincts identified in an approved outline development plan shall comply with the noise limits set in the zone standards for other parts of the Hanley Downs Zone;

- (iii) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

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

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

- (d) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

- (e) The noise limits in (a), (b), and (c) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803: 1999.

- (f) The noise limits in (a), (b), and (c) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

## x Fire Fighting

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

## xi Water Quality

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In the Millbrook Resort and Waterfall Park Resort Zones activities shall be assessed as to their potential effects on the water quality of Mill Creek and Lake Hayes in terms of siltation and nutrient loading. No activity shall compromise the existing water quality or vegetation.

## xii Refuse Management

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

## xiii Atmospheric Emissions

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

## xiv Temporary and Permanent Storage of Vehicles

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

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

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

## Xv Jacks Point (Hanley Downs) Zone - Densities

The following average gross/ net densities for each Development Area shall be achieved:

<u>Development Area</u>	<u>Average number of dwellings per hectare (gross or net (?))</u>
B	10 - 12
C	10 - 13
D	16 - 18
E	16 - 18
F	16 - 18
G	27 - 33

Whereby "net density" is calculated as the number of dwellings per hectare of land devoted solely to residential development, including private driveways and private open space but excluding public roads, publicly accessible open space, and areas identified on Outline Development Plans for non-residential development.

All Outline Development Plans lodged for Development Areas A, I, and J shall show the number of residential units proposed and the maximum number permitted in each Development Area shall not exceed the following:

<u>Development Area</u>	<u>Max. no. of Residential Units</u>
A	4
I	8
J	14

## Xvi Jacks Point (Hanley Downs) Zone - Visibility of buildings from State Highway 6

No building shall be constructed until all landscaping that has been approved as part of a preceding Outline Development Plan for the express purpose of screening development from the State Highway has been completed and reached sufficient maturity to entirely screen the building.

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## Xvii Jacks Point (Hanley Downs) Zone - Commercial and Community Precincts

No Commercial and Community Precinct (excluding those for outdoor commercial recreation activities) shall exceed 550m<sup>2</sup> area.

## Xviii Outline Development Plan - In the Hanley Downs part of the Jacks Point Zone.

- (a) No subdivision or development shall take place within an individual Residential (R) or (MU/ G) Activity Area<sup>10</sup> shown on the Jacks Point - Hanley Downs Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2b (i) with respect to ~~all of that area~~ at least that area contained within the respective Development Area shown on the Structure Plan.<sup>11</sup>
- (b) No activity (including subdivision or development) shall take place within any Residential (R) or (MU/ G) Activity Area which does not comply with the Outline Development Plan in respect of that area approved by the Council for that Development Area.

## Xix Structure Plan - Jacks Point Zone (Hanley Downs)

All activities and development (including buildings and applications for Outline Development Plans) shall be in accordance with the Structure Plan, as set out below and in Figure 2 to this Rule. The location of

<sup>10</sup> This means that development can occur in absence of an Outline Development Plan in the Open Space, Rural Living, and Resort Service Areas.

<sup>11</sup> There is a question whether Outline Development Plan should relate to 'all of the area' and what they really means) or only to (at least) the development area, which the developer is wishing to develop.

activities as provided for by the Structure Plan is restricted to the following:

- (a) Residential Activities Area (R) and Rural Living Activities (RL) – the use of ~~this~~ these areas is restricted to Residential Activities; except that, within (HD-R), commercial, community, and visitor accommodation activities may occur as a restricted discretionary activity within precincts identified for such purposes as part of an approved Outline Development Plan.
- (c) Mixed Use (MU)/(G) – In the Jacks Point (Hanley Downs) Zone the use of this area is restricted to residential, visitor accommodation, small scale commercial, community activities, and indoor and outdoor recreation facilities.
- (d) Open Space, Landscaping and Passive Recreation (O/P) - the use of this area is restricted to outdoor recreation activities and open space.
- (e) Resort Services (S) - the use of this area is restricted to service and maintenance facilities for other activities in the Zone.
- (f) Home site Activity Area (HS Activity Area) - the use of this area is restricted to Residential Activities and, in addition, a maximum of one residential unit per HS Activity Area
- (g) Open Space (OS) - the use of this area is restricted to pastoral and arable farming and endemic re-vegetation.

Provided that:

- i All activity area boundaries may be moved up to 20 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting.
- ii All roads and other elements shown as 'indicative' on the Structure Plan may be moved or varied provided they are generally in accordance with and achieve the Structure Plan and the relevant objectives and policies.
- iii Where a boundary (or boundaries) has been expressly approved as part of a subsequent, more detailed ODP, then that subsequent

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boundary (or boundaries) shall take precedence over that shown in the Structure Plan.

Note: An Outline Development Plan which obstructs or does not specifically provide for the main road to connect to land or roads adjoining the zone, in the manner shown on the Structure Plan is a non complying activity.

## **Xx Biodiversity management and restoration of the wetland - Jacks Point Zone (Hanley Downs)<sup>12</sup>**

Any Outline Development Plan lodged for Areas HD-RL(J), HD-R(F), and HD-MU/G shall be accompanied by a Biodiversity Management and Restoration Plan for the Area O/P (wetland) shown on the Structure Plan, which specifically proposes:

1. Methods to control the spread of further spread of willows within the wetland;
2. A programme of progressive limbing and potentially the removal of crack and grey willows from the margins, particularly from the shallow northern end;
3. A programme to kill in-situ willows within the shallow open water to facilitate the natural expansion of Carex sedgeland and Raupo beds and maintenance of open water;
4. Methods to protect the wetland from further unmitigated loss or drainage if disturbed by development under the proposed plan change.
5. Reinstating indigenous diversity along the margins of the wetland in order to:
  - a) Bolster feeding and breeding habitats through ensuring and securing in perpetuity an appropriately designed buffer (of at least 20 metres) around the wetland; providing for small clearings enabling a view of the water; providing screening of residential activity; providing a variation in wetland habitat and open roosting and foraging areas;

<sup>12</sup> Alternatively, this could be an assessment matter. (which would mean failure to provide the plan would not make the Outline Development Plan a non complying activity)

- b) Reinstating diversity lost from the terrestrial and aquatic communities associated with the wetland
- c) Avoid or minimise the discharge of contaminants into the wetland through appropriately designed storm water treatment and buffer planting.

Note: Once this Plan is prepared and approved as part of the first Outline Development Plan adjoining the wetland (be it for Area F, G, or J) then reference to the approved Plan in subsequent Outline Development Plan applications will suffice and this zone standard will deem to have been met for those subsequent applications.

## **Xxi Jacks Point Zone (Hanley Downs) - Wilding species**

- (a) No landscape plan submitted as part of any resource consent application shall propose to permanently retain wilding trees (as listed as prohibited in rule 12.30.2.5).
- (b) All wilding trees listed as prohibited in the District Plan shall be removed as part of any landscape plan submitted as part of any resource consent application.

## **Xxii Jacks Point Zone (Hanley Downs) - Management of reverse sensitivity from traffic noise**

New residential buildings located within 80 m of the seal edge of the state highway shall be designed and constructed to meet the noise performance standards for noise from traffic on SH6 that will not exceed 35 dBA Leq (24 hr) in bedrooms and 40 dBA Leq(24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and NZ standard AS/NZ2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.

## **(xxiii) Jacks Point Zone (Hanley Downs) - Access and Connectivity**

# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments

Any application for an Outline Development Plan, landuse consent, or subdivision consent that:

- a) Proposes an access onto the State Highway other than a single access at or in the vicinity of the existing Woolshed Road/ SH 6 intersection;
- b) Proposes to upgrade the Woolshed Road intersection or to close it and create an alternative access in the vicinity (as per a) above), which does not also propose the permanent and physical closure of the existing authorised crossing places CPs 60, 62, and 63.
- c) Proposes to not specifically enable or in any way, physically obstructs the 'Main Road' from connecting to both the State Highway and the Jacks Point Zone.

## **Xxiv Access**

Each unit shall have legal access to a formed road.

## **Xxv More than one residential unit on a site**

There shall be no more than one residential unit on a site unless the site is identified for this purpose as part of an approved Outline Development Plan.

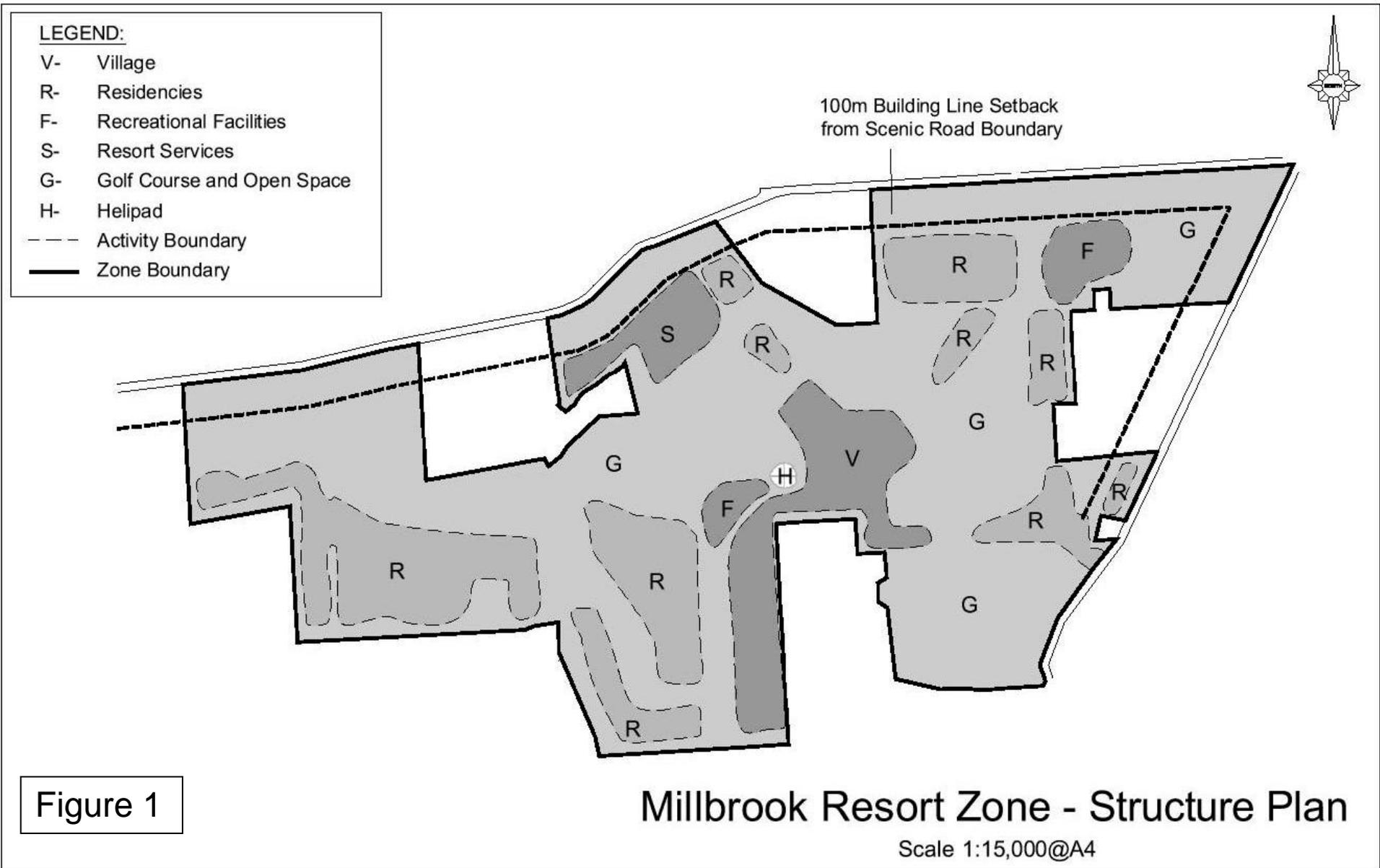
## **Xxvi Size of building platforms**

No building platforms shall be smaller than 70m<sup>2</sup> or greater than 1000m<sup>2</sup>.

## **Xxvii Residential units in approved building platforms**

No more than one residential unit shall be constructed within an approved building platform.

# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments

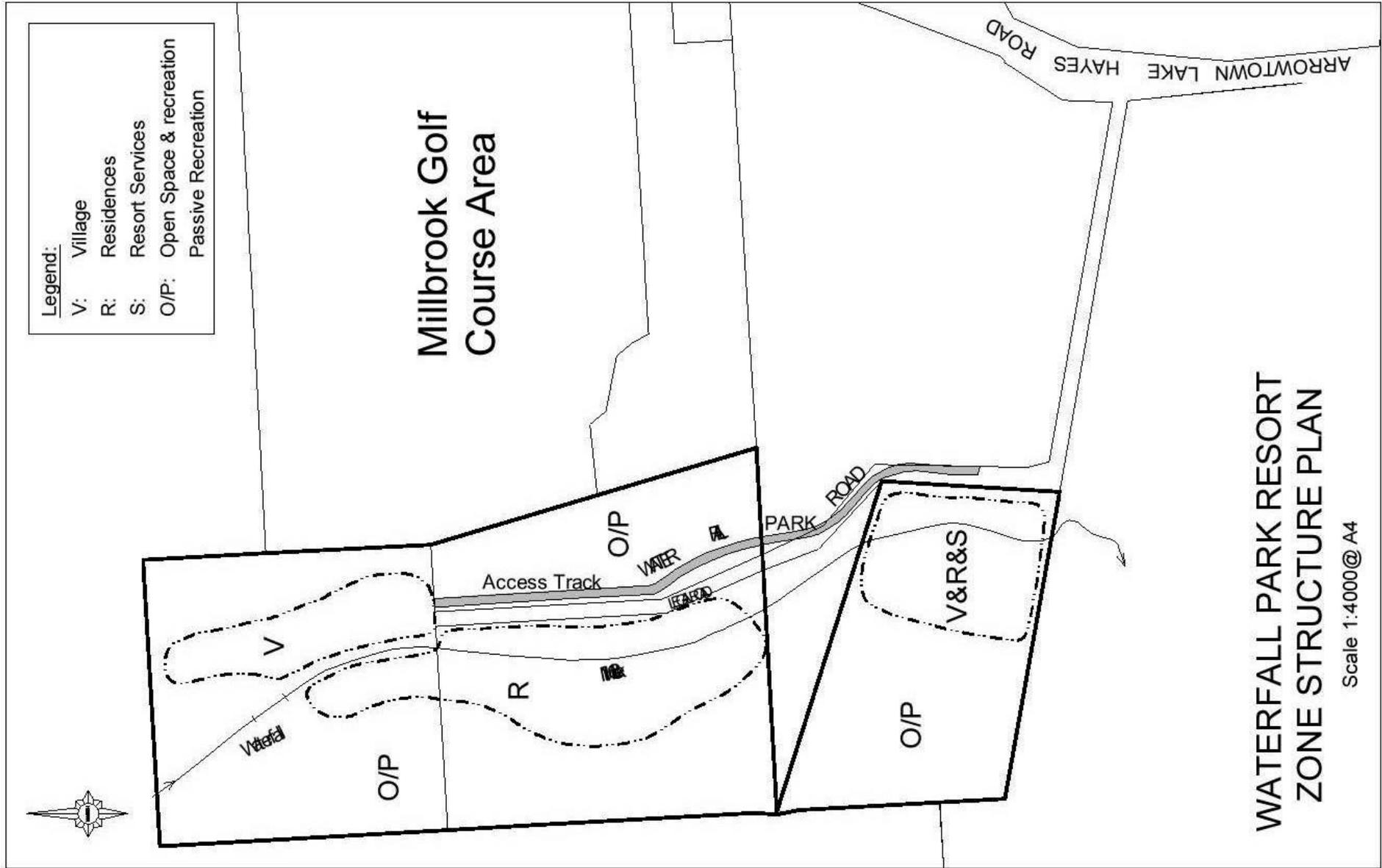


# **RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments**

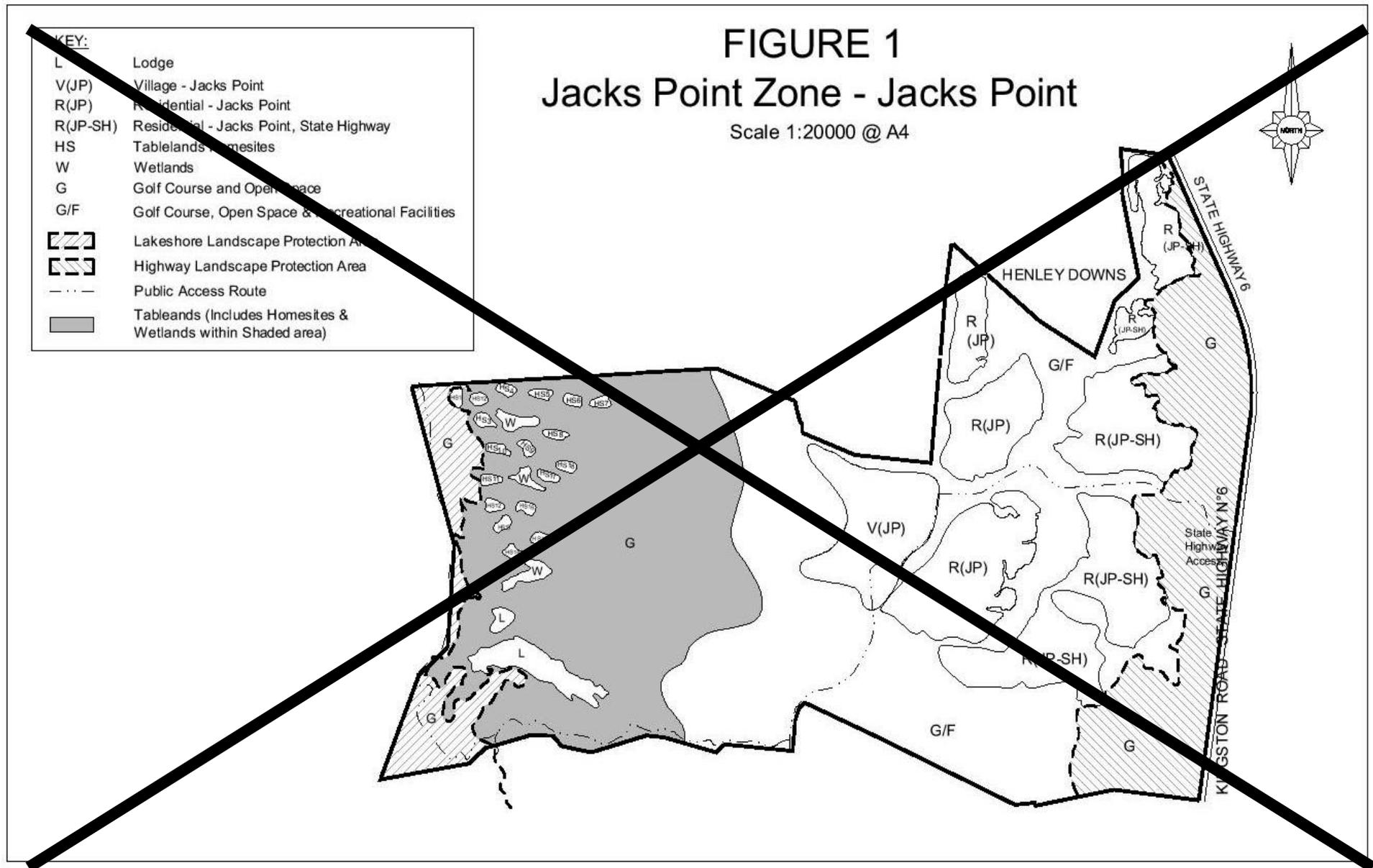
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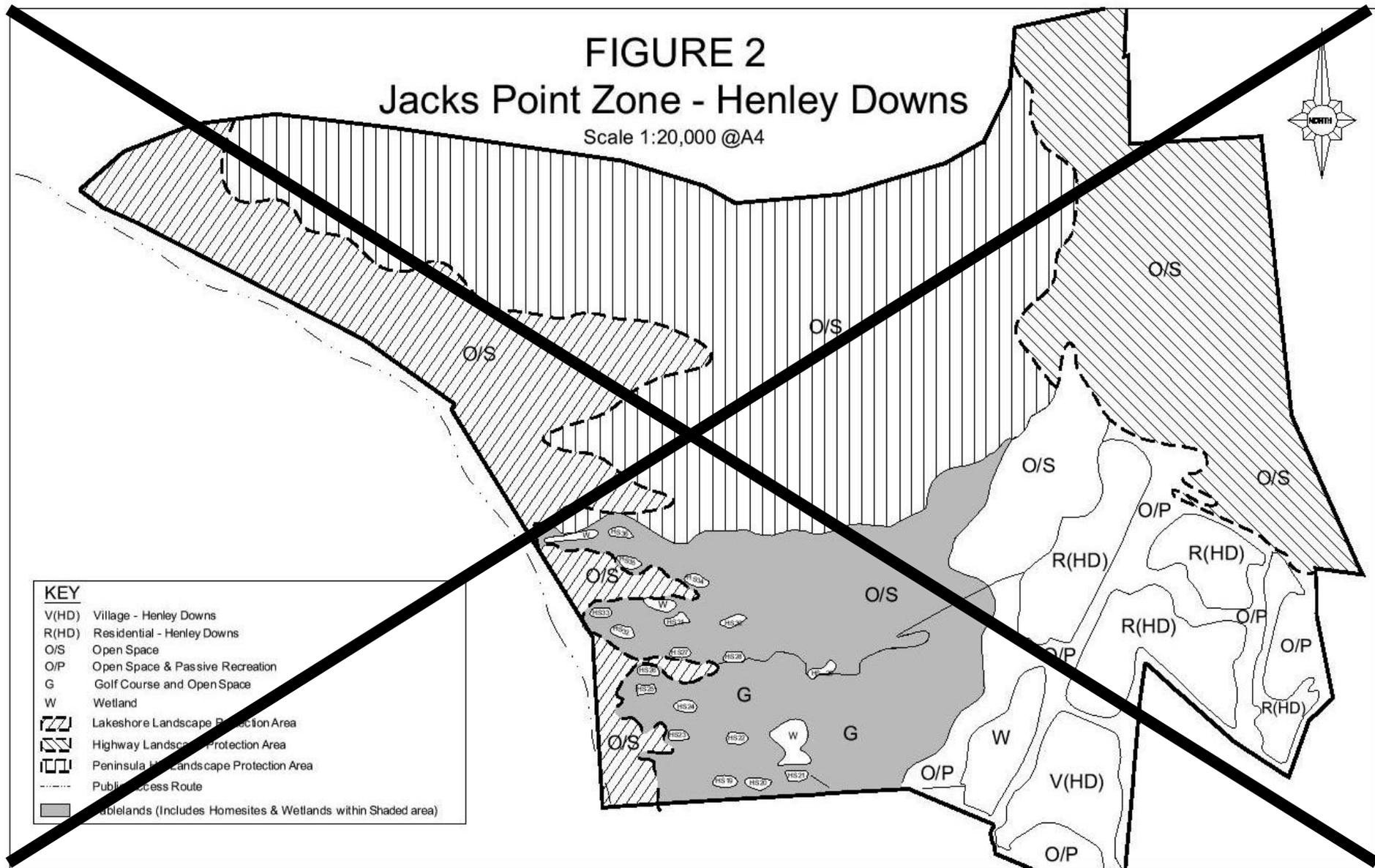
# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments



# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments



# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments

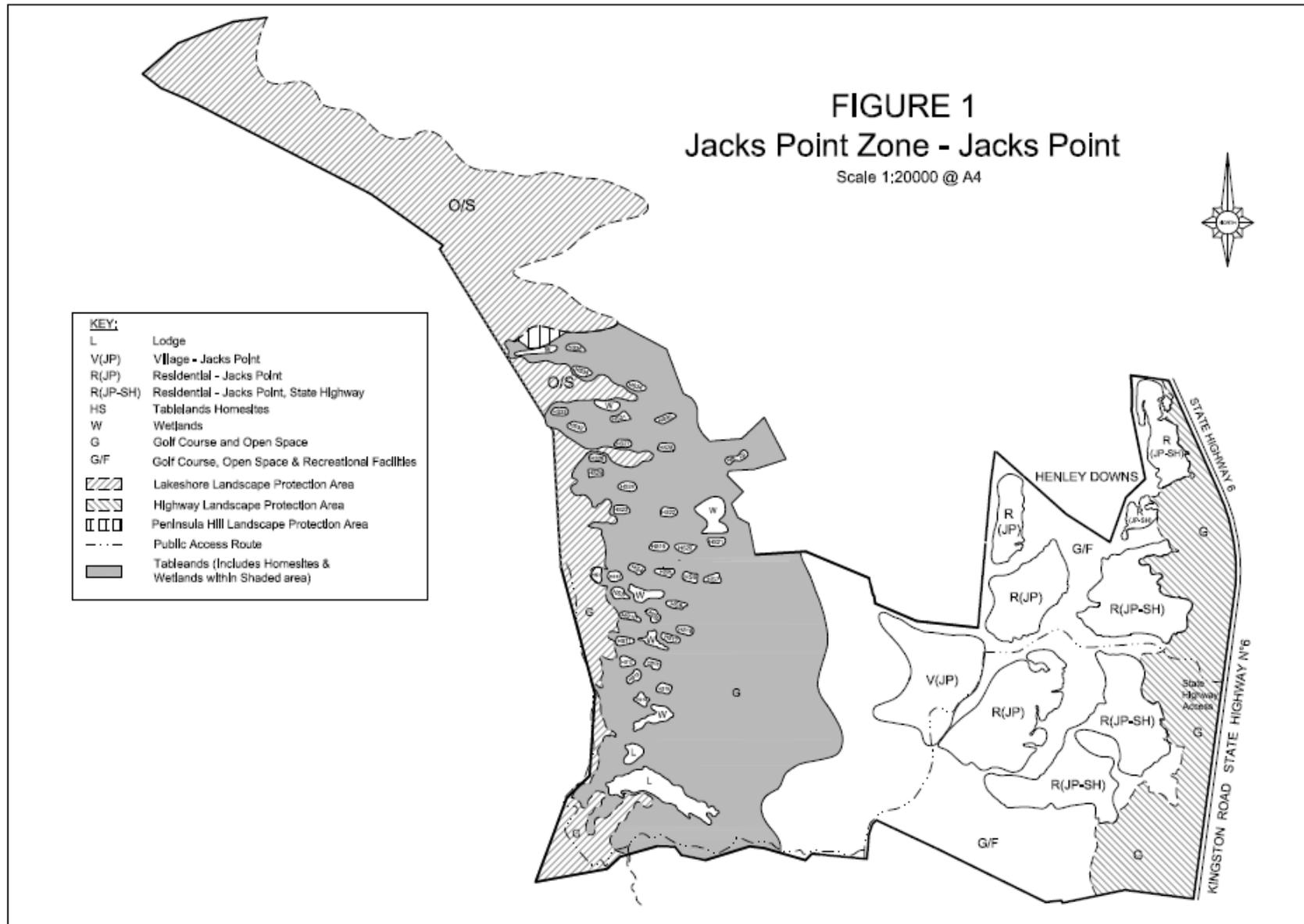


# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments

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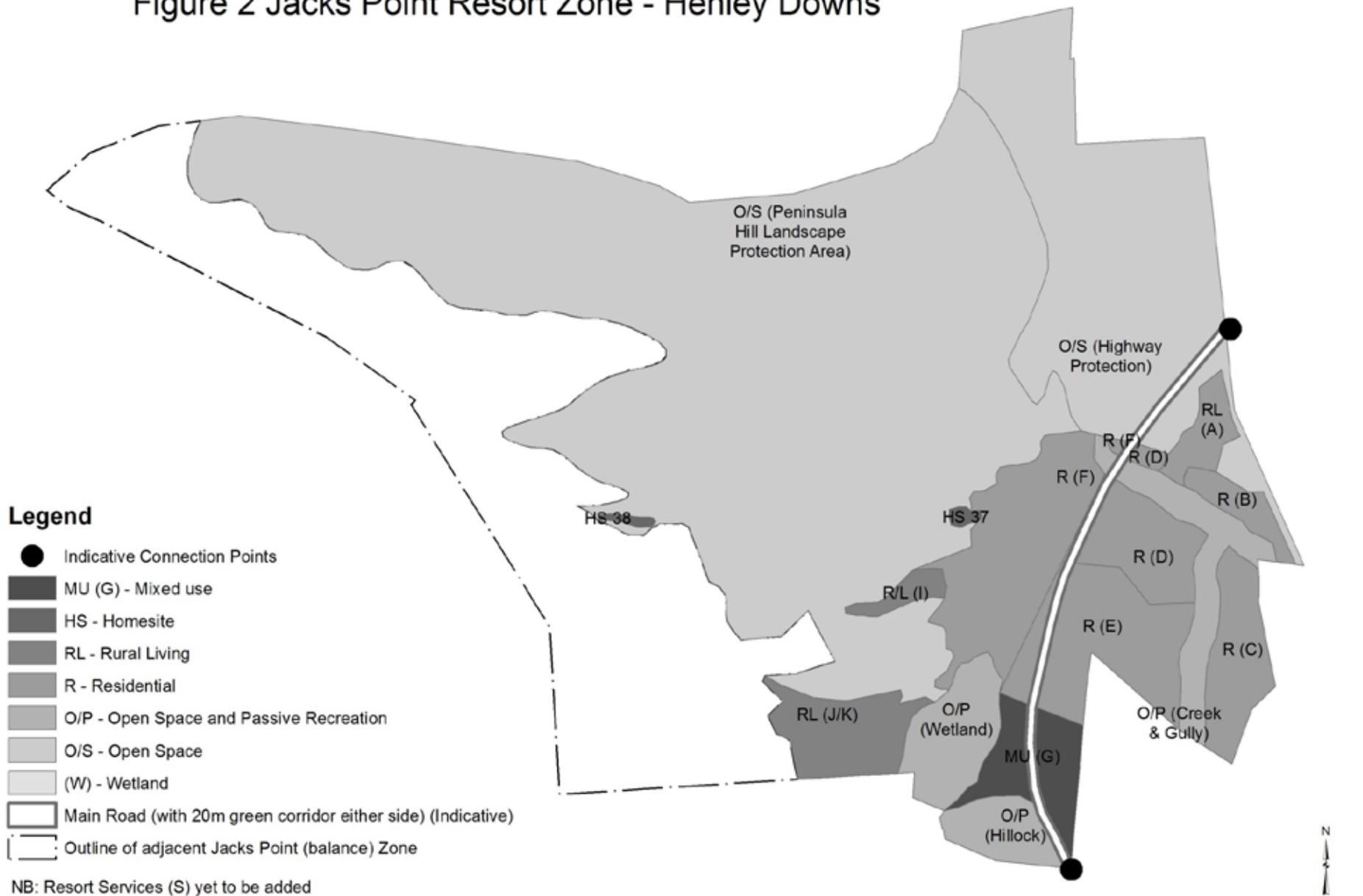
*New Structure Plan:*

# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments

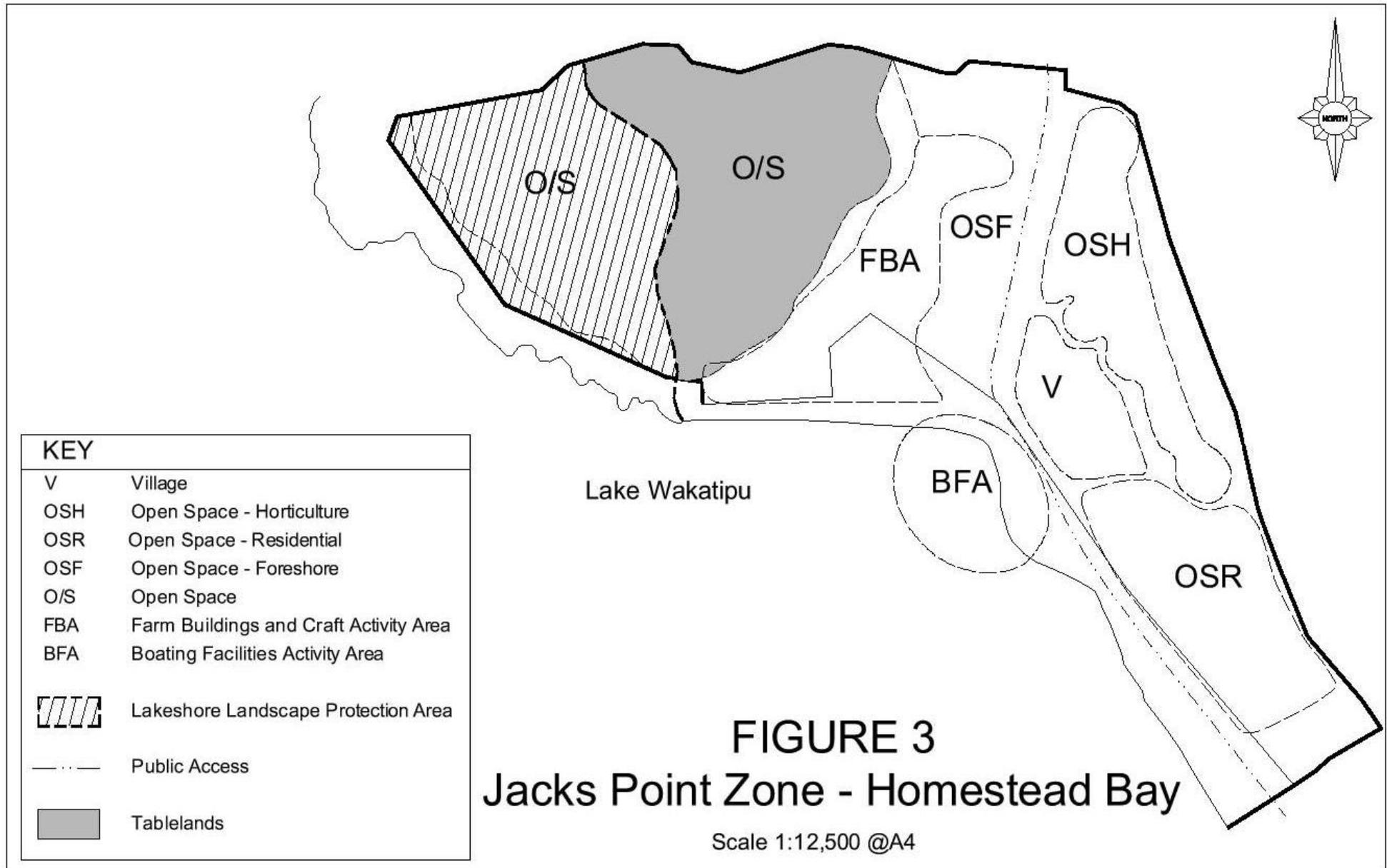


# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments

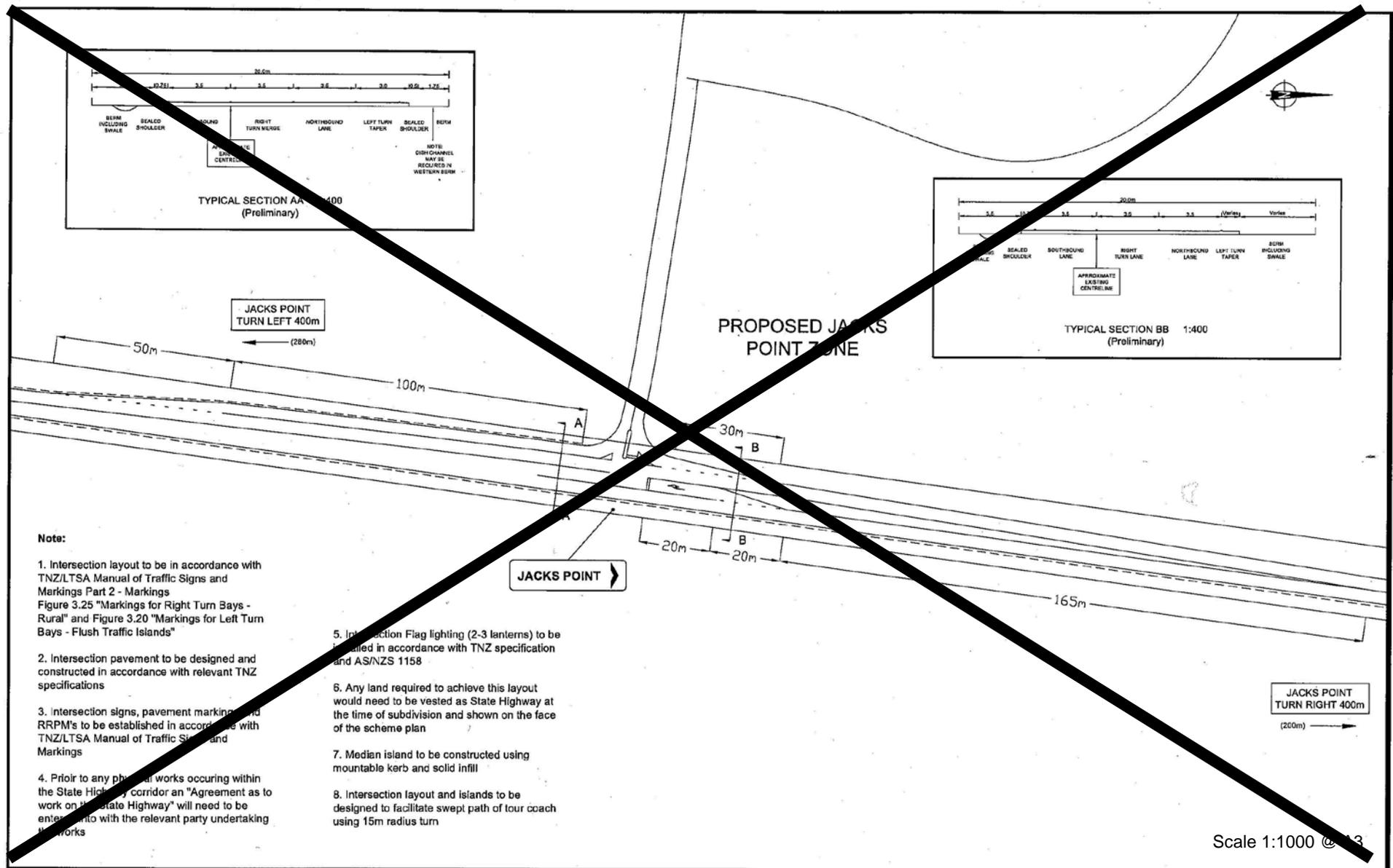
Figure 2 Jacks Point Resort Zone - Henley Downs



# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments



# RESORT ZONES RULES - Recommended Draft Plan Change 44 amendments



# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

## 12.4 Rural Visitor Zone Rules

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## 12.5 Resource Consents - Assessment Matters - Resort Zones and Rural Visitor Zones

### 12.5.1 General

- (i) The following Assessment Matters are methods included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- (ii) In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant *Assessment Matters* set out in Clause 12.5.2 below.
- (iii) In the case of *Controlled and Discretionary Activities*, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall be those relevant to that/these standard(s).
- (iv) In the case of *Controlled Activities*, the assessment matters shall only apply in respect to *conditions* that may be imposed on a consent.
- (v) Where an activity is a *Discretionary Activity* because it does not comply with one or more relevant Site Standards, but is also specified as a *Controlled Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

### 12.5.2 Assessment Matters

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

#### i Controlled Activity - Parking, Loading and Access

Conditions may be imposed to ensure:

- (a) The level of parking provision is appropriate having regard to standards for similar activities as set out in Rule 14, Transport.
- (b) The design, location and access is safe.

