



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

OF THE RESOURCE MANAGEMENT ACT 1991

Applicant:	Waterfall Park Developments Limited
RM reference:	RM240982
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for a nine-lot subdivision to reflect the approved and constructed developments and future development enabled by the Ayrburn Structure Plan.
Location:	1 Ayr Avenue, Arrowtown 9371
Legal Description:	Lot 1 DP 540788 held in Record of Title 929488 Lot 4 DP 540788 held in Record of Title 929491
Zoning:	ODP: Rural General Zone / Waterfall Park Resort Zone PDP: Wakatipu Basin Rural Amenity Zone / Waterfall Park Resort Zone
Protected Features:	Protected Feature: Ayrburn Homestead and Stone Farm Buildings (Ref No. 110) Category 2 (ODP) Historic Heritage Feature: Ayrburn Homestead and Stone Farm Buildings (Ref No. 110) Category 2 (PDP)
Activity Status:	Non-Complying
Decision Date	15 May 2025

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Paula Costello, Independent Commissioner on 15 May 2025 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of the Section 104 decision imposed pursuant to Section 220 of the RMA. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Paula Costello, Independent Commissioner under delegated authority pursuant to Section 34A of the RMA.

1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake a nine (9) lot subdivision of the two lots (Lot 1 DP 540788 and Lot 4 DP 540788) containing the Ayrburn development, to logically reflect existing approved and constructed development (as shown in **Figure 1** below).

The subdivision is also sought to enable future development which is in accordance with the Ayrburn Structure Plan, which was recently approved via an Environment Court order/decision (ref. [2024] NZEnvC 299).

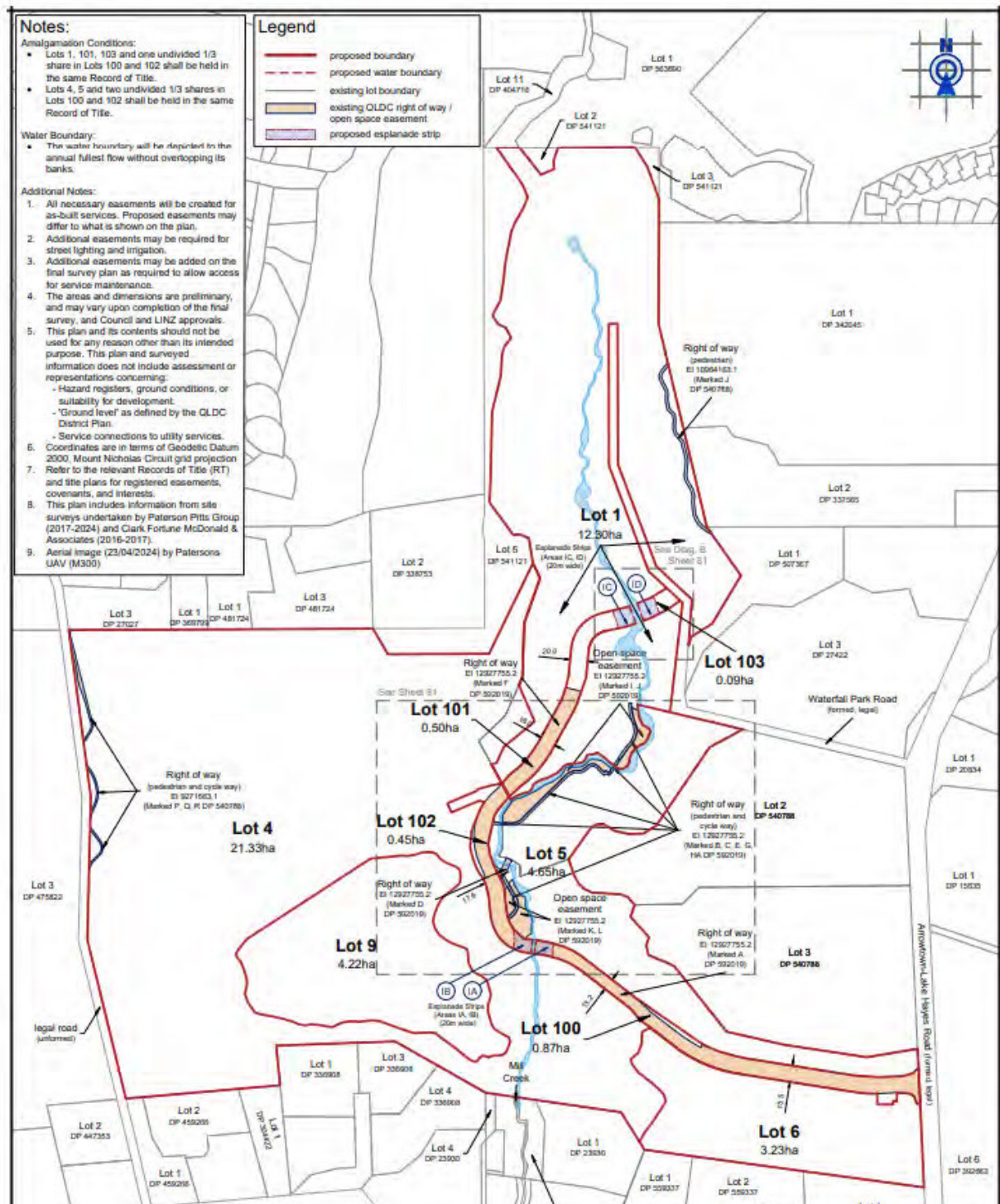
The existing subject site forms the 'Ayrburn Development', a comprehensive and staged commercial and residential resort-style development within the Arrowtown area, parts of which are shown in **Image 1** and **Image 2** below.

Areas of the development that have already been constructed include the Ayrburn multi-venue Dining precinct based within and around the notable heritage buildings and features, located within proposed Lot 5 of the subdivision. This includes associated landscaping, restoration of Mill Creek, car parking areas and Ayr Avenue, which is a private road providing access to the development via an entrance onto Arrowtown-Lake Hayes Road. These developments were approved and constructed via several resource consent applications, which have been detailed by the applicant within their submitted Assessment of Environmental Effects (AEE), located at **Appendix 2**.



Image 1: Subject site looking north, located within proposed Lot 1 of the subdivision, which is zoned Waterfall Park Resort Zone (image taken during site visit dated 26/11/2024).

The subdivision proposed by the applicant includes two Esplanade Strips, as required by Section 230(3) of the RMA, each being 20m wide (extending away from the creek), within proposed Lots 100, 101, 102 and 103 which contain Ayr Avenue (as shown in Figure 2 below). These strips are located where Mill Creek passes through the site and underneath the roadway of Ayr Avenue. The applicant has proposed to utilise Esplanade Strips as opposed to Esplanade Reserves because they consider it unlikely that the Council (QLDC) will want to take responsibility for the maintenance and upkeep of these isolated esplanade reserves, as shown in **Figure 1** below.



The application also notes that the proposed Lot 9 and Lot 6, which will contain the Residential activity areas of the Ayrburn Structure plan, will not be serviced at this point in time when the subdivision is carried out. The applicant proposes that these necessary services; telecommunications, power, water, wastewater and stormwater, will be installed at such a time that residential activity is consented and approved at a future

date. The applicant has volunteered a Consent Condition which restricts future residential activity within these lots until these services have been installed to the boundary of the lots.



Image 2: Subject site looking south, located within proposed Lot 1 of the subdivision, looking towards the proposed Lot 5 which contains the Ayrburn Commercial area (dated 26/11/2024).

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section 1 of the report entitled “*Application for Resource Consent - To Undertake a 9 lot subdivision at Ayrburn*”, prepared by Morgan Brown of Brown & Company Planning Group, and submitted as part of the application (hereon referred to as the applicant’s AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report with the following addition:

Environment Court Decision – ENV-2019-CHC-90

- At the time the applicant’s AEE was prepared, the court decision for *ENV-2019-CHC-90* was considered interim, however a decision had not been confirmed. As of 25 November 2024, the decision for *ENV-2019-CHC-90* was confirmed by Environment Judge J J M Hassan.
- In summary, the main issue of contention for Waterfall Park Developments Limited (the applicant) was seeking a specific exemption to the 80 hectare minimum lot size rule which applies to the Wakatipu Basin Rural Amenity Zone (WBRAZ) within the PDP, which applies to the proposed residential lots for the site. This would require any future subdivision of the site, despite being in accordance with the Ayrburn Structure Plan, to be a Non-Complying Activity. Therefore, the applicant sought an exemption to this lot size rule only for subdivision for the purpose of implementing rural living development of one of the Residential Areas. Queenstown Lake District Council (QLDC) did not agree that this exemption was necessary and that the con-complying status remains appropriate and provides proper consideration of the objectives and policies of the Chapter 24 (WBRAZ) framework. A submission was also made by neighbours to the Ayrburn site, ‘The Hadleys’, who live adjacent to the site to the south-west. The Hadleys submitted that the utility of the non-complying activity status is that it will focus attention not just on creating ‘parent titles’ for further subdivision within the residential activity area, but rather will draw attention to the merits of subdivision of the open space area of the WBRAZ.

- This decision was in favour of QLDC, with the applicant's exemption request being denied. The court noted that it was common ground that existing titles were less than 80ha. Therefore, the non-complying activity status still applies to subdivision within areas of the site zoned WBRAZ.
- The applicant has based their assessment for this subdivision application of the PDP based on this interim decision, which has now been confirmed.

2. ACTIVITY STATUS

QLDC currently has an Operative District Plan (ODP) and a Proposed District Plan (PDP).

Council notified its decisions on Stage 1 of the PDP on 7 May 2018, notified its decisions on Stage 2 of the PDP on 21 March 2019 and notified its decisions on Stages 3 and 3B of the PDP on 1 April 2021. There are a number of appeals on these decisions.

Where there are rules in the PDP that are treated operative under s.86F of the RMA, corresponding rules in the ODP are treated as inoperative. Consent is required under Section 9(3) of the RMA, pursuant to the ODP and PDP rules which are listed below.

2.1 OPERATIVE DISTRICT PLAN

There are no relevant rules under the ODP as the relevant rules of Section 5 (Rural Areas), Section 12 (Special Zones) and Section 15 (Subdivision, Development and Financial Contributions) are treated as inoperative given the relevant rules under the PDP are treated as operative pursuant to section 86F.

2.2 PROPOSED DISTRICT PLAN

The subject site is zoned Wakatipu Basin Rural Amenity Zone (WBRAZ) and Waterfall Park Resort Zone by the PDP and the proposed activity requires resource consent under the PDP for the following reasons:

Rules that are treated as operative under s86F:

- A **controlled** activity resource consent pursuant to Rule 27.7.1 for subdivision that is consistent with a Structure Plan that is included in the District Plan (excluding 27.13.22 Ayrburn Structure Plan). In this case, the proposed subdivision is consistent with the Waterfall Park Structure Plan (27.13.3).
- A **discretionary** activity resource consent pursuant to Rule 27.5.6 for the proposed subdivision which does not fall within any rule in Section 27.5.
- A **discretionary** activity resource consent pursuant to Rule 27.5.13 for subdivision of land containing a heritage or any other protected item scheduled in the District Plan. Proposed Lot 4 and Lot 5 will contain the Ayrburn Homestead and Stone Farm Buildings, which are listed Historic Heritage items within the PDP (ref. number 110).
- A **non-complying** activity resource consent pursuant to Rule 27.5.22 for subdivision that does not comply with the minimum lot size for the Wakatipu Basin Rural Amenity Zone (80ha minimum). All proposed lot sizes will be well under 80 hectares in size.
- A **non-complying** activity resource consent pursuant to Rule 27.5.28 for subdivision that does not comply with the infrastructure and servicing standards (27.7.39). It is proposed that Lot 6 and Lot 9, containing the residential activity areas of the Ayrburn Structure Plan, will not be connected to the required infrastructure and services, as this is proposed at a later stage when future development is consented.

2.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 ("NES")

Based on various Preliminary Site Investigations prepared on behalf of the applicant through previous consent applications within the site, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

2.5 ACTIVITY STATUS SUMMARY

Overall, the application is being considered and processed as a **non-complying** activity.

NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

3.1 Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

3.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification is not precluded (s95A(5)(b)).

3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in sections 3.3.1 - 3.3.4 below:

3.3.1 Effects that must / may be disregarded (s95D(a)-(e))

Effects that must be disregarded:

- *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- *Trade competition and the effects of trade competition (s95D(d)).*

Effects that may be disregarded:

- *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)) – referred to as the “permitted baseline”. The relevance of a permitted baseline to this application is provided in section 3.3.2 below.*

3.3.2 Permitted Baseline (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, all subdivision activities within the Wakatipu Basin Rural Amenity Zone have a Restricted Discretionary activity class or higher. In addition, any subdivision of land containing an identified heritage feature(s) has a Discretionary activity class. Therefore, an assessment of what is permitted under the PDP is not considered relevant in this case, and has not been considered as part of the below assessment.

3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The following parts of the Assessment of Effects provided at Section 4 of the applicant's AEE, are considered to be comprehensive and accurate, and are adopted for the purposes of this report:

- Section 4.2.2. – Existing environment; and
- Section 4.3. – Effects on landscape and visual amenity values.

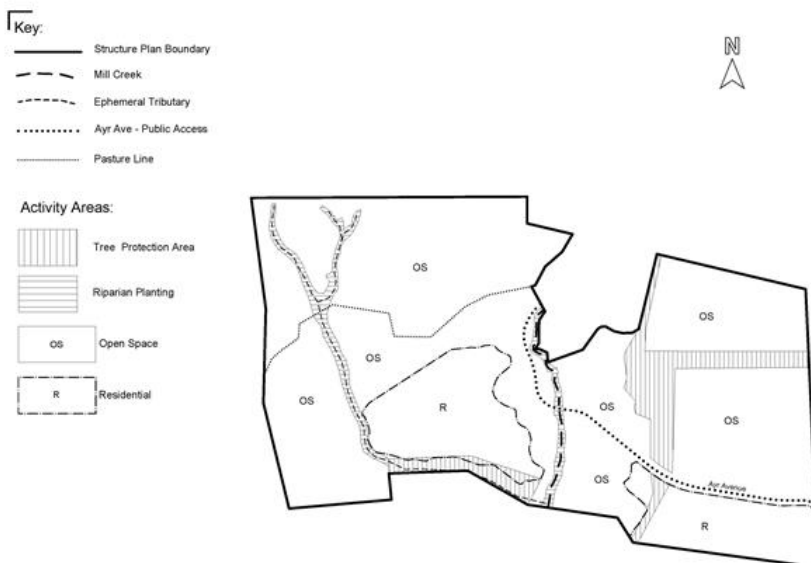
Additional assessment is as follows:

The relevant assessment matters are found in Chapter 24 (Wakatipu Basin), Chapter 27 (Subdivision and Development) and Chapter 42 (Waterfall Park) of the Proposed District Plan, and have been considered in the assessment below.

The application has been reviewed by QLDC Land Development Engineer Mr Mike Pridham. Mr Pridham's expert advice is discussed further in the assessment below and is relied upon and adopted for the purposes of this report.

Ayrburn Structure Plan

The proposed subdivision aligns with the recently approved Ayrburn Structure Plan boundaries, as shown in **Figure 2** below. This includes residential areas, which are located within proposed Lot 9 and Lot 6 of the application. Areas of existing vegetation are protected by 'Tree Protection Areas' noted within the structure plan, and these areas have been recorded within the proposed subdivision plan (sheet 41).



AYRBURN STRUCTURE PLAN - 17 November 2023
Scale 1:4000 @ A3

Figure 2: The Ayrburn Structure Plan as noted within Section 27.13.22 of the PDP, showing the future residential and open space areas as well as tree protection areas and Mill Creek.

Therefore, the proposed subdivision is consistent with the planned layout of the site and as a result no adverse effects are expected in this regard.

Waterfall Park Zone Structure Plan

The proposed subdivision aligns with the recently approved Waterfall Park Zone Structure Plan boundaries, as shown in **Figure 3** below. This includes the location of the legal road corridor of Waterfall Park Road, which is different to the physical location of the access road at the site.

It was confirmed under RM230645 that Waterfall Park Road does not provide suitable vehicle access to the site, despite being a legal road with access onto Arrowtown-Lake Hayes Road. This is due to the road accessing onto Arrowtown-Lakes Hayes Road at a steep corner of the road where the speed limit is 70kph. Therefore it was assessed that the recently created Ayr Avenue, which is now fully operational as of this application submission, is to provide suitable vehicle/pedestrian access to the Ayrburn Domain and further north to the Hotel developments within the Waterfall Park Zone.

QLDC Land Development Engineer Mr Mike Pridham has stated that proposed Lot 1 will have legal access from Waterfall Park Road, however, the assessment and subsequent conditions (46(a) and 47) imposed by the commissioners for RM220926 (approving the operation of a retirement village and hotel on the site) will ensure that Lot 1 will not be accessed via Waterfall Park Road, unless for emergency access when Ayr Avenue is not available/closed. To ensure this is enforced, Mr Pridham has recommended that associated conditions are included as consent notice conditions.

In addition, Condition 42 under RM220926 required an easement in gross in favour of the QLDC over the privately owned Ayr Avenue, between Arrowtown-Lake Hayes Road and Waterfall Park Road, with the intent to ensure ongoing public access to the waterfall within the site. Mr Pridham has recommended supporting conditions in this regard.

Proposed Subdivision Staging

The applicant has proposed to stage the subdivision across 3 stages in the approximate order (this order may be combined or reversed):

Stage 1: Lots 1, 4, 5, 6, 100, 101 and 102

Stage 2: Lot 9

Stage 3: Lot 103

The applicant has stated that Lot 103, being the northern extent of Ayr Avenue as it intersects with Waterfall Park Road, is not intended to be created until such time as the development within Lot 1 (a retirement village development approved under previous resource consent RM220926), is completed and occupied. This is because this area will remain a construction area and it is not practicable to complete this section of road while active construction works are underway within the road corridor.

It is noted that Condition 42 of RM220926 which requires an easement in gross in favour of QLDC over the privately owned Ayr Avenue, between Arrowtown-Lake Hayes Road and Waterfall Park Road, with the intent to ensure ongoing public access to the waterfall within the Waterfall Park site.

Condition 42 of RM220926 requires this easement prior to occupation of any buildings, and this same requirement has been volunteered as a Consent Notice condition for Lot 1 by the applicant, as noted below:

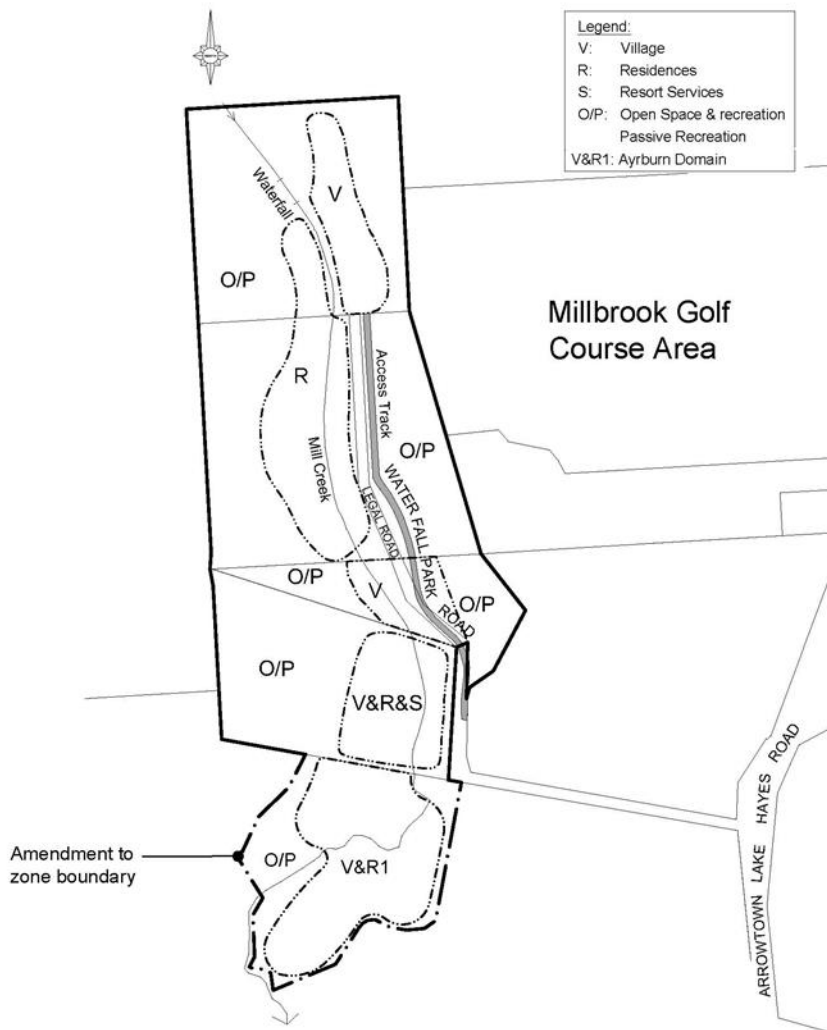
“Prior to occupation of any habitable buildings within proposed Lot 1, the Consent Holder shall ensure that Lot 103 is constructed and connected to Waterfall Park Road so that legal access is in place from Arrowtown Lake Hayes Road through to the northern extent of Waterfall Park Road for the purposes of public and emergency access.”

In the situation where the development approved by RM220926 within Lot 1 does not proceed/never occurs, there is the possibility that Lot 103 will never be constructed to connect with Waterfall Park Road. This potential issue has been addressed by a consent condition, outlined below, requiring that upon application

for any stage of subdivision, it can be shown that that legal public access from Arrowtown-Lake Hayes Road to the northern extent of Waterfall Park Road is enabled.

“This subdivision may be staged. For the purposes of issuing approvals under sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed, and where upon application for any stage of subdivision, it can be shown that that legal public access from Arrowtown-Lake Hayes Road to the northern extent of Waterfall Park Road is enabled (whether via Waterfall Park Road legal formation, or by a combination of Waterfall Park Road and Ayr Avenue).”

The applicant has agreed with this consent condition and therefore there are no adverse effects in this regard.



WATERFALL PARK ZONE STRUCTURE PLAN - AMENDMENT - 9-Dec-21

Scale 1:4000 @ A4

Figure 3: The Waterfall Park Zone Structure Plan as noted within Section 42.7 of the PDP, showing the 'Village' and 'Residence' areas as well as Open Space areas and the alignment of Mill Creek and the Waterfall Park Road, as well as the legal road location.

Minimum Lot Areas

The proposal does not comply with the minimum lot area requirements for the Wakatipu Basin Rural Amenity Zone (WBRAZ), which require a minimum lot area of 80 hectares. Therefore, consent is required as a Non-Complying activity under PDP Rule 27.6.1. No existing open space areas will be fragmented by the

proposed subdivision, with the exception of Lots 9 and 6 for future residential development, which is an expected outcome of the Ayrburn Structure Plan.

