

Appendix B

A copy of the Appellant's Submission 2388

B

Queenstown Lakes District Council
Proposed District Plan - Submission Form

Clause 6 of First Schedule, Resource Management Act 1991
 FORM 2

Correspondence to:
 Attn: Submission Team
 Queenstown Lakes District Council
 Private Bag 50072
 QUEENSTOWN 9348

For office use only

Submission No:

Receipt Date:

1. Submitter details:

Full Name of Submitter: WATERFALL PARK DEVELOPMENTS LIMITED
 ("WPDL")

Address for Service: C/- Brown & Company Planning Group, PO Box 1467,
 QUEENSTOWN

Email: office@brownandcompany.co.nz

Contact Person: J Brown / A Hutton

2. Scope of submission

2.1 This is a submission to Stage 2 of the Queenstown Lakes District Proposed District Plan ("PDP"), notified 26 November 2017.

2.2 The submission relates to:

- the land located at 343 Arrowtown-Lake Hayes Road (legally described as Pt Lot 3 DP 5737 and Lot 1 DP 18109 BLK VII Shotover SD ("Site A" or the "Ayrburn Land"); plus
- Lot 1 DP27503 and Lot 2 DP507367 ("Site B"); plus
- Land in the general vicinity of the Site (cumulatively referred to as "the Land")

Note: For clarification purposes, Site B is the anomalous triangular area of land, owned by WPDL, which splits the Waterfall Park Zone (all owned by WPDL) into two separate areas. All of the alternative reliefs requested in this submission seek to correct that anomaly by rezoning Site B as part of the adjoining Waterfall Park Zone.

2.3 The submitter has recently purchased Site A and Site B and has inherited the benefits of the submission to Stage 1 of the PDP by the previous owner Ayrburn Farm Estate Limited (which sought the rezoning of Site A).

2.4 This submission adds to, but does not replace, the submission by Ayrburn Farm Estate Limited except that Figures 1-4 of that submission are withdrawn.

2.5 The scope of this submission is detailed below and in Part 3 of the submission.

2.6 Summary and purpose of the submission:

The submission seeks to modify the PDP to:

- (a) as the primary relief, rezone Site A to a new Ayrburn Zone, and Site B to Waterfall Park Zone;
- (b) as the first alternative relief, extend the Waterfall Park Zone over Site A and Site B;
- (c) as the second alternative relief, retain and extend the Wakatipu Basin Lifestyle Precinct (**WBLP**) (with modifications) over most of Site A and rezone Site B and a small part of Site A to the Waterfall Park Zone;
- (d) as the third alternative relief, retain the existing Rural Residential Zone and extend it over Site A and rezone Site B to the Waterfall Park Zone;
- (e) under all of the alternative reliefs described above, amend the zoning of the Land;
- (f) otherwise amend the relevant plan provisions as detailed in this submission.

The details of the submission and the reasons for the submission are set out in Parts 3.2 – 3.7 below.

2.7 The resource management basis for the submission is:

The Proposed District Plan (**PDP**) must, in achieving the purpose of the Act, strike an appropriate balance between all relevant resource management issues relating to the use, development and protection of the District's natural and physical resources. The rapid growth of the District will continue for the foreseeable future – being well beyond the life of this District Plan – and the District Plan has a fundamental role in accommodating this growth, while protecting the values that contribute to how people and communities appreciate the District. This appreciation is the very reason for the rapid growth.

Growth must be accommodated in many sectors: residential (including retirement living), visitor accommodation, commercial, tourism, and recreation, and all related sectors and services such as education, community, and transport. All of these uses require physical space. For some uses there is likely to be sufficient spatial capacity (over the life of the District Plan) but for other uses there are current pressing needs for new space. Even if there is no pressing need, it is appropriate to consider the appropriate use of the land resource in the medium term and long term.

In the residential sector, the growth is in all of the residential demand categories and across a range of affordabilities, including in high and low density urban and suburban areas, and rural residential and rural lifestyle areas, across all age demographics. There is a particular need in the older retirement age category. All of these categories of demand will continue to grow, and the District Plan must recognise and provide for this, within the parameters of the purpose and principles of the Act.

Growth impacts on other resource management issues facing the District. One of the most important of these (alongside managing natural conservation values, managing urban amenity values, and servicing growth with utilities and road access) is managing the District's landscape values. The primary subject of this submission is how the District Plan manages the effects of growth on landscape values, and the submission is founded on the basic premise that even appropriate growth will inevitably affect landscape values. This inevitability should be accepted, and the District Plan should focus on how the effects can be appropriately managed so that adverse effects are

avoided, remedied or mitigated and future generations can continue to enjoy the values that attract growth.

Various activities, in addition to farming, require or justify a rural location, such as rural living and visitor activities, and these may better provide economic wellbeing for landowners and the wider community in the face of rapid growth, and therefore should also be enabled depending on their location and managing potential adverse effects on landscape and other values.

Site A and Site B have the ability to absorb a higher density of development than is provided for in the notified WBLP; given the location in the valley and the existing topography, subject to appropriate location of development within the property. Development can be serviced by reticulated infrastructure and is easily accessible to the roading network.

WPDL therefore seeks a more intensive zoning that is based on a bespoke structure plan tailored to the specific attributes of the land. WPDL considers that this outcome will better achieve the purpose of the Act than alternative options.

2.8 The specific provisions that this submission relates to are:

- (a) Planning Maps 13d and 26
- (b) Chapter 48: Proposed new "Ayrburn Zone"
- (c) Chapter 25: Earthworks
- (e) Chapter 27: Subdivision – Rule 27.4.1
- (f) Chapter 42: Waterfall Park Zone
- (g) Chapter 24: Wakatipu Basin Rural Amenity Zone (**WBRAZ**) including the Wakatipu Basin Lifestyle Precinct (**WBLP**)
- (h) Chapter 3: Strategic Direction
- (i) Chapter 6: Landscapes – Rule 6.4.1.3;

Any other provisions relevant to the scope and purpose of this submission described in Part 2.2 above.

3. Submission

3.1 Planning Maps 13d and 26

- (a) WPDL seeks:
 - (i) Under all of the reliefs requested (refer to [Figure 1](#) and [Figure 2](#)):
 - (a) that Site B is rezoned Waterfall Park Zone;
 - (b) that part of the Land north of the Ayrburn Land and east of the Waterfall Park Zone be rezoned WBLP;
 - (ii) As the primary relief described above (refer [Figure 1](#)), that Site A be rezoned as a bespoke zone for the Ayrburn Land, called the Ayrburn Zone. The Ayrburn Zone is addressed in detail in [Part 4](#) below;