#### ii Controlled and Discretionary Activities - Buildings - Resort Zones

- (a) For buildings and other structures in the Village area<sup>1</sup>:
  - (i) The extent to which an historic building design theme is to be followed, in keeping with buildings already established within the Village.
  - (ii) The extent to which external above ground building cladding and roofing materials are predominantly local stone, plaster rendered for a stonelike appearance, timber weatherboards, and slate or corrugated iron roofs.
  - (iii) The extent to which predominant colours are to be creams, greys and earth tones and a variety of trim colours may be considered.
- (b) For buildings in the residential areas, excluding the (R) areas of the Hanley Downs part of the Jacks Point Zone but including the (RL) areas of the Hanley Downs part of the Jacks Point Zone:
  - (i) The extent to which buildings within residential areas follow a unified design theme based on the gable roofed form.

<sup>1</sup> I.e. this would not apply to the Mixed Use (Henley Downs) Area

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

- (ii) The extent to which buildings are carefully sited within areas of established trees in order to reduce their visual prominence as seen from surrounding public roads.
  - (iii) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone-like appearance and timber weatherboards.
  - (iv) The extent to which all roofing materials are slate and corrugated iron.
  - (v) The extent to which predominant colours within this area are to be grey through to earth tones in harmony with their landscape setting. A variety of trim colours may be considered.
- (c) For facilities within the recreation area and (O/P) area of the Jacks Point (Hanley Downs) Zone:
- (i) External appearance of buildings are to be appropriate to their function and use.
  - (ii) Natural materials and colours are to be used.
- (d) For resort services within the service area:
- (i) External appearance of buildings are to be appropriate to their function and use.
  - (ii) Where practical, in the Millbrook Zone, an historic agricultural building design theme will be followed.
- (e) For other buildings and structures which are to be erected, including those within the recreation area and (O/P) area of the Jacks Point (Hanley Downs) Zone:
- (i) All other buildings and structures are to be screened by landform and/or tree planting so as not to be visibly prominent from surrounding public roads.
  - (ii) Predominant colours are to be greys and earth tones.
- (f) For buildings within the Homesite and Lodge Activity Areas (HS and L Activity Areas) in the Jacks Point Zone:
- (i) The extent to which each building meets the following external cladding criteria:
    - South elevation: Not less than 75% local stone
    - East Elevation: Not less than 50% local stone
    - West elevation: Not less than 50% local stone
  - (ii) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone like appearance, and timber weatherboards.
  - (iii) The use of non-reflective glazing and/or eaves to minimise reflection of light off glass.
  - (iv) The extent to which all colours will be predominantly within the shades of browns, greys and earth tones.
  - (v) The use of local grasses, tussocks, shale (local schist chip) and slate as the predominant roofing materials.
  - (vi) The extent to which all earthworks ensure that the line and form of the landscape is maintained and, in addition, methods for remedial earthworks and planting.
  - (vii) The extent to which any building and/or domestic curtilage area has been designed and/or located in a manner complementary to the topography of the site.

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

- (viii) The extent to which the bulk, location and design of any building within a Tablelands Homesite is subservient to the surrounding landscape and does not compromise the visual amenity values of the Zone and surrounding area.
- (ix) The extent to which wetland areas (including waterways) within and adjacent to the site are to be protected and enhanced.
- (x) The extent to which exterior lighting can be minimised to avoid adverse effects on amenity values.
- (xi) The extent to which earthworks and/or landscaping is necessary to ensure that buildings do not have an adverse visual effect on landscape and visual amenity values.
- (xii) The extent to which any proposed access ways is subservient to the natural topography of the site.
- (xiii) The extent to which the proposed development complies with any relevant Council approved development controls and design guidelines.

## iii Controlled Discretionary and Non-Complying Activities - Airports

- (a) The extent to which noise from aircraft is/will:
  - (i) Compatible with the character of the surrounding area;
  - (ii) Adversely affect the pleasant use and enjoyment of the surrounding environment by residents and visitors;
  - (iii) Adversely affect the quality of the experience of people partaking in recreational and other activities.
- (b) The cumulative effect of a dispersed number of airports.
- (c) Convenience to and efficient operation of existing airports.

- (d) The visual effect of airport activities.

- (a) The frequency and type of aircraft activities.
- (f) Assessment of helicopter noise pursuant to NZS 6807: 1994, excluding the levels contained in Table 1 of Section 4.2.2 to the intent that the levels specified in Table 1 do not override the noise limits specified in Rule 12.4.5.2.iii(a).

## iv Structure Plan - Resort Zones

- (a) The extent to which the siting of the building is inconsistent with the Structure Plan and the impact it would have on the open and rural character.
- (b) The effect the siting of the building would have on the consistent design theme and visual amenity of the Zone both from within and outside the Zone boundaries.

## v Setback from Roads and Internal Boundaries

- (a) The extent to which the intrusion towards the internal boundary or road setback is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.
- (b) Any adverse effects of the proximity or bulk of the building, in terms of visual dominance by buildings. The outlook from adjoining sites, buildings or roads, which is out of character with the local environment.
- (c) Any adverse effects on adjoining sites of reduced privacy through overlooking or being in close proximity to neighbouring buildings.
- (d) The ability to mitigate any adverse effects of the proposal on adjoining sites.
- (e) Any adverse effects of the proximity or bulk of the building, in terms of the loss of the historic character of the area.

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

## vi **Controlled Activity and Discretionary Activity – Commercial Recreation, Visitor Accommodation, Commercial and Retail Activities - Rural Visitor Zone**

- (a) The extent to which the activity will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding rural area.
- (b) Any adverse effects of the proposed activity in terms of:
  - (i) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road.
  - (ii) Loss of privacy.
  - (iii) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
  - (iv) Pedestrian safety in the vicinity.
  - (v) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities.
- (c) The ability to mitigate any adverse effects of additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- (d) The extent to which activity is an integral and necessary part of, or closely associated with, other activities being undertaken on the site.
- (e) The extent to which the commercial activity could practically be undertaken within an urban area.

- (f) Any adverse effects of any buildings for the activities and its associated earthworks, access, parking and landscaping.
- (g) The extent to which visitor accommodation will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding rural area.
- (h) Any potential adverse effects of the activity on the quality of ground and/or surface waters.
- (i) The extent to which any recreational activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity.

## vii **Natural Hazards**

Conditions may be imposed having regard to the following:

- (a) The likelihood of the proposed activity, including an addition to any residential unit, being threatened by any natural hazard.
- (b) The quantity of assets that will be vulnerable to any natural hazard as a result of the establishment of the proposed activity.
- (c) The degree to which on or off-site construction or remedial works will mitigate the degree to which the site will be threatened by a natural hazard.
- (d) The extent to which the construction of the building will result in increased slope instability, erosion or deposition for other sites in the vicinity.
- (e) The degree to which the construction of the building will mitigate against any damage or danger as a result of the occurrence of a natural hazard.
- (f) The ability of buildings to be relocated and the possible destination for the relocated building.

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

## viii **Controlled Activity - Building External Appearance- Rural Visitor Zone**

- (a) External, above ground cladding and roofing materials are to be predominantly local stone, plaster rendered for a stonelike appearance, timber weatherboards and slate or corrugated iron roofs.
- (b) Predominant colours within the Zone are to be creams, greens, greys, browns and earth tones.
- (c) Buildings are to follow a unified design theme based on a pitched roof of 20°
- (d) The topography of the site, its vegetative cover and the opportunity to minimise the visual impacts of any buildings or structures.
- (e) The degree to which any buildings and other structures are visible from public roads and other sites adjoining the Zone, and proposals to integrate such buildings and structures into their landscape settings to ensure all new buildings are in character with existing historic buildings.

## xiv **Landscaping - Controlled Activity, Rural Visitor Zone**

- (a) The level of landscaping required to ensure the development does not visually detract from the environment.
- (b) Whether landscaping is required in the context of the location, or whether there is adequate existing vegetation to ensure any development will blend in with the surrounding environment, having regard to the external appearance of buildings.

## x **Windermere - the following assessment matters should be taken into account in addition to those listed for specific activities.**

- (a) The design, constructions, orientation and location of buildings and whether an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments can be achieved.

- (b) Whether noise sensitive activities are located with maximum separation from Wanaka Airport.
- (c) Whether the location of activities is consistent with providing buffer from Airport activities, taking into account the air noise boundary and outer control boundary.
- (d) Whether buildings, structures or activities are a hazard to aircraft.
- (e) Provision of landscaping that mitigates the visual effects while ensuring that species that may be a hazard to aircraft are avoided.
- (f) Whether the residential activity is for on-site custodial management purposes and the potential for adverse cumulative effects of residential development.

## xi **Vegetation (Jacks Point Zone)**

- (a) The height to which the proposed tree or shrub will grow, and its characteristics.
- (b) The potential for the tree or shrub to adversely affect indigenous and/or endemic vegetation.
- (c) The number of exotic trees or shrubs to be planted and their relative spacing.
- (d) Whether such planting would result in an unnatural appearance in this general locality and whether such planting (taking into account the effect at maturity) will blend with the predominant vegetative pattern.
- (e) Public amenity values and view shafts.

## xii **Earthworks - Controlled and Restricted Discretionary Activities (Jacks Point Zone)**

- (a) The extent to which sediment/erosion control techniques will mitigate effects upon stormwater and overland flows.

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) The time period within which the earthworks will be completed.
- (d) The slope of the site.
- (e) The location of the earthworks.
- (f) The extent to which the earthworks and methods take into account the sensitivity of the landscape.
- (g) The proposed rehabilitation of the site.
- (h) The extent to which the natural ground levels will be altered.
- (i) The purpose of the earthworks.
- (j) Whether the proposed earthworks represent the best available alternative.
- (k) The extent to which the earthworks are necessary to give effect to the intent of the Zone.

## **xiii Earthworks**

### **1. Environmental Protection Measures**

- (a) The extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.

- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

### **2. Effects on landscape and visual amenity values**

- (a) Whether the scale and location of any cut and fill will adversely affect:
  - the visual quality and amenity values of the landscape;
  - the natural landform of any ridgeline or visually prominent areas;
  - the visual amenity values of surrounding sites.
- (b) Whether the earthworks will take into account the sensitivity of the landscape.
- (c) The potential for cumulative effects on the natural form of existing landscapes.
- (d) The proposed rehabilitation of the site.

### **3. Effects on adjacent sites:**

- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

- (c) Whether cut, fill and retaining are done in accordance with engineering standards.

## 4. General amenity values

- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) Whether natural ground levels will be altered.

## 5. Impacts on sites of cultural heritage value:

- (a) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.
- (b) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

## xiv Golf Course Development - Discretionary Activity (Jacks Point Zone)

- (a) Whether the proposed golf course assists in achieving the community's aspirations for the Jacks Point Zone.
- (b) The potential for the proposed golf course to compromise other recreational and community activities within the Jacks Point Zone; and

- (c) Whether an additional golf course is likely to assist in providing for the economic, social and cultural wellbeing of the wider community.

## xv Controlled Activity - Outline Development Plan (Jacks Point Zone)

- (a) For Residential (R) Activity Area Outline Development Plans:
  - (i) The extent to which the proposed Outline Development Plan achieves the policies of the zone.
  - (ii) The effect of setbacks on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and daylight and access to views.
  - (iii) The ability to provide adequate opportunities for garden and tree planting around buildings.
  - (vi) Pedestrian safety.
  - (v) The extent to which imaginative, efficient and comprehensive design solutions are applied to encourage a layout that will establish an individual theme or site specific response within each Residential (R) Activity Area.
  - (vi) The extent to which pedestrian walkways provide convenient and logical connections to other Residential (R), Village (V), Open Space (OS) and Golf (G) Activity Areas.
  - (vii) The extent to which existing watercourses and wetlands in the vicinity are protected and enhanced.
  - (viii) The extent to which 'green engineering' solutions can be applied to stormwater runoff.
  - (ix) The extent to which the subdivision and development design encourages efficient use of solar energy and takes advantage of northerly aspects.

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

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- (x) The extent to which the subdivision and development design minimises the potential for pedestrian and traffic conflicts.
- (xi) The extent to which the subdivision and development design is consistent with the topography of the particular Residential (R) Activity Area.
- (xii) The methods used to manage the boundary between the Activity Area and the surrounding Open Space (OS) and/or Golf (G) Activity Area.
- (xiii) The extent to which visitor parking is provided for, in a manner which does not compromise the amenity values of the Zone.
- (xiv) The extent to which the subdivision layout provides for areas of open space for use by the local community, particularly families and children.
- (xv) The extent to which the Design Guidelines proposed to apply to buildings will achieve the policies of the Zone.
- (xvi) The extent to which the Design Guidelines proposed to apply to buildings will achieve an integrated character and/or design theme for the area subject to the Outline Development Plan.

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

(b) For Village (V) Area and Mixed Use (MU/G) Activity Area Outline Development Plans:

- (i) The extent to which the proposed Outline Development Plan achieves the policies of the zone.
- (ii) The effect of setbacks on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and daylight and access to views.
- (iii) The ability to provide adequate opportunities for garden and tree planting around buildings.
- (iv) Pedestrian safety.
- (v) The extent to which imaginative, efficient and comprehensive design solutions are applied to encourage a layout that will establish an individual theme or site specific response within the Village (V) or Mixed Use (MU/G) Activity Area.
- (vi) The extent to which pedestrian walkways provide convenient and logical connections to other Residential (R), Village (V), Open space (OS) and Golf (G) Activity Areas.
- (vii) The extent to which existing watercourses and wetlands in the vicinity are protected and enhanced.
- (viii) The extent to which 'green engineering' solutions can be applied to stormwater runoff.
- (ix) The extent to which the subdivision and development design encourages efficient use of solar energy and takes advantage of northerly aspects.
- (x) The extent to which the subdivision and development design minimises the potential for pedestrian and traffic conflicts.

- (xi) The extent to which the subdivision and development design is consistent with the topography of the particular Village (V)/Mixed Use (MU/G) Activity Area.
- (xii) The methods used to manage the boundary between the Village (V)/Mixed Use (MU/G) Activity Area and the surrounding Open Space (OS) and/or Golf (G) Activity Area.
- (xiii) The extent to which visitor parking is provided for, in a manner which does not compromise the amenity values of the Zone.
- (xiv) The extent to which the subdivision layout provides for areas of open space for use by the local and wider community.
- (xv) The extent to which the Design Guidelines proposed to apply to buildings will achieve the policies of the Zone.
- (xvi) The extent to which the Design Guidelines proposed to apply to buildings will achieve an integrated character and/or design theme for the area subject to the Outline Development Plan.

## **Xvi Restricted Discretionary Activity - Outline Development Plan (Jacks Point (Hanley Downs) Zone)**

In addition to the matters outlined in 12.5.2(xv) above but excluding (a)(ii) and b(ii) regarding setbacks, the following matters shall also be had regard to:

- (i) In regard to the comprehensiveness of the Outline Development Plan<sup>2</sup>:
  - (a) An Outline Development Plan must include sufficient information to enable all matters of discretion to be adequately assessed. At a minimum an Outline Development Plan would normally be expected to include:

<sup>2</sup> Question whether this is necessary as most if not all are included as matters of discretion and under assessment matters elsewhere

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

- a. A plan showing:
- i. an indicative subdivision layout
  - ii. an indicative street network
  - iii. locations of Medium Density Housing precincts (as defined)
  - iv. Location(s) of any proposed Commercial and Community Precinct(s)
  - v. Locations of sites anticipated to accommodate more than one residential unit, with information on the maximum number of residential units those sites shall accommodate
  - vi. Locations of :
    1. Residential activities
    2. Any commercial activities outside precincts
    3. Schools and other large scale education facilities,
    4. Any community activities outside precincts
    5. Visitor accommodation
    6. Retirement villages

Note - in some instances an area may be identified as suitable for a range of uses such as both residential and visitor accommodation.
  - vii. Indicative building footprints for non-residential activities, all MDH and Commercial and Community Precincts and for any sites identified as being for more than three residential units
  - viii. building platforms in Development Areas A, H, I and J/K
  - ix. the proposed walking, cycling and public transport network
  - x. locations of proposed parks and other public open spaces
  - xi. the location of proposed Landscape plans for public areas and open space, areas, including for the mitigation of visibility from State Highway 6
  - xii. the location of any area in which identification of development that is not anticipated to occur until sufficient landscaping has been established or secured
  - xiii. Locations of any proposed public car parking
  - xiv. Locations of any utilities proposed that may need consent under Section 17 of the Plan
- b. details on the type of mitigation proposed to manage reverse sensitivity issues and to reduce visibility of development (including, where relevant, the types of species to be planted)
- c. an explanation on how the edge of the urban area is proposed to be treated
- d. Road hierarchy and design cross sections and information as to which for each road type, the different road designs shall apply
- e. An indicative stormwater management plan
- f. If the Outline Development Plan proposes development within Development Area HD-R (J), HD-MU/G, or HD-R E, a biodiversity management and restoration plan for the wetland in that area.
- g. Analysis diagrams prepared by a suitably qualified designer, illustrating how the site and context have been considered and have informed the proposed Outline Development Plan.
- (ii) **In regard to indicative subdivision design<sup>3</sup>:**
- (a) Whether the street blocks are designed to be walkable. The following can be used as a guide for Development Areas B, C, D, E, F and H:
- a. Outside of Commercial and Community Precincts and Medium Density Housing Precincts, where practical:
    - i block sizes larger than 1.5 ha or smaller are encouraged; and
    - ii block lengths (between intersections, not including rear service lanes) longer than 200m or shorter are encouraged should be avoided.
  - b. In Commercial and Community Precincts and Medium Density Housing Precincts where, practical:

<sup>3</sup> Alternatively could apply some from Three Parks Zone

# RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

- ~~i. block areas exceeding 0.8 hectares or smaller are encouraged; should be avoided.~~
- ~~ii. block lengths longer than 100m or shorter should be avoided are encouraged unless they front roads which are designed to move substantial amounts of traffic from the Greater Jacks Point area.~~
- (b) Whether the subdivision layout, in so far as is practical, minimises the numbers of rear sites. Circumstances where rear sites may prove appropriate include where:
- a. due to terrain or site constraints, providing road frontage would be impractical or prohibitively expensive
  - b. adverse effects relating to rear sites such as loss of privacy and excessive driveways fronting streets are likely to be minimal. Reasons for this being the case may be due to, for example, the presence of large lot sizes, site specific design controls, or frontages on to open space that mean that houses on rear sites would be expected to face away from those that front the street;
  - c. alternative layouts may result in alternative avoiding rear sites would necessitate street layouts that would result in a worse outcome in terms of residential amenity, connectivity/ walk-ability, and safety.
- (c) Whether the lot sizes and dimensions will realistically enable built forms that meet all zone standards. For small or unusually shaped sites, indicative building footprints may be necessary to aid in the enable proper consideration of this assessment matter.
- (d) Whether the street and lot configuration is likely to encourage building designs with visual connections from habitable rooms to the street. In so far as practical, on flat and gently sloping sites, subdivision designs should avoid large numbers minimise the number of north facing residential lots which may incentivise as houses are typically to be set well back from the street on such lots, which limits interaction with the street, with private, enclosed outdoor space toward the front of the building.
- (e) Whether the street and lot configuration is likely to encourage house orientations that maximise solar gain into indoor and outdoor living areas. North-south street orientations are encouraged to support such a lot configuration.
- (f) Whether CPTED principles are adhered to in the location and design of proposed open spaces parks, reserves, and walkways are likely to feel safe, including through benefiting from passive surveillance from and surrounding uses. Subdivision designs should normally avoid lots directly adjoining open spaces parks and reserves without a road or accessway providing separation, unless it is considered that sufficient passive surveillance will be achieved through other means.
- ~~a. there is not considered to be an incentive for lot owners to seek to reduce the visibility of their property from the open space such as when an approved rear lot fronts an open space; or~~
- ~~b. the open space is intended for farming rather than public use and appropriate edge treatment is to be put in place, or other reasons mean that the open space is unlikely to be frequented by the public~~
- (f) Whether for any proposed Commercial and Community Precinct (aside from those precincts design to provide for larger scale community activities such as education and health facilities), the lot alignment and indicative building footprints would be expected to create a place which:
- a. Is orientated around a mainstreet which accommodates through traffic
  - b. is attractive and pedestrian-focused
  - c. enables buildings with active street frontages
  - d. minimises unattractive and unsafe outcomes resulting from the servicing of buildings and vehicle parking. If possible, servicing of buildings should be achievable from the rear of buildings without service lanes connecting to the main street.