It is noted that Lot 4 (residual open space) and Lot 5 (existing Ayrburn Domain commercial precinct) will be held within the same Record of Title, so that the open space will not be held as an isolated parcel, rather associated with a development lot (Lot 5).

Because the subdivision is consistent with the Ayrburn Structure Plan and Waterfall Park Structure Plan, as noted above, non-compliance with this rule is expected to generate adverse effects that are less than minor.

Protected Historic Heritage

It is noted that PDP listed Historic Heritage items are located within proposed Lot 5. These items relate to Item number 110 which identifies the Ayrburn Homestead and Stone Farm Buildings. No changes to these listed items are proposed as part of this application and the subdivision will not give rise to effects that will change the values of these buildings or their overall setting/extent of place. The buildings located within proposed Lot 5 have been repurposed under previous resource consent applications and now form part of the 'Ayrburn Domain' commercial precinct.

Servicing and Infrastructure

The applicant has proposed that future residential development within Lots 6 and 9, as shown in **Figure 4** below, which have not been provided with servicing connections (water, wastewater, stormwater, power, telecommunications) as part of this application, will be controlled by a volunteered consent condition. This consent condition will ensure that any future residential activity within these lots cannot occur in advance of the installation of the required services to the boundary of the lot, in addition to the required resource consents to be sought.

The definition of necessary services has been included within the consent condition as being wastewater disposal, water supply, stormwater disposal, telecommunications supply, electricity supply and formed vehicle access. It is noted that physical access is provided for to both Lot 6 (via Ayr Avenue directly) and to Lot 9 (via a Right of Way which connects to Ayr Avenue).

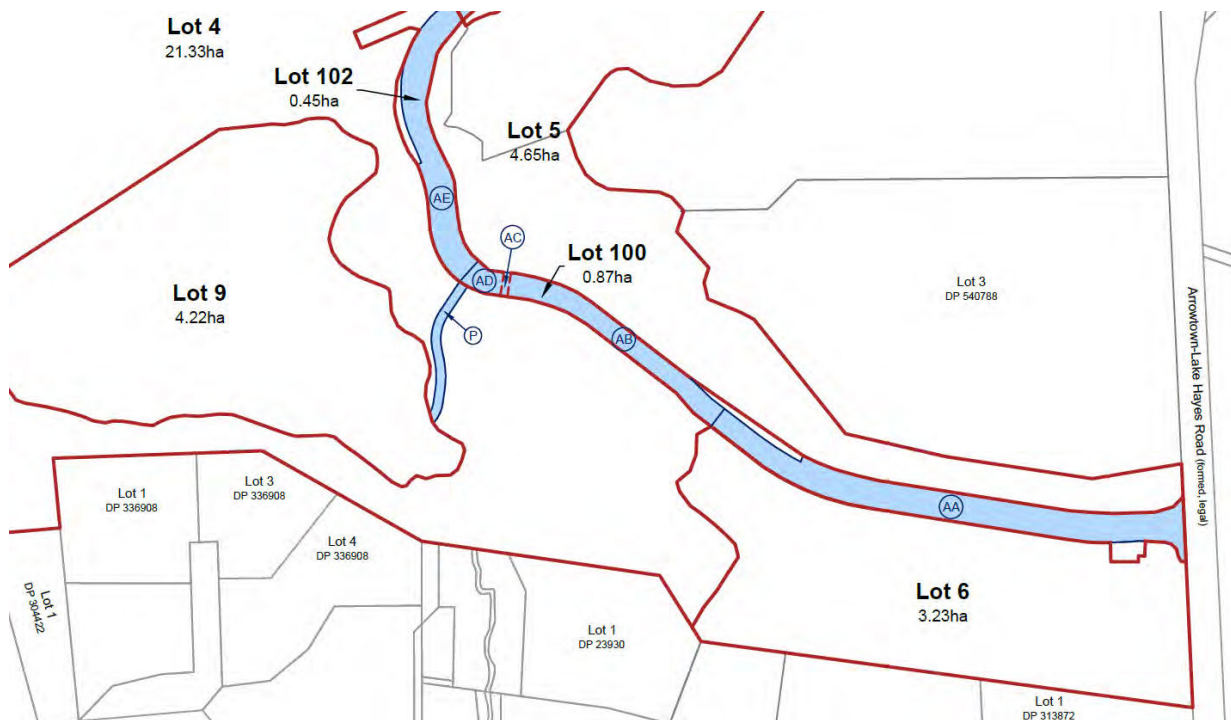


Figure 4: Proposed Lot 6 and Lot 9 as part of the subdivision, which contain the residential activity areas of the Ayrburn Structure Plan (Figure 2 above) and will enable future residential activity, showing Right of Way locations in blue (figure taken from the applicant's submitted Scheme Plan).

This proposed non-servicing of lots 9 and 6 has been assessed by QLDC Land Development Engineer Mr Mie Pridham. Mr Pridham has stated that the proposed subdivision is suitable in relation to the following servicing and infrastructure matters:

- **Access:**

Ayr Avenue, including the Ayr Avenue/Arrowtown-Lake Hayes Road intersection, has been constructed and assessed via RM171280, and the applicant has confirmed that the proposed subdivision could result in an increase of 1% of vehicle movement volumes of those Ayr Avenue is designed for (4,526 vehicle movements per day), which includes the potential development capacity of the residential activity areas within Lot 6 and Lot 9. Therefore Mr Pridham has confirmed no changes are required to Ayr Avenue.

Mr Pridham is satisfied that the proposed Right of Way between Lot 102 (Ayr Avenue) and Lot 9 (future residential activity area) will have a legal width and formation standard that is adequate for the anticipated development capability of Lot 9. Mr Pridham has recommended a supporting condition detailing the formation of a ROW in accordance with E1 road design standard under the QLDC Land Development and Subdivision Code of Practice. A condition is also recommended detailing that this easement shall be duly granted or reserved.

- **Servicing (telecommunications, power, potable water, wastewater, stormwater):**

Mr Pridham is satisfied that servicing capacity, for the proposed services listed above, exists to service the small number (approximately 7) of the anticipated dwellings able to be built within the residential activity areas of proposed Lot 6 and Lot 9. Regarding Lots 1 and 5, appropriate servicing for these has been installed within Ayr Avenue as per previous consents, with Lot 4 remaining an open space balance allotment with no development anticipated.

Mr Pridham is satisfied that the proposed Consent Notice condition to restrict residential development within proposed Lot 6 and Lot 9 prior to services being established is suitable. Mr Pridham notes that subdivision without the required servicing provided is not standard practice, however the proposed Consent Notice condition will mitigate potential adverse effects, and it is noted that any future development within these lots will require resource consent to be sought, under the Wakatipu Basin Rural Amenity Zone of the PDP, where servicing matters can be further addressed.

Mr Pridham has noted that the QLDC Backflow Prevention Policy requires backflow prevention to be provided at point of supply at the interface between the QLDC network and private land, to prevent contamination occurring in the reticulated network. Mr Pridham has noted that back flow prevention has been installed at the boundary of Lot 5 at the entrance to Ayrburn Domain, however it would be more appropriate to be installed within private property adjacent to the road reserve boundary at Arrowtown - Lake Hayes Road. Mr Pridham has recommended a consent condition requiring the installation of an appropriate risk rated and sized back flow prevention, water meter and isolation valve setup at adjacent to the boundary of Arrowtown Lake Hayes Road prior to 224(c).

Esplanade Strips

The applicant has proposed that Esplanade Strips, as opposed to Esplanade Reserves, be used adjacent to Mill Creek where Ayrburn Avenue crosses the creek. This means the strip areas will remain under the ownership of the landholder, Waterfall Park Developments Limited, rather than be transferred to Council ownership. These strip areas, shown in **Figure 5** below, are located within proposed Lot 100 and 102 as well as Lot 101 and 103 and will measure approximately 20 metres in length on either side of Mill Creek. The applicant's assessment has noted that esplanade strips were chosen instead of esplanade reserves as it is considered unlikely that Council would want to take on responsibility for two isolated esplanade reserves, noting that Ayrburn Avenue is a private road.

This approach has been reviewed by Mr Pridham, who has confirmed it is suitable. This approach was also taken by the applicant under the previous subdivision application RM200290, as noted in Section 1 above.

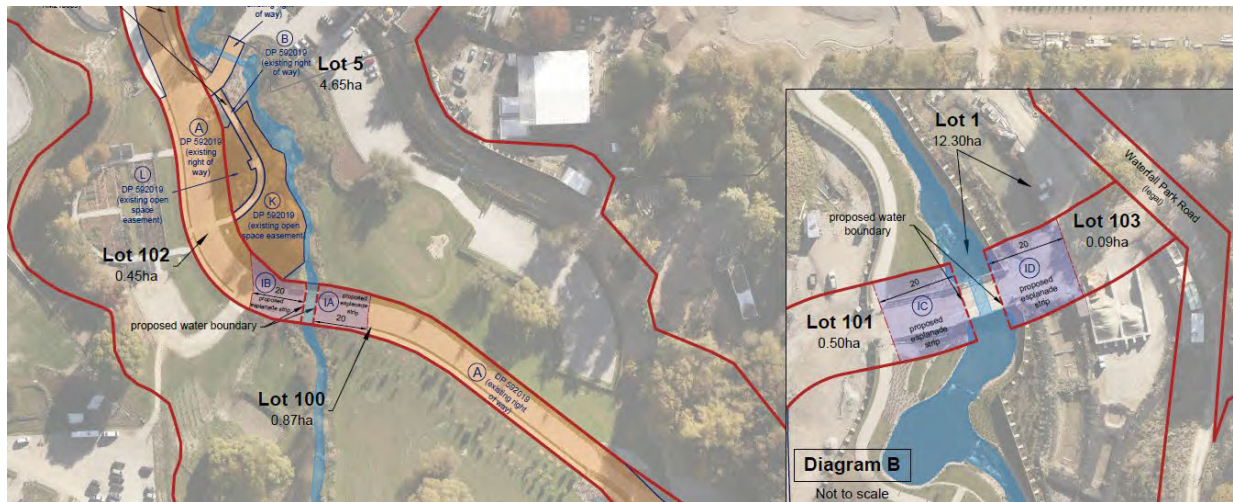


Figure 5: Proposed Esplanade Strip areas as they are located within the proposed lots containing Ayrburn Avenue adjacent to Mill Creek (taken from the applicant's submitted Scheme Plan set dated 12/11/2024).

Therefore, the proposed Esplanade Strips will ensure adequate access to Mill Creek and continued access and maintenance from Ayr Avenue and are considered a suitable approach.

Landscape Character Units 8 (Speargrass Flat) and 23 (Millbrook)

The area of both Units is approximately shown below in **Figure 6**, with the subject site identified within the blue outline. Each unit and its characteristics are assessed below:

Unit 8: Speargrass Flat is defined as relatively open pastoral flat framed by the south-facing slopes of the Wharehuanui Hills to the north, and the steep margins of the Slope Hill 'Foothills' to the south, with predominantly pastoral land use with sparsely scatter rural residential lots. The capability for the unit to absorb additional development is considered 'low.'

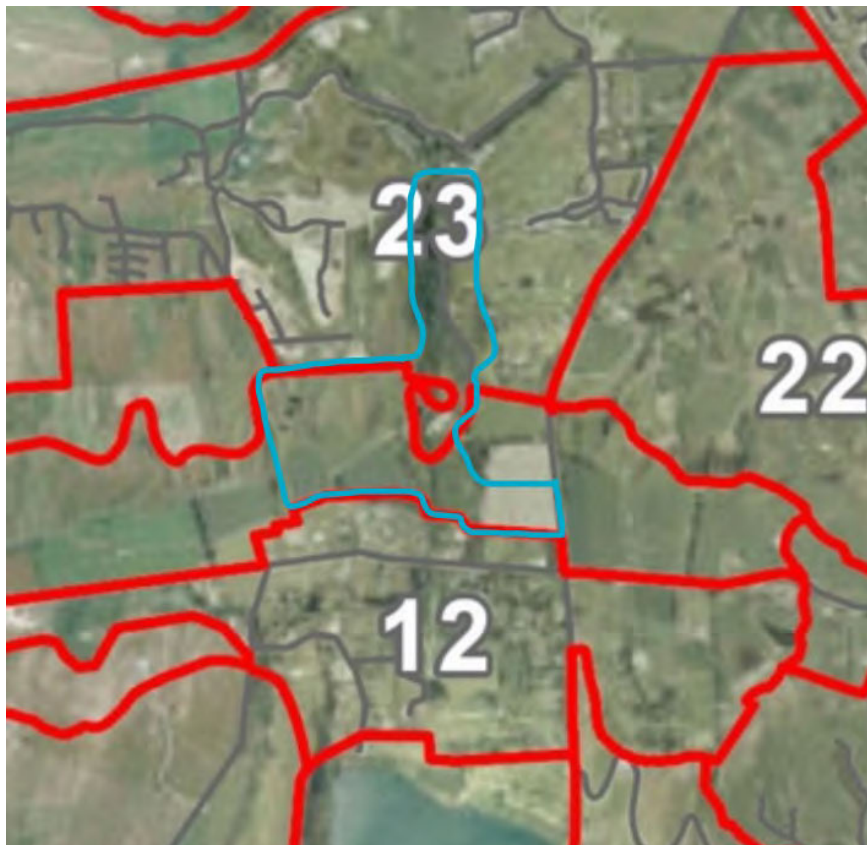


Figure 6: Landscape Character Unit areas of the PDP as they dissect the subject site, which is shown within the blue outline (figure taken from Chapter 24 of the PDP).

Unit 23: Millbrook is defined as comprising an elevated moraine landform with plateaus, hummocky hills and remnant kettle lakes with a golf course, commercial and rural residential uses dominating the unit. The capability for the unit to absorb additional development is considered 'moderate.'

The proposed subdivision is an expected outcome for this site, due to the previous site history and various granted consents for development on the site, as well as the confirmed Ayrburn Structure Plan which the proposed subdivision is consistent with. Therefore, it is not expected that the proposed subdivision will generate additional adverse effects beyond those which have been assessed under previous granted consent applications or the formation of the Ayrburn Structure Plan within the PDP.

Lake Hayes Catchment

The subject site is located entirely within the Lake Hayes Catchment, with Mill Creek, which passes through the subject site, being the primary in-flow tributary into the lake. It is noted that no physical works or development is proposed as part of the subdivision application, therefore no adverse effects on water quality of Mill Creek are expected.

Conclusion

Overall, the proposed subdivision seeks to subdivide the existing site in the context of the existing and approved land use activities and in accordance with the Waterfall Park Zone Structure Plan and the recently confirmed Ayrburn Structure Plan of the PDP. No physical works are proposed as part of the application and subdivision will logically reflect the existing site uses and developments as part of the Ayrburn development. The proposed non-servicing of Lots 6 and 9 can be appropriately conditioned to ensure that any future residential development on these lots obtains the required resource consents and that the required services are installed to the boundary of the lot.

3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, it is assessed that the proposed activity is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

3.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

4. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

4.1 Step 1: certain affected groups and affected persons must be notified

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

Determination under s95B(3)

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is not determined an affected person under section 95E (s95B(3)).

4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval.

Any other activity

The proposal is not a boundary activity and therefore the proposed activity falls into the ‘any other activity’ category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). Section 3.3.2 above sets out the relevance of the permitted baseline to this application.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in [Schedule 11](#).

4.3.1 [iii] Persons who have provided written approval (s95E(3))

No persons have provided their **written approval** for the application for the purpose of s95E(3).

4.3.2 Assessment: Effects on Persons

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

Adjacent sites are identified as follows:

- Lot 11 DP 404716 (Millbrook Infrastructure – Mill Creek)
- Lot 2 DP 541121 (Millbrook Resort)
- Lot 1 DP 563690 (Millbrook Resort)
- Lot 3 DP 541121 (Millbrook Resort)
- Lot 1 DP 342045 (Millbrook Resort)
- 397 Arrowtown-Lake Hayes Road
- 31 Waterfall Park Road
- 347 Arrowtown-Lake Hayes Road
- 341-343 Arrowtown-Lake Hayes Road / Lot 2 DP 540788 (owned by Applicant)
- Lot 3 DP 540788 (owned by Applicant)
- 37 Hogans Gully Road
- 589 Speargrass Flat Road
- 575 Speargrass Flat Road
- 567 Speargrass Flat Road
- 547 Speargrass Flat Road
- Lot 6 DP 23930 (Local Purpose Reserve – QLDC)
- Lot 7 DP 23930 (Local Purpose Reserve – QLDC)
- Lot 4 DP 23930
- 529 Speargrass Flat Road

- 531 Speargrass Flat Road
- 533 Speargrass Flat Road
- 523 Speargrass Flat Road
- 515 Speargrass Flat Road
- 513 Speargrass Flat Road
- 509 Speargrass Flat Road
- 471 Speargrass Flat Road
- Lot 3 DP 20693
- Lot 3 DP 27027
- 4 Millvista Lane
- 5 Millvista Lane
- Lot 3 DP 481724
- Lot 2 DP 338753
- Lot 5 DP 541121 (Millbrook Resort)

Figure 7 below identifies adjacent properties with their corresponding address/Lot number listed in the points above.

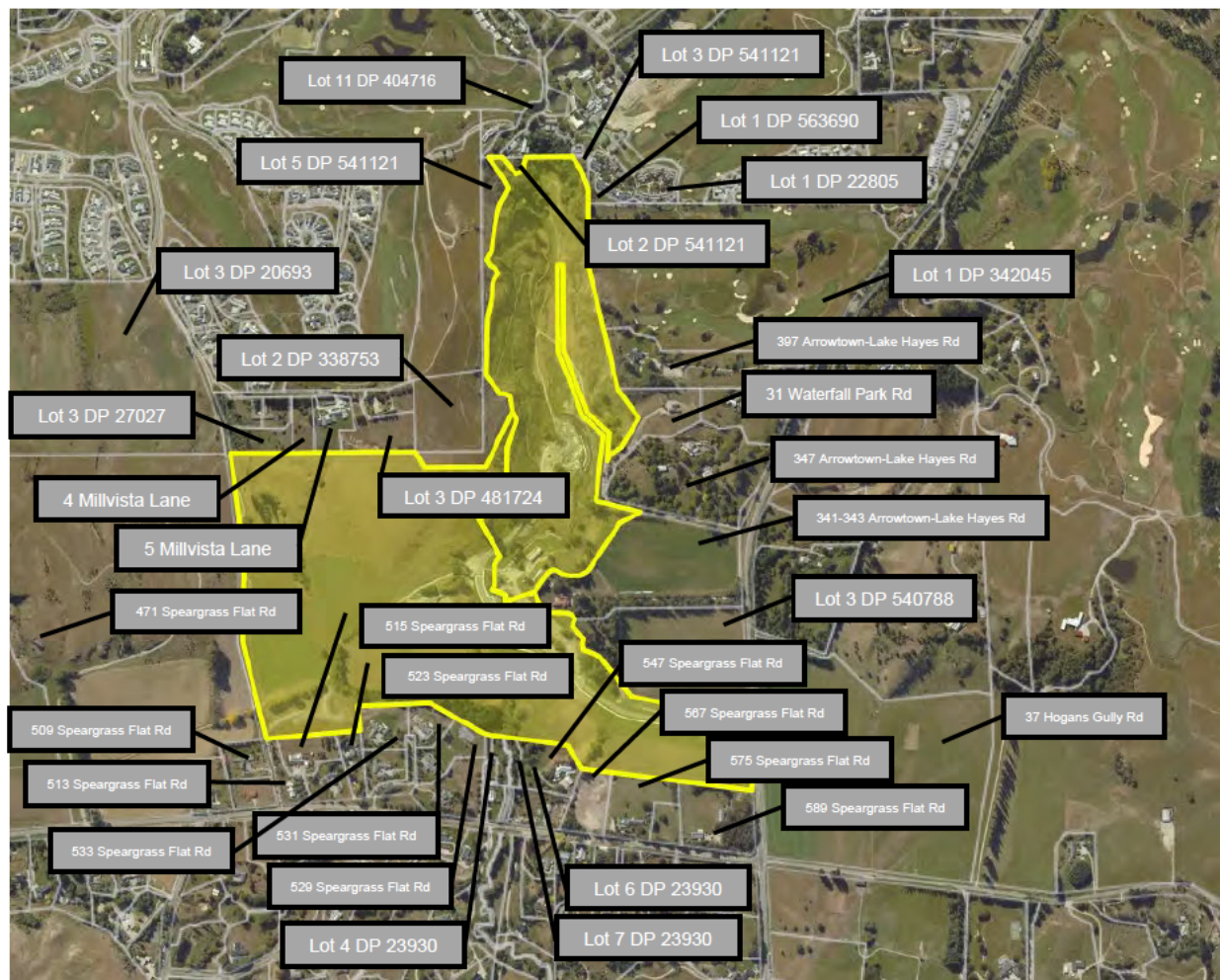


Figure 7: Adjacent properties to the subject site (subject site identified within yellow highlighted area).

Any persons or property beyond those listed above and shown in **Figure 7** have been assessed under s.95D above.

Assessment has been made under the relevant headings below, which relate to the various consents sought under this application:

Ayrburn Structure Plan and Waterfall Park Zone Structure Plan

As noted previously, the proposed subdivision has been prepared in accordance with the Ayrburn Structure Plan and the Waterfall Park Zone Structure Plan (shown in **Figures 2 and 3** above) as noted within Chapter 27 and Chapter 42 of the PDP. As noted previously, the application was prepared in advance of a decision on the Ayrburn Structure Plan, made under *ENV-2019-CHC-90*. As of 25 November 2024, the decision for *ENV-2019-CHC-90* was confirmed Environment Judge J J M Hassan, which has brought the Structure Plan into legal effect.

The proposal for subdivision is consistent with both of the structure plans and seeks to reflect their layout as well as the existing and consented developments within the site as part of the overall Ayrburn development.

Sites to the South

The proposed subdivision will result in Lot 4, which is an Open Space area as defined by the Ayrburn Structure Plan, being located directly adjacent to these sites, in addition to proposed Lot 9 which is partially setback from the boundary with these sites by proposed Lot 4. The exceptions to this are the properties at 547, 567, 575 and 589 Speargrass Flat sites which directly adjoin proposed Lot 6, which is a residential area as defined by the Ayrburn Structure Plan.

In the case of the boundary with proposed Lot 9, a residential activity area, Lot 9 is setback within the site within the open space area of proposed Lot 4. In addition, a 'Tree Protection Area' is located within the area adjacent to the southern boundary of the site, as noted within the Ayrburn Structure Plan, which requires existing vegetation to remain and not be removed.

As the proposed subdivision is consistent with the Ayrburn Structure Plan, which has been approved as part of a notified consent and Environment Court process, this subdivision to create titles around each activity area is considered an expected outcome of this resolved zoning.

The proposed non-servicing of Lot 6 and Lot 9 will not result in adverse effects for adjoining sites as any future residential development is required to seek resource consent under the applicable rule (24.4.7B) of the PDP and, as required by the applicant's proposed consent condition, will require servicing to be provided to the lot boundary.