- (iii) As the first alternative relief described above, that the Waterfall Park Zone be extended over the Ayrburn Land. This relief is addressed in [Part 5](#) below;
- (iv) As the second or third alternative reliefs described above, that either the WBLP zone (with modifications) be adopted and extended over the Ayrburn Land, or that the Ayrburn Land be rezoned to the legacy Rural Residential Zone from Stage 1 of the PDP (also with modifications), and under either alternative, that a small part of the Ayrburn Land be rezoned Waterfall Park Zone (refer [Figure 2](#)). The modifications also apply to the legacy Rural Residential land north of Speargrass Flat Road. This relief is addressed in [Part 6](#) below.
- (b) As part of the primary and first alternative reliefs WPDL requests that the Arrowtown Urban Growth Boundary (**UGB**) be amended by removing the short section of UGB located between Millbrook and Meadow Park/Feeley Hill and extending the Arrowtown UGB so that it encompasses all of the Millbrook Zone, the Waterfall Park Zone, and the new Ayrburn Zone.
- (c) The reasons for the submission are:
- (i) Site B is an anomaly – rezoning it as part of the Waterfall Park Zone is logical.
- (ii) The proposed zoning of the area of the Land referred to in 3.1(a)(i)(b) above as WBRAZ is an anomaly. That area has an established rural lifestyle character and should be rezoned WBLP.
- (iii) The Ayrburn Land has the ability to absorb a higher density of development than provided for in the WBLP, given its location in the valley and the existing topography, subject to appropriate location of development within the property. Development can be serviced by reticulated infrastructure and is easily accessible to the roading network.
- (iv) A more intensive zone that is tailored to the specific attributes of the Ayrburn Land will better achieve the higher order objectives and policies and the purpose of the Act than the notified WBLP.
- (v) Alternatively, an extension of the Waterfall Park Zone, or adopting a modified WBLP, would achieve appropriate outcomes for the Ayrburn Land.
- (vi) The purpose of all of the options above is to utilise the locational, natural and physical attributes of the Ayrburn Land for accommodating people seeking a residential and/or rural residential environment, including those of retirement age. The attributes of the land for this purpose are:
- The location adjoining the rural residential area north of Lake Hayes and north of Speargrass Flat Road, where rural residential activities have established a distinct character;
 - The location adjoining the Millbrook and Waterfall Park Zones which are zoned for intensive residential development;
 - The ability to contain development within the flat land on the valley floor and maintain the values of the land rising to the north;
 - The ability to separate new development from the adjoining roads (Lake Hayes – Arrowtown Road and Speargrass Flat Road), to avoid or mitigate any potential effects of new development on

landscape character or visual amenity values as viewed from public roads;

- The ability to separate development from the existing properties to the south and to provide buffer planting;
 - The ability to access the site safely and efficiently from the public road network, including by means of existing and likely future public transport services;
 - The ability to service the land efficiently;
 - The ability to provide for residential development on land that can absorb such development without significant “externalities” in the form of adverse effects;
 - The opportunity to improve the water quality in Mill Creek and Lake Hayes by retiring the Ayrburn Land from farming and improving the riparian margins of Mill Creek;
 - The opportunity to enable further use and enhancement of the public trail network.
- (vii) In many parts of the District, particularly the Wakatipu Basin, farming is not an economically sustainable activity, and it is likely to remain that way for the foreseeable future. The Ayrburn Land is not large enough to support an economic farming activity. Given the pressure for further development, it is appropriate to identify locations for new residential development and to provide for this with a specific zone.
- (viii) The Arrowtown UGB should include all relevant zones which contain, or are zoned for, urban development. The Millbrook Zone contains areas of urban development located within areas of open space. The Waterfall Park Zone is zoned for urban density development set within areas of open space. The new Ayrburn Zone (whether or not an extension of the Waterfall Park Zone) would provide for development of an urban nature set within areas of open space. The Arrowtown UGB should encompass all of these areas (just as the Jacks Point Zone, which has very similar characteristics, is all contained within a UGB).

4. The Ayrburn Zone – inclusion of new zone in Chapter 47

4.1 Planning maps 13d and 26

Delete the WBRAZ zoning of the Ayrburn land and replace with the Ayrburn Zone, as shown on [Figure 1](#), attached.

4.2 Chapter 47 – The Ayrburn Zone

- (a) Add a new zone as “**Chapter 47: The Ayrburn Zone**”, as set out in [Annexure A](#) (including objective, policies, rules and structure plan);
- (b) In summary, the Ayrburn Zone provides for:
- (i) Residential, retirement, and visitor accommodation activities and facilities;
 - (ii) Open space / recreational areas including within building setback areas around the periphery of the Zone;

- (iii) Protection and enhancement of the natural values of Mill Creek;
- (c) The activities and facilities are to be in accordance with a Structure Plan that provides for activity areas for different land uses, access, and open space / landscaping / setback areas;
- (d) The Zone will achieve the purpose of the Act and the overarching objectives of the Plan through well located and designed development;

4.3 Consequential amendment to Chapter 27 – Subdivision

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

27.4.4 (new) The following shall be controlled activities:

(a) Subdivision in the development areas in the Ayrburn Zone Structure Plan. Control is limited to the following:

- (i) Lot size and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;
- (ii) Property access and roading;
- (iii) Natural hazards;
- (iv) Fire fighting water supply;
- (v) Water supply;
- (vi) Stormwater disposal;
- (vii) Sewage treatment and disposal;
- (viii) Energy supply and telecommunications;
- (ix) Easements.

- (b) Modify Table 27.5.1 as follows:

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

Zone	Minimum Lot Area
...	...
Millbrook	No minimum
Waterfall Park	No minimum
Ayrburn	No minimum

The reasons for the modifications are:

- (a) Waterfall Park and Millbrook Zones have structure plans with no minimum lot size requirement for development within the development areas. It is appropriate for the Ayrburn Zone to have the same rules.
- (b) The controlled activity status is appropriate for subdivision that is in accordance with the structure plan for the Zone, given that the structure plan determines the layout of development. The matters of control provide the Council with the ability to modify any proposed subdivision plan, through conditions, if necessary. The controlled status provides certainty in the circumstances where wider effects on the environment have already been considered through the zoning process.

5. Alternative Relief: extend the Waterfall Park Zone (Chapter 42)

5.1 Revision of the Waterfall Park Zone area and Structure Plan to include the Ayrburn Land

- (a) As an alternative to the relief sought in 4 above, WPDL seeks the expansion of the Waterfall Park Structure Plan to cover the Ayrburn Land and to include parts of the Ayrburn Land in the "R" (residential) "V" (Village) and "O/P" (Open Space and Recreation) categories of that Structure Plan;
- (b) WPDL seeks that Rule 42.5.2 (residential capacity standard) is modified to enable additional residential units as a result of the expansion of the Structure Plan. The modification is:

42.5.2 Residential Capacity
In the Waterfall Park Zone the maximum number of residential units shall be limited to ~~400~~ 300.
- (c) WPDL seeks inclusion in the Waterfall Park Zone of the standards set out in Part 3.6.1(c) of this submission (appropriately adapted to the Waterfall Park Zone provisions).