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(g) Whether the steep slopes of the gully to the east of Activity Area C are proposed to be free of development.

(h) Whether a range of housing choice may be promoted through some diversity in section sizes.

Note – Compliance with Zone Standard 12.30.4.2 (viii) Residential Density ~~should~~ shall be assessed as part of an Outline Development Plan.

(iii) In regard to the density of residential development:

(a) Further to meeting the density range required for the respective HD-R areas pursuant to Rule xx, whether and the extent to which:

(i) The residential densities proposed at the boundary of the balance Jacks Point Zone are generally consistent with those that exist or have been approved on the adjoining land within the balance Jacks Point Zone, in order to facilitate good integration between the two areas. This will generally result in larger lots along such boundaries).

(ii) The residential densities proposed adjacent to the Main Road landscaped corridor in Areas HD-R(D), HD-R(E), and HD-R(F) are generally low; being in the order of 10 -12 units per hectare in order to facilitate a degree of consistency with the character along Maori Jack Road.

(iii) In regard to locations of building platforms:

(a) The extent to which building platforms in Development Areas A, H, I and J/K are located such that resultant buildings and associated earthworks, access and landscaping will avoid breaking the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.

(b) Whether, through the location of building platforms and associated mitigation, present levels of privacy and rural amenity will be maintained in Development Area A, with resultant buildings not

being highly visible from State Highway 6 or visible from existing private residences in Development Area A.

(c) Whether, through the location of building platforms and associated mitigation, the visual pattern of Development Area I, when viewed of from State Highway 6 will be dominated by green space and vegetation with parts of buildings being a minor part of that view.

(d) Whether, through the location of building platforms and associated mitigation, the resultant building(s) in Development Area H will not be visible when viewed from State Highway 6.<sup>4</sup>

(e) Whether building platforms and associated mitigation in Development Area K will be effective in reducing the visibility of development when viewed from existing homesites and places frequented by the public outside of the Hanley Downs Zone.

(f) Whether any particular control on development is required for a building platform in order to minimise the visibility of development, such as a limit on height.

(iv) In regard to roading<sup>5</sup>:

(a) The extent to which a grid design with vehicle or pedestrian connections, particularly within Development Areas B, D, E, F and G is utilised to promote connectivity, and to avoid a conventional suburban design with unnecessarily meandering road forms. Curved roads that respond positively to landforms and topography are acceptable, provided these are well-connected.

(b) Whether the roading pattern is well connected realises opportunities to connect streets. Where practical, subdivision layouts are encouraged to should minimise the number of cul-de-sacs, except aside from those that are short (no more than 75m) and straight, should be avoided. Instances where avoiding other cul-de-sacs that are not short and straight may prove impractical may include where:

<sup>4</sup> Delete if H is a homesite as they do not have platforms.

<sup>5</sup> Or apply some from Three Parks Zone (included under indicative subdivision)

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- a. terrain or site constraints limit options that are pragmatic or affordable (through leading to expensive roading costs or a significant reduction in development yield for part of the site) activity area boundaries necessitate cul-de-sacs that are not short or straight in order to access lots.
- b. activity area boundaries necessitate cul-de-sacs that are not short or straight in order to access lots
- (c) Whether and when The timing for the required through road from the Jacks Point Village to the State Highway 6 intersection with Woolshed Road is to be provided. The road should provide a logical and direct route to and from the State Highway for a significant proportion of the Greater Jacks Point and Hanley Downs community and follow approximately the route shown on the Structure Plan. It is anticipated that the road would be in operation prior to congestion problems arising at the Maori Jack Road entrance/exit to Greater Jacks Point. Indicative timeframes for the completion of the Main Road shall be provided and these shall be included as conditions of any Outline Development Plan approval.
- (d) Whether The extent to which road connections in, through and out of the site shown on the Structure Plan are to be created. Note that the exact location will not normally be of concern in determining whether compliance with the structure plan is being achieved.
- (e) Whether the indicative road layout will facilitate existing or potential future public transport routes through Hanley Downs to the Jacks Point Village. Indicative locations of future bus stops should be shown.
- (f) Whether the road network is designed so that all lots benefit from logical, efficient and safe vehicle routes to State Highway 6, the Jacks Point Village and, where practical, between neighbourhoods.
- (g) Whether road and street design cross sections show key dimensions and features of roads, footpaths, walkways, cycleways, on-street parking, stormwater management infrastructure and, where relevant, indicative street furniture and public transport infrastructure.
- (h) Whether road and street design cross sections are shown to be proposed for use in appropriate locations reflecting the likely role and function of the road or street. Note, this is likely to require showing a road hierarchy for roads and streets in the area to which the Outline Development Plan applies.
- (i) Whether road and street designs will enable safe, efficient and pleasant use by vehicles, pedestrians and cyclists. Consideration should be given to issues such as width of carriageways, noting that wide carriageways can promote unsafe vehicle speed, and traffic calming measures.
- (j) Whether proposed road and street designs make a positive contribution to the amenity of the settlement.
- (k) Whether on roads and streets where traffic volumes are expected to make lane sharing between motor vehicles and cycles unpleasant or unsafe, road and street designs show how segregated cycle lanes are to be incorporated, or alternatively, a plan shows safe and practical alternative cycling routes.
- (l) With regard to the form and function of the main road, the extent to which the indicative subdivision layout and roading design will:
  - a. Contribute to an informal, landscape character which becomes increasingly urban, the closer one gets to the mixed use area (G)
  - b. Create a soft edge to the Main Road (as shown on the Structure Plan), ranging from substantial setbacks in the order of 20 metres closest to the State Highway to more urban setbacks at the edge of the Mixed Use (G) area.
  - c. Create an informal, low density entrance experience into the Hanley Downs area, which integrates well with the character of the balance of Jacks Point. The Council will not normally approve Outline Development Plans that create an impression of high density, intense urban development along this road until the road nears the Mixed Use area (G), other than potentially at 1 - 2 intersections where higher density nodes close to the road edge may be appropriate.

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- (m) The extent to which the landscape treatment of the open space corridor adjacent to the Main Road (as shown on the Structure Plan) will:
- Create an attractive entrance to the Zone, which integrates well with the established entry experience along Maori Jack Road.
  - Contribute to an informal landscaped corridor, which becomes increasingly urban and domesticated the closer one gets to the Mixed Use area (G).
  - Provide for safe and pleasant off-road pedestrian and cycle access alongside the Main Road
- (v) In regard to **proposed activities** outside identified precincts and the Mixed Use Area:
- Whether the zone maintains a predominantly residential character, other than in the MU Area. While the Jacks Point (Hanley Downs) Zone provides some flexibility for non-residential activities to establish, Outline Development Plans that would result in Hanley Downs assuming a predominantly non-residential nature will not normally be approved.
  - Whether non-residential activities that may give rise to noise or other effects that risk ~~undermining~~ adversely affecting residential amenity are appropriately located or ~~it is shown that~~ or the effects ~~appropriately mitigated~~ is proposed to provide confidence that all zone standards can be met.
  - Whether retirement villages are located in such a way as to reduce the prospect of their servicing and operation leading to reverse sensitivity conflicts with other residential and non-residential uses. Where a retirement village is of a density equal to or greater than 20 dwelling units/ ha, it shall be located within an approved MDH precinct.
  - Whether the location of activities in relation to the road network will avoid levels of traffic generation that create unsafe or unpleasant residential neighbourhoods.
- (e) The extent to which the location of any proposed utilities that may need consent under Section 17 of the Plan are located in such a way as to enable efficient use while, where practical, mitigating reverse sensitivity effects that may arise.
- (f) Whether opportunities are realised to co-locate non-residential uses that can serve as a community hub within the Mixed Use Area or within a Commercial and Community Precinct
- (vi) In regard to the location and design of **Medium Density Housing Precincts and Commercial and Community Precincts:**
- Whether any Commercial and Community precinct ~~intended to serve as a community hub~~ is located so as to be easily accessible and visible from the main ~~through~~ road shown on the Structure Plan, such that traffic and noise will not adversely effect residential amenity.
  - The extent to which any Medium Density Housing precincts are located so as to benefit from reasonable access to open space and public transport (now or in the future)<sup>6</sup>.
  - Whether the scale of commercial and community activity and its location will positively contribute to the greater Jacks Point area and Jacks Point Village; the proximity of the proposed precinct to the existing Jacks Point Resort zone; and how the design will draw on the existing character, scale and pattern of development.
  - Whether there is good reason why the MDH, commercial, or community activity can not locate within the Mixed Use Area.
  - Whether the building layout shown within the precinct achieves the following:
    - See Three Parks assessment matters relating to block plans

<sup>6</sup> Need to add more detail around this

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- (f) In relation to height within the proposed precincts<sup>7</sup>:
- Whether greater building setbacks or recession planes, (stipulating that buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above the boundary of any area not within the precinct or Area G) are necessary in order to avoid shading and over-looking.
  - Whether the site characteristics (e.g. topography, site orientation in relation to the sun, or relationship to areas beyond the precinct) of the proposed location of the precinct(s) mean that it is able to absorb the 10 m height.
- (vii) In regard to **natural hazard risks** at the Outline Development Plan stage:
- (a) Whether, in considering natural hazard information, the proposed development is considered to be feasible. In applying this assessment matter, the level of assessment should take account of the need to apply for subsequent subdivisions and resource consents in which natural hazards will also be a matter under consideration.
- (viii) In regard to **open space areas, public transport links, pedestrian and cycle links<sup>8</sup>**:
- (a) Whether, where terrain and site constraints do not enable connections between streets, safe, convenient and attractive walking and cycle connections are provided where practical.
- (b) Whether, with respect to development Areas B, C, D, E, F, G and J, Outline Development Plans show how contributions are made to a the range of public open spaces available for public use ~~are shown on the Outline Development Plan~~ in Greater Jacks Point, including larger natural areas, playing fields (where Council has identified a need),

smaller urban parks, and playgrounds which provide relief from built up areas ~~urban streetscapes~~, community meeting points, and recreation opportunities.

- (c) Whether medium density housing precincts benefit from reasonable access to useful public parks and open spaces. Whether proposed public parks and reserves<sup>9</sup> are highly accessible to the proposed residential neighbourhood(s) that they intend to serve and are located in order to maximise the number of residents that are able to walk to the park/ reserve within 10 minutes.
- (b) The 'open space and passive recreation spaces' (OS/P) are expected to be included within the walking network in order to contribute to amenity and ecological values and to provide a 'sense of place' and landscape plans for the OS/P areas are expected to be provided. In particular, safe and clear pedestrian access to and through the wetland from all sides is to be provided as part of any Outline Development Plan approved for Areas MU/G, HD-R(F), and HD-R(J).
- (c) Whether parks and reserves, through their location and interrelation with adjacent uses, can provide safe and pleasant environments.
- (d) Whether a significant part of the south face of the mound ~~toward~~ at the south end of Development Area G is to be retained, including the existing height, so that an undeveloped slope can be viewed from the Jacks Point Village.
- (ix) In regard to **mitigation measures to ensure development is not highly visible from State Highway 6:**

<sup>9</sup> NB - this wording reflects RCL's request to remove the use of the words open space to avoid the confusion between public open spaces for recreational purposes, etc. with the tracts of open space that will surround the urban activity area (i.e. the ACRAA).

<sup>7</sup> Only needed if retain the greater height allowance in the precincts

<sup>8</sup> Or apply/ duplicate some from the Three Parks Zone instead (refer Pg. 12-207)

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- (a) Whether proposed landscaping will appear natural or be in keeping with the historical use of the site.
- (b) Whether, in order to ensure buildings are not highly visible from State Highway 6, specific height or colour controls for buildings are necessary for parts of the zone.
- (c) Whether and where, landscaping such as planting or mounding is proposed to ensure buildings are not highly visible from State Highway 6; and
- a. Whether, in order to ensure buildings are not highly visible from State Highway 6, conditions are necessary to ensure that development not occur until landscaping has been undertaken, existing vegetative screening secured and/or a succession plan for existing vegetation put in place; and ~~In particular, it is anticipated that such measures may need to be considered in parts of Development Areas A, B and C as shown on the Structure Plan.~~
- b. Where buildings will, in the absence of screening, be visible from State Highway 6, restrictive covenants are expected to be placed on titles prescribing either a) that construction shall not occur until landscaping has been undertaken and has reached sufficient maturity to totally screen buildings or b) that existing vegetative screening is protected. In particular, it is anticipated that such measures may need to be considered in parts of Development Areas A, B and C.
- (x) In regard to **treatment of the interface between the urban and rural open space area:**
- (a) Whether the proposed treatment of the boundary between the urban areas (being (R), (RL), and MU/G) and the rural or natural part of the site open space areas will maintain ~~rural~~ the amenity and landscape values of the open space area and provide for a safe and pleasant urban environment. Such treatment may include (but is not limited to) streets, roads, walls, rural fences, mounding and planting. Suburban style fences which are highly visible from the rural open
- space area should be avoided. Any materials used should maintain a coherent theme with similar constructions in Greater Jacks Point.
- (b) <sup>10</sup>Whether any encroachments of sections into the open space area is justified on the basis that:
- a. landscape effects will be minor; and
- b. little or no development is proposed within the Agriculture Conservation and Recreation Activity Area parts of the sites; and
- c. an attractive urban edge will result; and
- d. there is considered to be a practical benefit in privatising those areas.
- (xi) In regard to **biodiversity management of ephemeral wetlands, small swamps, or creeks within the open space area:**
- Any Outline Development Plans or consent for subdivision or development for land that is contiguous with an ephemeral wetland, small swamp, or creek, within the open space area shall be accompanied by a Biodiversity Management and Restoration Plan, which specifically proposes:
- Restricting cattle from grazing within paddocks where wetlands with remnant indigenous communities have been identified (refer to waypoints 212, 237, 246 and 250 within the ACRAA).
  - Methods to prevent further unmitigated loss, drainage and contamination, and to support the reinstatement and or enhancement of indigenous diversity if disturbed by development under the proposed plan change.
  - Reinstating seed sources that can supplement the indigenous diversity within the degraded, low diversity communities.
  - Improving connectivity between the network of ephemeral wetlands and swamps and adjacent Jacks Point and lakeside public conservation land.

<sup>10</sup> Suggest this is unnecessary given the boundaries shown on the Structure Plan can move +/- 50 m, which will enable minor changes to the boundary at the Outline Development Plan stage.

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- Supporting community-led projects to reinstate and enhance the wetland habitats.
- Whether any biodiversity values within the open space areas have been taken account of in terms of the interface of that space and urban activity. This might include signage regarding pest control, etc.
- The extent to which the risk of any stormwater sediment entering the wetland has been avoided or sufficiently mitigated through buffer planting and stormwater treatment prior to being discharged.

(xii) In regard to the **biodiversity management of grey shrublands** in the open space area:

Any Outline Development Plan or consent application for subdivision or development within the open space area shall be accompanied by a Biodiversity Management and Restoration Plan, which specifically proposes:

- Methods to protect the remaining low diversity shrubland from further unmitigated losses
- A schedule/ programme for the removal of broom, buddleia, hawthorn, conifers and sycamores
- Excluding cattle from grazing within the large area of schist outcrops with grey shrubland immediately west of Activity Area (R-F).
- Enhancement planting (and stock fencing of this) in order to a) increase diversity within the shrublands around the schist outcrops, and b) increase the diversity of ephemeral wetlands, swamps in the transition areas between these and grey shrublands.

(xiii) In regard to a **the biodiversity management and restoration plan** of the wetland shown as O/P(Wetland) on the Structure Plan:

- Whether a biodiversity management and restoration plan will be effective in maintaining and enhancing the biodiversity values of the wetland located within Development Area J Activity Area O/P (Wetland), including through weed control, fencing, replanting of

vegetation and the establishment of on-going management arrangements.

(b) With respect to any buildings proposed in the O/P (Wetland) Activity Area part of Development Area J covered by Agriculture, Conservation and Recreation Activity Area:

- whether they are related to conservation activities or the enjoyment of the natural area (for example boardwalks)
- whether they would risk degrading the natural values of the wetland through disturbance of wildlife or indigenous vegetation.

(c) <sup>11</sup>Whether an appropriate setback for development from the margins of the wetland is proposed so as to avoid undue disturbance of wildlife and support the restoration and enhancement of vegetation.

(d) Whether any biodiversity values within the open space areas have been taken account of in terms of the interface of that space and urban activity. This might include signage regarding pest control, etc.

(e) The extent to which the risk of any stormwater sediment entering the wetland has been avoided or sufficiently mitigated through buffer planting and stormwater treatment prior to being discharged.

(xiv) In regard to **water, stormwater, and wastewater infrastructure**:

(a) Whether a stormwater management plan shows proposed stormwater flow paths and soakage and disposal areas.

(b) Whether a stormwater management plan appropriately accounts for site conditions and for likely stormwater flows from a fully developed catchment.

<sup>11</sup> Probably unnecessary as recommend to include setback within the O/P (wetland) area.

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- (c) Whether development that may hinder the safe and effective function of overland flow paths is avoided.
- (d) Whether, where practical, low impact design solutions have been employed to minimise or prevent adverse effects on the environment.
- (e) Whether, where practical, safe and practical proposals to integrate stormwater management facilities into an attractive public realm and/or biodiversity corridors are proposed (including through planting of vegetation).
- (f) Whether a water supply exists or can feasibly be built to ensure that an appropriate quality and quantity of secure water supply will be available to development in the area subject to the Outline Development Plan.
- (g) Whether infrastructure exists or can be feasibly built to ensure that wastewater from development in the area subject to the Outline Development Plan will be appropriately treated and disposed of.
- (h) Stormwater management plans shall specifically ensure that stormwater and sediment management minimises the impact of stormwater generation and containment loadings through low impact design or sustainable urban drainage techniques and shall ensure that:
  - a) The rate of stormwater discharge remains equal to, or less than that of pre-development up to the 1 in 100 year average recurrence interval event; and
  - b) The quality of water in any discharge remains equal to or better than that of pre-development; and
  - c) Stormwater management systems are designed to cater for the 1 in 100 year average recurrence interval event.
- (i) With regard to stormwater, the extent to which:
  - a) natural flow paths have been used in the design of stormwater management systems;
  - b) techniques have been adopted to ensure that:

- b. the rate of stormwater discharge remains equal to, or less than that of pre-development up to the 1 in 100 year average recurrence interval event; and
  - c. the quality of water in any discharge remains equal to or better than that of pre-development; and
  - d. stormwater management systems are designed to cater for the 1 in 100 year average recurrence interval event.
- (j) Whether and to what extent the Part 15 assessment matters relating to water supply (15.2.11.4), stormwater (15.2.12.3), and wastewater (15.2.13.2) have been considered and adequately addressed or satisfied at the Outline Development Plan stage, to the degree that is practicable.