Therefore, no adverse effects are expected as a result of this subdivision on these adjoining sites to the south.

Sites to the East

The proposed subdivision will result in Lot 1, Lot 5, and Lot 6 being located in proximity to these sites. The proposed non-servicing of Lot 6 will not result in adverse effects for these sites as any future residential development is required to seek resource consent under the applicable rule (24.4.7B) of the PDP and, as required by the applicants proposed consent condition, will require the appropriate servicing to be provided to the lot boundary.

Lot 5 contains the existing consented buildings and activities of the Ayrburn Domain commercial precinct, and the proposed subdivision does not change any land use, rather separates this area to be held within its own title. It is noted that there are 'Tree Protection Areas' of the Structure Plan existing within proposed Lot 5, which requires existing vegetation to remain and not be removed, these areas will remain and will not be affected by the proposed subdivision.

Proposed Lot 1 contains the consented 'Northbrook Arrowtown' retirement village development and the consented (RM180584) hotel development. The proposed subdivision does not change any land use, rather separates this site to be held within its own title. The boundaries of the proposed lot are consistent with the Waterfall Park Zone Structure Plan.

As noted in Section 3.3.3 above, proposed Lot 1 will have legal access from Waterfall Park Road, however, RM220926 contains consent conditions which restrict access to the subject site via Waterfall Park Road, unless for emergency access. To ensure this is enforced, QLDC Land Development Engineer Mr Pridham has recommended that those conditions under RM220926 are included within this consent as consent notice

conditions. This will ensure adverse effects from vehicle/pedestrian use to access the subject site, on those sites accessed from Waterfall Park Road, Lot 1 DP 507367 and Lot 3 DP 27422, are less than minor.

As the proposed subdivision is consistent with both the Ayrburn Structure Plan and Waterfall Park Zone Structure Plan, which have been approved as part of notified consent and environment court processes, this subdivision is an expected outcome of this resolved zoning.

Sites to the West

The proposed subdivision will result in Lot 4 and a portion of Lot 6 being located adjacent to these sites to the west. No development is proposed within the Lot 4 area and, as noted above, volunteered consent notice conditions have been provided by the applicant to ensure no buildings are to be located within Lot 4 and to restrict the land uses (pasture grass/crops or grapevines) to those consistent with land uses anticipated by way of the Structure Plan.

In addition to these requirements, and relevant for sites to the west, a Consent Notice condition has been volunteered to ensure that there will be no motor vehicle access into Lot 4 from the adjacent legal road adjoining the western boundary. This legal road contains the 'Speargrass Flat Road to Dalesman Lane' (Millbrook) section of the Queenstown Cycle Trail which provides cycle and pedestrian access only.

As the proposed subdivision is consistent with both the Ayrburn Structure Plan and Waterfall Park Zone Structure Plan, which have been approved as part of notified consent and Environment Court processes, this subdivision is an expected outcome of this resolved zoning.

Millbrook sites to the North

The proposed subdivision will result in Lot 1 and a portion of Lot 4 being located adjacent to these sites, which are located within the Millbrook Zone located directly north of the subject site. No development is proposed within the Lot 4 (Open Space) area and, as noted above, volunteered consent notice conditions have been provided by the applicant to ensure no buildings are to be located within this lot and to restrict the land uses (pasture grass/crops or grapevines) to those consistent with the Structure Plan.

Proposed Lot 1 contains the consented 'Northbrook Arrowtown' retirement village development and the future consented (RM180584) hotel development. The proposed subdivision does not change any land use and rather separates this site to be held in its own title, with the proposed boundaries consistent with the Waterfall Park Zone Structure Plan.

As the proposed subdivision is consistent with both the Ayrburn Structure Plan and Waterfall Park Zone Structure Plan, which have been approved as part of notified consent and environment court processes, this subdivision is an expected outcome of this resolved zoning.

Conclusion

Overall, the proposed subdivision application seeks to align the boundaries of the existing and consented developments within the subject site with both the Ayrburn Structure Plan and Waterfall Park Zone Structure Plan. No physical development is proposed as part of this application. The proposed consent conditions to manage the non-servicing of proposed residential Lots 6 and 9 and the proposed consent notice conditions to restrict the use and management of proposed Open Space (Lot 4) and the commercial precinct (Ayrburn Domain) within Lot 5 will ensure the requirements of the Ayrburn Structure Plan are complied with on an ongoing basis.

Therefore, no person is considered to be adversely affected by the proposed subdivision application.

4.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Therefore, limited notification is not required under Step 3.

4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

5. NOTIFICATION DETERMINATION

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

Prepared by



Joshua Waterman
CONSULTANT PLANNER

Decision made by



Paula Costello
INDEPENDENT COMMISSIONER

DECISION UNDER SECTION 104 OF THE RESOURCE MANAGEMENT ACT

6. S104 ASSESSMENT

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of:
 - (i) A national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s220 of the RMA as required to avoid, remedy or mitigate adverse effects (s104)(1)(a)).

6.1.1 Consideration of applications under s104(1)(a)

A: A consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s104(2)); a permitted baseline assessment is undertaken (if applicable) in the s95 report, section 3.3.2.

B: A consent authority **must not** have regard to:

- (i) Trade competition and the effects of trade competition (s104(3)(a)(i)); and
- (ii) Any effect on a person who has given **written approval** to the application (s104(3)(a)(ii). No persons have provided written approval for this application.

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

Operative District Plan

The relevant operative objectives and policies are contained within Section 5 (Rural Areas), Section 12 (Special Zones) and Section 15 (Subdivision, Development and Financial Contributions) of the ODP. The subject site is zoned both Rural General Zone and Resort Zone (Millbrook Resort) under the ODP and therefore the relevant objectives and policies include the following:

Resort Zone – Objective 1: 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.

Rural General Zone – Objective 1: To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Rural General Zone – Objective 3: Avoiding, remedying or mitigating adverse effects of activities on rural amenity.

Subdivision/Development Objective 1: The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.

Subdivision/Development Objective 5: The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

The proposed subdivision aligns with these objectives by providing for the subdivision of existing and planned development of visitor, residential and recreational facilities in a way that conserves and enhances the natural and scenic values contained within the property and its setting.

The proposed Lot 4 will contain open space area and will contain appropriate Consent Notice conditions on the title to restrict land use and management to maintain the existing rural character, landscape values and amenity e.g., restricting vegetation to pasture grass, crops or grapevines. These landscape and amenity values will contribute to the existing commercial and future visitor and residential activities within the site.

Infrastructure and servicing is not proposed to be provided to Lot 6 and 9 at the time of subdivision, which is inconsistent with Objective 1 (Section 15). However, it is noted that because these lots will be 'bulk title lots' that will be subject to subsequent resource consent applications, it is appropriate that this servicing can be confirmed at a later stage.

Overall, the proposal is inconsistent with, but not contrary to, the objectives and policies of the ODP.

Proposed District Plan

The relevant operative objectives and policies are contained within Chapter 24 (Wakatipu Basin) and Chapter 27 (Subdivision and Development) of the PDP.

An assessment of the proposal against the relevant objectives and policies of Chapter 27 is included in Section 5 of the applicant's submitted AEE. This assessment concludes that the proposed subdivision recognises the consented activities on the site and will assist the future management of the sites and development of residential activity areas of the Ayrburn Structure Plan. This assessment notes that infrastructure and servicing is not proposed to be provided to Lot 6 and 9 at the time of subdivision, which is inconsistent with Objective 27.2.5. However, the applicant notes that because these lots will be 'bulk title lots' that will be subject to subsequent resource consent applications, it is appropriate that this servicing can be confirmed at a later stage.

In relation to Chapter 24, the relevant objectives and policies include the following:

Objective 24.2.1: Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.

Objective 24.2.4: Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.

The proposed subdivision aligns with these objectives as the proposed subdivision realises the boundaries of, the Ayrburn Structure Plan and the Waterfall Park Zone Structure Plan.

The subdivision maintains the landscape character and visual amenity values of the Wakatipu Basin, as anticipated by the approved Structure Plans for this area, including within Landscape Character Units 8

(Speargrass Flat) and 23 (Millbrook). The proposal does not involve any physical works, so will have no impact in terms of water quality and ecological quality within the area.

Overall, the proposal is inconsistent with, but not contrary to, the objectives and policies of the PDP.

Weighting between Operative District Plan and Proposed District Plan

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the ODP and PDP, no weighting assessment is required.

6.3 OTHER RELEVANT PROVISIONS (s104(1)(b)(i)-(v))

The proposal is consistent with the relevant provisions of the Proposed Otago Regional Policy Statement (PORPS) 2019 and 2021 versions as the site is not located on identified highly productive land or on or adjacent to an Outstanding Natural Feature, Outstanding Natural Landscape or any other significant feature identified within the regional policy statement. In relation to the objectives and policies around 'urban development' the proposal aligns with these as the subdivision will integrate effectively with the surrounding rural areas.

6.4 ANY OTHER MATTER (s104(1)(c))

Potential precedent effects of the proposal as a non-complying activity can be considered as the proposal seeks to undertake subdivision within the Wakatipu Basin Rural Amenity Zone of the PDP which does not comply with the minimum lot areas for this zone (80ha minimum).

The proposed subdivision will maintain the landscape and amenity values of the zone and the relevant Landscape Character Units (LCU8: Speargrass Flat and LCU23: Millbrook). This is because the subdivision is consistent with the relevant structure plans; Ayrburn Structure Plan and the Waterfall Park Zone Structure Plan.

Subdivision of the subject site is an expected outcome, in order to give effect to these structure plans, and the proposed subdivision logically reflects these plans as well as the existing and consented developments within the site. This consent does not authorise any physical works, and any further subdivision of the 'bulk title lots' being created by this proposal will require further resource consents to be sought under the PDP. Therefore, the proposed 9-lot subdivision does not set a precedent for subdivision within the Wakatipu Basin Rural Amenity Zone of the PDP.

6.5 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will not have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is not contrary to the relevant policies and objectives of the Operative District Plan or the Proposed District Plan.

Accordingly, as the application has passed both of the gateway tests in s104D, consent can be granted for this non-complying activity.

6.6 SECTION 106 FOR SUBDIVISIONS

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made. In this case it is noted that the subject site has three recorded hazards within it, as follows:

1. Rainfall Flooding (2012) – This overlay applies to Mill Creek itself and the land immediately around it, which therefore applies to a large proportion of the site, including Lot 1, Lot 5 and Lot 4, as well as the lots that contain Ayr Avenue (Lot 100, 101, 102 and 103). This hazard notes the potential for flooding from Mill Creek as a result of rainfall events. This hazard has been assessed under previous

consents RM180584 and RM181343 and these assessments have been adopted by QLDC Land Development Engineer Mr Mike Pridham. Therefore it is not considered that this hazard will result in adverse effects on the proposed lots or that the proposed subdivision will exacerbate the existing hazard further.

2. Liquefaction Susceptibility (2012) LIC 2 (P) – This overlay applies to the lower portion of the site adjacent to Mill Creek, partially within Lot 5, Lot 4 and Lot 6. This area is noted as possibly having moderate risk to Liquefaction susceptibility, however it is noted that further subsurface investigations are required. Most of this mapped hazard is located within lot areas where no development is proposed.
3. Alluvial Fans Regional (2007) – This overlay is noted over a large part of proposed Lot 4, within the western portion of the subject site, as well as a portion of Lot 1 and Lot 5 within the north-eastern portion of the subject site. This is noted as an active alluvial fan that is 'debris-dominated.' It is noted that the majority of this hazard is mapped as being within Lot 4, which will remain an open space area with no development. It is noted that alluvial fan risk was assessed through previous consent RM180584, in which it was concluded that risks were very low.

As noted previously, proposed Lot 6 and 9 will not be provided with servicing connections at the time of this subdivision. While this is inconsistent with the requirements of s106(1)(c), the provided consent condition arrangement has been assessed as being suitable for the site, and will ensure no adverse effects arise from the subdivision of these lots in advance of connections to the required infrastructure and servicing. It is noted that physical access is provided for to both Lot 6 (via Ayr Avenue directly) and to Lot 9 (via a Right of Way which connects to Ayr Avenue).

Overall, it is considered that the proposal is inconsistent in terms of servicing, but on the basis of conditions, not contrary to s106 of the RMA.

6.7 PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

In this case, the proposal will not compromise the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and will have no adverse effects on the life-supporting capacity of air, water, soil and/or ecosystems. The proposed subdivision does not involve any physical works and will result in less than minor effects.

Section 6 details matters of national importance to be recognised and provided for. It is noted that the site does not have any recorded ONL/ONF. The matters relating to natural hazards have been assessed under Section 6.6 above.

Section 7 provides other matters that Council shall have particular regard to. Of relevance to this application are *the maintenance and enhancement of amenity values* as well as *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*.

Amenity values are defined in the Act as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. As has been assessed above, the site is located within two Landscape Character Units (LCU8 Speargrass Flat and LCU23 Millbrook) of the PDP. The proposed subdivision is considered to have less than minor adverse effects on the identified landscape character values of LCU8 and LCU23 due to the alignment with the relevant Structure Plans for the subject site. A full assessment of the application with respect to the amenity values and of the environment and natural landscapes is included in Sections 3 and 4 above.

In respect of Section 8, the proposed subdivision is not located within any identified 'Wahi Tupuna' overlay or statutory acknowledgment area. The subdivision does not involve any physical works and only seeks to align the boundaries of the existing and consented development on the site as well as with the relevant Structure Plans which apply to the site. As such, it is considered that the proposal will not undermine the principles of the Treaty of Waitangi.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

7.0 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

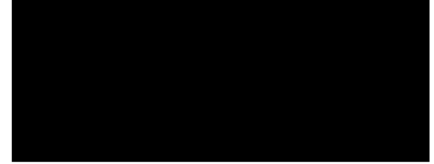
Consent is **granted** to undertake a nine-lot subdivision subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 220 of the RMA.

Prepared by



Joshua Waterman
CONSULTANT PLANNER

Decision made by



Paula Costello
INDEPENDENT COMMISSIONER

8.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE MATTERS

Local Government Act 2002: Development Contributions

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to any application for certification pursuant to section 224(c) of the RMA.

Please contact the Council if you require a Development Contribution Estimate.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a building consent granted under the Building Act 2004. A building consent must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the RMA.

If you have any enquiries please contact us at resourceconsent@qldc.govt.nz.

9.0 APPENDICES LIST

APPENDIX 1 – Consent Conditions

APPENDIX 2 – Applicant's AEE

APPENDIX 1 – CONSENT CONDITIONS

For Your Information

Monitoring

The conditions in your decision will advise if monitoring is required. To assist with compliance of your resource consent, and to avoid your monitoring deposit being used before your development starts, please complete the “[Notice of Works Starting Form](#)” and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz

Environmental Management Plan

Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We’ve provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

Engineering Acceptance

You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the [Engineering Acceptance Application Form](#) and submit to engineeringapprovals@qldc.govt.nz. Further information regarding Engineering Acceptance can be found [here](#).

Development Contribution

If this decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, this information is available [here](#).

If you wish to make a DC estimate calculation yourself, please use this [link](#). Full details on current and past policies can be found [here](#).

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - ‘Proposed Subdivision Plan Lots 1, 4 - 6, 9 & 100 – 103 Being a Proposed Subdivision of Lots 1 & 4 DP 540788’ Sheet No. 10 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Proposed Right of Way Easements’ Sheet No. 20 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Existing Interests to be retained’ Sheet No. 30 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Existing Interests to be retained – Rights of way/open space easements’ Sheet No. 31 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Existing Interests to be retained – Services/covenants’ Sheet No. 32 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Proposed Title Structure’ Sheet No. 40 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Pasture Line and Tree Protection Areas (Ayrburn Structure Plan)’ Sheet No. 41 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Overlay with completed, under construction and consented development’ Sheet No. 50 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Services and Access’ Sheet No. 70 Rev. J dated 12/11/2024 prepared by Patersons
 - ‘Proposed Subdivision Plan Proposed Esplanade Strips, Existing QLDC Open Space Easements and Existing QLDC Rights of Way’ Sheet No. 80 Rev. J dated 12/11/2024 prepared by Patersons

- 'Proposed Subdivision Plan Proposed Esplanade Strips, Existing QLDC Open Space Easements and Existing QLDC Rights of Way' Sheet No. 81 Rev. J dated 12/11/2024 prepared by Patersons
- 'Proposed Subdivision Plan Overlay of existing and consented development with proposed Esplanade Strips, existing QLDC Open Space Easements and existing QLDC Rights of Way' Sheet No. 100 Rev. J dated 12/11/2024 prepared by Patersons
- 'Drawing Reference: Q6388C-52' Rev. J dated 12/11/2024 prepared by Patersons
- 'Drawing Reference: Q6388C-52' Rev. J dated 12/11/2024 prepared by Patersons
- 'Drawing Reference: Q6388C-52' Rev. J dated 12/11/2024 prepared by Patersons
- 'Proposed Staging Plan' Sheet No. 200 Rev. J dated 18/03/2025 prepared by Patersons

stamped as approved on 15 May 2025

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 8th October 2020 and subsequent amendments to that document up to the date of issue of this resource consent.

Note: The current standards are available on Council's website via the following link:
<https://www.qldc.govt.nz>

4. This subdivision may be staged. For the purposes of issuing approvals under sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed, and where upon application for any stage of subdivision, it can be shown that that legal public access from Arrowtown-Lake Hayes Road to the northern extent of Waterfall Park Road is enabled (whether via Waterfall Park Road legal formation, or by a combination of Waterfall Park Road and Ayr Avenue).

This consent may be progressed in the order set out below or Stages 2 and 3 may be combined or reversed.

Stage 1: Lots 1, 4, 5, 6, 100, 101 and 102

Stage 2: Lot 9

Stage 3: Lot 103

To be completed prior to the commencement of any works on-site

5. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. The consent holder shall implement the following traffic management measures during the excavation phase:
 - Suitable site warning signage shall be in place on the private road in both directions from the site entrance.
 - Safe sight distances and passing provisions shall be maintained at all times.
 - The provision for safe passage shall be provided for pedestrians and cyclists at all times.

7. The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include, but not limited to, all Roads, Water, Wastewater and Stormwater Infrastructure). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be completed before Council approval of the Survey Plan

8. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include:
 - i. New right of way proposed from Lot 102 over Lot 4 in favour of Lot 9 no less than 6m width.
 - ii. Lot 100 right of way as per Proposed Subdivision Plan Lots 1,4-6 & 100-103 Being a Proposed Subdivision of Lots 1 & 4 DP 540788 by Patersons, dated 12/11/2024, Revision J
 - iii. Lot 101 right of way as per Proposed Subdivision Plan Lots 1,4-6 & 100-103 Being a Proposed Subdivision of Lots 1 & 4 DP 540788 by Patersons, dated 12/11/2024, Revision J
 - iv. Lot 102 right of way as per Proposed Subdivision Plan Lots 1,4-6 & 100-103 Being a Proposed Subdivision of Lots 1 & 4 DP 540788 by Patersons, dated 12/11/2024, Revision J
 - v. Lot 103 right of way as per Proposed Subdivision Plan Lots 1,4-6 & 100-103 Being a Proposed Subdivision of Lots 1 & 4 DP 540788 by Patersons, dated 12/11/2024, Revision J
 - vi. Esplanade Strip shown as area IA over Lot 100
 - vii. Esplanade Strip shown as area IB over Lot 102
 - viii. Esplanade Strip shown as area IC over Lot 101
 - ix. Esplanade Strip shown as area ID over Lot 103
 - x. Where there is not already a right of way easement registered, a right of way easement in gross in favour of the QLDC shall be created over the privately owned access (Lots 100 - 103) to ensure ongoing QLDC and public access is available from Arrowtown-Lake Hayes Road to Waterfall Park Road. The final wording of the easement instrument shall be checked and approved by QLDC's solicitors at the Consent Holder's expense prior to registration to ensure that all of QLDC's interests and liabilities are adequately protected.
 - xi. A right of way easement shall be created over Lot 2 DP 540788 and Lot 5 hereon in favour of Lot 1 hereon to secure legal access over actual formed alignment of Waterfall Park Road for the purposes of emergency access during periods when Ayr Avenue is closed.

9. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include any Easements in Gross as required by Council for infrastructure to vest. Requirements for vested infrastructure and Easements in Gross shall be agreed with Council's Land Development Engineer prior to Council signing the Survey Plan and prior to obtaining 'Engineering Review and Acceptance' for design of infrastructure.
 - b) Esplanade strips on Lots 100, 101, 102 and 103 shall be shown on the Survey Plan. The esplanade strips shall be 20m in width and provided on each side of Mill Creek as it passes through the lots as shown on the approved plans in Condition 1. The strips are created primarily for public access, but also for the purposes detailed in s229 of the Act to the extent consistent with public access, subject to Condition 12(n) below.

Amalgamation Conditions

10. If the subdivision is staged, then the following amalgamation conditions shall be registered with Land Information New Zealand (CSN XXXXX):
 - a) *For Stage 1*
 - i. *That Lots 1000, 101 and one undivided 1/3 share in Lots 100 and 102 shall be held in the same Record of Title.*
 - ii. *That Lots 4000, 5 and two undivided 1/3 shares in Lots 100 and 102 shall be held in the same Record of Title.*
 - b) *For Stage 2*
 - i. *That Lots 4, 5 and two undivided 1/3 shares in Lot 102 shall be held in the same Record of Title.*
 - c) *For Stage 3*
 - i. *That Lot 1,101, 103 and one undivided 1/3 share in Lot 100 and 102 shall be held in the same Record of Title*

any order (with the exception of Stage 1), or may be combined.
11. If the subdivision is not staged, then the following amalgamation conditions shall be registered with Land Information New Zealand (CSN XXXXX)
 - a) *That Lots 1, 101, 103 and one undivided 1/3 share in Lots 100 and 102 shall be held in the same Record of Title.*
 - a) *That Lots 4, 5 and two undivided 1/3 shares in Lots 100 and 102 shall be held in the same Record of Title.*

To be completed before issue of the s224(c) certificate

12. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The margins and banks along both sides of the full length of Mill Creek and the Ephemeral Tributary as shown on the Ayrburn Structure Plan shall be planted in indigenous riparian species (excluding vehicle and pedestrian / cycle crossings). The planting shall have a minimum width of 2m and a minimum average width of 3m, including the upper and lower bank zones. The works, including fencing and/or planting, shall ensure that stock is prevented from accessing Mill Creek and the

Ephemeral Tributary and a grass strip of minimum width 1m shall be provided between the riparian planting and any stock fencing.