5.2 The reasons for this relief are as detailed in 3.1(c) above.

6. Alternative relief: adopt and extend the Wakatipu Basin Lifestyle Precinct, with modifications, over the Ayrburn Land

6.1 Revision of the WBLP

- (a) As an alternative to the relief sought in 4 and 5 above, WPDL seeks:
 - (i) the adoption of the WBLP over most of the Ayrburn Land, subject to the modifications set out in **Annexure B**, and with expansion as shown on **Figure 2**; OR
 - (ii) the adoption of the legacy Rural Residential Zone from Stage 1 of the PDP over most of the Ayrburn Land, with modifications set out in **Annexure C**; AND
 - (iii) in either (i) or (ii) above, the extension of the Waterfall Park Zone over a small area of the Ayrburn Land (refer **Figure 2**).
- (b) The reasons for the modifications are set out in Annexures B and C respectively.

7. Amend LCU8 and LCU12

As part of all the alternate reliefs requested above:

- (a) Amend the boundary between LCU8 and LCU12 (in Schedule 24.8) so that the western boundary of the Ayrburn Land becomes the boundary between LCU8 and LCU12;
- (b) Amend the detail of LCU8 and LCU12 to reflect that boundary adjustment.

8. General matters

8.1 Chapter 25 – Earthworks

WPDL **SUPPORTS** the proposed provisions of Chapter 25 – Earthworks, insofar as they relate to the WBLP, except that WBLP requests that:

- (a) Objective 25.2.2 be amended by deleting the words "... while being protected from adverse effects".
- (b) Policy 25.2.2.1 be amended by deleting the words at the beginning "Subject to Objective 25.2.1 ...".

The reasons for this submission are that the objective should not seek to achieve an outcome already being sought by another objective and the policy should not cross-reference a different objective. It is not unusual for two objectives to seek two different outcomes which might, in some cases, be in conflict. Such conflicts can be adequately considered and addressed during consent processes. The District Plan should not predetermine the outcome of such conflicts in such circumstances.

8.2 Variation to Stage 1 Landscapes – Chapter 6

8.2.1 Part 6.4 – Rules – Rule 6.4.1.3

Modify the rule as follows:

6.4.1.3 *The landscape categories assessment matters do not apply to the following within the Rural Zones:*

- a. *Ski Area Activities within the Ski Area Sub Zones.*
- b. *The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.*
- c. ~~*The Gibbston Character Zone.*~~ **The Gibbston Character Zone**
- d. ~~*The Rural Lifestyle Zone.*~~ **The Rural Lifestyle Zone**
- e. ~~*The Rural Residential Zone.*~~ **The Rural Residential Zone**
- f. **The Wakatipu Basin Lifestyle Precinct**

The reasons for the submission are:

- (a) The zones that have been deleted from the exemptions for assessment under the landscape categories in Chapter 6 (Gibbston Character, Rural Lifestyle and Rural Residential) should be reinstated in the list of exemptions because:
 - these zones have already been determined to have certain landscape values and ability to absorb certain activities and development densities; and
 - the zones have their own sets of objectives, policies, rules and assessment matters, formulated for the specific attributes and circumstances of those zones. The matters of discretion and assessment matters are sufficient to properly guide the determination on specific applications;
 - there is no adequate justification for removing these zones from the exemptions.
- (b) The WBLP should be added to the list of exemptions for the same reason as in (a) above – the WBLP zone has its own set of objectives, policies, rules and assessment matters, formulated for the specific attributes and circumstances of the zone.

9. Part 2 and section 32 of the Act

9.1 Section 5

Subject to the modifications sought in this submission, the PDP achieves the sustainable management purpose of the Act by enabling people and communities of the District (and in

particular the communities of settlements within the Wakatipu Basin) to provide for their collective well-being and safety in a manner that: sustains the potential of the natural and physical resources of the Wakatipu Basin, for future generations; will continue to safeguard the life-supporting capacity of air, water, soil, and ecosystems; and will avoid or mitigate potential adverse landscape effects.

The purpose of the Act is therefore achieved by the PDP and the proposed modifications sought in this submission.

9.2 Section 7

The modifications sought in this submission are directly relevant to achieving the following matters to which particular regard must be given:

- (b) *the efficient use and development of natural and physical resources;*
- (ba) *the efficiency of the end use of energy;*
- (c) *the maintenance and enhancement of amenity values;*
- (f) *maintenance and enhancement of the quality of the environment;*
- (g) *any finite characteristics of natural and physical resources;*

The requested zonings over the subject Land is an efficient use and development of the natural and physical resources given the desire for housing in the Wakatipu Basin in close proximity to services and amenities.

9.3 Summary – Part 2 of the Act

The PDP, with the modifications sought in this submission, will achieve the purpose and principles of the Act, for the reasons set out above.

9.4 Section 32

Further grounds for the submission points outlined in the above table are that:

- (a) The Council's section 32 evaluation does not fully explore different options to determine which zoning options are the most appropriate to achieve the purpose of the Act
- (b) The benefits and costs of the effects of the provisions referred to above in respect of the WBLP have not been appropriately assessed or quantified in accordance with section 32 of the RMA, nor have they been assessed with regards to their suitability for giving effect to the relevant objectives.
- (c) Alternative zones as promoted in this submission have objectives that are more appropriate for achieving the purpose of the Act than the WBLP.
- (e) The policies and the rules of the alternative zones, as sought to be included or modified by this submission, are the most appropriate way to achieve the higher order objectives of the PDP in particular in relation to accommodating growth and avoiding, remedying or mitigating effects of development on landscape values.
- (f) The methods (policies and rules) of the alternative zones proposed in this submission are the most effective and efficient for achieving the relevant objectives.

10. WPDL seeks the following decision from the Queenstown Lakes District Council:

10.1 WPDL seeks the relief set out in this submission.

10.2 WPDL seeks such alternative, additional or consequential relief necessary or appropriate to address the matters raised in this submission and/or the relief requested in this submission, including any other combination of plan provisions, objectives, policies, rules and standards provided that the intent of this submission, as set out in Parts 2 and 3 of this submission, is enabled.

WPDL **DOES** wish to be heard in support of this submission.

If others make a similar submission, WPDL will consider presenting a joint case with them at a hearing.

Signature of Submitter



J A Brown
*Authorised to sign on behalf of
Waterfall Park Developments Ltd.*

Date: 23 February 2018

Telephone: 03 409 2258 / 021 529 745

Notes to person making submission:

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of Schedule 1 of the Resource Management Act 1991.

The submitter could NOT gain an advantage in trade competition through this submission

Attachments:

Figure 1: Part of Planning Map 26 showing proposed new Ayrburn Zone plus extension of Waterfall Park Zone

Figure 2: Part of Planning Map 26 showing proposed WLBP plus extension of Waterfall Park Zone

Chapter 47: Ayrburn Zone provisions

47 Ayrburn Zone

47.1 Purpose

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

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

47.1 Objectives and Policies

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

Policies

- 47.1.1.1 Ensure that the external appearance of buildings and other structures are appropriate to the location with particular regard to the site's natural and scenic values.
- 47.1.1.2 Enable retirement living to be developed in association with a variety of residential densities in an integrated manner.
- 47.1.1.3 Facilitate the complementary development of activities in association with the adjoining Waterfall Park Zone.
- 47.1.1.4 Require all development to be located in accordance with the Structure Plan.
- 47.1.1.5 Protect and enhance the important natural features on the site.
- 47.1.1.6 Enable and encourage access for the public to and through the zone to enjoy the natural attributes within the zone and the adjoining Waterfall Park and Millbrook Zones.
- 47.1.1.7 Protect and enhance the important heritage features of the site.