## xvi Nature and Scale of Activities (Jacks Point Zone)

- (a) The extent to which the proposed activity will result in levels of traffic generation ~~of~~ or pedestrian activity, which is incompatible with the nature and scale of surrounding area and the intent of the Zone.
- (b) Any potential adverse effects of increased levels of vehicle and pedestrian activity in terms of noise, vibration disturbance, and loss of privacy, which is inconsistent with the surrounding environment.
- (c) The extent to which the proposed activity is integral and necessary and/or desirable within the Zone.
- (d) The extent to which the character of the site remains consistent with the surrounding environment.

## xvii Discretionary Activity - Mining (Jacks Point Zone)

- (a) The extent to which mining activities will adversely affect:
  - (i) amenity values

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- (ii) recreational values
- (iii) nature conservation values
- (iv) landscape and visual amenity values
- (v) historical, cultural or known archaeological artefacts or sites
- (vi) life supporting capacity of soils, water and air.
- (vii) public access to and along the lake, river or waterway.
- (b) The extent to which screening is provided to ensure that the potential adverse visual effects of the activity are no more than minor.
- (c) The ability of the proposal to rehabilitate the site during and after mining.
- (d) The ability of the company to:
  - (i) provide a contingency plan for early mine closure
  - (ii) adequately monitor operations and the effects of the receiving environment.
- (e) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.

## xviii Health and Education Services (Jacks Point Zone)

- (a) Whether the provision of health and education services within the Zone compromise the provision of health and education services in other areas of Wakatipu basin.

- (b) The extent to which health and education services within the Zone assist in the sustainable development of the Jacks Point Zone as a community; and
- (c) The extent to which health and education services within the Zone do not exacerbate potential adverse effects on the environment such as excessive traffic generation and noise pollution.

## xix Outdoor Swimming Pools (Jacks Point Zone)

- (a) The extent to which earthworks and landscaping are necessary to mitigate the potential adverse effects of any proposed swimming pool;
- (b) The extent to which the colour of the pool and fencing is subservient to and does not detract from the surrounding landscape values; and
- (b) The extent to which the pool and any associated features are consistent with any Council approved development controls and design guidelines that apply to the area.

## (xx) Residential buildings within medium density housing precincts or including three or more residential units in the Jacks Point (Hanley Downs) Zone

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

- (a) Whether the development positively contributes to the streetscape through the location and design of the built form, carparking, balconies, ground floor levels, accessways, the treatment of the public/ private interface, and landscaping.

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- (b) Whether buildings are able to achieve a high level of connection with the street, including establishing local character and evoking visual interest from street users.
- (c) Whether the design creates a visual connection between land uses and the street, including through having windows that face the street.
- (d) Whether views from the street into sites are clearly drawn to land use activities and entrance points, with garages being a recessive visual feature. Applications where the garage, front fencing, or high front landscape screening will dominate a site frontage will not normally be approved.
- (e) Whether the visual effect of monotonous or repetitious facades created by same or similar unit types have been avoided or mitigated through articulation of building frontages. Such effects may be mitigated by such means as variations in form, height, materials, texture and colour, or by including recesses or protrusions in the elevation which are of a sufficient depth and width to effectively 'break' any monotony of the form.
- (f) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood.
- (g) Whether communal car parking is designed so that spaces are broken up and easily identifiable with each unit and commercial-style continuous parking areas avoided.
- (h) Whether there are suitable places to store cycles within residential units (such as garages) or secure and convenient cycle parking / storage is available for each unit.
- (i) Whether each unit is designed to minimise loss of privacy and nuisance effects between other units, such as by off-setting windows in close proximity to one another.
- (j) Whether waste and recycling material can be appropriately stored within the grounds of each area, or convenient, appropriately sized and designed communal areas for the storage of waste are available.
- (k) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:  
(i) Noise, vibration and lighting from vehicles  
(ii) Protecting privacy for residential neighbours.
- (l) Whether private and public space are clearly demarcated
- (m) Whether proposals to utilise innovative, cost effective building designs, methods and materials that may support the provision of affordable housing are not unreasonably precluded.
- (xxi) Non-residential activities in the Jacks Point (Hanley Downs) Zone**
- In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:
- (a) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:  
(i) Noise, vibration and lighting from vehicles  
(ii) Protecting privacy for residential neighbours.
- (b) Whether buildings, taking account of their proposed location, function and visibility, will make an attractive contribution to the streetscape or landscape. Consideration should be given to factors such as:
- Building materials
  - Colour
  - Glazing treatment
  - Symmetry
  - External appearance
  - Vertical and horizontal emphasis
  - Ground floor levels
  - Balconies and veranda designs

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- the ratio of the building height relative to the width of the adjacent street or open space.

(c) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood.

(f) Whether the buildings would be attractive when viewed from elevated locations inhabited or frequented by people. This may affect the location of air conditioning units, other utilities, signs and lighting or necessitate screening.

(g) Whether the building is setback from the road or not and the extent to which it is set back. The following can be used as a guide:

- In Commercial and Community Precincts (aside from those precincts designed to provide for larger scale community activities such as schools), it is anticipated that buildings would be located up to the road boundary.
- Individual non-residential buildings that are surrounded by residential properties should normally be set back consistent with residential buildings.
- For larger scale buildings, including community activities such as schools are expected to be setback considerably further.

(h) Whether the area set aside for the storage of waste is adequately sized and designed to enable the separation, storage and collection of recyclable waste. Where possible, servicing and waste storage areas should be located to the side or rear of buildings in a location accessed separately from the public entrance.

(i) The extent to which the outside storage of any goods, materials or equipment (including vehicles associated with the activity parked on the site overnight) would have an adverse effect on the residential amenity of neighbours or the streetscape. With respect to this assessment matter, whether the site is within a

Commercial and Community Precinct approved as part of Outline Development Plan, and can therefore be reasonably anticipated, may be a relevant consideration.

(j) Whether any landscaping associated with buildings, for the purposes of mitigation or beautification, will:

- Would result in adverse effects on neighbouring properties; and
- Would be practical to maintain.

(g) Whether sufficient car and cycle parking is available or proposed either on site or through shared or common areas to serve the needs of the development's visitors, customers and employees and avoid or mitigate adverse effects on the visual amenity and convenience enjoyed by neighbouring properties and those frequenting the wider area. In applying this assessment matter regard should be given to:

- the availability of alternative transport means, and
- the frequency at which adverse effects are likely to be experienced.

(h) Whether car parking is appropriately located and designed. Sites should be designed so that buildings and/or landscaping are the dominant features visible from streets and open spaces; with car parking areas located to the side or rear of buildings. Car parking should be landscaped.

(i) Whether, in any Commercial and Community Precinct (aside from those precincts designed to provide for larger scale community activities such as schools), the building contributes to the creation of an active street frontage. In such areas it is expected that:

- Pedestrian amenity and opportunities for pedestrian movement shall be maximised along main streets through the provision of footpaths, verandas, interesting façade designs (which should include the main pedestrian entrance into the building), minimal vehicle crossings, and the avoidance, where possible, of any deliveries or servicing from the main street.

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- b. Vehicle accesses from main streets shall be minimised and avoided where possible, through the provision of rear lanes or through vehicle crossings being shared between properties wherever possible.
- c. Main entrances shall be at the front of buildings and should be clearly visible from the street.
- (j) Whether, for buildings which adjoin open spaces, an appropriate interface is achieved with that open space that makes the open space feel safe and attractive. Where possible, buildings should 'front' the open space with openings and extensive glazing.
- (i) **In regard to the sale of liquor in the Jacks Point (Hanley Downs) Zone):**

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

- (a) With regards to the appropriateness of the location, the sale of liquor is only likely to be appropriate within a commercial and community precinct approved in an Outline Development Plan or as part of another approved use such as visitor accommodation, retirement villages, recreation facilities or temporary activities.
- (b) With regards to the scale of the activity and hours of operation, frequency of use and its compatibility in relation to surrounding and/or adjoining uses should be considered.
- (c) With regards to retention of amenity, the effect on existing and foreseeable future uses of the neighbourhood, particularly in relation to noise, traffic generation and loss of privacy should be taken account of.
- (d) With regard to noise, it should be demonstrable that relevant zone standards will be able to be met on an ongoing basis. How the topography of the site and neighbouring area and proposed mitigation

will affect noise emissions beyond the site should be considered. A noise management plan may be required.

- (ii) **In regard to the size of Outline Development Plans (in relation to any breach of the site standard 12.30.4.1(i)) in the Jacks Point (Hanley Downs) Zone):**
  - (a) Outline Development Plan that cover only part of an entire Development Area will not normally be approved unless there is a practical reason for limiting the extent of the application.
- (iii) **In regard to protection of indigenous vegetation in the Jacks Point (Hanley Downs) Zone): (in relation to any breach of the site standard 12.30.4.1(iv)):**
  - (a) Whether any loss or degradation of ecological values is reinstated or offset by planting, weed or pest control that contributes to the biodiversity of other Areas of Biodiversity Value as identified in the Structure Plan parts of the open space area.
  - (b) Whether, with respect to buildings, a building will benefit conservation efforts or support the enjoyment of natural areas by the public without unduly undermining conservation values.
- (iv) **In regard to height for residential buildings within MDH precincts of three or more units and non-residential buildings (discretionary activity) in the Jacks Point (Hanley Downs) Zone)::**

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

- (a) Whether a protrusion through the height plane is necessary to enable more efficient and/or appropriate use of the site within the height plane.

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- (k) Whether a protrusion through the height plane is necessary to enable a lift tower.
- (l) Whether a better design outcome can be achieved through allowing a protrusion through the height plane when compared to alternative complying designs.
- (m) Whether the increase in height is necessary for the practical use of the building. Applications in which a protrusion is proposed so as to exaggerate the visual prominence of the building are unlikely to be approved.
- (n) Whether the location of the buildings, proposed setbacks and mitigation would mean that a protrusion through the height plane would result in minimal adverse effects on the amenity and privacy enjoyed by neighbours and on the cohesiveness of residential character.
- (v) **In regard to setbacks from internal boundaries in the Jacks Point (Hanley Downs) Zone): (in relation to any breach of site standard 12.30.4.1(vi)):**
  - (a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient or practical use of the remainder of the site.
  - (b) Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.
  - (c) Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy, noise, glare or vibration, and the extent which this is inconsistent with the living environment anticipated in the neighbourhood.
  - (d) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.
  - (e) The ability to mitigate adverse effects of the proposal on adjoining sites, including the ability to provide adequate opportunities for landscaping around buildings.
  - (f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
  - (k) Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.
- (vi) **In regard to continuous building length in the Jacks Point (Hanley Downs) Zone): (in relation to any breach of site standard 12.30.4.1(viii)):**
  - (a) Any adverse effects of the continuous building length in terms of visual dominance by building(s) of the outlook from the street and adjoining sites, which is out of character with the local area.
  - (b) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.
- (vii) **In regard to garages in the Jacks Point (Hanley Downs) Zone): (in relation to any breach of site standard 12.30.4.1(ix)):**

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

  - (a) Whether the breach of the standard would result in:
    - a. Visual dominance of the frontage of a residential building by a garage when viewed from the street; or
    - b. The obstruction of sight lines from the street to windows or the main entrance to the house; or

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- c. ~~the diminishing of reducing the coherence of the design and built form of the street or neighbourhood.~~

**(viii) In regard to fence height in the Jacks Point (Hanley Downs) Zone: (in relation to any breach of site standard 12.30.4.1(x)):**

- (a) whether the breach of the standard would result in:
- public places (including streets and parks) appearing less safe or attractive; or
  - The obstruction of site lines from the street to windows of living areas or the main entrance to the house; or
  - the diminishing of the coherence of the design and built form of the street or neighbourhood.
- (b) Whether any measures have been taken to reduce potential adverse effects, for example through the use of permeable or transparent fencing materials

## **12.30.5.2 Discretionary activities**

**(i) In regard to Service Activities**<sup>12</sup>

- (a) Whether the activity relates directly to the maintenance, operation or construction of Greater Jacks Point.
- (b) Whether the design, location and associated mitigation would satisfactorily avoid remedy or mitigate any adverse effects on the amenity enjoyed by other uses in and around Greater Jacks Point and landscape values.

<sup>12</sup> Unnecessary as recommended that services outside the Resort Services (S) Activity Area will be non complying and within R the building will be assessed as per any non-residential building

**(ii) In regard to forestry (limited to specific harvesting activity) in the Jacks Point (Hanley Downs) Zone:**

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

<sup>13</sup>(1) In considering whether the proposed forestry has the potential to cause wilding spread, the following matters shall be taken into account:

- The species of trees proposed, and their potential to naturalise and spread;
- The location of the site, having particular regard to the slope and the exposure to wind;
- The surrounding land use, having particular regard to land downwind from the site;
- Whether a risk assessment has been completed by the applicant;
- Whether management plans are proposed for the eradication and/or control of wilding spread.

(2) In considering whether the forestry activity will adversely affect landscape values of the surrounding environment, the following matters shall be taken into account:

- The existing character of the surrounding landscape, having particular regard to whether it has an open character at present;
- The potential to block important views from roads and other public places;
- The proximity to neighbouring properties, and the potential to shade and/or block views from neighbouring residences.

<sup>13</sup> Unnecessary as recommend that forestry other than harvesting is non complying.

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(3) In considering whether the forestry activity will adversely affect the ecological values of the surrounding environment, the following matters shall be taken into account:

(a) The existing ecological values of the subject land and the surrounding environment, having particular regard to the potential effects on existing indigenous ecosystems;

(b) Current and future demand on water resources.

(4) In considering the effects associated with the maintenance and harvesting of forestry activities, the following matters shall be taken into account:

- (a) Traffic Generation
- (b) Volume and disposal of hazardous waste, and hazardous substances
- (c) Production of noise and odour;
- (d) Associated earthworks, and potential effects on water quality.
- (e) The positive effects of harvesting wilding and other species

**(i) In regard to (discretionary) mining in the Jacks Point (Hanley Downs) Zone:**

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

- (a) The extent to which mining activities will adversely affect:
- (i) amenity values
  - (ii) recreational values
  - (iii) nature conservation values
  - (iv) landscape and visual amenity values
  - (v) historical, cultural or known archaeological artefacts or sites
  - (vi) life supporting capacity of soils, water and air.
  - (vii) public access to and along the lake, river or waterway.

(b) The extent to which screening is provided to ensure that the potential adverse visual effects of the activity are no more than minor.

(c) The ability of the proposal to rehabilitate the site during and after mining.

(d) The ability of the company to:

- (i) provide a contingency plan for early mine closure
- (ii) adequately monitor operations and the effects of the receiving environment.

(e) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.

(f) The benefit in supporting the development of Jacks Point and Hanley Downs through locally sources materials, including the potential for reduced use of energy through transportation.

**(ii) In regard to activities inconsistent with an approved Outline Development Plan in the Jacks Point (Hanley Downs) Zone:**

(a) The extent to which the activity may be of a nature, scale or frequency that would undermine the integrity of an approved Outline Development Plan.

(b) The likelihood that an Outline Development Plan may have prescribed different outcomes on other sites had the development been proposed as part of that process.

**(iii) In regard to controlled buildings in the Agriculture, Recreation and Conservation Activity Open Space Area Jacks Point (Hanley Downs) Zone and in addition to those assessment matters listed in xx (for other buildings and in relation to the O/P Area):**

(a) Whether the buildings are intended for the purposes of servicing and infrastructure important to the functioning of Greater Jacks Point and landscape effects have been satisfactorily mitigated.

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- (b) The extent to which proposed habitat restoration or a contribution toward the protection and enhancement of ecological values within the Agriculture, Conservation and Recreation Activity Area may benefit biodiversity.
- (c) Whether the buildings, associated development and activities would be highly readily visible when viewed from State Highway 6, Lake Wakatipu or places frequented by the public outside of the Hanley Downs Zone.
- (d) With respect to buildings for farming purposes within the O/S Activity area:
  - a. Whether the design is in keeping with what may be anticipated on a working farm.
  - b. Whether colours and external building materials are recessive
  - c. Whether the building is appropriately located away from landscape sensitive areas such as skylines and ridges and areas close to State Highway 6
- (e) The extent to which the building may assist conservation activities.
- (f) The extent to which the building may contribute to the public's outdoor recreational enjoyment of the Open Space Area.
- (g) The extent to which the external appearance, scale, and landscaping of the building(s) will minimise any adverse effects on the landscape and amenity values of the open space.

Note – for the avoidance of doubt landscape classifications and associated policies set out in Section 4 of the District Plan are applicable in the assessment of proposals in the Open Space Activity Area.

## 14.2 Transport Rules

### 14.2.4.1 (iv) Parking Area and Access Design

All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with the standards contained in NZS4404:2004, and

All shared vehicular access serving residential and/or visitor accommodation units in the High and Low Density Residential Zones shall be in accordance with the standards set out in NZS4404:2004 except for developments identified in the table below:

The Greater of the Actual Number of Units Served or; the Potential Number of Units served by the Access as a Permitted or Controlled Activity	FORMED WIDTH (m)	LEGAL WIDTH (m)
1 to 6	3.5	4
7 to 12	5	6

Where the shared vehicle access adjoins a local distributor or higher road in the hierarchy, including a State Highway, it shall have a 5m formed width and a 6m legal width for a minimum length of 6m as measured from the legal road boundary.

No private way or private vehicle access or shared access shall serve sites with a potential to accommodate more than 12 units on the site and adjoining sites.

Private shared vehicle access shall have legally enforceable arrangements for maintenance put in place at the time they are created.

Formed access widths for 1 to 6 units shall provide passing bays at intervals no greater than 25 metres (end of one passing bay to the beginning of the next) along the length of the access way. Passing bays shall be at least 8 metres long and at least 2.5 metres wide, plus any tapers desired.

The access width rules provided above do not apply at the time of subdivision to developments authorised and implemented under existing and live resource consents at the time of adoption of these rules.

The access width rules provided above do not apply to existing private shared vehicle accessways for the purpose of controlling the number of units that may be built using the accessways, unless the total land served by the accessway could provide for more than 12 units.

Note: Calculation of maximum developable capacity shall require, where necessary, creation of sections to serve as future accessway extensions to link to other sites beyond the immediate development.

In the **LDR and MDR subzones of the Three Parks Zone** **and in the Jacks Point (Hanley Downs) Zone**, all back lanes serving residential units shall be in accordance with the standards set out in NZS4404:2004 except as identified in the table below:

The actual number of units serviced or the potential number of units serviced by the back lane as a permitted or restricted discretionary activity, whichever is the greater.	Minimum legal width	Maximum legal width
Back lanes servicing 1 to 16 residential units	5 metres	6 metres

Provided that:

- Where any back lane adjoins a local distributor or higher road in the hierarchy, including a State Highway, it shall have a 6m legal width for a minimum length of 6m as measured from the legal road boundary.
- No back lane shall serve sites with a potential to accommodate more than 16 residential units on the site and adjoining sites.
- Back lanes shall have legally enforceable arrangements for maintenance put in place at the time they are created.