- b) A physical barrier (bollards, secured gate etc) shall be installed to ensure that Lot 1 cannot be accessed by motor vehicle from the existing formation of the eastern section of Waterfall Park Road, with the exception of emergency access when Ayr Avenue is closed.
- c) The physical completion of the access roads and rights of way over Lots 100-103 in accordance with Council standards.
- d) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including rights of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- e) Prior to s224(c) for Lot 9, the formation of a Right of Way from Lot 102 over Lot 4 in favour of Lot 9, in accordance with Figure E1 road design standards of the QLDC Land Development and Subdivision Code of Practice. Provision shall be made stormwater disposal.
- f) The provision of a commercial backflow prevention assembly on the 315mm diameter watermain which services the site. The assembly shall include approved isolation valves, a strainer and high risk backflow prevention with provision for water metering and shall be located within private property adjacent to the Arrowtown Lake Hayes Road Reserve boundary. The system shall be designed and installed in accordance with Council Standards, QLDC Back Flow Prevention Policy and relevant manufacturers standards to the satisfaction of the QLDC subdivision inspector and be assessed under EA (RM180584). The costs of the system shall be borne by the consent holder.
- g) All vehicle access, manoeuvring and parking areas associated with the development shall be subject to a post construction safety audit by an independent traffic engineer in accordance with the NZTA Manual "*Safe System Audit Guidelines*" at the consent holders cost and the results shall be submitted to Council for review and certification. Should the review recommend any further works required to achieve a safe traffic environment, the consent holder shall have these works approved by Council and implemented prior to subdivision completion.
- h) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kVA capacity) to the net boundary of Lots 1 & 5 and that all the network supplier's requirements for making such means of supply available have been met and/or the provision of adequate written evidence of existing electricity connection to the lot(s).
- i) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone or alternative satellite services has been made available to the net boundary of Lots 1 & 5 and that all the network supplier's requirements for making such means of supply available have been met and/or the provision of adequate written evidence of existing telecommunications connection to the lot(s).
- j) Hydrant testing shall be carried out during the peak period of an average day to confirm that there are sufficient hydrants with adequate pressure and flow to service the relevant lot and in consideration of staged development plans with a Class FW2 fire risk in accordance with Appendix G of SNZ PAS 4509:2008 NZ Fire Service Code of Practice for Firefighting Water Supplies. Any lesser risk must be approved in writing by Fire & Emergency NZ, Queenstown Office. The testing shall be carried out by a suitably qualified and experienced person (SQEP) as defined in section 1.8 of QLDC's

Land Development and Subdivision Code of Practice and evidence of the SQEP suitability to undertake or oversee such testing shall be submitted with the hydrant testing results. The results shall be submitted to Council and all related costs shall be borne by the consent holder.

- k) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 7 for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include, but not be limited to, all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- l) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- m) The wording of the esplanade strip instruments created through this subdivision shall be submitted to Council's Team Leader: Subdivision, Development Contributions & Property for approval. The instruments shall include the standard requirements for esplanade strips in accordance with Schedule 10 of the RMA provided that:
 - i. the prohibitions set out in clauses 2(e) and (f) of Schedule 10 shall be excluded;
 - ii. the access strips are created for access and public recreational purposes, so clauses 5, 6 and 7 of Schedule 10 shall apply;
 - iii. no fences or walls which would restrict public access may be erected within the strips, excluding walls erected for flood protection purposes or as previously consented.
- n) Physical access shall be provided to and across each esplanade strip in accordance with the relevant consent conditions and accepted engineering plans for RM171280.

Ongoing Conditions/Consent Notices

13. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Records of Title containing Lot 6 and Lot 9 by way of Consent Notice pursuant to s.221 of the Act.
 - a) No residential activity can be carried out on the site until required resource consent(s) for such activity is obtained and necessary services for such activity have been installed to the boundary of Lot 6 and Lot 9. For the purposes of this condition the term "necessary services" includes wastewater disposal, water supply, stormwater disposal, telecommunications supply, electricity supply and formed vehicle access.
 - b) In the event that all necessary services are provided to Lot 6 and Lot 9 in compliance with Council standards (and all applicable development contributions are paid), the Consent Notice Condition a) shall be deemed to have expired and may be removed from the relevant Record of Title.

Advice Note: The above requirements do not exclude the possibility of providing on-site stormwater treatment and disposal. In some situations a means of on-site stormwater treatment and disposal may be appropriate provided they can be undertaken in accordance with Council standards.

14. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Record of Title of proposed Lot 5 by way of Consent Notice pursuant to s.221 of the Act.
 - a) At the time of any future development of Lot 5, the provision of a wastewater pump station or multiple pump stations to collect and convey the total development peak wet weather flow in accordance with QLDC standards. The pump station shall include suitable emergency storage and/or generator backup and shall be connected to a SCADA (Supervisory Control

and Data Acquisition) system or suitable alternative monitoring system, to be approved by Council at the time, to protect the pump station against any system failure and/or overloading. Any required approvals from Council's Transportation or Infrastructure Team for this installation shall be obtained prior to the commencement of works.

- b) At the time of any future development of Lot 5 telecommunications supply and electricity supply shall be provided in accordance with Council's standards and connection policy as they apply at the time.
 - c) At the time of any future development of Lot 5 a firefighting system in accordance with NZ PAS 4509:2008 (or superseding standard) or as approved by QLDC at the time, is to be installed.
 - d) Parts of Lot 5 are located within an identified flood plain. At the time of future development the owner(s) for the time shall engage a suitably qualified professional(s) to undertake expert investigations with report(s) demonstrating any proposed development can mitigate against natural hazard effects. The assessments and any recommended mitigation measures shall be provided for Council review and approval prior to implementation.
 - e) Other than for new buildings consented as part of Resource Consent (RM180584, RM211193, RM220829, RM220874, RM240135, RM230425, RM230333), no new standalone buildings within Lot 5 are to be:
 - i. higher than 6m at the highest point of any roof form; and
 - ii. constructed within 8 (eight) metres of the following heritage protected buildings located within Lot 5:
 - (aa) the Historic Stables
 - (bb) the former Cartshed
 - (cc) the former Dairy.
 - f) Lot 5 shall not be used for any residential purpose.
15. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Record of Title of proposed Lot 4 and Lot 5 by way of Consent Notice pursuant to s.221 of the Act.
- a) No vegetation other than pasture grass, crops or grapevines shall be planted within Lots 4 and 5 within Activity Area OS as shown on the Ayrburn Structure Plan referred to in Rule 27.7.32.2 provided that this control does not apply to:
 - i. Planting to maintain or replace trees and landscaping along Ayr Avenue or to planting within a Tree Protection Area (TPA) shown on Proposed Subdivision Plan – Pasture Line and Tree Protection Areas, Sheet No. 41, Rev J, dated 12/11/2024;
 - ii. Planting authorised through any resource consent; and
 - iii. That part of Lot 5 that is located in the Waterfall Park Zone.
 - b) No vegetation other than pasture grass shall be planted within Lot 4 above the Pasture Line shown on Proposed Subdivision Plan – Pasture Line and Tree Protection Areas, Sheet No. 41, Rev J, dated 12/11/2024.
 - c) Trees and all other vegetation over 2m in height located within a Tree Protection Area (TPA) shown on Proposed Subdivision Plan – Pasture Line and Tree Protection Areas, Sheet No. 41, Rev J, dated 12/11/2024 ("Trees") cannot be removed or trimmed, except as authorised under (aa), (bb) or (cc) below.
 - (aa) the landowner may remove some or all Trees provided that:
 - i. the landowner has first planted replacement Trees which will achieve the same or similar visual screening effect; and
 - ii. existing evergreen Trees are replaced by evergreen Trees; and

- iii. the replacement Trees have reached a height of 4m above ground level.
 - (bb) this standard does not apply to, or restrict the trimming of:
 - i. branches of Trees within the TPA which extend beyond the boundaries of the TPA;
 - ii. trees which, in the opinion of an experienced arborist, need to be removed or trimmed for safety reasons.
 - (cc) Trees within the TPA west of Mill Creek identified in a Written Approval provided by the adjoining landowner directly south of the trees to be removed or trimmed.
 - d) No building shall be located within Lots 4 and 5 (except for buildings previously consented – refer Condition 14(e) above).
 - e) No wastewater shall be discharged to land within Lots 4 and 5.
 - f) No fertiliser containing nitrogen or phosphorous shall be applied within Lots 4 and 5 provided this restriction does not apply to the initial establishment of hydroseed grass areas and other plants or to the use of organic fertiliser such as compost, manure or seaweed.
 - g) There shall be no commercial livestock farming within Lots 4 and 5.
 - h) There shall be no motor vehicle access into Lot 4 from the legal road adjoining the western boundary of Lot 4, provided that this restriction does not apply to electric bicycles, mobility scooters or golf buggies.
16. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the Records of Title containing Lot 100, Lot 101, Lot 102, Lot 103, Lot 1, Lot 4, Lot 5, Lot 6 and Lot 9 by way of Consent Notice pursuant to s.221 of the Act.
- a) The Consent Holder shall ensure that the eastern section of the legal Waterfall Park Road, being the section located east of the site subject to this consent, is not used at any time for any access to the development. This condition applies to earthworks and construction, as well as ongoing operation of the development. This condition does not apply to the emergency access allowed under the following subclause (b).
 - b) The eastern section of the Waterfall Park Road referred to in subclause (a) above and the legal road reserve of Arrowtown-Lake Hayes Road may be used as an emergency access road at any time Ayr Avenue is closed due to flooding or other emergency.
17. Prior to occupation of any habitable buildings within proposed Lot 1, the Consent Holder shall ensure that Lot 103 is constructed and connected to Waterfall Park Road so that legal access is in place from Arrowtown Lake Hayes Road through to the northern extent of Waterfall Park Road for the purposes of public and emergency access.

Advice Notes

1. *The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.*
2. *If this consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information, please contact the DCN Officer at Council.*
3. *The consent holder is advised that Building Consent may be required for changes to the drainage within the site. Please contact Building Enquiries buildingenquiries@qldc.govt.nz for further information.*
4. *The owner of Lot 5 is advised of the obligation under RM181597 in relation to the two buried fuel tanks (one to be removed and one to be remediated in place).*
5. *It is anticipated that the esplanade strips within Lots 100, 101, 102 and 103 will be cancelled if and when Lots 100, 101, 102 and 103 are vested in Council as legal road.*

APPENDIX 2 – APPLICANT’S AEE



APPLICATION FOR RESOURCE CONSENT

To undertake a 9 lot subdivision at
Ayrburn

21 November 2024

BROWN&COMPANY
P L A N N I N G G R O U P



**APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE
MANAGEMENT ACT 1991****APPLICANT AND PROPERTY DETAILS**

Applicant's name:	Waterfall Park Developments Limited (WPDL)
Address for Service:	C/- Luke Hamilton Ayrburn [REDACTED]
Address for invoicing:	As above
Site Address:	1 Ayr Avenue, Arrowtown
Legal Description:	Lot 1 and Lot 4 DP 540788
Plan Zone:	Wakatipu Basin Rural Amenity Zone Waterfall Park Zone
Activity Status:	Non-Complying

Prepared for:	Waterfall Park Development Limited (WPDL)
Date:	21 November 2024
Prepared by:	Morgan Shepherd
Reviewed by:	Jeff Brown

Declaration

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being complete and accurate.

If signing as the Applicant, I/we hereby represent and warrant that I am/we are aware of all of my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to the Fees Information section.

If signing as agent of the Applicant, I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to the Fees Information section.

I hereby apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.



.....
for Brown & Company Planning Group
on behalf of

Waterfall Park Development Limited

21 November 2024

ATTACHMENTS

- A** An assessment of effects on the environment in accordance with the Fourth Schedule to the Act.
- B** Records of Title
- C** Scheme Plans
- D** Draft Conditions of Consent
- E** Form 9

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FOURTH SCHEDULE ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. A DESCRIPTION OF THE PROPOSAL

1.1. Scope of this Document

This Assessment of Effects on the Environment (**AEE**) is submitted in fulfilment of the applicant's duties under the Resource Management Act 1991 (**RMA**). The AEE addresses matters relating to this land use consent application to the Queenstown Lakes District Council (**QLDC** or **the Council**) for the proposal.

This AEE has been prepared in accordance with the requirements of section 88 and the Fourth Schedule of the RMA and provides all information necessary for a full understanding of the proposal and the effects it will have on the environment. To this end, the AEE contains the following information:

- A description of the site and surrounding locality;
- Consent history;
- A description of the proposal;
- Relevant provisions of the QLDC's Proposed District Plan (**PDP**);
- An assessment of effects on the environment;
- Section 104D Assessment;
- Part 2 RMA considerations;
- Section 95A Assessment.

1.2. The site and locality

The site is located at Ayrburn. It is legally described as Lot 1 and Lot 4 Deposited Plan DP 540788 and is approximately 47.65 hectares in area.

Lot 1 contains the Waterfall Park valley and Ayrburn Domain and Lot 4 contains Ayr Avenue (south of Ayrburn Domain), the main carparking area for Ayrburn Domain and Open Space areas east and west of Mill Creek.

The location and extent of the site is shown in *Figure 1* below.



Figure 1. Location of the subject site (outlined in cyan)

1.3. Development and Consent History

The following resource consents have been granted and are of relevance to the site and the proposal:

RM171280 Consent to build a road and bridge to access the Waterfall Park Zone.

RM180584 A comprehensive consent for a hotel (with 380 guest rooms), including two restaurants, a bar, conference centre/large event facilities within the reception building. This consent also includes restoration and repurposing of existing heritage farm buildings, two new storage buildings, wellness centre, wedding chapel, bridges, culverts and crossings for vehicles and pedestrians over Mill Creek and extensive revegetation and ecological enhancement.

RM181608 Boundary adjustment between Millbrook and Waterfall Park land.

RM200290 Application to undertake a 6 lot subdivision to separate the historic farm buildings from the site of the proposed hotel development approved under RM180584. The subdivision included amalgamations, the creation of roading lots and the creation of an esplanade strip on Lot 5. Land use consent for a parking shortfall associated with the proposed activity on Lot 5 (approved under RM180584) was also sought. This consent was refused and that decision was appealed. The appeal has been withdrawn.

- RM210591** Consent to vary the consented use of two of the Ayrburn stone farm buildings (RM180584) to enable a broader range of commercial activity to be undertaken, and an extension to the existing carparking area for an additional six spaces.
- RM211193** Consent for the extension of the hospitality activities in existing historic buildings and within new buildings. This consent also included the use of the outdoor “Dell” area for up to 12 temporary events per year and associated parking.
- RM220829** Consent to construct and operate the Barrel Room, including for use as a restaurant / bar.
- RM220874** Consent to vary RM211193, and for commercial activity in the Bakehouse with service access.
- RM220926** Consent for the construction and operation of a village for later living (to be known as Northbrook) and a hotel within the Waterfall Park Zone, comprising of six principal buildings, sheds, landscaping, access, parking and loading, and related earthworks.
- RM230163** Consent to carry out earthworks to construct Frost Fighting Ponds.
- RM230229** Application for Rights of Way under Section 348 of the Local Government Act 1974 to create easements in favour of Council for achieving legal access to Ayrburn Domain and to ensure public pedestrian access through the site from the southern boundary to the northern waterfall.
- RM230425** Consent for a function venue known as the “Haybarn”, an overflow carpark and bus stop, and service access.
- RM230645** Consent to vary RM180584 to allow commencement of commercial activities at Ayrburn Domain and allow public access via Ayr Avenue.
- RM230909** Certificate of compliance for freshwater farming of Kōura in ponds, their commercial harvesting, and commercial recreational harvesting by the public.
- RM240135** Consent to vary RM211193 for design amendments to the Bakehouse and for a new chiller/storage building.
- RM240314** Consent for a one-off temporary event (Synthony) at the Dell for three consecutive days from 1 February – 31 May 2025.

1.4. The proposal

The applicant proposes to undertake a 9-lot subdivision to logically reflect the approved and constructed development across the site and the future development enabled by the Ayrburn Structure Plan, as set out below and shown in *Figure 2* below:

- a. Proposed Lots 100, 101, 102 and 103 will contain Ayr Avenue;
- b. Proposed Lot 1 will contain the consented Northbrook Arrowtown retirement village (RM220926);
- c. Proposed Lot 5 will contain Ayrburn Domain buildings and activities;
- d. Proposed Lots 6 and 9 will contain the bulk titles for the residential activity areas of the Ayrburn Structure Plan;
- e. Proposed Lot 4 is a balance lot containing Open Space areas. Lot 4 is proposed to be held in the same Record of Title as Lot 5.

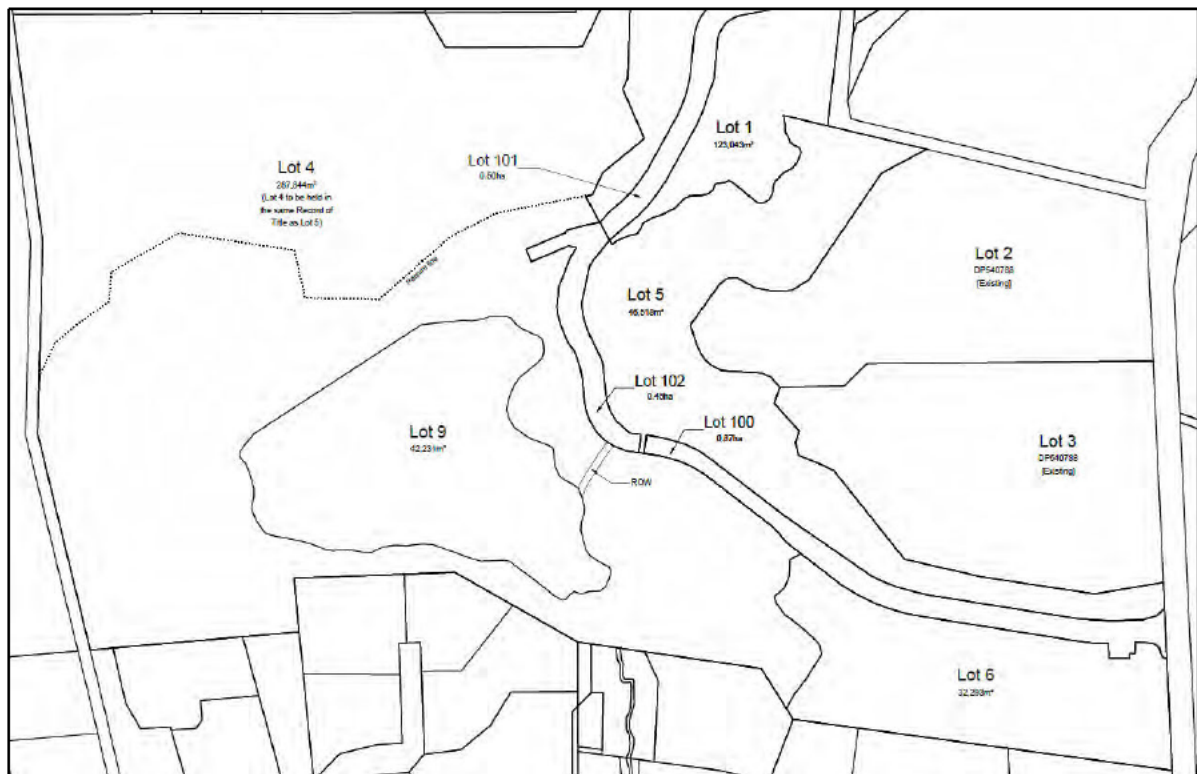


Figure 2. Proposed subdivision plan

The proposal includes right of ways over Ayr Avenue and the proposed balance lot to provide legal access to proposed Lot 6 and Lot 9 from Ayr Avenue.

As seen in [Figure 3](#) below and the Scheme Plans ([Attachment C](#)) the proposal includes two esplanade strips (20m wide) within proposed Lots 100 and 102 adjoining Mill Creek, as required by Section 230(3) of the Act which states “where any allotment of less than 4 hectares is created when land is subdivided, an esplanade reserve 20 metres in width shall be set aside from that allotment along the mark of mean high water springs of the sea, and along the bank of any river¹ or along the margin of any lake”.

Esplanade strips (rather than esplanade reserves) are proposed because it is considered unlikely the Council will want to take responsibility for two isolated esplanade reserves as shown in [Figure 3](#).

¹ For the purposes of subsection (3), a river means a river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment; and a lake means a lake whose bed has an area of 8 hectares or more.

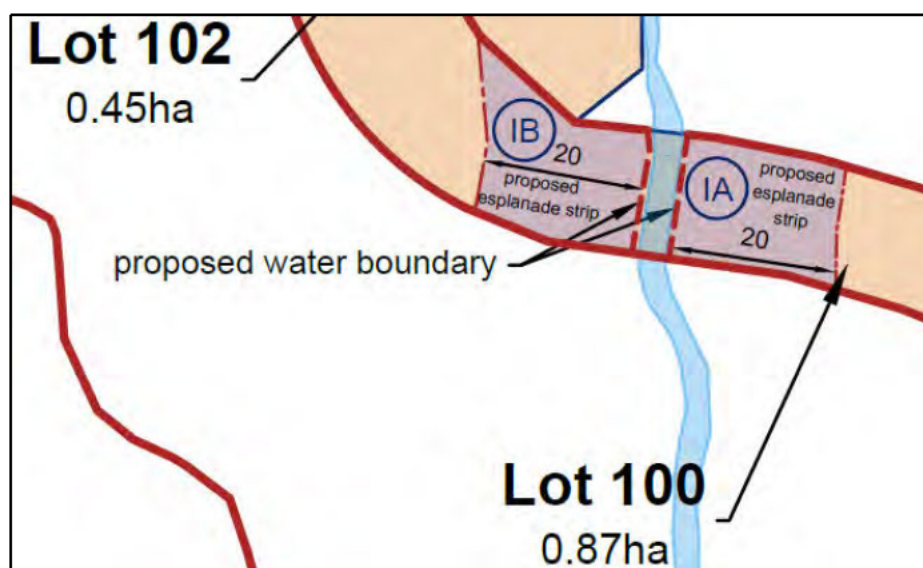


Figure 3. Proposed esplanade strips

The proposed lot sizes are set out in the table below and illustrated in **Figure 2**:

Lot number	Area	Zone	Purpose
Lot 1	123,043m ²	Waterfall Park Zone	Contain Northbrook Arrowtown
Lot 4	213,300m ²	Wakatipu Basin Rural Amenity Zone	Open Space
Lot 5	46,518m ²	Waterfall Park Zone and Wakatipu Basin Rural Amenity Zone	Contain Ayrburn Domain
Lot 6	32,293m ²	Wakatipu Basin Rural Amenity Zone – Residential Activity Area	Bulk title for future residential subdivision
Lot 9	42,231m ²	Wakatipu Basin Rural Amenity Zone – Residential Activity Area	Bulk title for future residential subdivision
Lot 100	8700m ²	Wakatipu Basin Rural Amenity Zone	Access
Lot 101	5000m ²	Waterfall Park Zone	Access
Lot 102	4500m ²	Wakatipu Basin Rural Amenity Zone	Access
Lot 103	900m ²	Waterfall Park Zone	Access

The proposed subdivision and proposed easements are detailed within the Scheme Plans prepared by Patersons (**Attachment C**).