47.1.2 Objective – Development will avoid adverse effects on Mill Creek and ecological values.

Policies

- 47.1.1.2 Ensure sewage disposal, water supply, stormwater treatment and refuse disposal services are provided so as not to adversely impact on water or other environmental qualities on or off the site.
- 47.1.1.3 Protect and enhance Mill creek as an important brown trout and koaro spawning habitat.

47.2 Other Provisions and Rules

47.2.1 District Wide

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

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

47.2.2 Clarification

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

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

47.3 Rules - Activities

	Activities located in the Ayrburn Zone	Activity status
47.3.1	Activities which are not listed in this table	NC
47.3.2	In the Residences Area (R) of the Structure Plan: Residential, Retirement Village, Community Activities	C
47.3.3	In the Village Area (V) of the Structure Plan: Visitor Accommodation (including ancillary facilities: licensed premises, conference, cultural and resort facilities, and office and administration)	C
47.3.4	Residential, Retirement Village, Community Activities, Visitor Accommodation (including ancillary facilities: licensed premises, conference, cultural and resort facilities, and office and administration) not otherwise identified	NC
47.3.5	In all Structure Plan Activity Areas: Recreation Facilities (noting that in areas shown as O/P on the Structure Plan recreation facilities shall not include buildings or structures) Administration activities for administering and servicing of other facilities within the zone, including storage, maintenance and depot facilities	C

	Activities located in the Ayrburn Zone	Activity status
47.3.6	<p>For the Controlled Activities in Rules 47.3.2, 47.3.3 and 47.3.5, control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location and external appearance of buildings • Setback from roads • Setback from internal boundaries • Vehicle access and street layout • Outdoor living space • Street scene including landscaping • Enhancement of ecological and natural values • Provision for internal walkways, cycle ways and pedestrian linkages • Noise • Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated. 	C
47.3.7	Licensed Premises not otherwise identified	N/C
47.3.8	Manufacturing and/or product assembling activities	PR
47.3.9	Fish or meat processing	PR
47.3.10	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
47.3.11	Factory Farming	PR
47.3.12	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

47.4 Rules - Standards

	Standards for activities located in the Ayrburn Resort Zone	Non-compliance Status
47.4.1	<p>Setbacks</p> <p>No building or structure shall be located within the areas marked O/P on the Structure Plan and <u>in addition</u>:</p> <p>No building shall be located closer than 7m to Mill Creek.</p>	D

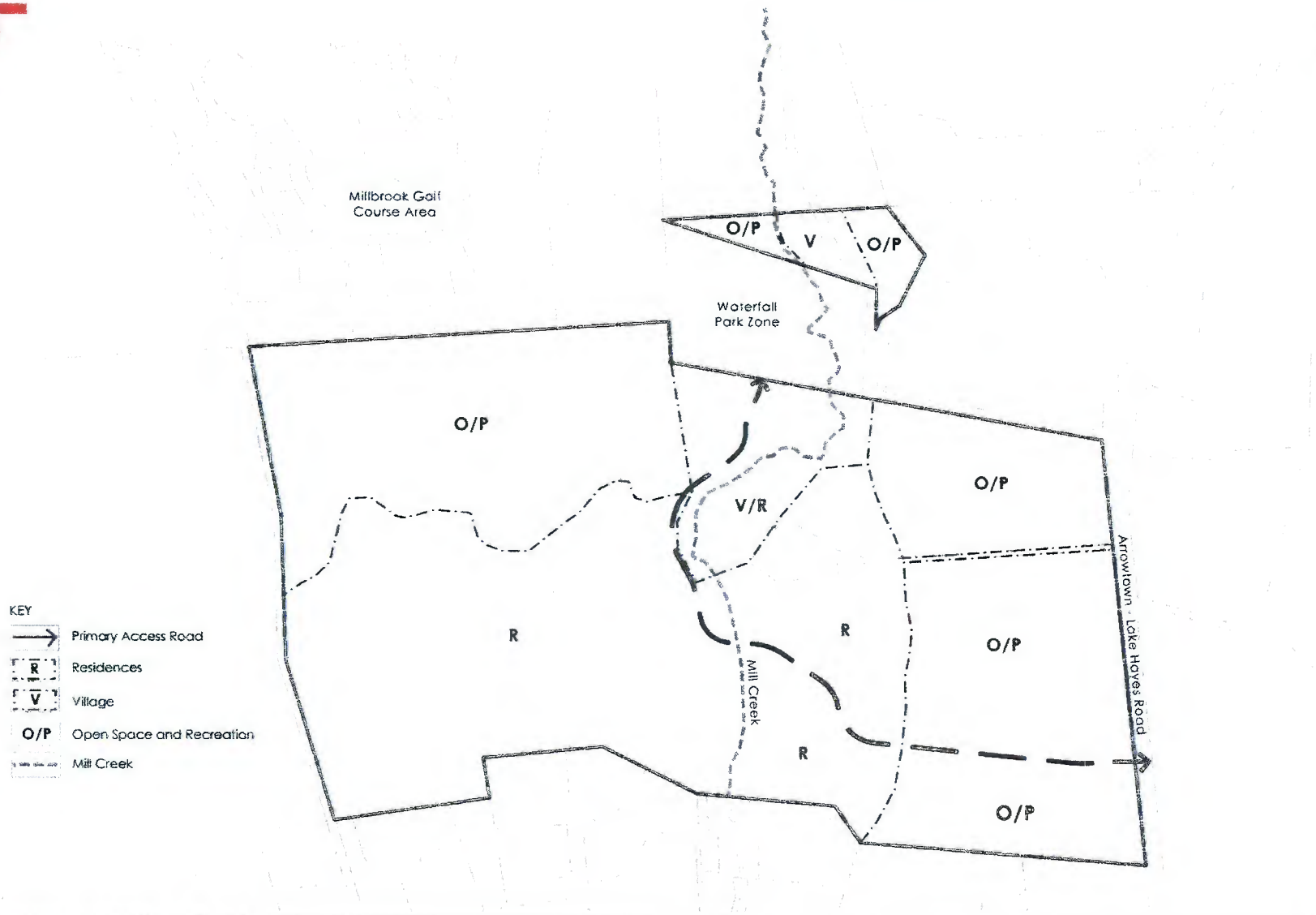
	Standards for activities located in the Ayrburn Resort Zone	Non-compliance Status
47.4.2	<p>Residential Capacity</p> <p>In the Ayrburn Zone the maximum number of residential units shall be limited to 200.</p>	D
47.4.3	<p>Building Height</p> <p>The maximum height of buildings shall be:</p> <ul style="list-style-type: none"> • Visitor Accommodation, (including facilities integrated with and ancillary to Visitor Accommodation) – 8 m • Residential buildings - 8m • All other buildings and structures - 4m 	NC
47.4.4	<p>Glare shall comply with all of the following:</p> <ul style="list-style-type: none"> • All fixed lighting shall be directed away from adjacent roads and properties, and so as to limit effects on the night sky. • 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. • 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. 	NC
47.4.5	<p>Maximum Total Site Coverage</p> <p>The maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage excludes bridges and roads and parking areas.</p>	NC
47.4.6	<p>Fire Fighting</p> <p>A fire fighting reserve of water shall be maintained of a capacity sufficient to service the Zone. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.</p>	NC
47.4.7	<p>Atmospheric Emissions</p> <p>There shall be no indoor solid fuel fires, <u>except for</u>:</p> <ul style="list-style-type: none"> • feature open fireplaces in communal buildings including bars and restaurants. <p>Note – Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.</p>	NC