## 15.2 Subdivision, Development and Financial Contributions Rules

### 15.2.1 Statement

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

### 15.2.2 General Provisions

#### 15.2.2.1 Definition of Subdivision of Land

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

#### 15.2.2.2 Relevant Sections of the Act

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

#### 15.2.2.3 Legal Road Frontage

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

#### 15.2.2.4 Regional Council Requirements

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

#### 15.2.2.5 Transit New Zealand Requirements

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

### 15.2.2.6 Non-Notification of Applications

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

### 15.2.2.7 Joint Hearings

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

### 15.2.2.8 Application of Assessment Matters

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

### 15.2.3 Subdivision Activities

#### 15.2.3.1 Permitted Subdivision Activities

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

#### 15.2.3.2 Controlled Subdivision Activities

Except where specified as a Discretionary or Non-Complying Activity in Rules 15.2.3.3 and 15.2.3.4 any subdivision or development in any zone which complies with all of the Site and Zone Standards shall be a **Controlled Activity**.

The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

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

in respect of:

- § The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
- § Boundary treatment;
- § Easements for access and services.

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

### 15.2.3.3 Discretionary Subdivision Activities

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

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

subdivision of land zoned Rural General pursuant to Rule 15.2.3.3 (vii) (Kirimoko Block - Wanaka)

- (vii) Any subdivision complying with the principal roading layout depicted in the Kirimoko Structure Plan shown on Page 7-59 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties) shall be a Restricted Discretionary Activity.

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

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

- (e) The location of any building platforms;
- (f) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)

(xiv) Within the Hanley Downs part of the Jacks Point Resort Zone, any subdivision prior to the approval of an Outline Development Plan which will create lots smaller than one entire Development Area as shown on the Hanley Downs Structure Plan.

#### 15.2.3.4 Non-Complying Subdivision Activities

- (i) Any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a **Non-Complying Subdivision Activity**.
- (ii) The further subdivision of any allotment, including balances, that had previously been used to calculate the average allotment size under Rule 15.2.6.3(ii).
- (iii) The subdivision of a residential flat from a residential unit.
- (iv) Any subdivision within an Open Space Zone, further to the subdivision pursuant to 15.2.3.2 (ii).
- (v) **Peninsula Bay**  
Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2.(ii).
- (vi) **Kirimoko Block**  
Any subdivision that is not in general accordance with the location of the principal roading and reserve network contained with the Kirimoko Structure Plan shown on Page 7-59 shall be a Non-complying Activity.
- (vii) Any subdivision of land zoned Low Density Residential Zone on the Kirimoko Block prior to a walkway being constructed to QLDC Standards from Aubrey Road to Peninsula Bay and an easement in gross for such a walkway being registered against all servient titles.

- (viii) Kirimoko Block – Wanaka: Any subdivision of land zoned Rural General proposed to create a lot entirely within the Rural General Zone, to be held in a separate certificate of title.
- (ix) Kirimoko Block – Wanaka: Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot which has included in its legal boundary land zoned Rural General.
- (x) In the Ballantyne Road Mixed Use Zone subdivision shall be a **Non-complying** Activity when it is not in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i

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

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

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

- (xii) **The Three Parks Zone** – Any subdivision which is not in accordance with the Three Parks Structure Plan, unless a variation has been expressly approved as part of a subsequent, more detailed ODP or CDP, except that:
  - i All, subzone boundaries, and key connection points shown as ‘fixed’ on the Three Parks Structure Plan may be moved up to 20 metres and all collector roads shown on the Three Parks Structure Plan may be moved up to 50 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting; and
  - ii All roads and other elements shown as ‘indicative’ on the Three Parks Structure Plan may be moved or varied provided they are generally in accordance with and achieve the Three Parks Structure Plan and the relevant objectives and policies.

- iii All Open Spaces shown on the Three Parks Structure Plan may be moved or varied provided they are generally in the same location; are of the same or greater scale; provide the same or an improved level of landscape mitigation (particularly in respect of ensuring a green buffer from SH 84); and provide the same or an improved level of functionality.

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

- (xiii) **The Three Parks Zone** – Any subdivision of the Open Space areas shown on the Three Parks Structure Plan or approved by an Outline Development Plan or Comprehensive Development Plan.
- (xiv) **The Three Parks Zone** – Any subdivision within the Deferred Urban subzone.
- (xv) Hanley Downs part of the Jacks Point Resort Zone - Where an Outline Development Plan has been approved for the land which is proposed to be subdivided, any subdivision not in accordance with that approved Outline Development Plan;
- (xvi) Hanley Downs part of the Jacks Point Resort Zone - Subdivision of the Open Space Activity Area<sup>1</sup>, unless it is for the express purpose of enabling a landuse activity which has been granted resource consent and where a consent notice is proposed to be included on the new title to be created, restricting its use to that purpose.
- (xvii) Hanley Downs part of the Jacks Point Resort Zone - Structure Plan - Jacks Point Zone (Hanley Downs)
- Any subdivision not in accordance with the Jacks Point Zone - Hanley Downs Structure Plan ( Figure 2); provided that:

- i All activity area boundaries may be moved up to 20 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting.
- ii All roads and other elements shown as 'indicative' on the Structure Plan may be moved or varied provided they are generally in accordance with and achieve the Structure Plan and the relevant objectives and policies.
- iii Where a boundary (or boundaries) has been expressly approved as part of a subsequent, more detailed ODP, then that subsequent boundary (or boundaries) shall take precedence over that shown in the Structure Plan.

Note: A subdivision, which obstructs or does not specifically provide for the roading connections to land or roads adjoining the zone, in the manner shown on the Structure Plan is a non complying activity.

### 15.2.3.5 Prohibited Subdivision Activities

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

### 15.2.3.6 Assessment Matters for Resource Consents

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

<sup>1</sup> Or this could be a discretionary activity instead

- (i) The effect of the subdivision on the character of the conservation area, heritage item or archaeological site and its environs, its important values, the reasons for its listing, and the ability of the public to enjoy and appreciate its features, where appropriate.
  - (ii) Whether the subdivision enables identification and protection of areas containing nature conservation values.
  - (iii) Whether the lot size and dimensions are sufficient and appropriate to provide protection to the area, item or site.
  - (iv) Whether the subdivision enables or enhances the retention of the essential character and values of the area, item or site, including any proposed preservation programme.
  - (v) Whether the subdivision will allow development on, or use of, the site without adversely affecting the character and values of the area, item or site and its environs.
  - (vi) Any need to restrict the location or bulk of future buildings on the lot.
- (b) Subdivisions of Land in the Rural General, Rural Lifestyle, Gibbston Character, Bendemeer Zones the Rural Residential area at the north of Lake Hayes, and the Quail Rise Zone (Activity Area R2)**
- (i) The extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and enhances:
    - (a) rural character
    - (b) landscape values
    - (c) heritage values
    - (d) visual amenity
    - (e) life supporting capacity of soils, vegetation and water
    - (f) infrastructure, traffic access and safety
    - (g) public access to and along lakes and rivers
  - (ii) The extent to which subdivision, the location of residential building platforms and proposed development may adversely affect adjoining land uses.
  - (iii) The extent to which subdivision, the location of residential building platforms and proposed development may be serviced by a potable water supply, reticulated sewerage or on-site sewage disposal within the lot, telecommunications and electricity.
  - (iv) The extent to which subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation, particularly within the Rural Lifestyle Zone at Makarora.
 

Also refer to Part 15.2.10.1.
  - (v) Consideration of the long term development of the entire property.
  - (vi) Whether the subdivision will result in the loss of the life supporting capacity of soils.
  - (vii) In the Bendemeer Special Zone the extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and does not compromise the ice sculptured legibility of the land within the zone particularly when viewed from State Highway 6 to the south of the zone, Morven Ferry and Arrow Junction Roads and any other public places to the south, excluding the Crown Range Road.
  - (viii) Subdivision and location of residential building platforms in R2 (Design Urban Edge) Activity Area of the Quail Rise Zone – Controlled Activity
 

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

    - a. The location of residential building platforms in positions where future houses will not be visible from State Highway 6. In determining this the Council shall take into account the deferment of residential development within the R2 (Design Urban Edge) Activity Area for five years from the completion of the landscaping works in the G (Design Urban Edge) Activity Area to allow growth in the vegetation screening;

b. Structure landscaping work within the R2 (Design Urban Edge) Activity Area to compliment the purpose of the G (Design Urban Edge) Activity Area landscaping work, including the protection of any existing trees proposed landscaping and earthworks;

c. Street lighting designed to avoid any potential effects of street lighting when viewed from State Highway 6 by means of design, location and height of such street lighting;

d. The need for covenants or consent notices on the resultant titles as follows:

(i) Acknowledging that the purpose of landscaping work within the G (Design Urban Edge) and R2 (Design Urban Edge) Activity Area is to make buildings within the R2 (Design Urban Edge) Activity Area not visible from SH 6; and

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

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

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

b. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.

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

be limited to, the relevant assessment matters in Rules 5.4.2.2 and 5.4.2.3

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

A) Effects on Gibbston Valley’s character

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

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

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

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

B) Visibility of development

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

(i) the proposed development is highly visible when viewed from any public roads and other public places which are frequented by the public, or is visible from SH6;

(ii) development which is highly visible or visible pursuant to (i) above is appropriate within Gibbston Valley;

- (iii) the proposed development is likely to be visually prominent such that it dominates or detracts from views otherwise characterised by viticultural or cultural landscapes.
- (iv) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography;
- (v) the subject site and wider visual amenity landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;
- (vi) any residential building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
- (vii) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the viticultural landscape particularly with respect to elements which are inconsistent with the existing natural topography;
- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units.

C) Rural Amenities

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

- (i) whether the proposed development maintains adequate and appropriate visual access to open space and views across Arcadian pastoral landscape from SH6 and other public places; and from adjacent land where views are sought to be maintained;
- (ii) whether the proposed development compromises the ability to undertake viticultural activities on surrounding land;
- (iii) whether the proposed development is likely to require infrastructure consistent with urban landscapes such as street

lighting, curb and channelling and impervious surfaces other than roads, particularly in relation to SH6 frontages;

- (iv) whether landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front SH6.

D) Form and Density of Development

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

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

E) Cumulative Effects of Development on the Landscape

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

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

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

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

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

#### (d) Hanley Downs Special Zone – Assessment Matters

In considering whether to grant consent for subdivisions prior to the approval of an Outline Development Plan, the Council shall have regard to, but not be limited by, the following assessment matter:

- (i) Whether the subdivision may compromise the ability for Site Standard 12.30.4.1 Site Standards (i) Size of Outline Development Plans to be met in the future.

Note 1: For the avoidance of doubt, this assessment matter anticipates that land in the Hanley Downs Zone may be subdivided along the boundaries of the Development Areas shown on the Hanley Downs Structure Plan prior to an Outline Development Plan being approved.

Note 2: For the avoidance of doubt, the existence of an approved Outline Development Plan is not intended to be required for subdivision to occur within the Agriculture Conservation and Recreation Activity Area.

- (ii) Whether the subdivision will create any expectation of landuse on the site, which has not already been provided for/ approved through a consent or is being applied for in combination with the subdivision consent.

## 15.2.4 Developments

### 15.2.4.1 General Provisions

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

### 15.2.4.2 Activities

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

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

### 15.2.4.3 Assessment Matters for Resource Consents

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

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

## 15.2.5 Financial Contributions

### 15.2.5.1 Purpose

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

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

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

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

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

#### i Hydro Generation Activities

##### Purpose

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

##### Form

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

##### Maximum Contribution for Hydro Generation Activities

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

##### Value of Development

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

#### ii Credit

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

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

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

- (a) The location and area of the land;
- (b) When and how the land is to be transferred to or vested in the Council.

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

### 15.2.6 Lot Sizes, Averages and Dimensions

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

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

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

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

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

**Activity**, with the exercise of the Council’s discretion limited to the matter(s) subject to that standard.

**i Lot Sizes**

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

Zone	Minimum Lot Area
Hydro Generation	20 hectares

**ii Lot Dimensions**

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

Residential and Township Zones	<b>15m x 15m</b>
Rural-Residential Zone	<b>30m x 30m</b>

**iii Certification of Allotments**

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

**iv Lot Averages**

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

Zone	Average
Rural Residential at the North end of Lake Hayes	8000m <sup>2</sup>

Shotover Country Special Zone - Activity Areas 1a – 1e	750 m <sup>2</sup>
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(b) For the purposes of calculating any average, the following three titles at the north of Lake Hayes shall include the area previously taken from those titles (at their southern end) as a Wildlife Management Reserve, as described below:

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

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

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

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

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

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

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

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

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

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

**i Lot Sizes**

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

Zone	Minimum Lot Area
Rural Residential (excluding Rural Residential sub-zone at Bob's Cove)	4000m <sup>2</sup>
Rural Residential at Bob's Cove sub-zone	No minimum – Controlled Activity  Provided the total lots to be created by subdivision (including the balance of the site within the zone) shall have an average of at least 4000m <sup>2</sup>
In the Ferry Hill Rural Residential sub-zone	4000m <sup>2</sup> – with up to a maximum of 17 rural residential allotments
Rural General	No minimum discretionary activity
Hydro Generation	No minimum – Controlled Activity
Gibbston Character	No Minimum – Discretionary Activity
Rural-Lifestyle	In all Rural Lifestyle Zones (except the Makarora Rural Lifestyle Zone): 1 ha provided that the total lots to be created by subdivision (including balance of the site within the zone) shall not have an average less than 2 hectares  In the Makarora Rural Lifestyle Zone the total lots to be created by subdivision (including balance of the site within the zone) shall not have an average less than 2 hectares.
Resort	No Minimum – Controlled Activity

Rural Visitor	No Minimum – Controlled Activity
Remarkables Park	Activity Area 1 600m <sup>2</sup> Activity Areas 2a-8 – No Minimum controlled activity
Low Density Residential	Arthurs Point 800m <sup>2</sup> Queenstown Heights Area 1500m <sup>2</sup> Wanaka 700m <sup>2</sup> Elsewhere 600m <sup>2</sup>
High Density Residential	450m <sup>2</sup>
Residential Arrowtown (Historic)	800m <sup>2</sup>
Frankton Flats Special Zone	No minimum – Controlled Activity
Deferred Rural Lifestyle A and B	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
Deferred Rural Lifestyle (Buffer)	The land in this zone shall be held in a single allotment

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

Zone	Minimum Lot Area
The Townships:	
Kingston	800m <sup>2</sup>
Glenorchy	800m <sup>2</sup>
Lake Hawea	800m <sup>2</sup>
Luggate	800m <sup>2</sup>
Kinloch	800m <sup>2</sup>
Makarora	1000m <sup>2</sup>
Albert Town	800m <sup>2</sup>
Riverside Stage 6 Subzone A	<ul style="list-style-type: none"> <li>• 50-55% of lots will be developed to a minimum area of 400m<sup>2</sup></li> <li>• Average lot size: 600m<sup>2</sup></li> <li>• Maximum lot size: 800m<sup>2</sup></li> </ul>

Riverside Stage 6 Subzone B	• Average lot size: 800m <sup>2</sup> (minimum 700m <sup>2</sup> , maximum 1000m <sup>2</sup> )
Riverside Stage 6 Subzone C	• Minimum 1,000m <sup>2</sup> , maximum 2000m <sup>2</sup>
Penrith Park	Activity Area 1 3000m <sup>2</sup> Activity Area 2 1000m <sup>2</sup>
Bendemeer	Activity Area 1 1500m <sup>2</sup> Activity Area 2 2000m <sup>2</sup> Activity Area 3 2500m <sup>2</sup> Activity Area 4 3000m <sup>2</sup> Activity Area 5 4000m <sup>2</sup> Activity Area 6 6000m <sup>2</sup> Activity Area 7 7000m <sup>2</sup> Activity Area 8 50000m <sup>2</sup> Activity Area 9 17500m <sup>2</sup> Activity Area 10 7500m <sup>2</sup> Activity Area 11 20 hectares
Queenstown Town Centre	No Minimum – Controlled Activity

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

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

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

Zone	Minimum Lot Area
<b>Three Parks</b>	
LDR (Three Parks)	No minimum – controlled activity
MDR subzone (Three Parks)	No minimum – controlled activity
Commercial Core (Three Parks) –	No minimum – controlled activity
Business (Three Parks) –	1000 m <sup>2</sup> ;

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

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

Zone	Minimum Lot Area
Kingston Village Special	Activity Area 1a: Minimum 350m <sup>2</sup> maximum 500m <sup>2</sup>

Zone	Activity Area 1b: Minimum 450m <sup>2</sup> Maximum 700m <sup>2</sup>
	Activity Area 1c: Minimum 700m <sup>2</sup>
	Activity Area 2, 3 and 4: No minimum

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

- (i) No minimum allotment size shall apply in Activity Area 1(a) of the Kingston Village Special Zone where the subdivision is lodged concurrently with and is for the purposes of comprehensive housing or a retirement village undertaken pursuant to discretionary activity 12.28.3.3(vi)
- (ii) Bulk Title  
Within the Kingston Village Special Zone, the maximum lot size shall not apply where:
  - a. the proposed lot size is greater than 1000m<sup>2</sup>; and
  - b. the subdivision application identifies how it will achieve the lot sizes and framework of the Kingston Village Special Zone Structure Plan, in particular, how the above minimum and maximum lot sizes can be achieved at a later stage (i.e. the next subdivision; and
  - c. The road layout of the Road Layout Plan within the Kingston Village Special Zone Subdivision Guidelines (2010) is achieved.

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

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

Except:

In the Mount Cardrona Station Special Zone:

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

**(b) Boundary Adjustments**

Where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:

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

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

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

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

- (i) each of the existing lots must have a separate Certificate of Title.
- (ii) Any approved residential building platform must be retained in its approved location; and

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

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

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

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

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

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

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above:

there shall be no minimum lot sizes or dimensions in any zone, for vacant shares of fee simple titles over which there is/are existing cross leases or company leases or for unit titles where a proposed unit development plan has been granted subdivision consent, provided all relevant rules applicable within the zone are complied with by the building(s) erected or to be erected on the respective cross lease, company lease or unit title;

where a certificate of compliance has been issued for a building and that certificate has not lapsed, and where a lot is to be created after the erection of that building, or the subdivision and building consents are issued in conjunction, the minimum area of the lot shall be the area of the site of the building as approved by the certificate of compliance.

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

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

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

Appendix 3, certifying that the area, site or item is worthy of protection.

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

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

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

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

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

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

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

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

Note:

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

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

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

- (ii) No allotments shall be created that transect the boundary between Activity Areas 1, 1a, 1b, 2a, 2b, 3, 3a, 3b, 4, 5a or 5b and the adjacent Activity Area 6, 6a, 7 or 7a except those allotments created for the purposes of roads, access lots including driveways and walkways, reserves and or utilities.
- (iii) All subdivision shall be in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.
- (iv) Any subdivision consent creating an allotment or allotments within the MCSSZ shall include a condition or conditions providing for the following:
  - (a) All land shall be cleared of exotic weed species and animal pests, and maintained in that state. This shall require the submission of a Weed Management Plan.
  - (b) Clause (a) above shall be complied with on a continuing basis by the subdividing owner and subsequent owners and shall be the subject of consent notices to be registered under the Land Transfer Act 1952.
  - (c) This clause may be applied in stages as subdivision through the Zone proceeds.
- (v) Prior to certification under section 224(c) of the Act in respect of the 200<sup>th</sup> residential lot within the MCSSZ, at least 350m<sup>2</sup> of gross floor

area suitable for use for commercial purposes shall be constructed within Activity Area 1a.