Services (such as telecommunications, power, potable water, wastewater and stormwater connections) are not proposed to be provided to the boundaries of proposed Lots 6 or 9. However the proposal includes the following Consent Notice condition to be registered against the titles of Lot 6 and Lot 9 (as set out in **Attachment D**):

- x. **No residential activity can be carried out on the site until required resource consent(s) for such activity is obtained and services for such activity have been installed to the boundary of Lot 6 and Lot 9. For the purposes of this condition the term “necessary services” includes wastewater disposal, water supply, stormwater disposal, telecommunications supply, electricity supply and formed vehicle access.**

The proposal also includes the following Consent Notice conditions to be registered on the titles of proposed Lots 4 and 5 (as set out in **Attachment D**):

- x. *No vegetation other than pasture grass, crops or grapevines shall be planted within Lots 4 and 5 provided that this control does not apply to planting to maintain or replace trees and landscaping along Ayr Avenue or to planting within a Tree Protection Area (TPA) shown on Proposed Subdivision Plan – Pasture Line and Tree Protection Areas, Sheet No. 41, Rev J, dated 12/11/2024.*
- x. *No vegetation other than pasture grass shall be planted within Lot 4 above the Pasture Line shown on Proposed Subdivision Plan – Pasture Line and Tree Protection Areas, Sheet No. 41, Rev J, dated 12/11/2024.*
- x. *Trees and all other vegetation over 2m in height located within a Tree Protection Area (TPA) shown on Proposed Subdivision Plan – Pasture Line and Tree Protection Areas, Sheet No. 41, Rev J, dated 12/11/2024 ("Trees") cannot be removed or trimmed, except as authorised under (aa), (bb) or (cc) below.*
 - (aa) *the landowner may remove some or all Trees provided that:*
 - i. *the landowner has first planted replacement Trees which will achieve the same or similar visual screening effect; and*
 - ii. *existing evergreen Trees are replaced by evergreen Trees; and*
 - iii. *the replacement Trees have reached a height of 4m above ground level.*
 - (bb) *this standard does not apply to, or restrict the trimming of:*
 - i. *branches of Trees within the TPA which extend beyond the boundaries of the TPA;*
 - ii. *trees which, in the opinion of an experienced arborist, need to be removed or trimmed for safety reasons.*
 - (cc) *Trees within the TPA west of Mill Creek identified in a Written Approval provided by the adjoining landowner directly south of the trees to be removed or trimmed.*
- x. *No building shall be located within Lots 4 and 5 (except for buildings previously consented – refer Condition 7 (e) above).*
- x. *No wastewater shall be discharged to land within Lots 4 and 5.*
- x. *No fertiliser containing nitrogen or phosphorous shall be applied within Lots 4 and 5 provided this restriction does not apply to the initial establishment of hydroseed grass areas and other plants or to the use of organic fertiliser such as compost, manure or seaweed.*
- x. *There shall be no commercial livestock farming within Lots 4 and 5.*
- x. *There shall be no motor vehicle access into Lot 4 from the legal road adjoining the western boundary of Lot 4, provided that this restriction does not apply to electric bicycles, mobility scooters or golf buggies.*

2. RESOURCE MANAGEMENT MATTERS

The subject site is zoned Wakatipu Basin Rural Amenity Zone (**WBRAZ**) and Waterfall Park Zone (**WPZ**) under the Proposed District Plan (**PDP**).

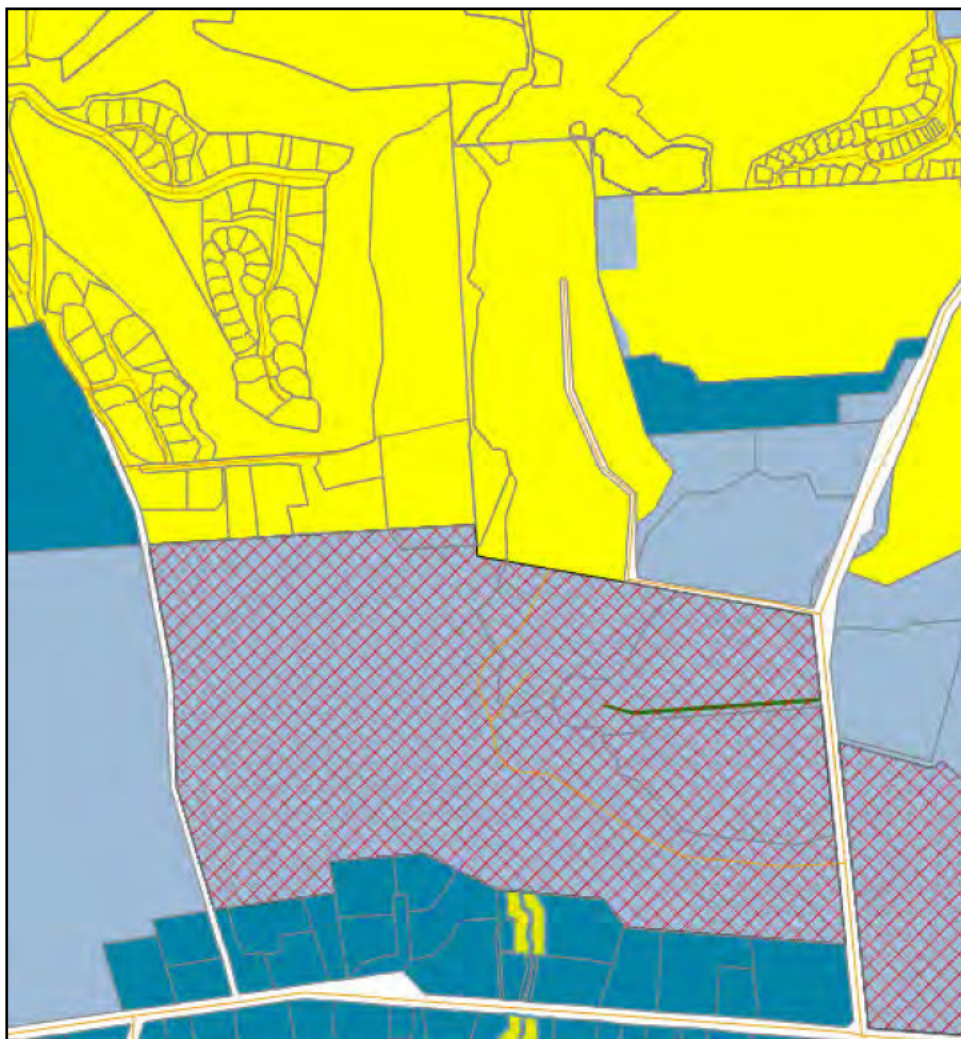


Figure 3. PDP zoning of site (light blue illustrates Wakatipu Basin Rural Amenity Zone, yellow illustrates Waterfall Park Zone, red hatch indicates land subject to appeal)

The part of the site coloured blue with red hatching is subject to appeal (ENV-2020-CHC-090). Under that appeal an extension of the Waterfall Park Zone to include the southern end of proposed Lot 1 has been confirmed by the Environment Court but is not yet shown on the PDP Planning Map.

Interim Decisions issued by the Court under ENV-2020-CHC-090 have provisionally approved the Ayrburn Structure Plan, shown in Figure 4, together with related PDP provisions. Final confirmation by the Court is imminent. Accordingly the proposal is assessed against these provisions.

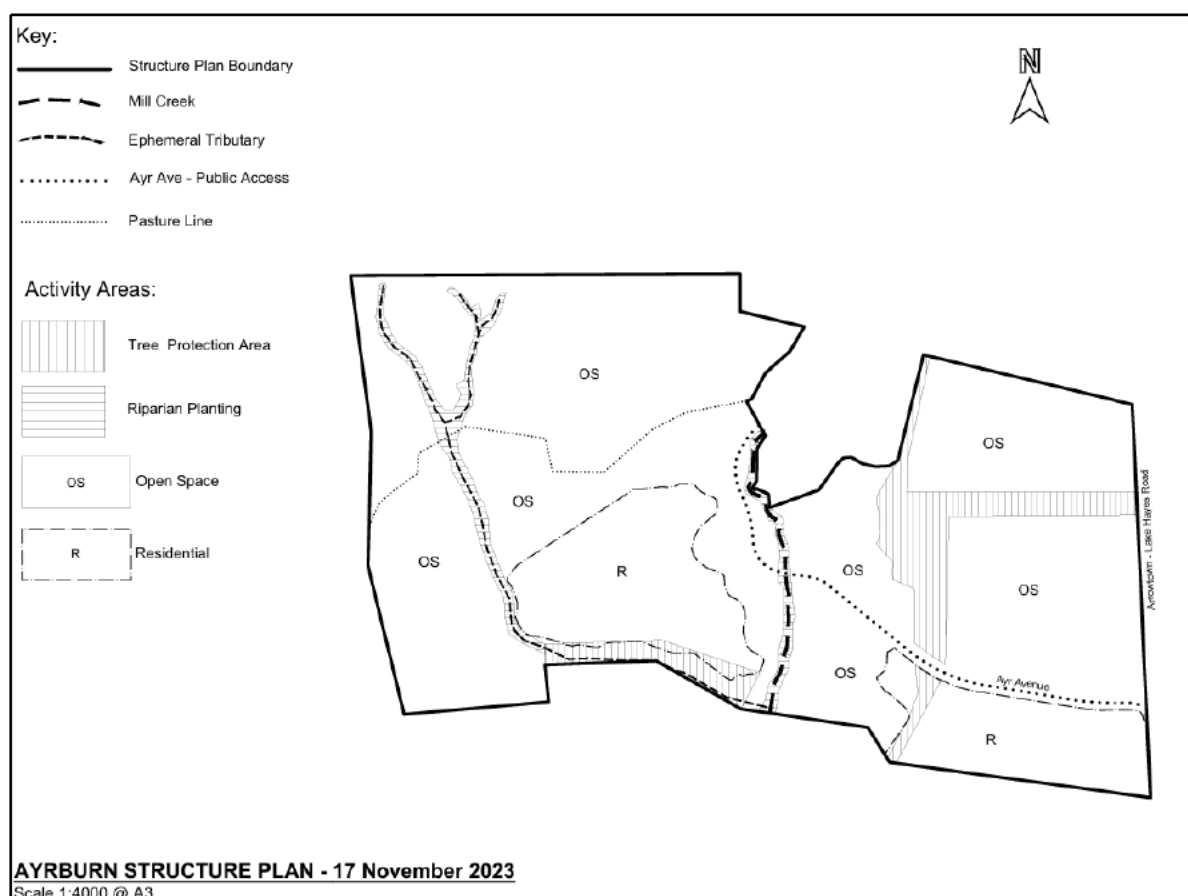


Figure 4. Ayrburn Structure Plan

The relevant provisions are assessed in the following tables. The provisions resulting from the ENV-2019-CHC-90 Court decisions, that are yet to be finally approved by the Court, are shown in blue text.

Table 1. Chapter 27 – Subdivision and Development Activity Rules

Rule	For	Activity Status / Consent required?
Chapter 24 – WBRAZ Activity Rules		
24.4.7B	Any new residential activity including the construction of buildings for that residential activity within those areas identified in Rule 24.5.1.6A.	No – Restricted Discretionary activity consent is not required under this rule as the proposed does not include any new residential activity or the construction of buildings.
24.4.26	<p>Within the Residential Activity Areas identified on the Ayrburn Structure Plan located in Section 27.13:</p> <p>24.4.26.1 Landscaping and conservation planting</p> <p>24.4.26.2 The construction of any building for residential activity prior to the approval of subdivision consent applicable to all of the land within the Residential Activity Area containing such building.</p>	<p>Permitted</p> <p>Non-Complying</p> <p>Consent is not required under this rule.</p>

Rule	For	Activity Status / Consent required?
24.4.27	<p>Within the land contained in the Ayrburn Structure Plan located in Section 27.13:</p> <p>24.4.27.1 The construction of any building within Activity Area OS.</p> <p>24.4.27.2 The discharge of wastewater to land.</p> <p>24.4.27.3 The application of any fertiliser containing nitrogen or phosphorous provided this restriction does not apply to the initial establishment of hydroseed grass areas and other plants or to the use of organic fertiliser such as compost, manure or seaweed.</p> <p>24.4.27.4 Commercial livestock farming.</p> <p>24.4.27.5 Motor vehicle access into Ayrburn from the legal road adjoining the western boundary of Ayrburn, provided that this restriction does not apply to electric bicycles, mobility scooters or golf buggies.</p> <p>24.4.27.6 The planting of vegetation other than pasture grass, crops or grapevines within any Activity Area OS provided that this control does not apply to planting to maintain or replace trees and landscaping along Ayr Avenue.</p> <p>24.4.27.7 The planting of vegetation other than pasture grass within Activity Area OS adjoining the northern boundary of Ayrburn which adjoins the Millbrook Zone (Christine's Hill) above the Pasture Line shown on the Ayrburn Structure Plan.</p>	No – Non-Complying activity consent is not required under this rule as the proposal does not include any of the activities or uses listed in 24.4.27.1 – 24.4.27.7.
Chapter 27 – Subdivision Activity Rules		
27.5.6	Any subdivision that does not fall within any rule in this section 27.5.	Yes – Discretionary activity consent is required for subdivision within the Waterfall Park Zone.
27.5.9	<p>All subdivision, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct.</p> <p><u>Advice Note:</u></p> <p>Refer to the Wakatipu Basin Rural Amenity Zone location specific rules in 27.7.18 – 27.21</p>	No – consent is required under Rule 27.5.22 (below).

Rule	For	Activity Status / Consent required?
27.5.13	The subdivision of land containing a heritage or any other protected item scheduled in the District Plan. The rule does not apply to boundary adjustments under Rule 27.5.4.	Yes – Discretionary activity consent is required as proposed Lot 5 contains heritage buildings that are scheduled in the District Plan.
27.5.22	Subdivision that does not comply with the minimum lot areas specified in Part 27.6 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.18 and Coneburn Industrial Zone Activity Area 2a which is assessed pursuant to Rule 27.5.19 and Wakatipu Basin Lifestyle Precinct Rules 27.5.20 and Cardrona Settlement Zone which is assessed pursuant to Rules 27.5.31 and 27.5.32.	Yes – Non-Complying activity consent is required as proposed Lots 4, 5, 6 and 9 do not comply with the minimum lot areas specified in Part 27.6 for the Wakatipu Basin Rural Amenity Zone.
27.5.28	Subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.35 ² .	Yes – Non-Complying activity consent is required as proposed Lots 6 and 9 do not comply with the servicing and infrastructure standards.
27.7.1	Subdivision consistent with a Structure Plan that is included in the District Plan (except Structure Plans 27.13.7 Criffel Station, 27.13.9 Frankton North, 27.13.13 Connell Terrace, 27.13.14 Ballantyne Road, 27.13.19 Lake Hawea South and 27.13.20 Wharehuanui Hills East Structure Plan).	Yes – Controlled activity consent is required for subdivision that is consistent with the Waterfall Park and Ayrburn Structure Plans.
27.7.31	Ayrburn Structure Plan 1. Any subdivision which is not consistent with the Ayrburn Structure Plan contained in Section 27.13 or which does not require the following works to be completed prior to the issue of s224(c) certification: (a) The margins and banks along both sides of the full length of Mill Creek and the Ephemeral Tributary as shown on the Ayrburn Structure Plan shall be planted in indigenous riparian species (excluding vehicle and pedestrian / cycle crossings). The planting shall have a minimum width of 2m and a minimum average width of 3m, including the upper and lower bank zones; (b) Works, including fencing and/or planting, shall ensure that stock is prevented from accessing Mill Creek and the Ephemeral Tributary; (c) A grass strip of minimum width 1m shall be provided between the riparian planting and any stock fencing.	No – Non-Complying activity consent is not required under this rule as the proposed subdivision is consistent with the Ayrburn Structure Plan and the works listed in (a) – (c) will be completed prior to the issue of 224(c) certification.
	2. Any subdivision which does not impose the following controls as conditions in a registered Consent Notice: (a) No vegetation other than pasture grass, crops or grapevines shall be planted within any Activity Area OS provided that this control does not apply to planting to maintain or replace trees and landscaping along Ayr Avenue.	No – Non-Complying activity consent is not required under this rules as it is proposed to impose the controls listed in (a) – (h) as Consent Notice conditions on proposed Lots 4 and 5.

² Rule 27.7.35 refers to subdivision associated with residential development on sites less than 450m² in the Lower Density Suburban Residential Zone. It is assumed that Rule 27.7.36 should be referenced.

Rule	For	Activity Status / Consent required?
	<p>(b) No vegetation other than pasture grass shall be planted within Activity Area OS adjoining the northern boundary of Ayrburn which adjoins the Millbrook Zone (Christine's Hill) above the Pasture Line shown on the Ayrburn Structure Plan.</p> <p>(c) Trees and all other vegetation over 2m in height located within a TPA shown on the Structure Plan ("Trees") cannot be removed or trimmed, except as authorised under (aa), (bb) or (cc) below.</p> <p>(aa) the landowner may remove some or all Trees provided that:</p> <ul style="list-style-type: none"> i. the landowner has first planted replacement Trees which will achieve the same or similar visual screening effect; and ii. existing evergreen Trees are replaced by evergreen Trees; and iii. the replacement Trees have reached a height of 4m above ground level. <p>(bb) this standard does not apply to, or restrict the trimming of:</p> <ul style="list-style-type: none"> i. branches of Trees within the TPA which extend beyond the boundaries of the TPA; ii. trees which, in the opinion of an experienced arborist, need to be removed or trimmed for safety reasons. <p>(cc) Trees within the TPA west of Mill Creek identified in a Written Approval provided by the adjoining landowner directly south of the trees to be removed or trimmed.</p> <p>(d) No building shall be located within Activity Area OS.</p> <p>(e) No wastewater shall be discharged to land within Ayrburn.</p> <p>(f) No fertiliser containing nitrogen or phosphorous shall be applied within Ayrburn provided this restriction does not apply to the initial establishment of hydroseed grass areas and other plants or to the use of organic fertiliser such as compost, manure or seaweed.</p> <p>(g) There shall be no commercial livestock farming within Ayrburn.</p> <p>(h) There shall be no motor vehicle access into Ayrburn from the legal road adjoining the western boundary of Ayrburn, provided that this restriction does not apply to electric bicycles, mobility scooters or golf buggies.</p>	
	<p>3. Any subdivision which is not subject to a registered Consent Notice condition requiring that the planting carried out under Rule 27.7.31.1 is maintained in perpetuity and that, if any plant dies or becomes diseased, it shall be replaced as soon as practicable. Maintenance shall include weed and pest control.</p>	<p>No – Non-Complying activity consent is not required under this rule as the proposal is subject to the Consent Notice condition.</p>

Table 2. Activity Standards

Rule	For	Consent required
Chapter 24 – WBRAZ Standards		
24.5.1.6A	Any site located within a Residential Activity Area identified on the Ayrburn Structure Plan located in Section 27.13, a maximum of one residential unit per net site area and average area: 6,000m ² minimum and 1ha average, with that averaging calculation to take into account only land that is located within the same Residential Activity Area as identified on the Ayrburn Structure Plan.	No – Non-Complying activity consent is not required as the proposal does not include any residential units and the area of the proposed Lots 6 and 9 exceed 1ha.
24.5.9	Setback from roads 24.5.9.5 The minimum setback of any building from Arrowtown-Lake Hayes Road, within the land contained in the Ayrburn Structure Plan located in Section 27.13, shall be 75m.	No – Restricted Discretionary activity consent is not required as the proposal does not include any buildings.
Chapter 27 – Subdivision Standards		
27.6.1	No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified. Wakatipu Basin Rural Amenity Zone – 80ha Waterfall Park – No minimum	Yes – Non-Complying activity consent is required for proposed Lots 4, 5, 6 and 9 which all have a net site area less than 80ha.
27.6.2	Lots created for access, utilities, roads and reserves shall have no minimum size.	No – Restricted Discretionary activity consent is not required. Proposed Lots 100 – 103 are created for access and roading.
27.7.18	Wakatipu Basin Rural Amenity Zone Setback from Roads 1. The minimum setback of any building platform identified through subdivision from any road boundary (other than an unformed road or as specified in Rule 27.7.18.3) shall be: a. 75m in the Lifestyle Precinct; and b. 20m in the Rural Amenity Zone. 2. The minimum setback of any building platform identified through subdivision from any unformed road shall be 20m in the Rural Amenity Zone and Lifestyle Precinct.	No – Restricted Discretionary activity consent is not required as the proposal does not include building platforms.
27.7.20	Wakatipu Basin Rural Amenity Zone Setback from waterbodies 1. The minimum setback of any building platform identified through subdivision from the bed of a wetland, river or lake shall be 30m. This rule shall not apply to waterbodies that have been built or are proposed as part of a subdivision or development for the primary purpose of treating and disposing of stormwater.	No – Restricted Discretionary activity consent is not required as the proposal does not include building platforms.
27.7.21	Wakatipu Basin Rural Amenity Zone Size of Building Platforms 1. Any building platform identified shall be not less than 70m ² in area and not greater than 1000m ² in area	No – Non-Complying activity consent is not required as the proposal does not include building platforms.

Rule	For	Consent required
27.7.36.1	<p>Subject to Rule 27.7.36.3, all lots, other than lots for access, roads, utilities and reserves except where irrigation is required, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:</p> <p>To a Council or community owned and operated reticulated water supply:</p> <ol style="list-style-type: none"> all Residential, Business, Town Centre, Local Shopping Centre Zones, and Airport Zone – Queenstown; Rural Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes; Millbrook Resort Zone and Waterfall Park Zone; Settlement Zone at Luggate, Glenorchy, Cardrona and Kingston. 	<p>Yes – Restricted Discretionary activity consent is required as proposed Lots 4, 6 and 9 will not have a connection to a reticulated water supply.</p>
27.7.36.2	Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.	No – Restricted Discretionary activity consent is not required as no reticulation is proposed.
27.7.36.4	Electricity reticulation must be provided to all allotments in new subdivisions (other than lots for access, roads, utilities and reserves).	Yes – Non-Complying activity consent is required as proposed Lots 4, 6 and 9 will not have reticulated electricity to the boundary.
27.7.36.6	Telecommunication reticulation must be provided to all allotments in new subdivision other than the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).	Yes – Non-Complying activity consent is required as proposed Lots 4, 6 and 9 will not have reticulated telecommunications to the boundary.
27.8.1	Esplanade reserves or strips shall not be required where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve or in the case of activities authorised by Rule 27.5.2 ³ .	The proposal is not subject to Rule 27.5.2 and esplanade strips are proposed where required.

2.1.1. Summary of consents required

In summary, the following consents are required for the proposal:

Under the PDP:

- A **Controlled** activity resource consent pursuant to Rule 27.7.1 for subdivision in accordance with a Structure Plan;
- A **Discretionary** activity resource consent pursuant to Rule 27.5.6 for subdivision within the WPZ;
- A **Discretionary** activity resource consent pursuant to Rule 27.5.13 for subdivision of land containing heritage items;

³ Rule 27.5.2 provides for an adjustment to existing cross-leave or unit titles as a permitted activity.