	Standards for activities located in the Ayrburn Resort Zone	Non-compliance Status
47.4.8	<p>Retail sales</p> <p>No goods shall be displayed, sold or offered for sale from a site except:</p> <ul style="list-style-type: none"> • goods grown, reared or produced on the site; • goods retailed within a retirement village for the benefit of residents; • within those areas of the Structure Plan identified as Village. 	NC

47.5 Rules - Non-Notification of Applications

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

47.6 Structure Plan [refer to the Ayrburn Zone Structure Plan]



- KEY
-  Primary Access Road
 -  Residences
 -  Village
 -  Open Space and Recreation
 -  Mill Creek



Annexure B

WBLP modifications

Chapter 24: Wakatipu Basin

The modifications below are made in relation to WPDL's submission above in relation to the alternative relief of rezoning the Land as WBLP.

WPDL generally **SUPPORTS** the provisions set out in Chapter 24 for the WBLP but seeks the modifications set out in 3.2.1 – 3.2.9 below.

1 Part 24.1: Zone Purpose

Modify the Zone Purpose as follows:

...

In the Precinct a ~~limited opportunity for~~ subdivision is provided for, with a range of minimum lot sizes to suit the locational attributes of the particular part of the Precinct of 6000 in conjunction with an average lot size of one hectare (10,000m²). Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to the landscape character and visual amenity qualities of the Precinct.

...

The reasons for this modification are:

- (a) The words "... *limited opportunity for subdivision* ..." should be deleted because the primary purpose of the WBLP is rural residential living, and therefore the opportunity for subdivision for this purpose should be encouraged and enabled;
- (b) The minimum lot size of 6000m² and average lot size of 1ha:
 - (i) does not reflect the range of development densities which have developed under, or are anticipated by, existing zonings;
 - (ii) will not enable a "*flexible and design led response* ..." as is intended by the purpose statement. Rather, the similarity in the minimum and average lots sizes would yield a standard, uniform, "cookie-cutter" subdivision outcome, across the WBLP, with lots generally between 6000m² and 1.4ha. This range may not be the best fit for the particular natural features, landscape character or amenity values of a particular area;
- (c) Across the WBLP there is a wide variety of locational attributes, topographies, and degrees of potential visibility. Some WBLP areas (including the site) are located so that new development would either be not visible or generally very discrete when viewed from public places, particularly roads, while development in others would be more visible. The most appropriate intensity in some areas may be a 6000m² minimum lot size / 1ha average, but in other areas this may not be the case; a smaller minimum and/or average lot size may be more appropriate, to achieve:
 - greater flexibility and innovation in subdivision design; and
 - design that integrates lots and development with the natural features, landscape character or amenity values of a site and wider surrounds;

- lot sizes that properly reflect existing operative zonings;
- (d) Areas within which new development is able to be absorbed into the landscape without adverse effects on the wider landscape values of the Basin – as generally delineated by the WBLP – are, collectively, a finite resource. More efficient use of these areas, for the WBLP's primary purpose of rural living development, should be enabled; the provisions should generally promote a greater intensity of rural living lots while maintaining development standards to appropriately manage external effects;
- (e) There is no clear section 32 evaluation that justifies the blanket 6000m² / 1ha regime for the whole of the WBLP.

2 Part 24.2 – Objectives

Insert a new objective and policies as follows:

24.2.2 Objective – The benefits arising from rural living activities, and existing property rights, are recognised and provided for.

24.2.2.1 Policies *The benefits derived from rural living development in the Wakatipu Basin, including benefits to landowners, landowner's visitors, economic benefits (such as the letting of homes), and employment benefits (such as those derived from construction, landscaping, and property maintenance) are recognised and provided for.*

24.2.2.2 *Property rights existing at the time the Plan was notified are maintained and protected.*

[Renummer subsequent provisions 24.2.2 – 24.2.5 as 24.2.3 – 24.2.6 accordingly].

The reasons for the additional objective and policies are:

- (a) The legacy zonings and consents, including the provisions of and consents obtained under the Rural and Rural Living zones in the Basin, have been relied on by landowners and have generated significant positive benefits to the District;
- (b) Benefits include the employment created in the construction, landscaping and maintenance of dwellings and other structures, the well-being they create for their owners and guests, the visitor accommodation opportunities they create, and in many cases the positive environmental amenities they create;
- (c) Landowners have made significant capital investment in their properties, based on the legacy zonings and the opportunities and rights those zonings have presented. Little or no evidence has been presented to support the Wakatipu Basin Variation's undermining of these opportunities and rights;
- (d) The change of zoning from the Rural Residential / Rural Lifestyle zonings to the WBRAZ over many properties has the potential to undermine peoples' investment and introduce considerable uncertainty for owners, particularly those who have not exercised the rights afforded by the existing zonings, including the construction of a dwelling, or subdivision;
- (e) The District Plan should therefore contain strong objective and policy support for the positive benefits afforded by the legacy zonings and provisions, and the recognition and protection of existing landowners' rights which accrue from those benefits, so that these can be properly taken into account when contemplating

new development proposals while also contemplating any potential adverse effects of such developments;

- (f) The District Plan should also recognize and provide for the social, economic and visual amenity benefits that flow from rural living development.

3 Objective 24.2.5

Modify this objective as follows:

24.2.5 ~~Objective – The landscape character and visual amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.~~ Enable rural residential living opportunities while managing effects of subdivision and development on the landscape character and visual amenity values of the Precinct.