**Table 1: Noise insulation construction schedule**

Building element	Minimum construction requirement	
External walls of habitable rooms	Stud walls: Exterior cladding	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm)*
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required in cavity for all external walls. Minimum 90mm wall cavity.
	Interior lining:	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m <sup>2</sup> (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plaster board.
	Combined superficial density:	Minimum of not less than 25kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m <sup>2</sup> on each side of structural elements.
	Mass walls	190mm concrete block, strapped and lined internally with 10mm gypsum plaster board, or 150mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6mm glazing single float
	Glazed areas between 10% and 35% of floor	6mm laminated glazing

	area: Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminium with compression seals	
Skillion Roof	Cladding:	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking: Frame:	17mm plywood (no gaps) Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m <sup>3</sup> )
	Ceiling:	Two layers of 10mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> )
	Combined superficial density:	Combined mass of cladding and lining of not less than 25kg/m <sup>2</sup> with no less than 10kg.m <sup>2</sup> on each side of structural elements.
Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required for all ceilings.
	Ceiling: Combined superficial density:	12mm gypsum plaster board. Combined mass with cladding and lining of not less than 25kg/m <sup>2</sup>

Floor areas open to outside	Cladding:  Combined superficial density:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply. Floors to attain a combined mass not less than 25kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers)
External Door to Habitable Rooms	Solid core door (min 25kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	

Notes:

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

ii Lot Averages

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

Zone	Average
Rural Residential at Bob's Cove sub-zone	4000m <sup>2</sup>
Rural Lifestyle	2ha

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

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

(a) In the Rural Lifestyle and Bendemeer

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

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

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

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

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

- (a) Within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council;
- (b) At least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule

shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.

(c) The remainder of the area shall be deemed to be the ‘development area’ and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council;

(d) The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and

This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots.

(e) Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.

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

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

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

(a) Notwithstanding 15.2.6.3i(a) above, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the

subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.

(b) Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.

(c) Any application for subdivision consent shall:

(i) Provide for the creation of the landscape allotments(s) referred to in (b) above;

(ii) Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in (b) above;

(iii) Be accompanied by a Landscape Plan which shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme.  
The landscape Plan shall ensure:

- That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and

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

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

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

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

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

- (a) In any subzone other than the MDR subzone, no more than 10% of all sites shown on a subdivision scheme plan may be "rear sites"; and
- (b) In the MDR subzone, there shall be no rear sites shown on a subdivision scheme plan; provided that
- (c) Any rear sites resulting from the subdivision of an existing building shall not be deemed to be 'rear sites' for the purpose of either standard 15.2.6.3 (vii)(a) or 15.2.6.3 (vii)(b).

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

#### 15.2.6.4 Assessment Matters for Resource Consents

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

##### i Lot Size and Dimensions

- (a) Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone;
- (b) Whether the lot is of sufficient size, given the nature of the intended development and site factors and characteristics, for on-site disposal of sewage, stormwater or other wastes to avoid adverse environmental effects beyond the boundaries of the lot.
- (c) Whether the proposed lot is of a suitable slope to enable its safe and effective use for its anticipated purpose or land use, having regard to the relevant standards for land uses in the Zone.
- (d) The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access.
- (e) Whether the lot is to be amalgamated and included in the same Certificate of Title with an adjoining parcel of land.
- (f) Whether there is the opportunity to enable the protection or restoration of a listed or non-listed heritage item or site which is considered to be of sufficient merit for its preservation or protection to be promoted in the context of a particular development.
- (g) In the Rural Residential zone at the north of Lake Hayes, whether and to what extent there is the opportunity to protect or restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes.
- (h) Within the Shotover Country Special Zone, whether and the extent to which the lot size:

- (i) Can be achieved without undermining or adversely affecting desirable urban outcomes promoted by the relevant Outline Development Plan.
- (ii) Will achieve greater efficiency in the development and use of the land resource.
- (iii) Will assist in achieving affordable or community housing.
- (iv) Can be adequately serviced without adverse effect on infrastructural capacity.
- (v) Will achieve residential amenities such as privacy and good solar orientation.

## 15.2.7 Subdivision Design

### 15.2.7.1 Controlled Subdivision Activities - Subdivision Design

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

- The location of pedestrian access;
- The location of building platforms;
- The provision and/or use of open stormwater channels and wetland areas;
- Orientation of lots to optimise solar gain for buildings and developments;
- The effect of potential development within the subdivision on views from surrounding properties;

- The design, dimensions and location of, and access to, lots in Residential or Rural-Residential Zones, which adjoin Rural Zones;
- The scale and nature of earthworks and the disposal of excess material.
- The concentration or clustering of built form in the Makarora Rural Lifestyle Zone to areas with high potential to absorb development while retaining areas which are more sensitive in their natural state.

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

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

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

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

The purpose of these additional controls is:

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

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

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

#### 15.2.7.2 Site Subdivision Standards – Subdivision Design

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

#### 15.2.7.3 Assessment Matters for Resource Consents

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

- (i) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.
- (ii) The provision for, and safety and practicality of, pedestrian access including unsealed walking tracks, the relationship of these to reserves (existing or proposed); access to the lakes and rivers, and the opportunities for enhancing a rural walkways network in the Wakatipu Basin.

- (iii) The provision for, safety and practicality of, using open stormwater channels and wetland areas.
- (iv) The relationship and orientation of lots, particularly in respect of land in adjoining zones, and the ability to create an attractive and interesting edge between development in the Residential and Rural-Residential Zones and adjoining Rural Zones;
- (v) The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).
- (vi) The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.
- (vii) The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.
- (viii) In the Jacks Point Zone, within any Residential (State Highway) Activity Area R(SH), the council shall consider the extent to which subdivision, the location of building platforms and proposed development and landscaping.
  - (a) Ensures that buildings and other structures are not readily visible from State Highway 6;
  - (b) Maintains and enhances the important landscape values associated with the southern entrance to Queenstown.
  - (c) Maintains and enhances the landscape and visual amenity values of the Jacks Point Zone and surrounding environment, particularly when viewed from State Highway 6; and
  - (d) Maintains and enhances any significant view corridors from State Highway 6 through and beyond the Jacks Point Zone.

- (ix) In the Bob's Cove rural Residential Zone (excluding the Bob's Cove Sub-zone) the need to provide for street lighting in the proposed subdivision. If street lighting is required in the proposed subdivision to satisfy the councils standards, then in order to maintain the rural character of the zone, the street lighting shall be low in height from the ground, of reduced lux spill and preferably pointing down.
- (x) In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:
- (a) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
  - (b) whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.
- In addition to the above, the following matters with respect to the Kingston Village Special Zone:
- (xi) The consistency of the subdivision with the Structure Plan for Kingston, including:
- (a) Consistency with the Road Layout Plan and Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010);
  - (b) Providing open space and recreation areas as the development progresses;
  - (c) Achieving the range of section sizes, concentrating highest density within Activity Area 1a;
  - (d) Providing for rear access lanes;
  - (e) Avoiding sections that result in garages and backs of houses facing the street;
  - (f) Achieving section layout that provides maximum solar access for future dwellings;
  - (g) Landscaping of the street and open spaces that reflects the character of the existing Kingston Township;
  - (h) Avoidance of cul-de-sacs unless they are short and completely visible from its intersection with a through street.
- (xii) In addition to the above, within the Mount Cardrona Station Special Zone the extent to which:
- (a) The subdivision design is in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.
  - (b) The subdivision is consistent with the Mount Cardrona Station Design Guidelines (2008) and the recommendations of the Design Review Board.
  - (c) The objectives and principles of SNZ: HB 44:2001 have been achieved.
  - (d) The development is staged in a logical manner, ensuring that adverse effects on amenity values of the site and its surrounds are as far as possible retained throughout the construction phase.
  - (e) Roads are designed in accordance with the Roding Schedule contained in the Mount Cardrona Station Design Guidelines (2008) and contribute to a 'rural' character, avoiding kerb and channelling and wide road widths, and creating a pedestrian friendly environment.
  - (f) Road widths and other traffic calming measures are utilised within the Village Precinct to enable the creation of a pedestrian friendly environment.
  - (g) Ford crossings within Activity Area 6 are encouraged in order to maintain a rural character.
  - (h) Pedestrian footpaths and trails to be in accordance with the Mount Cardrona Station Design Guidelines (2008) and any relevant engineering standards.

## 15.2.8 Property Access

### 15.2.8.1 Controlled Subdivision Activities - Property Access

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

- The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency.
- The number, location, provision and gradients of access from roads to lots for vehicles, cycles and pedestrians, their safety and efficiency.
- The standards of construction and formation of roads, private access, service lanes, pedestrian access, accessways and cycle ways.
- The provision and vesting of corner splays or rounding at road intersections.
- The naming of roads and private access.
- The provision for and standard of street lighting.
- Any provisions for tree planting within roads.
- Any requirements for widening, formation or upgrading of existing roads.
- Any provisions relating to access for future subdivision on adjoining land.

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

- Consistency of the road layout and design with the Road Layout Plan and associated cross sections contained within the Kingston Village Special Zone Subdivision Guidelines (2010).
- The provision of rear access lanes, which shall be between 4m and 5m in width.
- The provision of walkways and cycleways in association with the provision of open swales.
- Management of access across the Kingston Flyer Railway line between the existing Kingston Township and the Kingston Village Special Zone.
- Within the Shotover Country Special Zone, whether and the extent to which methods are proposed to:
  - (a) Establish a vehicle link between Stalker Road and Howards Drive
  - (b) Enable public transport
  - (c) Integrate facilities for cycle and pedestrian access
  - (d) Provide on-street parking
  - (e) Direct light spill from street lighting downwards
  - (f) Align vehicle access in accordance within the Structure Plan, with a maximum variation allowed of 30 metres from the centreline of primary roads and 20 metres from the centreline of secondary roads.
  - (g) Provide intersection points located within 20 metres of that shown on the Structure Plan.
  - (h) Ensure that adequate and appropriate bus stops are provided for when the roading network is designed and constructed.
  - (i) Mitigate the landscape and visual impacts of road construction down terrace slopes.
  - (j) Maintain the functionality of roadside swales at the time shared roads or individual driveways are being constructed, including the extent to which a consent notice is necessary to ensure future owners are made aware of this obligation (where vehicle crossing places are not being formed at the time of subdivision).

- (k) Provide for appropriate installation, maintenance and uniform design (including materials) of temporary and permanent vehicle crossing places.

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

- (i) This Rule shall only apply to subdivision of land situated south of State Highway 6 (“Ladies Mile”) and southwest of Lake Hayes which is zoned Low Density Residential or Rural Residential as shown on Planning Map 30.
- (ii) The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.
- (iii) No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.

### 15.2.8.3 Assessment Matters for Resource Consents

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

- (i) The safety and efficiency of the roading network and the proposed roading pattern, having regard to the roading hierarchy, standards of design, construction for roads and private access.
- (ii) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.

- (iii) The provisions of the Council’s Code of Practice for Subdivision in respect of the design and construction of roads and private access, with the exception of the Mount Cardrona Station Special Zone, where roads and private access shall be designed and constructed in accordance with the Roothing Schedule contained within the Mount Cardrona Station Design Guidelines (2008).
- (iv) The account taken of safe, pleasant and efficient pedestrian movement, provision of space for cyclists, amenity values of the street and opportunities for tree planting in the open space of the road way to enhance the character and amenity of the neighbourhood.
- (v) The need to provide pedestrian accessway facilities in circumstances where the roading network does not provide sufficient or direct access or easy walking access to facilities in the vicinity.
- (vi) The need to provide cycle ways in circumstances where the roading network does not enable sufficient or direct cycle routes through the locality.
- (vii) The need to provide alternative access for car parking and vehicle loading in the Business, Town Centre, Corner Shopping Centre or Industrial Zones by way of vested service lanes at the rear of properties.
- (viii) Any impact of roading and access on lakes and rivers, ecosystems, drainage patterns and the amenities of adjoining properties.
- (ix) The need to provide for appropriate standards of street lighting or private access lighting having regard to the classification of the road or the access.
- (x) The need to provide distinctive names for roads and private vehicular access. The name to be agreed by the Council.
- (xi) Any need to make provision for future roads to serve surrounding land or for road links that need to pass through the subdivision.
- (xii) In the Ferry Hill Rural Residential sub-zone the extent to which:
- the number of accesses to roads is minimised

- the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access.
- (xiii) Within the Mount Cardrona Station Special Zone, the extent to which:
- (a) Roading location and design is in general accordance with the Structure Plan A - Mount Cardrona Station Structure Plan.
  - (b) Roading is designed in a manner reflecting a rural environment, avoiding the use of kerb and channelling, and instead using techniques such as planted swales.

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

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

- (b) Any such resource consent includes a condition requiring that the SH6 Roundabout Works must be completed prior to the issuing of a s224 certificate for any SH6 Roundabout Trigger Land.

**15.2.9 Esplanade Provision**

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

**i Minor Adjustments**

Where a proposed subdivision is either:

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

**ii Road Designations, Utilities and Reserves**

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

**15.2.9.2 Controlled Subdivision Activities - Esplanade Provision**

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

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

### 15.2.9.3 Site Subdivision Standards - Esplanade Provision

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

#### i Esplanade Reserves

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

Whether the area:

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

### 15.2.9.4 Assessment Matters for Resource Consents

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

- (i) The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act.
- (ii) The appropriateness of creating an esplanade reserve or strip in relation to security or public safety concerns.
- (iii) The extent of the public's ability to obtain access to and along the margin of the water body.
- (iv) The extent that recreational use will be assisted or hindered.
- (v) The compatibility of the proposed reserve or strip with physical characteristics of the land.
- (vi) The extent to which the natural character and visual quality of the area will be preserved.
- (vii) The extent to which natural hazards will be mitigated.
- (viii) The future use and purpose of any existing building that would otherwise encroach on, or be within, a reserve or strip.
- (ix) The need for and practicality of easements being created to provide public access to lakes and rivers, where appropriate, through consultation and negotiation with the landowner.
- (x) The safety of any access point to the esplanade reserve, esplanade strip or access strip from arterial roads.
- (xi) The provisions of relevant foreshore management plans and in the case of the Rural Residential zone at the North end of Lake Hayes, the Lake Hayes Management Strategy (1995) and any amendments thereto.

## 15.2.10 Natural and Other Hazards

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

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

- (i) The effect of the following natural and other hazards on the land within the subdivision;
  - (a) Erosion
  - (b) Flooding and Inundation
  - (c) Landslip
  - (d) Rockfall
  - (e) Alluvion
  - (f) Avulsion
  - (g) Unconsolidated Fill
  - (h) Soil Contamination
  - (i) Subsidence.
- (ii) The effect of the subdivision on the impact of the following natural and other hazards on the site or on other land in the vicinity.

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

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

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

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

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

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

### 15.2.10.3 Assessment Matters for Resource Consents

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

- (i) The likelihood of the lots and infrastructure in the subdivision, and any anticipated use or development of the lots, being subject to the effects of any natural or other hazard, the degree to which the hazard could result in damage, destruction and/or loss of life, and the need to avoid or mitigate any potential damage or danger from the hazard.
- (ii) Any potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities as a result of the effects of natural or other hazards.

- (iii) Any need for conditions to avoid or mitigate potential damage or danger from the hazard, such as the provision of works, location and type of services, minimum floor heights and locations for buildings, and location and quantity of fill or earthworks.
- (iv) Whether a lot should be restricted from development on parts or all of the site, as a result of the effects of natural or other hazards.
- (v) Whether a minimum floor height should be specified for buildings in situations where inundation is likely and damage to structures could occur, but the land may not be suitable for filling.
- (vi) In relation to flooding and inundation from any source, the Council shall have regard to the following:
  - (a) The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
  - (b) Any proposed boundary drainage to protect surrounding properties;
  - (c) Any effect of such filling or boundary drainage on the natural character or hydrological functions of wetlands;
  - (d) The adequacy of existing outfalls and any need for upgrading;
  - (e) Any need for retention basins to regulate the rate and volume of surface run-off.
- (vii) In relation to erosion, falling debris, slope instability or slippage:
  - (a) The need for certification by a Registered Engineer that each lot is suitable for the erection of buildings designed in accordance with NZS 3604;
  - (b) Any need for registration of consent notices on the Certificate of Title;
  - (c) Any need for conditions relating to physical works to limit the instability potential.
- (viii) In relation to landfill and subsidence, the need for the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title of the lots in the subdivision.
- (ix) In relation to contaminated sites, the need for conditions to avoid, mitigate or remedy the effects of the land contamination, including removal to approved disposal points.
- (x) In relation to any land filling or excavation, the following factors:
  - (a) The effects on the infrastructure of surrounding properties;
  - (b) The effects on the natural pattern of surface drainage;
  - (c) The effects on stormwater drainage systems;
  - (d) The type of and placement of fill material;
  - (e) Mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
  - (f) Remedies necessary during emergencies.

## 15.2.11 Water Supply

### 15.2.11.1 Controlled Subdivision Activities - Water Supply

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

- The availability, quantity, quality and security of the supply of water to the lots being created;
- Water supplies for fire fighting purposes;

- The standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- Within the Mount Cardrona Station Special Zone, the initiatives proposed to reduce water demand and water use.

### 15.2.11.2 Discretionary Activity - Water Supply

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

### 15.2.11.3 Zone Subdivision Standards - Water Supply

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

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

vi Kingston Village Special Zone

- (ii) Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.
- (iii) Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.
  - (a) Except within the Mount Cardrona Station Special Zone where:
    - i every allotment, other than allotments for access, roads, reserves, open space or utilities, shall be connected to the one reticulated restricted potable water supply.
    - ii the reticulated restricted potable water supply shall be capable of meeting fire fighting requirements, including provision for 24 hour storage at average levels of demand; and
    - iii where bulk water meters are not provided every allotment connected to the reticulated restricted water supply shall be provided with a water meter at the frontage to the allotment to measure the consumption of water on that allotment.
    - iv A consent notice shall be placed on each certificate of title restricting the use of reticulated restricted water supply for potable use; any water used for irrigation must be sourced from a separate supply (for example rain water or recycled greywater).

### 15.2.11.4 Assessment Matters for Resource Consents

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

- (i) The need to ensure the availability of a secure supply of potable water of adequate quantity to provide for the needs of the anticipated land uses on all of the lots within the subdivision.
- (ii) The suitability of the proposed water supply for the needs of the land uses anticipated.
- (iii) The provisions of the Council's Code of Practice for Subdivision in respect of the construction and installation of the water supply system.
- (iv) The suitability of the proposed water supply for fire fighting purposes having regard to the density and nature of development anticipated and the availability of a public reticulated water supply system.
- (v) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public water supply utility.
- (vi) The requirements of any Regional Rules or the need to obtain water permits from the Otago Regional Council.
- (vii) Any need to make provision for future water supply systems to serve surrounding land.
- (viii) In addition to the above, within the Kingston Village Special Zone, the ability to stage subdivision and development in order to ensure water supply can be provided efficiently and effectively.
- (ix) Within the Mount Cardrona Station Special Zone, the extent to which:
  - Initiatives to reduce water use, including education of future landowners and restrictions on irrigation, have been proposed.
  - Techniques to reuse and recycle water, including the recycling of greywater, have been proposed.
  - The collection of rainwater and its use for household water supply and irrigation is provided.