- A **Non-Complying** activity resource consent pursuant to Rule 27.5.22 for subdivision that does not comply with the minimum lot size for the WBRAZ;
- A **Non-Complying** activity resource consent pursuant to Rule 27.5.28 for a subdivision that does not comply with the infrastructure and servicing standards (27.7.36).

Other consents:

- The applicant applies for any other consents necessary to enable the proposal.

Overall, resource consent is required for a **Non-Complying** activity.

3. WHERE IT IS LIKELY THAT AN ACTIVITY WILL RESULT IN ANY SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT, A DESCRIPTION OF ANY POSSIBLE ALTERNATIVE LOCATIONS OR METHODS FOR UNDERTAKING THE ACTIVITY:

No significant adverse effects on the environment will arise, and no other alternatives were considered.

4. AN ASSESSMENT OF THE ACTUAL OR POTENTIAL EFFECT ON THE ENVIRONMENT OF THE PROPOSED ACTIVITY:

4.1. Introduction

This assessment of effects on the environment addresses:

- The permitted baseline and existing environment;
- Effects on landscape and visual amenity values;
- Servicing effects;
- Effects on heritage items;
- Effects on water quality within the Lake Hayes Catchment; and
- Summary of effects on the environment.

4.2. Permitted baseline and existing environment

When determining the actual and potential effects of an application for resource consent, the permitted baseline allows a comparison of the potential adverse effects of the proposal against what is permitted as of right under the District Plan (the permitted baseline) and what could lawfully be undertaken on the land by way of any existing consents (the existing environment).

4.2.1. Permitted baseline

Section 104(2) of the Resource Management Act states that when forming an opinion on whether there are adverse effects from an activity on the environment, the consent authority may disregard adverse effects if the plan explicitly permits that certain activity.

Subdivision requires resource consent and therefore there is no permitted baseline in this regard.

4.2.2. Existing environment

As detailed in Section 3 above there are a number of relevant resource consents which relate to the site and the existing activities. RM171280 consented Ayr Avenue which has been constructed. For the purposes of this application, RM180584 provided for the hotel development, restoration and repurposing of the heritage farm buildings at Ayrburn Domain for commercial activities, extensive revegetation and ecological enhancement, and the construction of bridges, culverts, weirs and crossings over Mill Creek. This consent has been partially implemented in that infrastructure has been installed, the restoration of Ayrburn Domain buildings has been completed and the commercial activities are operating (also under RM211193).

RM220926 and subsequent variation (RM240252) provides for the construction and operation of a village for later living and a hotel within the Waterfall Park Zone.

The receiving environment therefore includes implemented Mill Creek works, Ayr Avenue, Ayrburn Domain buildings and activities, the hotel or village for later living, ponds and some activities that are being undertaken as permitted activities (such as the vineyard on proposed Lot 4).

4.2.3. Ayrburn Structure Plan

There is an expectation through the Ayrburn Structure Plan that there will be rural lifestyle development within the areas of proposed Lots 6 and 9.

4.3. Effects on landscape and visual amenity values

The proposal does not involve any land use components or physical change to the site (other than riparian planning along the Ephemeral Tributary shown on the Ayrburn Structure Plan) and therefore will not give rise to any effects on the landscape and visual amenity values. It is for this reason that no Landscape Assessment has been provided.

The Ayrburn Structure Plan specific vegetation controls (pasture grass above the Pasture Line and pasture grass/grapevines/crops below the Pasture Line) will continue to apply and no consents are sought to depart from those requirements.

The proposal does not give rise to any effects on landscape and visual amenity values.

4.4. Servicing effects

All proposed lots will be accessed via Ayr Avenue which has been designed and constructed with sufficient capacity.

All proposed lots are serviced with the exception of proposed Lot 4 and Lots 6 and 9 which are subject to a proposed Consent Notice condition preventing any residential activity on those lots until such time they are adequately serviced and subject to a resource consent application. This is considered an appropriate approach (as it has been in similar instances in the district) when creating bulk titles that will be subject to future resource consent application.

The proposal does not give rise to any servicing effects.

4.5. Effects on heritage items

The proposed subdivision will not result in any adverse effect on heritage values or items within the site.

4.6. Effects on water quality within the Lake Hayes Catchment

The consented activities and land uses include a comprehensive onsite stormwater management system that utilises a treatment train approach to treat stormwater runoff in accordance with a Stormwater Management Plan (SMP). The catchments across the site will continue to receive a high level of treatment, and the proposal does not require any physical works or any changes to the existing land use except for the required riparian vegetation planting.

The proposal will not give rise to any adverse effects on water quality within the Lake Hayes Catchment, and the required riparian planting may contribute to improvement of water quality within the catchment.

4.7. Summary of effects on the environment

When considered overall, effects from the proposal will be no more than minor, and will be positive in relation to water quality.

5. ASSESSMENT UNDER THE RELEVANT OBJECTIVES AND POLICIES

5.1. Proposed District Plan

5.2.1 Objectives and Policies – Subdivision and Development (Chapter 27)

The relevant provisions are assessed in the following tables. The provisions resulting from the ENV-2019-CHC-90 Court decisions, that are yet to be finally approved by the Court, are shown in blue text.

Table 3. Chapter 27 – Subdivision and Development Objectives and Policies

Provision	Provision Detail	Assessment
Objective 27.2.1	<i>Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.</i>	The proposal recognises the consented activities on the site and will assist with future management of the sites, and development of the residential activity areas of the Ayrburn Structure Plan. There are no proposed changes to the environment in terms of being a desirable place to live, visit, work and play. The proposal achieves this objective.
Policy 27.2.1.1	<i>Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognizing opportunities for innovative design.</i>	All lots, apart from proposed Lots 6 and 9 have existing infrastructure that is fit for purpose. Infrastructure for proposed Lots 6 and 9 will be designed and constructed at the time of application to further subdivide the lots and enable residential activity in accordance with the Ayrburn Structure Plan. The proposal achieves this policy.
Policy 27.2.1.3	<i>Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.</i>	The proposed subdivision design reflects the existing environment and the residential activity enabled by the Ayrburn Structure Plan. The proposal achieves this policy.
Policy 27.2.1.4	<i>Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse</i>	The WBRAZ minimum allotment size is unable to be achieved given the current lot sizes and total site area. The proposal is inconsistent with this policy.

Provision	Provision Detail	Assessment
	<p><i>effects are mitigated or compensated by providing:</i></p> <ul style="list-style-type: none"> <i>a. desirable urban design outcomes;</i> <i>b. greater efficiency in the development and use of the land resource;</i> <i>c. affordable or community housing.</i> 	
Policy 27.2.1.5	<i>Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.</i>	<p>The proposed subdivision does not create any effects for future landowners, as proposed Lots 6 and 9 will be subject to a future subdivision application to give effect to the Ayrburn Structure Plan, and the remaining lots containing existing consented activities.</p> <p>To the extent relevant, the proposal achieves this policy.</p>
Policy 27.2.1.7	<i>Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.</i>	<p>The proposal is not a boundary adjustment. However given it creates bulk titles to be further subdivided in accordance with the Ayrburn Structure Plan, it is appropriate to defer the servicing of proposed Lots 6 and 9 to that stage.</p> <p>To the extent relevant, the proposal achieves this policy.</p>
Objective 27.2.4	<i>Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.</i>	<p>The proposal recognises the heritage buildings and provides a new lot (Lot 5) to contain them in one title.</p> <p>The proposal achieves this policy.</p>
Policy 27.2.4.1	<i>Incorporate existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces where that will maintain or enhance biodiversity, riparian and amenity values.</i>	<p>The proposal incorporates Mill Creek and riparian planting, including provision of esplanade strips where required. The open space is retained in proposed Lot 4 and will continue to be managed and maintained by the owner of Lot 5.</p> <p>The proposal achieves this policy.</p>
Policy 27.2.4.2	<i>Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage features and other protected items scheduled or identified in the District Plan.</i>	<p>The proposal does not include any changes to the existing land uses and will not reduce the values of the heritage buildings on the site.</p> <p>The proposal achieves this policy.</p>
Policy 27.2.4.3	<i>Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wāhi tapu and other taonga.</i>	<p>There are no archaeological sites or cultural features on the site.</p>
Policy 27.2.4.4	<i>Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to:</i>	<p>The proposal includes the protection of vegetation and open space through the proposed consent notice conditions to be registered on the relevant titles.</p>

Provision	Provision Detail	Assessment
	<p>a. <i>whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection;</i></p> <p>b. <i>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 offset against the development contribution to be paid for open space and recreation purposes.</i></p>	To the extent relevant, the proposal achieves this policy.
Objective 27.2.5	<i>Infrastructure and services are provided to new subdivisions and developments.</i>	The proposal does not include any new infrastructure or services. Proposed Lots 6 and 9 will not be serviced in accordance with the standards, however they are bulk title lots that will be subject to a subsequent resource consent application and serviced at that time. Appropriate consent notice conditions are proposed to avoid any potential effects associated with not servicing these as part of this application.
<i>Policy 27.2.5.1</i>	<p><i>Integrate subdivision roading with the existing road networks in a safe and efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling.</i></p> <p><i>For the purposes of this policy, reference to 'expected traffic levels' refers to those traffic levels anticipated as a result of the zoning of the area in the District Plan.</i></p>	No new roading is proposed.
<i>Policy 27.2.5.2</i>	<i>Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.</i>	<p>Safe and efficient pedestrian, cycle and vehicular access is provided to all lots.</p> <p>The proposal achieves this policy.</p>
<i>Policy 27.2.5.3</i>	<i>Provide linkages to public transport networks, and to trail, walking and cycling networks, where useful linkages can be developed.</i>	<p>The proposal does not result in any change to the consented and existing linkages.</p> <p>To the extent relevant, the proposal achieves this policy.</p>
<i>Policy 27.2.5.4</i>	<i>Ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.</i>	<p>The proposal will not give risk to any visual effects as no physical works are proposed.</p> <p>To the extent relevant, the proposal achieves this policy.</p>
<i>Policy 27.2.5.5</i>	<p><i>Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways are provided for within subdivisions by having regard to:</i></p> <p>a. <i>the location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency;</i></p>	<p>Appropriate design and amenity have been provided for through previous consents and therefore exist on site. The proposal does not result in any changes to design and amenity associated with the existing roading, vehicle access ways, trails, walkways and cycleways.</p> <p>To the extent relevant, the proposal achieves this policy.</p>

Provision	Provision Detail	Assessment
	<ul style="list-style-type: none"> <i>b. the number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency;</i> <i>c. the standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails;</i> <i>d. the provision and vesting of corner splays or rounding at road intersections;</i> <i>e. the provision for and standard of street lighting, having particular regard to siting and location, the provision for public safety and the avoidance of upward light spill adversely affecting views of the night sky;</i> <i>f. the provision of appropriate tree planting within roads;</i> <i>g. any requirements for widening, formation or upgrading of existing roads;</i> <i>h. any provisions relating to access for future subdivision on adjoining land;</i> <i>i. the provision and location of public transport routes and bus shelters.</i> 	
<i>Policy 27.2.5.6</i>	<i>All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.</i>	As discussed above, proposed Lots 6 and 9 will not be provided with connections to these services as that will be provided at a later stage.
<i>Policy 27.2.5.7</i>	<i>Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.</i>	There is sufficient water supply for each lot. No new activities requiring water supply are proposed. The proposal achieves this policy.
<i>Policy 27.2.5.8</i>	<i>Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.</i>	Water supply and modelling has been undertaken and approved under existing consents. The proposal does not create any additional demand.
<i>Policy 27.2.5.9</i>	<i>Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.</i>	This policy is not applicable.

Provision	Provision Detail	Assessment
<i>Policy 27.2.5.10</i>	<p><i>Ensure appropriate water supply, design and installation by having regard to:</i></p> <ul style="list-style-type: none"> <i>a. the availability, quantity, quality and security of the supply of water to the lots being created;</i> <i>b. water supplies for fire fighting purposes;</i> <i>c. the standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;</i> <i>d. any initiatives proposed to reduce water demand and water use.</i> 	<p>Appropriate water supply, design and installation has occurred (under existing consents) for all lots except proposed Lots 6 and 9 for the reasons discussed above. Appropriate water supply, design and installation for those lots will occur at a later date.</p> <p>To the extent relevant, the proposal achieves this policy.</p>
<i>Policy 27.2.5.11</i>	<p><i>Ensure appropriate stormwater design and management by having regard to:</i></p> <ul style="list-style-type: none"> <i>a. any viable alternative designs for stormwater management that minimise run-off and recognises stormwater as a resource through re-use in open space and landscape areas;</i> <i>b. the capacity of existing and proposed stormwater systems;</i> <i>c. the method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;</i> <i>d. the location, scale and construction of stormwater infrastructure;</i> <i>e. the effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.</i> 	<p>The proposal results in no change to the stormwater design and management consented and constructed on the site.</p> <p>To the extent relevant, the proposal achieves this policy.</p>
<i>Policy 27.2.5.12</i>	<p><i>Encourage subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of wetlands and waterways.</i></p>	<p>As discussed above, the proposal makes no change to the existing stormwater design and management. The natural character and ecological values of Mill Creek will be maintained.</p> <p>To the extent relevant, the proposal achieves this policy.</p>
<i>Policy 27.2.5.13</i>	<p><i>Treat and dispose of sewage in a manner that:</i></p> <ul style="list-style-type: none"> <i>a. maintain public health;</i> 	<p>The proposal does not involve the treatment or disposal of sewage.</p>

Provision	Provision Detail	Assessment
	<ul style="list-style-type: none"> <i>b. avoids adverse effects on the environment in the first instance; and</i> <i>c. where adverse effects on the environment cannot be reasonably avoided, mitigates those effects to the extent practicable.</i> 	
<i>Policy 27.2.5.14</i>	<p><i>Ensure appropriate sewage treatment and disposal by having regard to:</i></p> <ul style="list-style-type: none"> <i>a. the method of sewage treatment and disposal;</i> <i>b. the capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;</i> <i>c. the location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.</i> 	As above, the proposal does not involve the treatment or disposal of sewage.
<i>Policy 27.2.5.15</i>	<i>Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.</i>	Proposed Lots 6 and 9 will be subject to a future subdivision application in accordance with the Ayrburn Structure Plan and therefore the provision of necessary infrastructure will take place at that time.
<i>Policy 27.2.5.16</i>	<p><i>Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:</i></p> <ul style="list-style-type: none"> <i>a. providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;</i> <i>b. ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground, and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises visual effects on the receiving environment;</i> <i>c. generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.</i> 	<p>Adequate provision for reticulated energy, lighting and communications is provided for and is located underground. There will be no adverse effects on visual amenity and landscape values.</p> <p>To the extent relevant, the proposal achieves this policy.</p>
<i>Policy 27.2.5.17</i>	<i>Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.</i>	All easements are provided for as shown on the Scheme Plans (Attachment C).
<i>Policy 27.2.5.18</i>	<i>Ensure that easements are of an appropriate size, location and length for</i>	All easements are provided for as shown on the Scheme Plans (Attachment C).

Provision	Provision Detail	Assessment
	<i>the intended use of both the land and easement.</i>	
<i>Objective 27.2.6</i>	<i>Esplanades created where opportunities arise.</i>	The proposal includes esplanade strips for public access to Mill Creek where it adjoins Ayr Avenue. The strip will not put an inappropriate burden on Council in terms of maintenance cost or natural hazard risk as the land will continue to be owned and managed by the owner(s) of the roading Lots 100 and 102 which contain the esplanade reserves.
<i>Policy 27.2.6.1</i>	<p>Create esplanade reserves or strips where they would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits. In particular, Council will encourage esplanades where they:</p> <ul style="list-style-type: none"> a. are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access; b. have high actual or potential value with regard to the maintenance of indigenous biodiversity; c. comprise significant indigenous vegetation or significant habitats of indigenous fauna; d. are considered to comprise an integral part of an outstanding natural feature or outstanding natural landscape; e. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river; f. would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land. 	<p>The proposal achieves this objective and policy.</p>
<i>Policy 27.2.6.2</i>	<i>Use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in Section 230 of the Act.</i>	Sufficient protection of natural character and natural conservation values of Mill Creek exist, no changes are proposed.
<u><i>Objective 27.3.25</i></u>	<u><i>Subdivision that provides for limited rural living while having particular regard to maintaining or enhancing landscape, ecological and water quality values.</i></u>	Proposed Lots 6 and 9 will provide for future subdivision of the Residential Activity Areas shown on the Ayrburn Structure Plan and therefore provide for limited rural living. The proposal maintains the landscape, ecological and water quality values as no physical works are proposed as part of this application. The proposal achieves this objective.
<u><i>Policy 27.3.25.1</i></u>	<u><i>Enable subdivision which is consistent with the Ayrburn Structure Plan located in Section 27.13.</i></u>	The proposal is consistent with the Ayrburn Structure Plan.
<u><i>Policy 27.3.25.2</i></u>	<u><i>Protect the open space value of Christine's Hill and the rural values of the</i></u>	The proposal does not impact the open space value of Christine's Hill or the rural values of

Provision	Provision Detail	Assessment
	<u>paddocks adjoining Arrowtown-Lake Hayes Road.</u>	the paddocks adjoining Arrowtown-Lake Hayes Road.
<u>Policy 27.3.25.3</u>	<u>Avoid buildings within the OS areas identified on the Ayrburn Structure Plan.</u>	The proposal does not involve any buildings.
<u>Policy 27.3.25.4</u>	<u>Ensure retention or replacement of trees within the TPA areas shown on the Ayrburn Structure Plan.</u>	The proposal does not involve changes to any trees within the TPA area. A proposed Consent Notice condition achieves this policy.
<u>Policy 27.3.25.5</u>	<u>Provide for vehicle access by way of Ayr Avenue, as shown on the Ayrburn Structure Plan, to enable development of the land within the Ayrburn Structure Plan and the adjoining Waterfall Park Zone, but excluding vehicle access off Speargrass Flat Road.</u>	Vehicle access is achieved via Ayr Avenue. The proposal does not involve any new vehicle access. To the extent relevant, the proposal achieves this policy.
<u>Policy 27.3.25.6</u>	<u>Avoid on-site wastewater disposal within Ayrburn.</u>	No wastewater disposal is proposed. The proposal achieves this policy.
<u>Policy 27.3.25.7</u>	<u>Ensure that stormwater discharges (including contaminants and sediment) avoid adverse effects on water quality in Lake Hayes.</u>	The proposal does not involve any changes to the existing stormwater treatment and management, therefore will not result in any adverse effects on water quality in Lake Hayes. The proposal achieves this policy.
<u>Policy 27.3.25.8</u>	<u>Ensure indigenous riparian vegetation along the banks of Mill Creek and the Ephemeral Tributary within Ayrburn as shown on the Ayrburn Structure Plan.</u>	This has been achieved in relation to Mill Creek through previous consents. The proposal achieves this policy in relation to the Ephemeral Tributary.
<u>Policy 27.3.25.9</u>	<u>Prevent commercial stock farming and application of fertiliser containing nitrogen or phosphorous.</u>	This policy is achieved through proposed Consent Notice conditions.
<u>Policy 27.3.25.10</u>	<u>Avoid adverse effects on developed properties caused by flood hazard.</u>	The proposal does not give rise to adverse effects on developed properties caused by flood hazard.
Objective 27.3.8	<i>Subdivision that provides for a range of visitor, residential and recreational facilities, sympathetic to the natural setting and has regard to location specific opportunities and constraints identified within the Waterfall Park Structure Plan.</i>	The proposal involves subdivision of Waterfall Park zoned land to contain consented and constructed development. The proposal achieves this objective and policy.
Policy 27.3.8.1	<i>Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Section 27.13.</i>	

5.1.1. Conclusion – Objectives and Policies of the PDP

The proposal is consistent with the relevant objectives and policies from Chapter 27 of the PDP.

5.2. Regional Policy Statement, Regional Plans and other planning instruments

The Otago Regional Policy Statement (RPS) sets the direction for future management and promotion of the sustainable management of the region's natural and physical resources, as well as providing the policy context for regional plans and establishing the framework for district plans.

The PRPS2021 identifies eleven significant resource management issues for the region and explains how national direction will be applied in the Otago context. The eleven issues can be broken down into natural asset-based issues, place-based issues, and those issues relating to economic and domestic pressures, cumulative impacts and resilience.

The proposed development has been considered against the objectives and policies of the PORPS2019 and the PRPS2021. The proposal is consistent with the broad policy direction of both Regional Policy Statements, noting that the more detailed and mostly settled provisions of the PDP, and the WBRAZ, give effect to the regional instruments.

The proposal is, therefore, overall consistent with the regional instruments.

5.3. National Environmental Standard

In accordance with the National Standard for Assessing and Managing Contaminants in the Soil, all applications for resource consent need to be determined if they apply under this National Environmental Standard (NES).

The regulations apply if any of the following activities are undertaken:

- (a) *remove or replace an underground fuel storage system or any of its parts*
- (b) *sample the soil to determine contamination*
- (c) *disturb the soil (earthworks)*
- (d) *subdivide the land*
- (e) *change the use of the land.*

The proposal is to subdivide the land, however no disturbance of soil or change of use is proposed.

The site has been previously investigated as part of existing consents. Preliminary Site Investigations and Detailed Site Investigations have been undertaken and provided to Council. No consents are required under the NES and no further assessment is required.

6. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

6.1. Section 5 – Purpose

The purpose of the Act is “to promote the sustainable management of natural and physical resources”. Section 5(2) of the Act defines “sustainable management” as:

... managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –

- (a) *Sustaining the potential of natural and physical resources ... to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal addresses the matters in section 5(2)(a)-(c) of the Act.

There are no adverse effects of the proposal on the environment.

6.2. Section 6 – Matters of national importance

Section 6 of the Act identifies the following matters of national importance that must be recognised and provided for:

- a. the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- b. the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- c. the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- d. the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- e. the relationship of Maori and their culture and traditions to and along the coastal marine area, lakes, and rivers:*
- f. the protection of historic heritage from inappropriate subdivision, use, and development:*
- g. the protection of protected customary rights:*
- h. the management of significant risks from natural hazards.*

The historic heritage items on the site will not be adversely affected by the proposal.

The proposal does not give rise to adverse effects on any other matters of national importance.

6.3. Section 7 – Other matters

The relevant matters of Section 7 of the Act that should be considered as follows:

- b. the efficient use and development of natural and physical resources:*
- 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 proposal is an efficient use of the land and does not otherwise adversely affect any matters under Section 7.

7. WHERE THE ACTIVITY INCLUDES THE USE OF HAZARDOUS SUBSTANCES AND INSTALLATIONS, AN ASSESSMENT OF ANY RISKS TO THE ENVIRONMENT WHICH ARE LIKELY TO ARISE FROM SUCH USE:

Not applicable.

8. A DESCRIPTION OF THE MITIGATION MEASURES (SAFEGUARDS AND CONTINGENCY PLANS WHERE RELEVANT) TO BE UNDERTAKEN TO HELP PREVENT OR REDUCE THE ACTUAL AND POTENTIAL EFFECT:

No mitigation measures are necessary.