The reason for the modification is: the premise of the notified objective is flawed because the WBLP is intended to provide for rural residential living which will inevitably change the landscape character and visual amenity of a site (and, potentially, the wider surrounding area). The wording of the notified objective could be interpreted to mean that landscape character and visual amenity values should not change. In particular, “maintain” implies “do not change”, and “enhance” implies “improve”. The premise of the objective should be reversed, in that the purpose of the Precinct – having found to have capacity for absorption of development – is rural residential living, enabled in a way that effects on landscape character and visual amenity values are properly managed;

4 Policies 24.2.5.1 – 24.2.5.6

Modify the policies as follows:

- | | | |
|-----------------|-----------------|---|
| Policies | 24.2.5.1 | <i>Provide for rural residential subdivision, use and development only where it protects, maintains or enhances <u>while taking into account and avoiding, remedying or mitigating any potential adverse effects on</u> the landscape character and visual amenity values as described within the Landscape Character Unit as defined in Schedule 24.8.</i> |
| | 24.2.5.2 | <i>Promote design-led and innovative patterns of subdivision and development that maintain and enhance <u>take into account</u> the landscape character and visual amenity values of the Wakatipu Basin overall as described in Schedule 24.8.</i> |
| | 24.2.5.3 | <i>Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.</i> |
| | 24.2.5.4 | <i>Implement minimum and average lot size standards in conjunction with building coverage and height standards <u>development standards</u> so that the landscape character and visual amenity qualities of the Precinct as described in Schedule 24.8 are not compromised by cumulative adverse effects of development.</i> |
| | 24.2.5.5 | <i>Maintain and enhance a distinct and visible edge between the Precinct and the Zone.</i> |

24.2.5.6 *Retain vegetation when carrying out development where this contributes to landscape character and visual amenity values of the Precinct and is integral to the maintenance of the established character of the Precinct.*

The reasons for the modifications are:

- (a) The modification to Policy 24.2.5.1 is necessary to reflect the changes to the objective, as discussed in 3.2.2 above, and for the same reason as the changes to the objective.
- (b) The modifications to Policy 24.2.5.2 are necessary for the reasons set out above in relation to the objective: subdivision and development for rural residential living purposes will inevitably change landscape character and visual amenity values. The words “maintain” and “enhance” imply, respectively, “do not change”, and “improve”, which may be interpreted to be contrary to the WBLP’s primary purpose of rural residential living. Rather, change should be anticipated and properly managed, and development should be required to take into account the specific values of the landscape character units, as recorded in Schedule 24.8;
- (c) The modifications to Policy 24.2.5.4 are necessary, as follows:
 - (i) Given the wide variety of locational attributes, topographies, and degrees of potential visibility from other areas, the “one size fits all” approach, with a minimum and average area, is not appropriate for the WBLP. Some areas may be able to absorb smaller sites, some not, and in some areas an average may be appropriate. Accordingly, the words “minimum and average” are deleted from the policy. A 4000m² minimum (or minimum average) should apply to the legacy Rural Residential zone areas whereas the notified 6000m² / 1ha average could apply to some other areas
 - (ii) “Building coverage” and “height standards” are only two of the relevant standards that play a role in regulating development for the purpose of managing effects on landscape and visual amenity values. Setbacks from roads and other properties are also relevant standards. The policy should take into account all of the relevant standards, and the modification reflects this;
 - (iii) The words “... of the Precinct ...” are deleted because landscape and visual amenity values are not constant across all areas within the Precinct; there is a wide variety of locational attributes, topographies, and degrees of potential visibility. Each area within the Precinct is addressed in the Landscape Character Unit descriptions in Schedule 24.8, and it is appropriate that these descriptions, rather than an assumed generic set of values are the subject of the Policy.
- (d) The modifications to Policy 24.2.5.6 are necessary to support a landscape plan possibly requiring retention of existing trees rather than a blanket tree protection rule regardless of effects and without assessment of the effects;

5 Part 24.4: Rules – Activities – Table 24.2

Modify Table 24.2 as follows:

Table 24.2	Activities in the Wakatipu Basin Lifestyle Precinct	Activity Status
...		
<u>24.4.25</u>	<u>The construction of new residential buildings and the exterior alteration to existing buildings located within an existing</u>	<u>C</u>

	<p><u>approved/registered building platform area, or on a site that was, at 23 November 2017, located in the legacy District Plan's Rural Residential Zone and carried the right for a dwelling.</u></p> <p><u>Control is restricted to:</u></p> <ul style="list-style-type: none"> • <u>Building scale and form.</u> • <u>External appearance including materials and colours.</u> • <u>Accessways.</u> • <u>Servicing and site works including earthworks.</u> • <u>Retaining structures.</u> • <u>Infrastructure (e.g. water tanks).</u> • <u>Fencing and gates.</u> • <u>External lighting.</u> • <u>Landform modification, landscaping and planting (existing and proposed).</u> • <u>Natural hazards.</u> <p><u>Excludes farm buildings as provided for in Rule 24.4.8</u></p>	
24.2.26	<u>The construction of new residential buildings not located within an existing approved/registered building platform area</u>	<u>NC</u>
[renumber accordingly]	...	

The reasons for the modification are:

- (a) The WBRAZ removes land use and subdivision rights established through existing legacy zonings and previous consent processes. This does not enable the landowners directly affected to provide for their social and economic well-being as they have made and continue to make significant economic decisions based on those zonings and consents. Landowners have made significant capital investment in their properties. The change of zoning to the WBRAZ introduces considerable uncertainty for owners, particularly those who have not exercised the entitlements afforded by the existing zonings, including the construction of a dwelling, or subdivision;
- (b) Where a residential building platform (**RBP**) has previously been approved, the likely effects of a future dwelling on the new lot will have been assessed. The location and effects of a future dwelling, along with other associated works such as access and landscaping, will have been sufficiently apparent, at the time of approval, to allow certainty of the right for a future dwelling and to preclude any need for Council discretion to refuse an application for a dwelling¹;
- (c) The Restricted Discretionary Activity (**RDA**) status for a dwelling within a RBP creates too much uncertainty for property owners and is unnecessary, particularly so in the WBLP because the purpose of the WBLP is to create lots for rural residential purposes;
- (d) The Controlled activity status is more appropriate because it provides certainty for landowners while still allowing the Council to manage the effects of a dwelling within the RBP, and associated works, through imposing conditions in relation to the matters of control, as set out in the rule;

¹ Provided other appropriate development standards are met

- (e) The planning method of creating a RBP at the time of the discretionary activity / restricted discretionary subdivision, with controlled activity status for subsequent buildings within the RBP, is well-established in the District, and there is no evidence or section 32 evaluation suggesting that the method has generated adverse effects and is inappropriate;
- (f) The default status of non-complying is appropriate for any proposed building not located within an existing approved/registered building platform area, or on a site that was, at 23 November 2017, not located in the legacy District Plan's Rural Residential Zone and carried the right for a dwelling, because it sets very clear guidance on the expected density of dwellings in the WBLP.

6 **Part 24.5: Rules – Standards – Table 24.3**

Modify Table 24.3 as follows:

	Table 24.3 – Standards	Non-compliance Status
24.5.1	Building coverage The maximum building coverage for all buildings shall be: For lots greater than 4000m² : 15% of lot area, or 500 1000m² gross floor area whichever is the lesser. For lots less than 4000m² : 25% of lot area	RD
...		
24.5.3	Building height The maximum height of any building shall be 6.8 m. Discretion is restricted to ...	NC
...		
24.5.15	Residential visitor accommodation The commercial letting of one residential unit or residential flat per site for up to 3 lots not exceeding a cumulative total of 28 nights per 12 month period	D
24.5.17	Density of dwellings in the Wakatipu Basin Lifestyle Precinct One dwelling per xxm ² net <i>[note – the net area should match the various densities from Rule 27.5.1]</i>	NC

The reasons for the modification are:

- (a) In relation to Rule 24.5.1:
- (i) The reference to “gross floor area” (GFA) is redundant as the rule is targeting a limit on building footprint, not GFA;
 - (ii) The maximum allowed size of a RBP is 1000m² so this should be the maximum coverage, including dwelling and accessory buildings, or 15% of lot area, for lots larger than 4000m². The effects of the location of these buildings within the RBP will have been addressed at the time of subdivision, and there is no further need to address effects of the location of the building;
 - (iii) For lots smaller than 4000m², 15% coverage may be too small to comfortably accommodate a dwelling and accessory buildings, therefore a 25% coverage limit is proposed.