### 15.2.12 Stormwater Disposal

#### 15.2.12.1 Controlled Subdivision Activities - Stormwater Disposal

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

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

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

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

#### 15.2.12.2 Zone Subdivision Standard – Stormwater

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

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

- (a) Shall include:

- (i) identification of the catchment area boundary;
  - (ii) anticipated stormwater runoff volume at maximum development potential;
  - (iii) indicative secondary overflow paths for a 100 year ARI event or a 1% AEP event;
  - (iv) proposed stormwater management options which are to be adopted at the time of subdivision, such as piping, open swales, etc;
  - (v) proposed stormwater treatment and disposal options, including treatment facility options for roading, public carparking areas and commercial carparking areas;
  - (vi) flexibility to enable alternative options to be explored prior to obtaining engineering approval required for subsequent subdivision consents;
- (b) Shall not be required to include:
- (i) detailed engineering design;
  - (ii) investigation into individual lot onsite stormwater disposal;
- (c) Shall be approved by the Council subject to a condition that the consent applicant obtain any required discharge permit from the Otago Regional Council.
- (i) The adequacy of the proposed means of collecting and disposing of stormwater from the roof of all existing or potential buildings and hard surfacing, in terms of the avoidance or mitigation of adverse effects on the site, other properties in the vicinity, or the receiving environment, whether land or water;
  - (ii) The appropriateness of requiring a piped connection from each lot to a public stormwater reticulation system, or of requiring piped outfalls to be provided to each lot to be connected to a public reticulation system at a later date;
  - (iii) Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse affects;
  - (iv) The provisions of the Council's Code of Practice in respect to the construction and installation of the stormwater disposal system;
  - (v) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containing of contamination from roads and paved areas and of siltation;
  - (vi) The practicality of retaining open natural lake or river systems for stormwater disposal in preference to piped or canal systems and any impacts of stormwater disposal on existing lakes and rivers;
  - (vii) The requirements of any Regional Rules or the need to obtain discharge permits from the Otago Regional Council;
  - (viii) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes;
  - (ix) Any need for conditions relating to ongoing maintenance of stormwater infrastructure;
  - (x) Any need to make provision for future stormwater disposal systems to serve surrounding land

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

- (xi) Consistency with the Stormwater Management Plan contained within the Kingston Village Special Zone Subdivision Guidelines (2010).
- (xii) The ability to stage development to ensure the efficient and effective management of stormwater systems during development.
- (xiii) Within the Mount Cardrona Station Special Zone, the extent to which:
  - Natural flow paths have been used in the design of stormwater management systems.
  - Techniques have been adopted to ensure that
    - (i) The rate of stormwater discharge remains equal to or less than that of pre-development; and
    - (ii) The quality of water in that discharge remains equal to or better than that of pre-development.

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

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

## 15.2.13 Sewage Treatment and Disposal

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

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

- The method of sewage treatment and disposal;
- The capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;
- The location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system;
- Easements over private land for access to the nearest public or community owned point or disposal.

### 15.2.13.2 Assessment Matters for Resource Consents

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

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

(vii) In addition to the above, within the Kinston Village Special Zone;

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

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

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

## 15.2.14 Trade Waste Disposal

### 15.2.14.1 Controlled Subdivision Activity - Trade Waste Disposal

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

### 15.2.14.2 Assessment Matters for Resource Consents

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

- (i) Whether any proposal to create lots for any business or other activity generating trade wastes will have the potential to discharge wastes to a disposal system;
- (ii) Whether the volume or type of trade waste generates a need for appropriate pre-treatment and/or disposal systems to be provided;
- (iii) Any consents required for discharge of contaminants from the Otago Regional Council in conjunction with the subdivision consent;

(iv) The provisions of the Council's Code of Practice for Subdivision in respect of the installation of trade waste sewers;

(v) Any need for conditions relating to ongoing maintenance of trade waste disposal infrastructure.

## 15.2.15 Energy Supply and Telecommunications

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

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

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

#### Notes:

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

### 15.2.15.2 Assessment Matters for Resource Consents

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

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

### 15.2.16 Open Space and Recreation

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

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

### 15.2.16.2 Assessment Matters for Resource Consents

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

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

### 15.2.17 Protection of Vegetation and Landscape

#### 15.2.17.1 Controlled Subdivision Activities - Vegetation and Landscape

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

- The protection of vegetation and landscape features;
- Provision for street scape planting within the road and public spaces;
- The preservation and enhancement of the indigenous vegetation, within the 'Forest Hill' Rural Residential zone, and the removal and control of wilding pines.

**15.2.17.2 Site Standard – Vegetation**

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

**15.2.17.3 Zone Subdivision Standard – Vegetation**

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

- (i) Prior to any subdivision (excluding boundary adjustments) of any land containing part of Activity Area 5b, the Riverside Protection Area and/or 5d, all plant pests shall be removed from the relevant part of Activity Area 5b, the Riverside Protection Area and/or 5d, being gorse, broom, briar, tree lupin, hawthorn, crack willow, buddleia, Californian thistle, and any other Pest Plant as specified in the Regional Pest Management Strategy for Otago except crack willow along the edge of the Shotover River.
- (ii) Prior to subdivision (excluding boundary adjustments) where the site to be subdivided includes part of Activity Area 5b, planting shall take place within the relevant part of Activity Area 5b which:
  - (a) Comprises the species detailed in Appendix 1 – Plant List, Part 1: Terrace Escarpment/Grey Shrubland Areas (Activity Area 5b); and
  - (b) Will achieve 25% site coverage (canopy closure) once the planting reaches maturity.
- (iii) Prior to any subdivision within the zone (excluding boundary adjustments), methods shall be implemented to exclude stock from Activity Area 5d.
- (iv) A consent notice or other legal mechanism shall be registered against the relevant certificate(s) of title to any applicable lot to achieve the following ongoing obligations:
  - (a) Any planting required to be implemented under this rule shall be maintained for a period of 5 years during which time any plant which dies, is removed, or becomes diseased shall be replaced by the subdivider responsible for creating the relevant lot and by the lot owner.
- (v) Prior to any subdivision within the zone (excluding boundary adjustments):
  - (a) A qualified heritage consultant shall detail steps required to stabilise the Hicks Cottage in Activity Area 4, in order to prevent further deterioration pending long term restoration; and

(b) Those steps shall be implemented.

#### 15.2.17.4 Assessment Matters for Resource Consents

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

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

(b) Methods have been proposed to prevent stock from browsing and otherwise damaging areas of indigenous vegetation by fencing.

- (viii) The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- (ix) The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.

#### 15.2.18 Easements

##### 15.2.18.1 Controlled Subdivision Activity – Easements

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

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

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

##### 15.2.18.2 Assessment Matters for Resource Consent

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

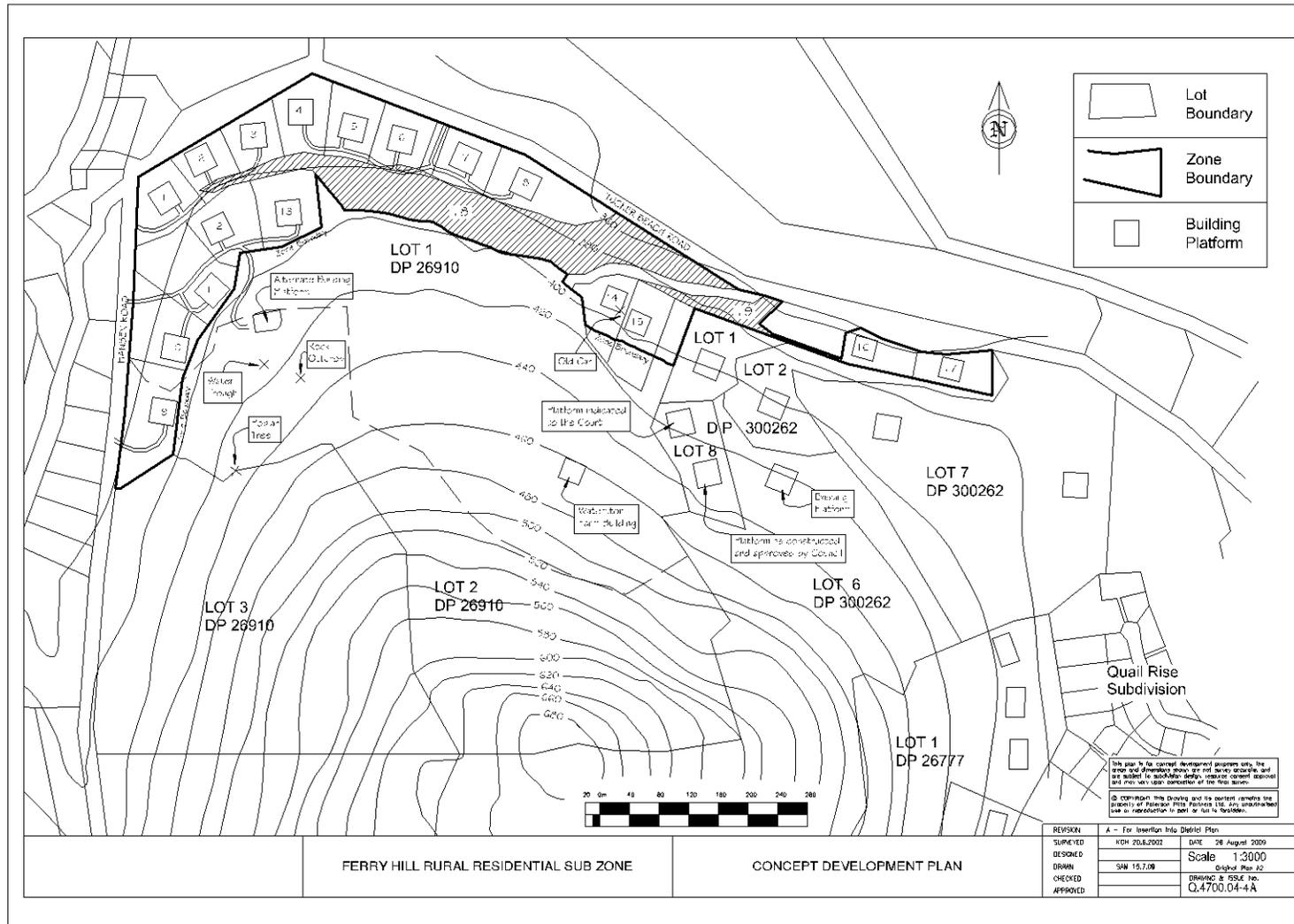
- (i) The need for easements:
  - (a) where a service or access is required by the Council;

- (b) for stormwater passing through esplanade reserves where drainage will be to the wetland, lake or river;
- (c) to meet network utility operator requirements;
- (d) in respect of other parties in favour of nominated lots or adjoining Certificates of Title;
- (e) for private ways and other private access;
- (f) for stormwater treatment and disposal, sewage treatment and disposal, water supply, electricity reticulation, gas reticulation, telecommunications;
- (g) for party walls and floors/ceilings;
- (h) for reticulation servicing with sufficient width to permit maintenance, repair or replacement;
  - (i) for walkways and cycle ways, including access to water bodies.
  - (ii) The need for the cancellation of easements.
- (i) for the provision of public access throughout the Open Space Zone within Peninsula Bay.
- (j) within the Mount Cardrona Station Special Zone the extent to which:
  - (i) public access easements through Activity Area 7 provide access to the historic water races, while ensuring their protection.
  - (ii) access easements provide potential linkages between the site and surrounding walkways, enabling connection between Mount Cardrona Station and the existing Cardrona village.
  - (iii) access easements and easements in gross are in general accordance with the Mount Cardrona Station Walkways Plan (Structure Plan C).

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

- the location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and existing vegetation patterns and existing or proposed accesses;
- boundary treatment;
- easements for access and services.

**15.2.19**



## 18.2 Signs - Rules

### 18.2.1 Activities

Any activity which complies with all the relevant zone standards and is not listed as a Controlled Non-Complying or Prohibited Activity, shall be a Permitted Activity.

### 18.2.2 Controlled Activities

The following shall be **Controlled Activities**

- (a) All signs within the Jacks Point Zone, with the exercise of Council's control limited to:
  - § Colour;
  - § Design;
  - § Consistency with any relevant Council approved development controls and design guidelines; and
  - § Consistency with public sign policy and controls throughout the District
- (b) All signs within the Mount Cardrona Station Special Zone, with Council's control limited to:
  - (i) Colour and materials
  - (ii) Design
  - (iii) Location
  - (iv) Size
  - (v) Consistency with the Mount Cardrona Station Design Guidelines (2008)

### 18.2.3 Non-Complying Activities

The following shall be **Non-Complying Activities**.

- (a) signs on, or attached to, the roof of a building.
- (b) All activities that do not meet the zone standards shall be Non-Complying Activities.

### 18.2.4 Prohibited Activities

The following shall be **Prohibited Activities**.

- (a) signs projecting above the roofline of the building to which the sign is attached
- (b) flashing signs
- (c) moving signs
- (d) signs creating any optical illusion
- (e) signs attached to any vehicle parked in or visible from any road or public place for the principle purpose of commercial advertising
- (f) signs attached to a tree unless the sign identifies solely the species of tree and/or its classification under the District Plan.

### 18.2.5 Zone Standards

**TOWNSHIP, TOWN CENTRE, (EXCEPT WITHIN THE TOWN CENTRE TRANSITION SUB-ZONE), CORNER SHOPPING CENTRE, AIRPORT MIXED USE, BUSINESS & INDUSTRIAL ZONES, BUSINESS SUBZONE (THREE PARKS ZONE), COMMERCIAL CORE SUBZONE (THREE PARKS ZONE), REMARKABLES PARK ZONE ACTIVITY AREAS 3 AND 5, BALLANTYNE ROAD MIXED USE ZONE ACTIVITY AREAS B AND C AND ACTIVITY AREA 2 OF THE KINGSTON VILLAGE SPECIAL ZONE, ANY COMMERCIAL AND COMMUNITY PRECINCT IDENTIFIED AS PART OF AN APPROVED OUTLINE DEVELOPMENT PLAN IN THE HENLEY DOWNS ZONE**

- (i) Ground Floor Signs

- (a) Ground floor areas with frontage to a road, footpath, service lane or access way: signs on the ground floor areas of each face of a building shall not exceed 5m<sup>2</sup> in total area or 15% of the ground floor area of that face of the building, whichever is less.

Provided that if the building also has frontage to a road the signs on the face of the building adjacent to the service lane or access way shall not exceed 2% of the ground floor area of the face of the building adjacent to the service lane or access way.

- b) Standards:

Sign Type	Maximum Area	Additional Standards
Wall Signs	2m <sup>2</sup>	
Verandah Face Signs	Shall not together with other ground floor signs exceed the area specified in 18.2.5(i)(a) above	Shall not exceed 600mm in depth
Under Verandah Signs	Shall not together with other ground floor signs exceed the area specified in 18.2.5(i)(a) above	Shall be at 2.5m above the surface of the road, footpath, service lane or access way
Free-standing Signs	2m <sup>2</sup>	Shall not project over and any road or service lane. Shall not project over a footpath unless it is 2.5m above the level of the footpath and does not project more than a metre over the footpath.
Flatboards	1m <sup>2</sup>	Shall be located on the site maximum of two flatboards or one sandwich board per site.

## (ii) Other Signs

- (a) Standards:

Sign Type	Maximum Area	Additional
Above Ground Floor Signs	2 m <sup>2</sup>	
Arcade Directory Sign	3 m <sup>2</sup>	Shall list only the names of the occupiers of the arcade.

		Shall be displayed at the entrances to the arcade only.
Upstairs Entrance Sign	1.5m <sup>2</sup>	Shall contain only the name of the activity of the occupier using that entrance.
Above Verandah Signs	2 m <sup>2</sup>	

**LOW DENSITY RESIDENTIAL, LOW DENSITY AND MEDIUM DENSITY RESIDENTIAL SUBZONES (THREE PARKS ZONE), HIGH DENSITY RESIDENTIAL, THE TOWN CENTRE TRANSITION SUB-ZONE, RESIDENTIAL ARROWTOWN HISTORIC MANAGEMENT, RURAL RESIDENTIAL ZONES, REMARKABLES PARK ZONE (except Activity Areas 3, 5 and 8), BALLANTYNE ROAD MIXED USE ZONE ACTIVITY AREAS D AND E AND ACTIVITY AREAS 1, 3 AND 4 OF THE KINGSTON VILLAGE SPECIAL ZONE, JACKS POINT (HENLEY DOWNS) RESORT ZONE AREAS (R), (RL), AND (O/S) OTHER THAN WITHIN COMMERCIAL AND COMMUNITY PRECINCTS IDENTIFIED AS PART OF AN APPROVED OUTLINE DEVELOPMENT PLAN.**

- (i) On any site signage shall:

- have a maximum area of 0.5 m<sup>2</sup>
- either be attached to a building or be free-standing

- (ii) If the sign is located at the front of the site it shall:

- not project over any road or service lane
- not extend over any footpath unless

- (b) it is at least 2.5 m above the footpath

- (c) it does not extend more than 1m over a footpath

- (iii) Notwithstanding (i) above signage for recreation grounds, churches, medical facilities, nursing homes, educational institutions and community buildings shall have a maximum of 2m<sup>2</sup> per site and either by attached or by free-standing

- (iv) Notwithstanding (i) above, visitor accommodation in Residential Zones may have two signs at each separate entrance/exit:
- One sign which identifies the site and has a maximum area of 2m<sup>2</sup>
  - One sign which contains the words 'vacancy' and 'no and does not exceed 1m x 0.15m in dimension.

**RURAL AREAS, HYDRO GENERATION ZONE, RESORT, RURAL VISITOR, BENDEMEER, TOURISM AND COMMUNITY FACILITIES SUBZONE (THREE PARKS ZONE), PENRITH PARK AND RURAL LIFESTYLE ZONES AND REMARKABLES PARK EXCEPT ACTIVITY AREA 3, 8.**

- (i) On any site signage shall:
- have a maximum area of 2 m<sup>2</sup>
  - be located on the site
  - not project over any road or service lane
  - not extend over any footpath unless
    - (a) it is at least 2.5m above the footpath
    - (b) it does not extend more than 1m over a footpath.

**DISTRICT WIDE**

**Event Signs**

- (i) Signs shall be:
- erected no more than 2 months before the date an event
  - limited to 2 m<sup>2</sup> in size

- removed within 24 hours of the completion of the event
- limited to 2 signs fronting the State Highway and 2 signs fronting onto other roads.

**Banners**

- (i) Banners shall be:
- limited to 1 per site
  - erected for a maximum of 2 weeks before a specific event
  - removed within 24 hours of the completion of the event
  - limited to 3 m<sup>2</sup> in size

**Signs in Reserves**

- (i) Any signage shall:
- contain only the name of the reserve; and
  - have a maximum area of 1 m<sup>2</sup>
- (ii) Business Signs Operating in Reserves shall:
- be attached to the building to which it relates or be free-standing
  - have a maximum area of 1 m<sup>2</sup>
  - be limited to one sign per business operating in a reserve.

**Exemptions**

The following signs shall be exempt from the above standards:

- (i) Signs required by Acts of Parliament  
All signs required to be displayed by any legislation and displayed in accordance with the provisions of that legislation.

- (ii) Real Estate Signs
- (iii) Electioneering Signs

## 18.3 Assessment Matters

### 18.3.1 General

- i. The Assessment Matters are other methods or matters included in the District Plan in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- ii. In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Matters set out below.
- iii. In the case of Controlled and Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).
- iv. In the case of controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.

### 18.3.2 Assessment Matters

In considering whether or not to grant consent or impose conditions on a resource consent, the Council shall have regard to, but not be limited by, the following assessment matters.

#### i Controlled Activity - Signs within the Jacks Point Zone

Conditions may be imposed to ensure

- (a) The colour of the sign is sympathetic to the surrounding landscape;

- (b) The design of the sign, including lighting, is consistent with and sympathetic to the surrounding built environment.
- (d) The design of the sign is consistent with any relevant Council approved development.
- (e) The design of the sign is consistent with public sign policy and controls throughout the District.

#### ii Controlled Activity – Signs within Mount Cardrona Station Special Zone

The extent to which:

- (a) The colour and materials complement the external appearance of surrounding buildings;
- (b) The design, location and size complements the surrounding built environment and does not dominate built form;
- (c) The design is consistent with other signs in the vicinity;
- (d) The size, colour and location do not adversely affect traffic safety;
- (e) The signage is consistent with the Mount Cardrona Station Design Guidelines (2008).