9. IDENTIFICATION OF AFFECTED PERSONS AND SECTION 95A ASSESSMENT

Section 95A of the RMA requires a decision on whether or not to publicly notify an application.

The steps set out below, in the order given, are used to determine whether to publicly notify an application for a resource consent.

Step 1 – Mandatory public notification

The applicant is not requesting public notification of the application (s95A(3)(a)).

Public notification is not mandatory as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Public notification is not precluded (s95A(5)(b)(i)-(iii)). Therefore, public notification is not precluded by Step 2.

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken as follows:

Effects that must be disregarded (s95D(a)) include effects on the owners or occupiers of land on which the activity will occur and on adjacent land. Effects that may be disregarded include:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b));
- Trade competition and the effects of trade competition (s95D(d)); and
- Effects on persons who have provided their written approval.

On the basis of the assessment set out in Section 3 above, the proposed activities will not have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

Step 4 – public notification in special circumstances

There are no special circumstances in relation to this application.

10. LIMITED NOTIFICATION (S95B)

Section 95B requires a decision on whether there are any affected persons.

There are no affected groups or persons under section 95B(2) or 95B(3), and limited notification is not precluded as it is not subject to a rule or standards precluding notification and it is not a controlled activity (s95B(6)).

Therefore, the assessment of affected persons must be undertaken in accordance with section 95E.

Overall, any effects from the proposal are less than minor and limited notification is therefore not required.

11. WHERE THE SCALE OR SIGNIFICANCE OF THE ACTIVITY'S EFFECT ARE SUCH THAT MONITORING IS REQUIRED, A DESCRIPTION OF HOW, ONCE THE PROPOSAL IS APPROVED, EFFECTS WILL BE MONITORED AND BY WHOM.

No monitoring is required apart from that normally undertaken by a Council in monitoring consent conditions.

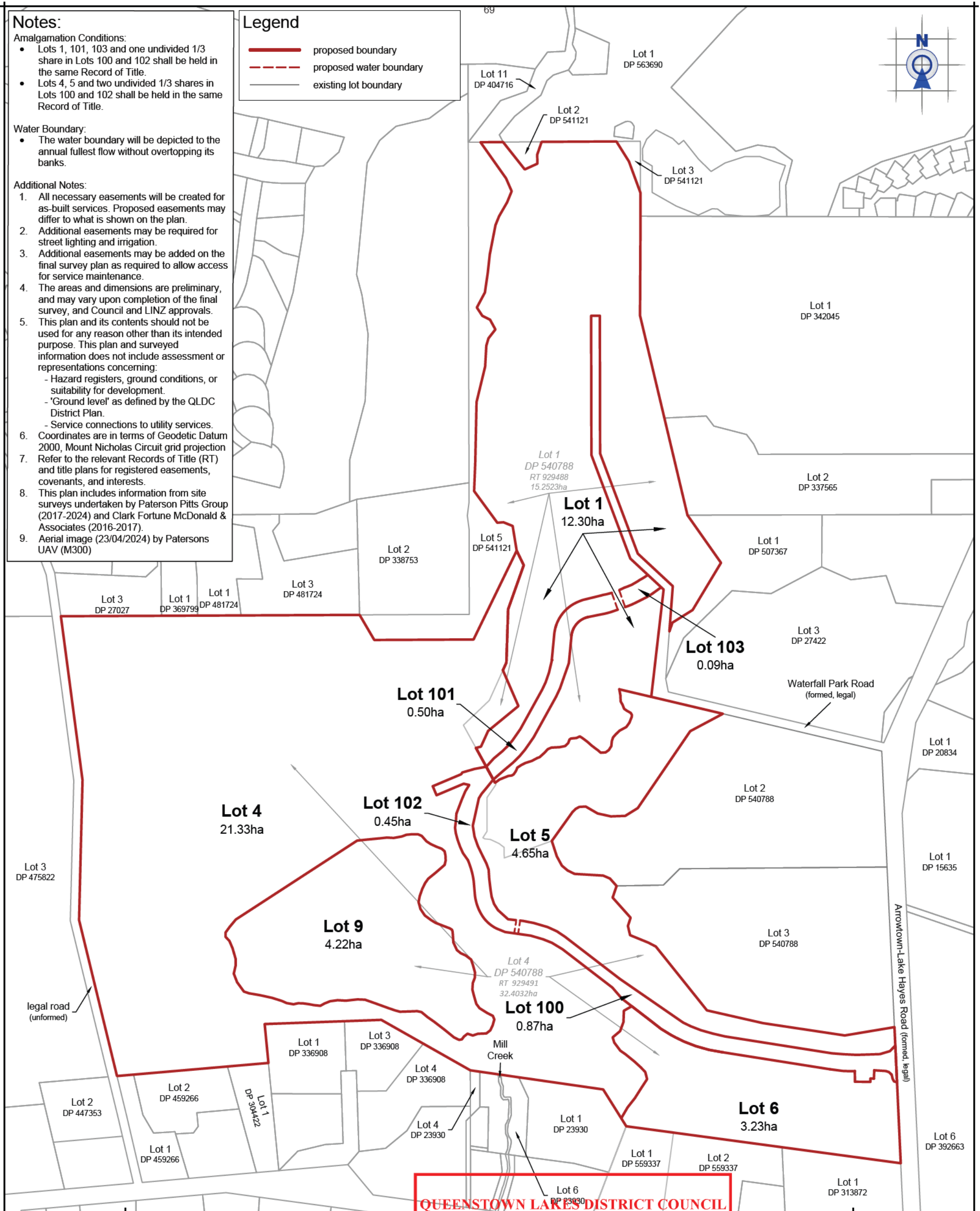
Amalgamation Conditions:

- Lots 1, 101, 103 and one undivided 1/3 share in Lots 100 and 102 shall be held in the same Record of Title.
- Lots 4, 5 and two undivided 1/3 shares in Lots 100 and 102 shall be held in the same Record of Title.

- The water boundary will be depicted to the annual fullest flow without overtopping its banks.

1. All necessary easements will be created for as-built services. Proposed easements may differ to what is shown on the plan.
2. Additional easements may be required for street lighting and irrigation.
3. Additional easements may be added on the final survey plan as required to allow access for service maintenance.
4. The areas and dimensions are preliminary, and may vary upon completion of the final survey, and Council and LINZ approvals.
5. This plan and its contents should not be used for any reason other than its intended purpose. This plan and surveyed information does not include assessment or representations concerning:
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 - 'Ground level' as defined by the QLDC District Plan.
 - Service connections to utility services.
6. Coordinates are in terms of Geodetic Datum 2000, Mount Nicholas Circuit grid projection
7. Refer to the relevant Records of Title (RT) and title plans for registered easements, covenants, and interests.
8. This plan includes information from site surveys undertaken by Paterson Pitts Group (2017-2024) and Clark Fortune McDonald & Associates (2016-2017).
9. Aerial image (23/04/2024) by Patersons UAV (M300)

 proposed boundary
 proposed water boundary
 existing lot boundary



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Notes:

0m 100m 200m

SCALE BAR 1:4000

DP 23830

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM240982**

Thursday, 15 May 2025

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Land Professionals

Client/Location: Waterfall Park Developments Ltd

Purpose/Drawing Title:
Proposed Subdivision Plan
Lots 1, 4 - 6, 9 & 100 - 103 Being a
Proposed Subdivision of
Lots 1 & 4 DP 540788

Surveyed by:		Original Size:	Scale:
Designed by:			
Drawn by:	SB, BC, HR		
Checked by:	BC		
Approved by:		A3	1:4000
		DO NOT SCALE	
Job Ref:		Sheet No:	Revision No:
Q6388C - 52		10	J
			Date Created:
			12/11/2024

Notes:

Amalgamation Conditions:

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- Lots 4, 5 and two undivided 1/3 shares in Lots 100 and 102 shall be held in the same Record of Title.

Water Boundary:

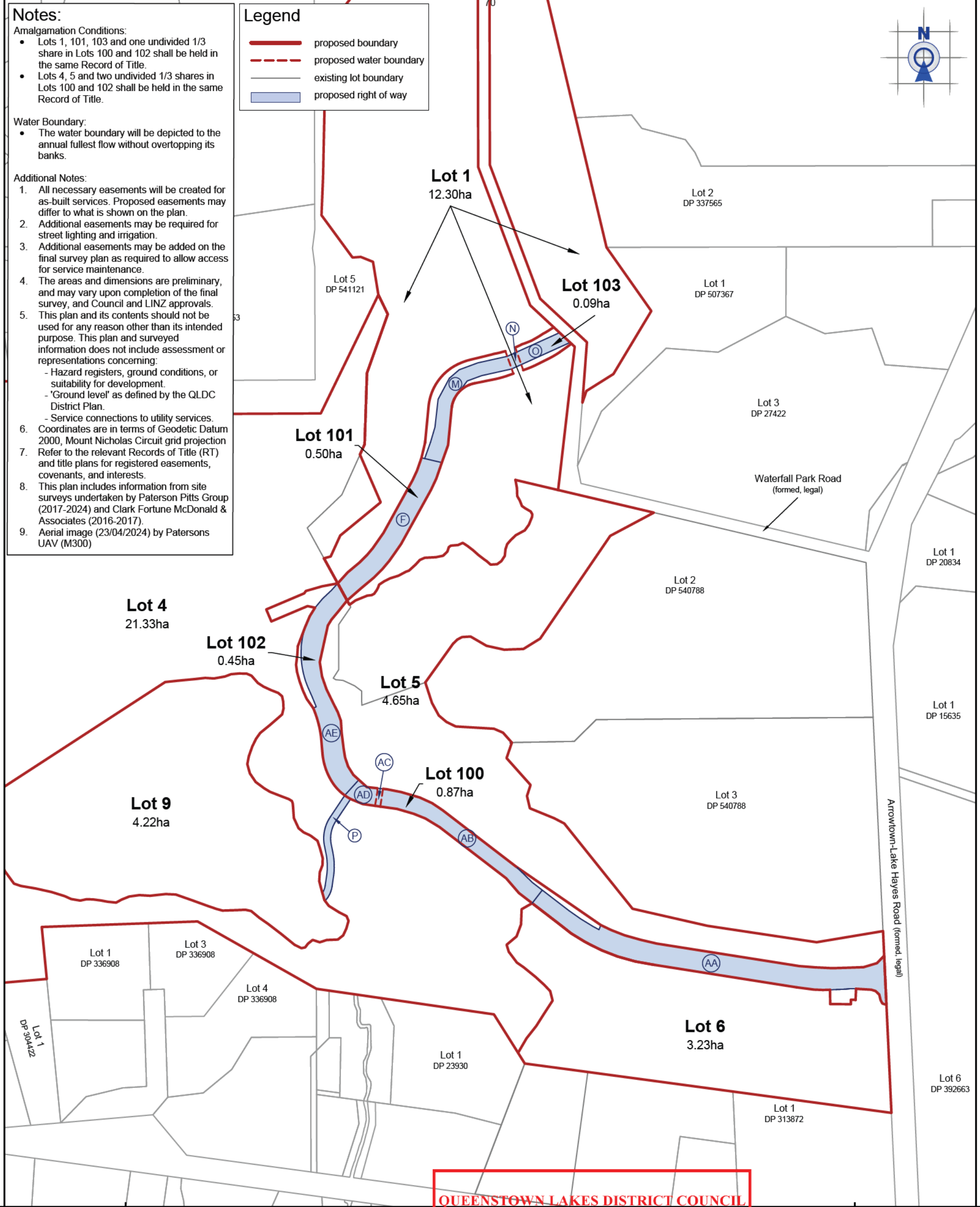
- The water boundary will be depicted to the annual fullest flow without overtopping its banks.

Additional Notes:

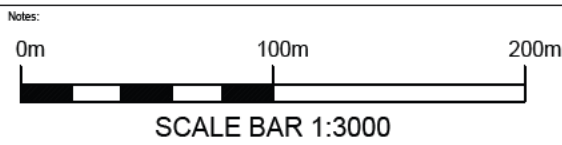
1. All necessary easements will be created for as-built services. Proposed easements may differ to what is shown on the plan.
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8. This plan includes information from site surveys undertaken by Paterson Pitts Group (2017-2024) and Clark Fortune McDonald & Associates (2016-2017).
9. Aerial image (23/04/2024) by Patersons UAV (M300)

Legend

- proposed boundary
- - - proposed water boundary
- existing lot boundary
- proposed right of way



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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM240982

Thursday, 15 May 2025

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Land Professionals

Client/Location:
Waterfall Park Developments Ltd

Purpose/Drawing Title:
Proposed Subdivision Plan
Proposed Right of Way Easements

Surveyed by:		Original Size:	Scale:
Designed by:		A3	1:3000
Drawn by:	SB, BC, HR		
Checked by:	BC		
Approved by:			DO NOT SCALE
Job Ref:	Q6388C - 52	Sheet No:	20
Revision No:	J	Date Created:	12/11/2024

Notes:

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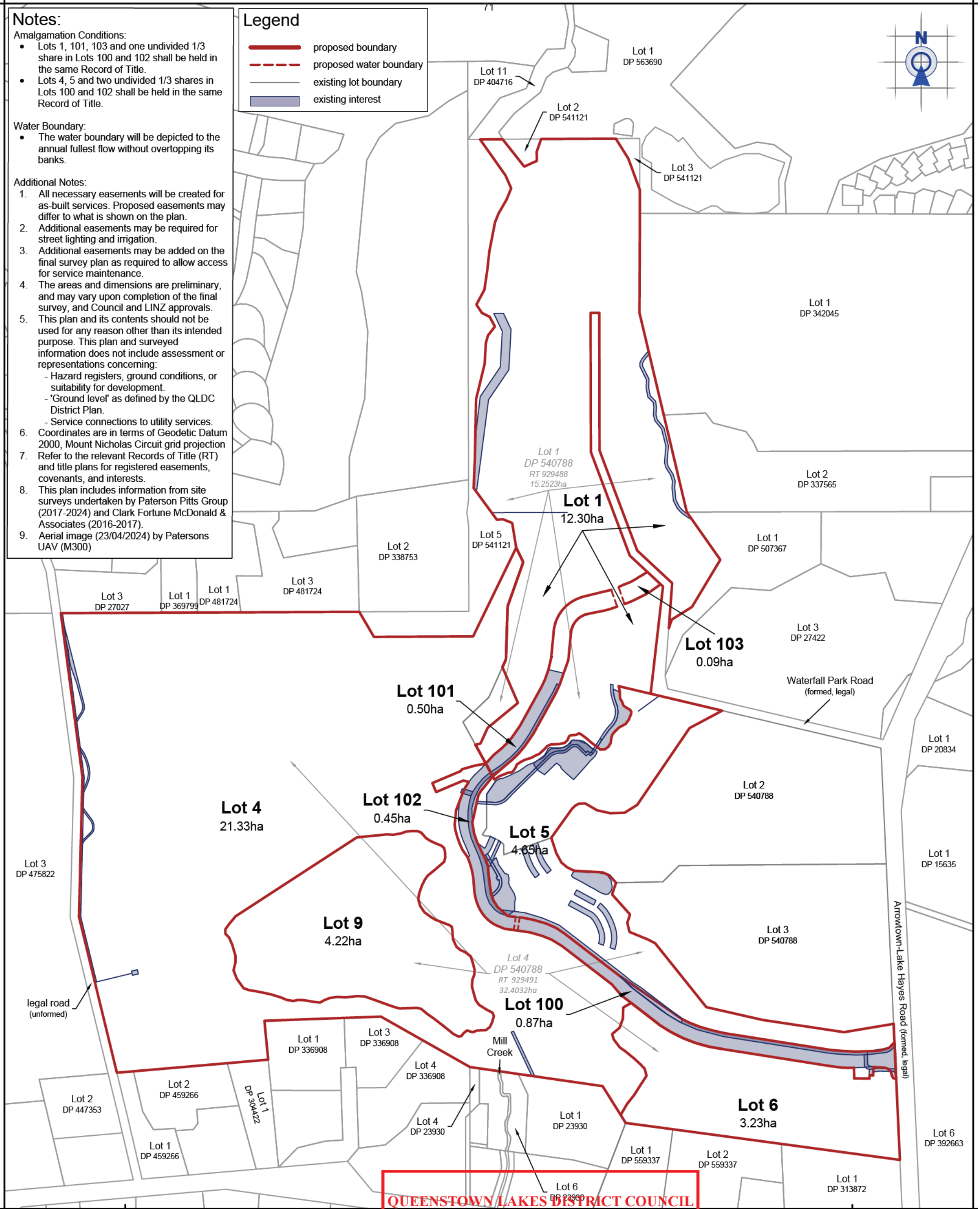
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Additional Notes:

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9. Aerial image (23/04/2024) by Patersons UAV (M300)

Legend

- proposed boundary
- - - proposed water boundary
- existing lot boundary
- existing interest



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Land Professionals

Client/Location:
Waterfall Park Developments Ltd

Purpose/Drawing Title:
Proposed Subdivision Plan
Existing Interests to be retained

Surveyed by:		Original Size:	Scale:
Designed by:		A3	1:4000
Drawn by:	SB, BC, HR		
Checked by:	BC		
Approved by:			DO NOT SCALE
Job Ref:	Q6388C - 52	Sheet No:	30
		Revision No:	J
		Date Created:	12/11/2024

Notes:

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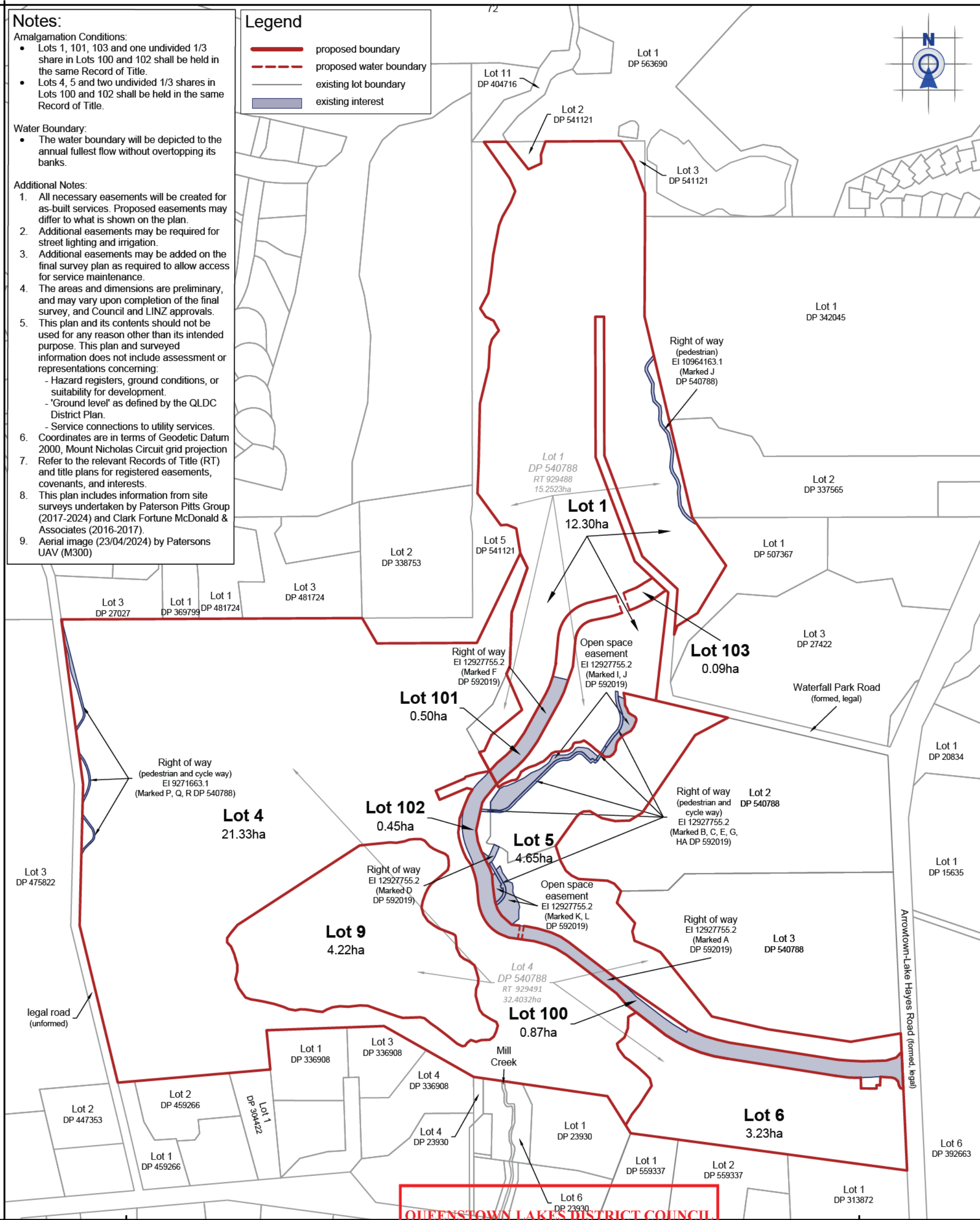
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Legend

- proposed boundary
- - - proposed water boundary
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Notes:
0m 100m 200m
SCALE BAR 1:4000

APPROVED PLAN:
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Thursday, 15 May 2025

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Land Professionals

Client/Location:
Waterfall Park Developments Ltd

Purpose/Drawing Title:
Proposed Subdivision Plan
Existing Interests to be retained
-Rights of way/open space easements-

Surveyed by:		Original Size:	A3	Scale:	1:4000
Designed by:					
Drawn by:	SB, BC, HR				
Checked by:	BC				
Approved by:					
Job Ref:	Q6388C - 52	Sheet No:	31	Revision No:	J
				Date Created:	12/11/2024

Amalgamation Conditions:

- Lots 1, 101, 103 and one undivided 1/3 share in Lots 100 and 102 shall be held in the same Record of Title.
- Lots 4, 5 and two undivided 1/3 shares in Lots 100 and 102 shall be held in the same Record of Title.