- (b) In relation to Rule 24.5.3:
 - (i) The building height of 6m is too restrictive and may only enable 1 – 1.5 floors in a dwelling;
 - (ii) A building height of 8m is more appropriate as it enables two levels. The 8m height limit has existed for many decades without significant problems;
- (c) In relation to Rule 24.5.15:
 - (i) The rule should be deleted because it is a significant market intervention without environmental justification.

7 Rule 24.7: Assessment matters – Restricted Discretionary Activities

Modify the rule as follows:

24.7 Assessment Matters – Controlled and Restricted Discretionary Activities

24.7.1 In considering whether or not to grant consent and/or to impose conditions on a resource consent, regard shall be had to the assessment matters set out at 24.7.3 to 24.7.13.

24.7.2 All proposals for restricted discretionary activities will also be assessed as to whether they are consistent with the relevant objectives and policies for the Zone or Precinct as well as those in Chapters 3- Strategic Direction; Chapter 4- Urban Development; Chapter 6- Landscapes and Chapter 28- Natural Hazards.

The reason for the modification to 24.7.1 is: the modification is a consequential amendment arising from the submission in 6.2.2 above, in relation to the status of dwellings within a RBP.

The reason for the modification to 24.7.2 is: it is inappropriate to require assessment of an RDA against the higher order objectives and policies of the Plan, as this opens up the discretion to practically any matter, rather than restricting it to the matters for which the rule is designed. The costs to the applicant and the Council of requiring such an assessment would be unreasonably high. The only reasonable exception is the provisions for natural hazards.

8 Rule 24.7.3 Assessment matters

Modify Rule 24.7.3 as follows:

	Assessment matters
24.7.3	<p>New buildings (and alterations of existing buildings), residential flat, building coverage and building height infringements:</p> <p>Landscape and visual amenity</p> <ul style="list-style-type: none"> a. Whether the location, form, scale, design and finished materials including colours of the building(s) adequately responds to the identified landscape character and visual amenity qualities of the landscape character units set out in Schedule 24.8 and the criteria set out below. b. The extent to which the location and design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of:

	<p>...</p> <ul style="list-style-type: none"> • Design, <u>and</u> size and location of accessory buildings <p>...</p>
...	

The reason for the submission is that the location of buildings will have been addressed at the time of subdivision

Variation to Stage 1 Subdivision and Development Chapter 27

1 Rule 27.5.1

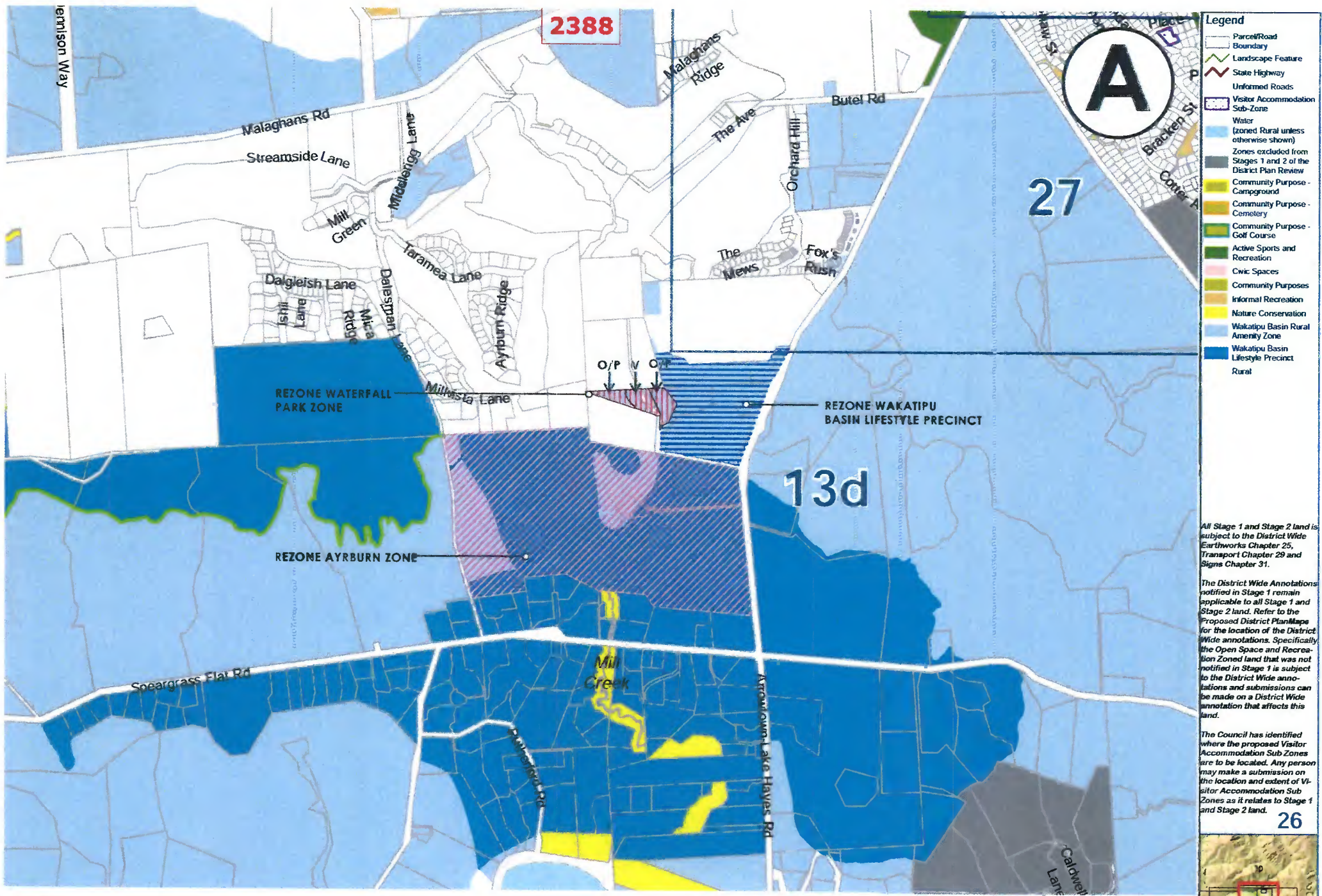
Modify Rule 27.5.1 as follows:

Zone		Minimum Lot Area
Rural	...	
	Wakatipu Basin Lifestyle Precinct	<p>...</p> <ul style="list-style-type: none"> • <u>In the WBLP Area – [Amend Planning Maps 13d and 26 to identify the area comprising the Ayrburn Land WBLP shown on Figure 2 plus the adjoining WBLP south of the Ayrburn Land and north of Speargrass Flat Road]: 4000m² average.</u>

The reasons for the modification are as follows:

- (a) The area has varied topography and features which collectively enable innovative subdivision responses that take into account:
 - the topography;
 - views;
 - neighbouring properties and their various land uses;
- (b) The rigidity of the 6000m² / 1ha average subdivision configuration, and the non-complying status for breaching these minima, would inhibit such an innovative design approach and would likely lead to an inferior environmental outcomes, for future lot owners and neighbours;
- (c) The 6000m² / 1ha average rules are contrary to the various provisions seeking flexible and innovative subdivision design, for example:
 - Policy 24.2.5.2: *“Promote design-led and innovative patterns of subdivision and development ...”*;
 - Assessment matters for subdivision, such as Rule 27.7.6.2(f): *“Whether clustering of future buildings would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform and vegetation patterns.”*
- (d) The existing rural residential pattern north of Speargrass Flat Road, and the opportunity for effective greenfields subdivision, justifies a minimum average 4000m² lot size/residential density.

- (e) Smaller lot sizes and average sizes would overcome these problems, and lead to more efficient use of the scarce resource of land in the Basin that is suitable for zoning for rural living.



- Legend**
- Parcel/Road Boundary
 - Landscape Feature
 - State Highway
 - Unformed Roads
 - Visitor Accommodation Sub-Zone
 - Water (zoned Rural unless otherwise shown)
 - Zones excluded from Stages 1 and 2 of the District Plan Review
 - Community Purpose - Campground
 - Community Purpose - Cemetery
 - Community Purpose - Golf Course
 - Active Sports and Recreation
 - Civic Spaces
 - Community Purposes
 - Informal Recreation
 - Nature Conservation
 - Wakatipu Basin Rural Amenity Zone
 - Wakatipu Basin Lifestyle Precinct
 - Rural

All Stage 1 and Stage 2 land is subject to the District Wide Earthworks Chapter 25, Transport Chapter 29 and Signs Chapter 31.

The District Wide Annotations notified in Stage 1 remain applicable to all Stage 1 and Stage 2 land. Refer to the Proposed District Plan Maps for the location of the District Wide annotations. Specifically the Open Space and Recreation Zoned land that was not notified in Stage 1 is subject to the District Wide annotations and submissions can be made on a District Wide annotation that affects this land.

The Council has identified where the proposed Visitor Accommodation Sub Zones are to be located. Any person may make a submission on the location and extent of Visitor Accommodation Sub Zones as it relates to Stage 1 and Stage 2 land.

26

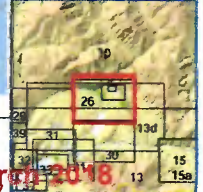
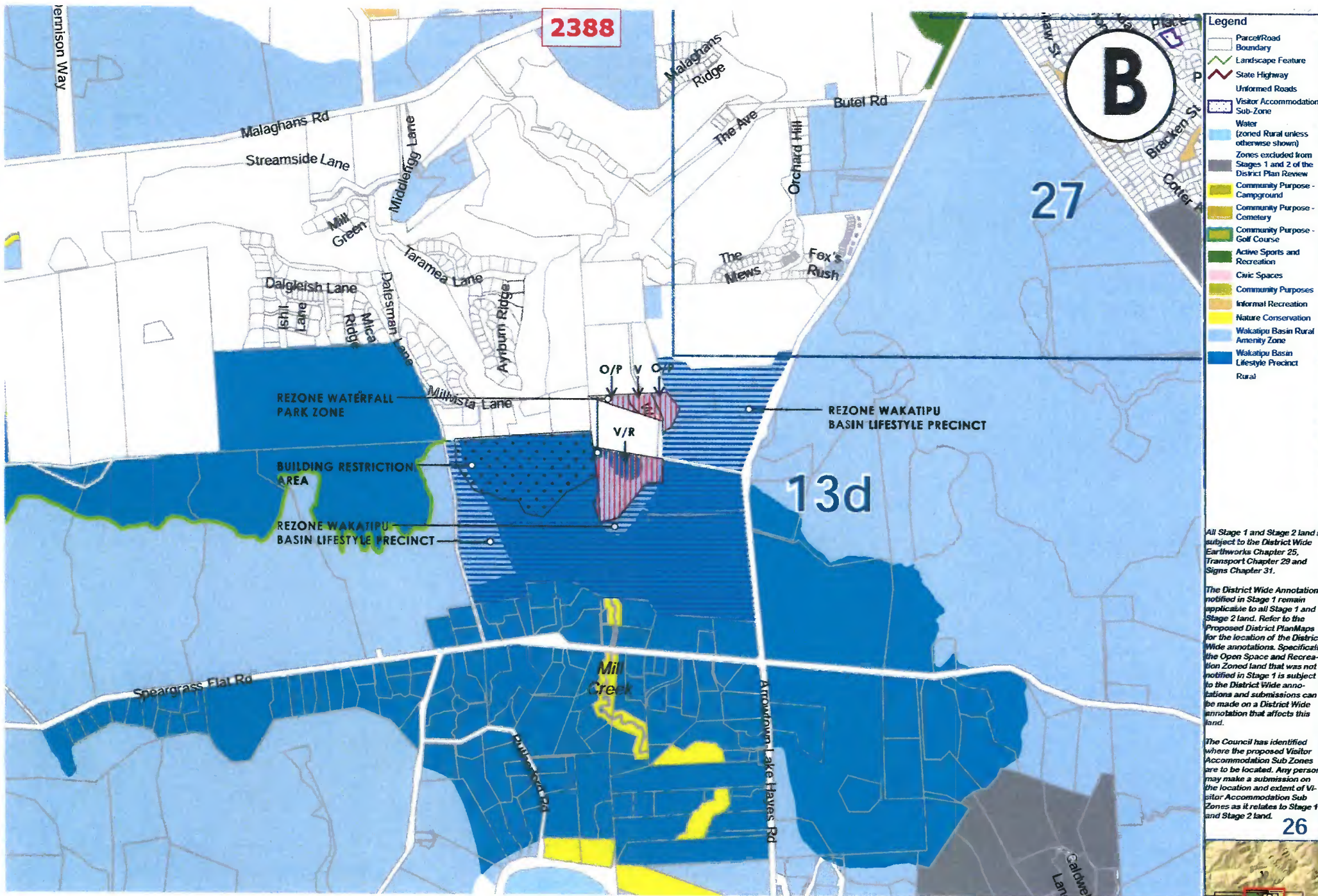


FIGURE 1



Legend

- Parcel/Road Boundary
- Landscape Feature
- State Highway
- Unformed Roads
- Visitor Accommodation Sub-Zone
- Water (zoned Rural unless otherwise shown)
- Zones excluded from Stages 1 and 2 of the District Plan Review
- Community Purpose-Campground
- Community Purpose-Cemetery
- Community Purpose-Golf Course
- Active Sports and Recreation
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26



FIGURE 2