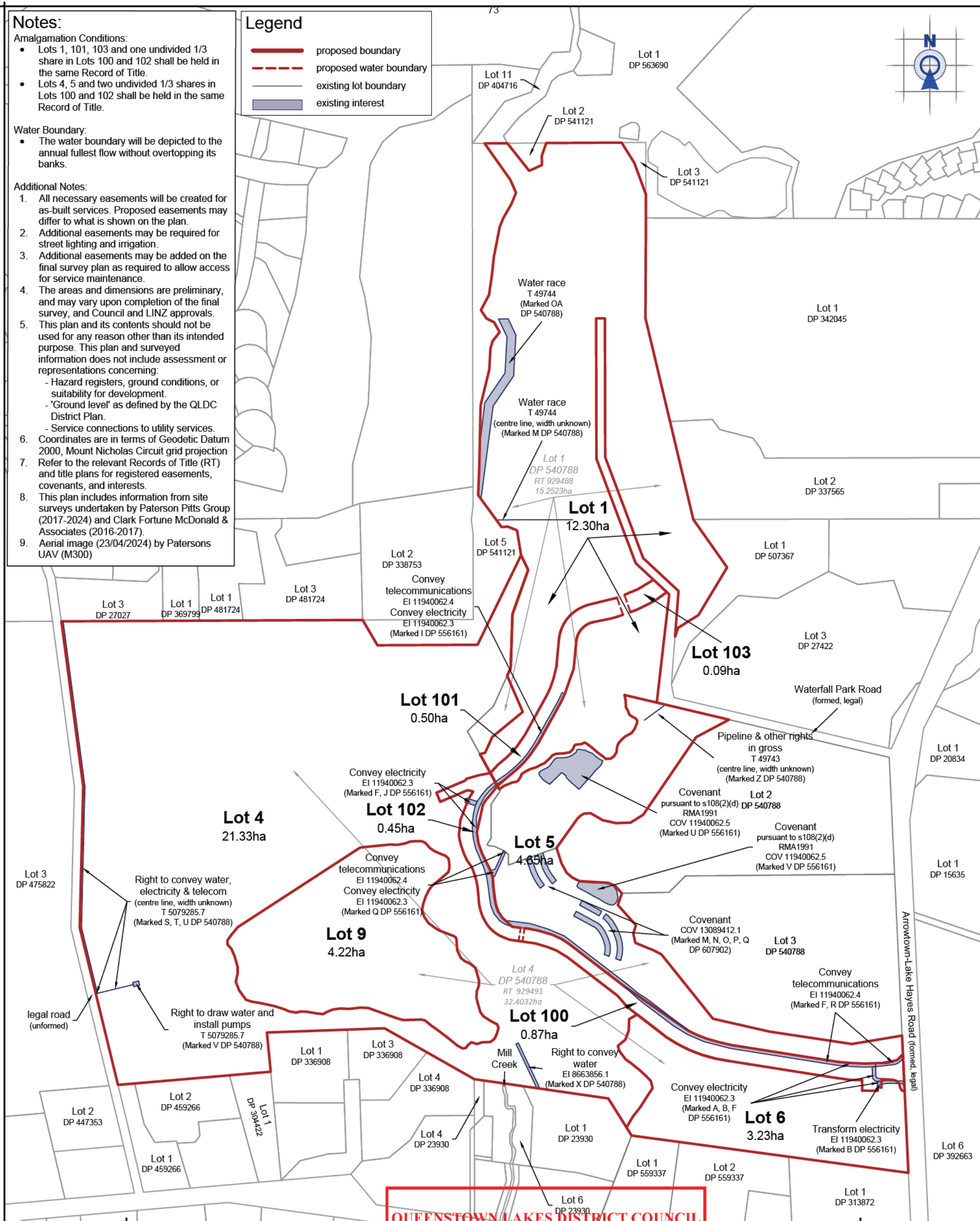
Water Boundary:

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Additional Notes:

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8. This plan includes information from site surveys undertaken by Paterson Pitts Group (2017-2024) and Clark Fortune McDonald & Associates (2016-2017).
9. Aerial image (23/04/2024) by Patersons UAV (M300)

 proposed boundary
 proposed water boundary
 existing lot boundary
 existing interest



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Notes:



DP 23930

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM240982**

Thursday, 15 May 2025

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Client/location:

Waterfall Park Developments Ltd

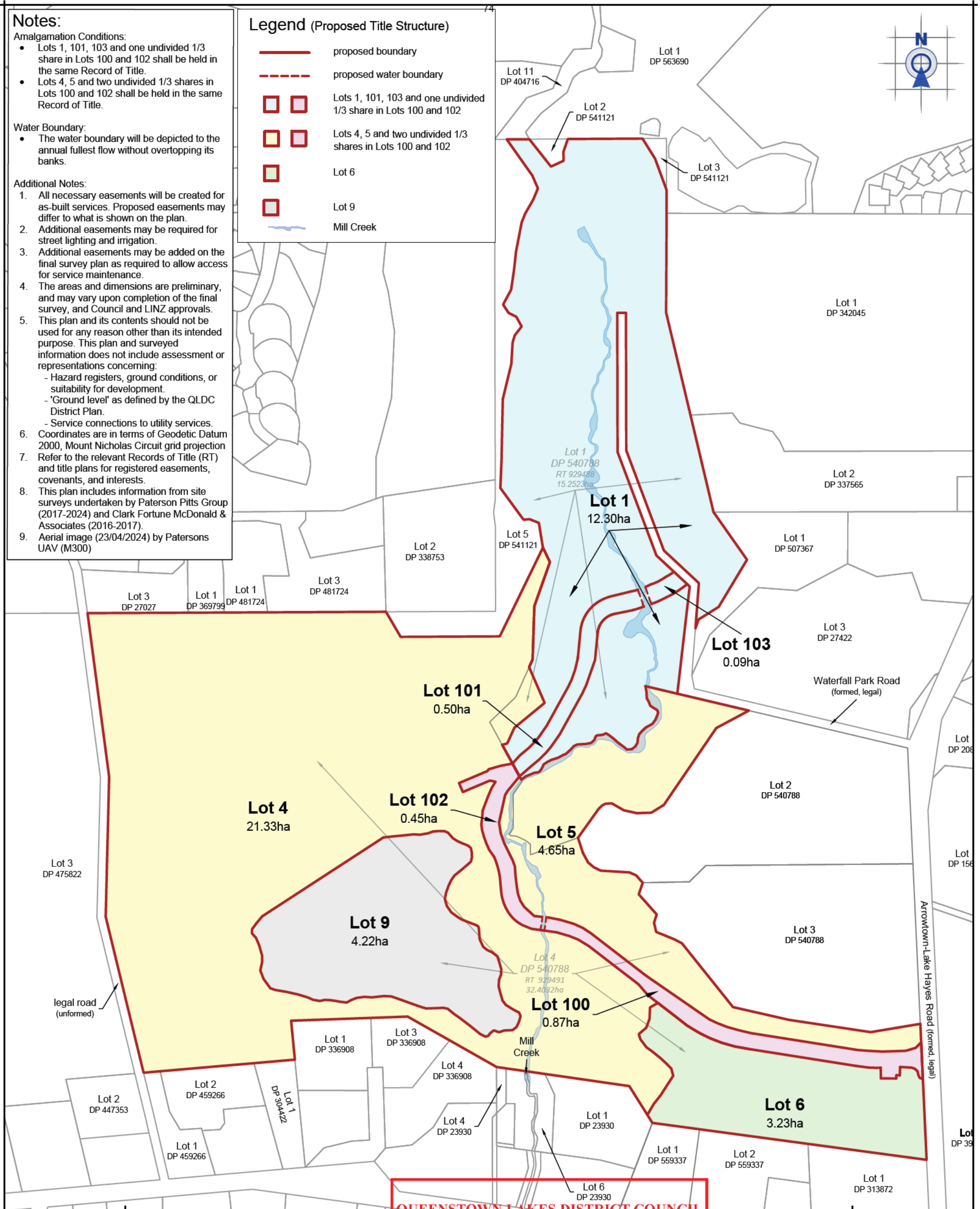
Purpose/Drawing Title:

Proposed Subdivision Plan
Existing Interests to be retained
-Services/covenants-

Surveyed by:		Original Size: A3	Scale:	1:4000
Designed by:				
Drawn by:	SB, BC, HR			
Checked by:	BC			
Approved by:			DO NOT SCALE	
Job Ref: Q6388C - 52		Sheet No: 32	Revision No: J	Date Created: 12/11/2024

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9. Aerial image (23/04/2024) by Patersons UAV (M300)

	proposed boundary
	proposed water boundary
 	Lots 1, 101, 103 and one undivided 1/3 share in Lots 100 and 102
 	Lots 4, 5 and two undivided 1/3 shares in Lots 100 and 102
	Lot 6
	Lot 9
	Mill Creek



Notes:

0m 100m 200m

SCALE BAR 1:4000

Thursday, 15 May 2025

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Proposed Subdivision Plan
Proposed Title Structure

Surveyed by:		Original Size:	Scale:
Designed by:			
Drawn by:	SB, BC, HR		
Checked by:	BC		
Approved by:		A3	1:4000
		DO NOT SCALE	
Job Ref:		Sheet No:	Date Created:
Q6388C - 52		40	J 12/11/2024

Notes:

Amalgamation Conditions:

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Water Boundary:

- The water boundary will be depicted to the annual fullest flow without overtopping its banks.

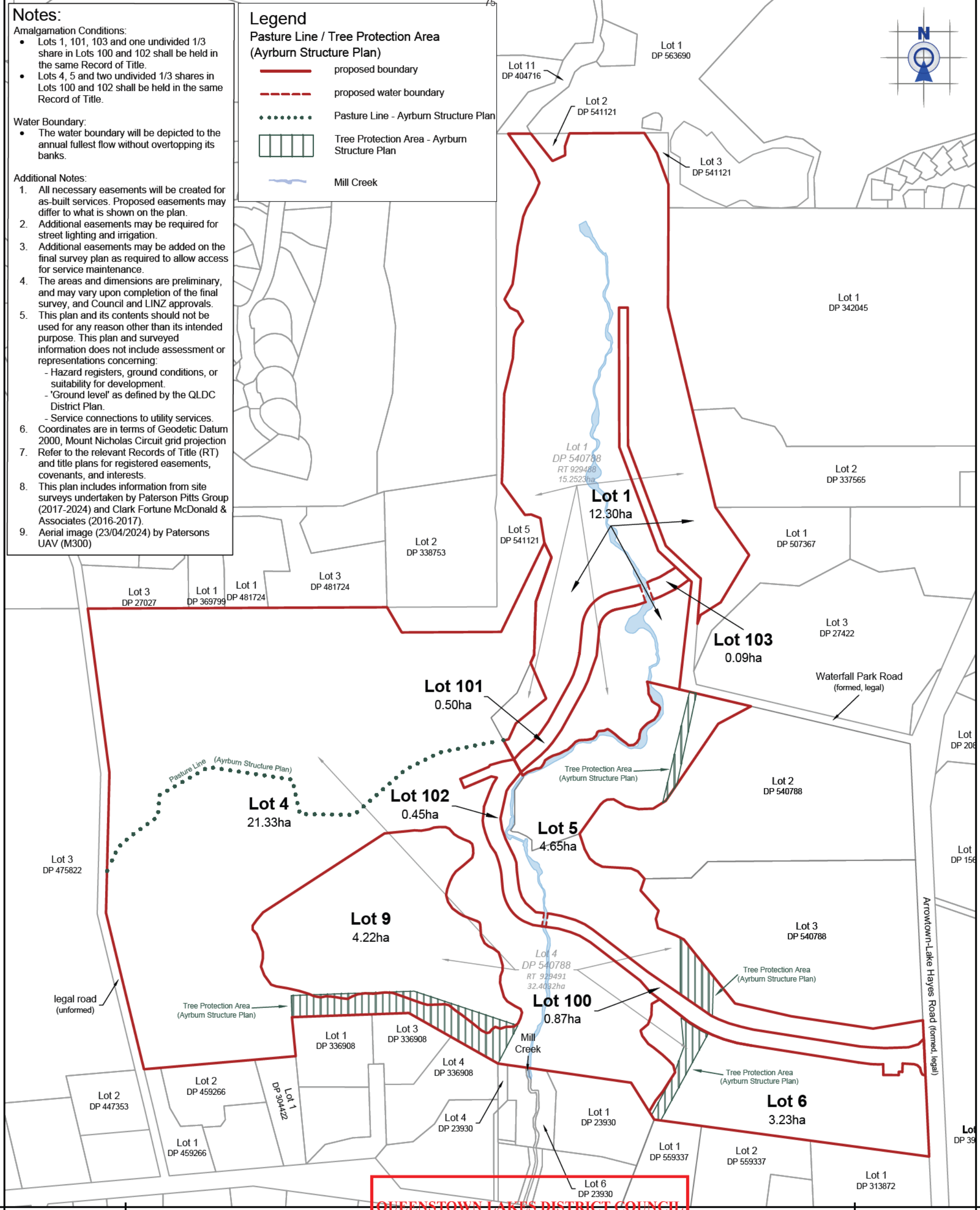
Additional Notes:

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9. Aerial image (23/04/2024) by Patersons UAV (M300)

Legend

Pasture Line / Tree Protection Area (Ayrburn Structure Plan)

- proposed boundary
- - - proposed water boundary
- Pasture Line - Ayrburn Structure Plan
- Tree Protection Area - Ayrburn Structure Plan
- Mill Creek



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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM240982

Thursday, 15 May 2025

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Land Professionals

Client/Location:
Waterfall Park Developments Ltd

Proposed Subdivision Plan
Pasture Line and Tree Protection Areas
(Ayrburn Structure Plan)

Surveyed by:		Original Size:	Scale:
Designed by:		A3	1:4000
Drawn by:	SB, BC, HR		
Checked by:	BC		
Approved by:			DO NOT SCALE
Job Ref:	Q6388C - 52	Sheet No:	41
		Revision No:	J
		Date Created:	12/11/2024



Notes:

Amalgamation Conditions:

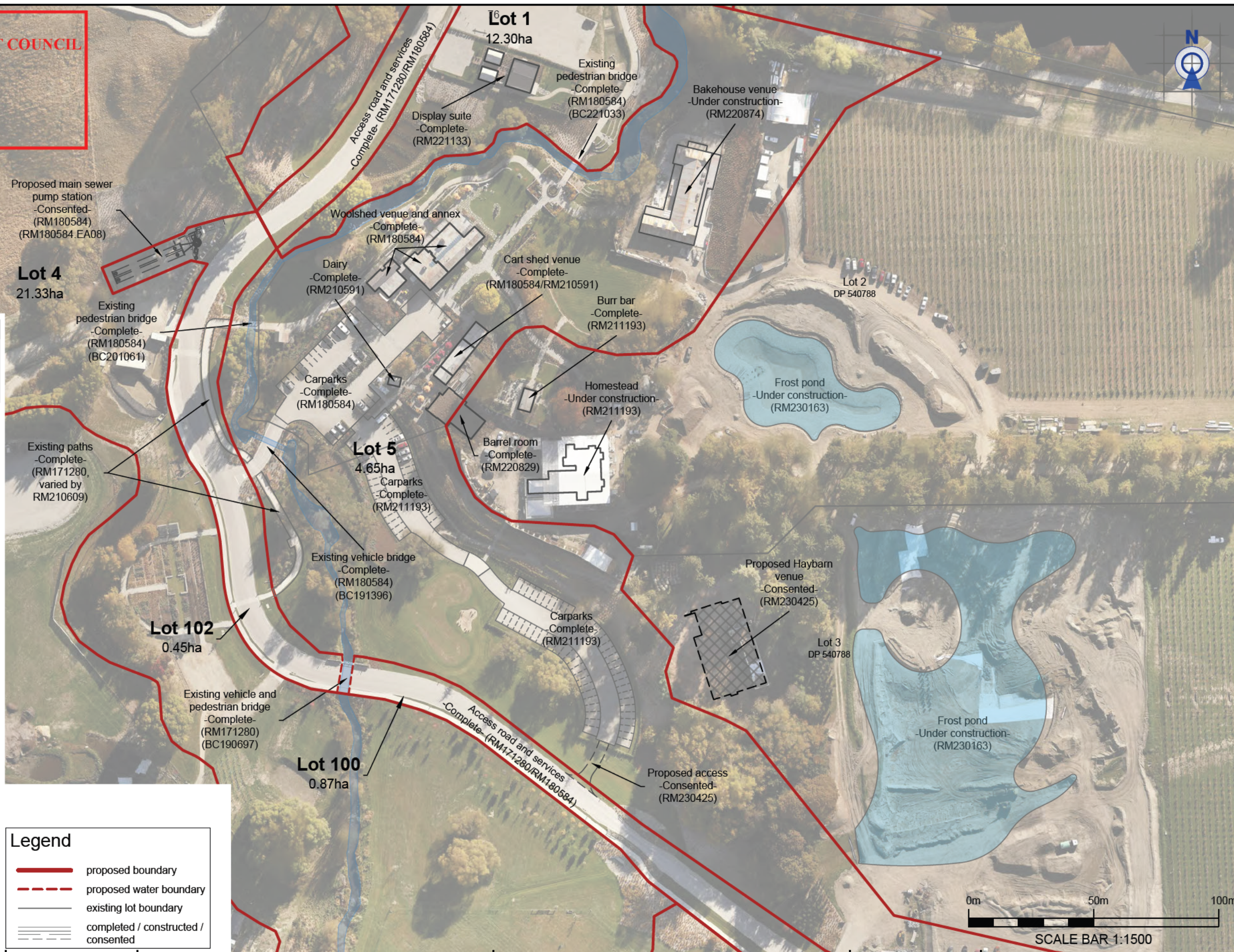
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Additional Notes:

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- Aerial image (23/04/2024) by Patersons UAV (M300)



Legend

- proposed boundary
- proposed water boundary
- existing lot boundary
- completed / constructed / consented

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E queenstown@patersons.co.nz

Client/Location:

Waterfall Park Developments Ltd

Purpose/Drawing Title:

Proposed Subdivision Plan
Overlay with completed, under construction and
consented development

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Designed by:		A3	1:1500
Drawn by:	SB, BC, HR		
Checked by:	BC		
Approved by:			DO NOT SCALE
Job Ref:	Q6388C - 52	Sheet No:	50
		Revision No:	J
		Date Created:	12/11/2024

Notes:

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Additional Notes:

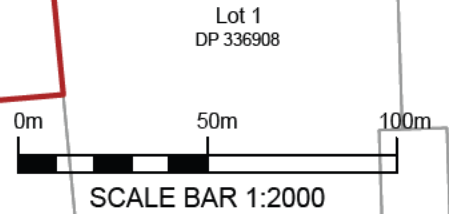
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Legend

- proposed boundary
- - - proposed water boundary
- existing lot boundary

Services Legend

- water supply as built
- wastewater as built
- stormwater as built
- gas as built
- electricity as built
- communications as built
- road as built
- consented sewer pump station



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Waterfall Park Developments Ltd

Proposed Subdivision Plan
Services and Access

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Surveyed by:		Original Size:	Scale:
Designed by:		A3	1:2000
Drawn by:	SB, BC, HR	DO NOT SCALE	
Checked by:	BC		
Approved by:			
Job Ref:	Q6388C - 52	Sheet No:	70
		Revision No:	J
		Date Created:	12/11/2024

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Notes:

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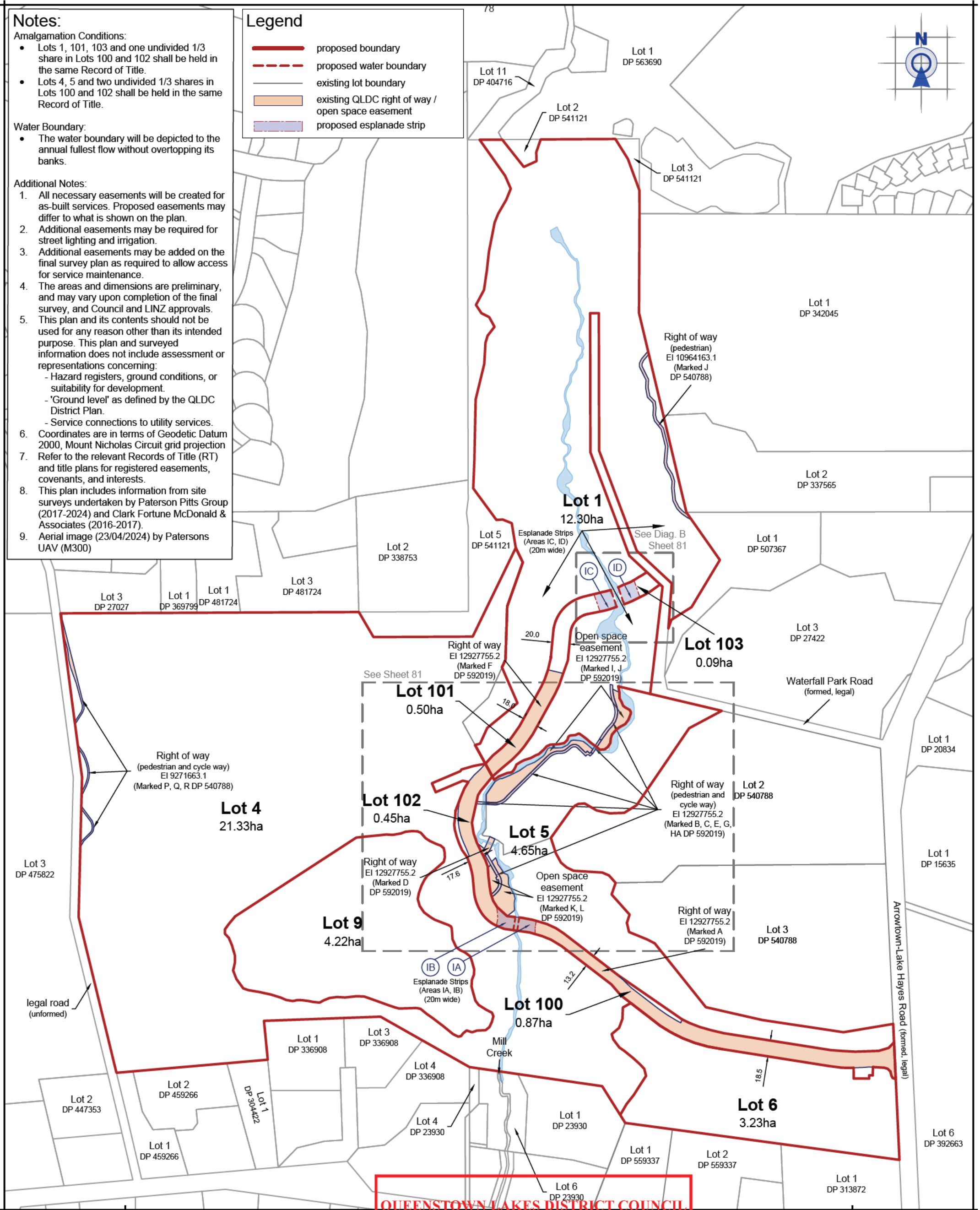
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Legend

- proposed boundary
- - - proposed water boundary
- existing lot boundary
- existing QLDC right of way / open space easement
- proposed esplanade strip



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E queenstown@patersons.co.nz

Notes:
0m 100m 200m
SCALE BAR 1:4000

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM240982

Thursday, 15 May 2025

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Land Professionals

Client/Location:
Waterfall Park Developments Ltd

Purpose/Drawing Title:
Proposed Subdivision Plan
Proposed Esplanade Strips,
Existing QLDC Open Space Easements
and Existing QLDC Rights of Way

Surveyed by:		Original Size:	Scale:
Designed by:		A3	1:4000
Drawn by:	SB, BC, HR		
Checked by:	BC		
Approved by:			
Job Ref:	Q6388C - 52	Sheet No:	80
		Revision No:	J
		Date Created:	12/11/2024

Legend

proposed boundary

proposed water boundary

existing lot boundary

proposed esplanade strip

existing QLDC right of way / open space easement

Notes:

Amalgamation Conditions:

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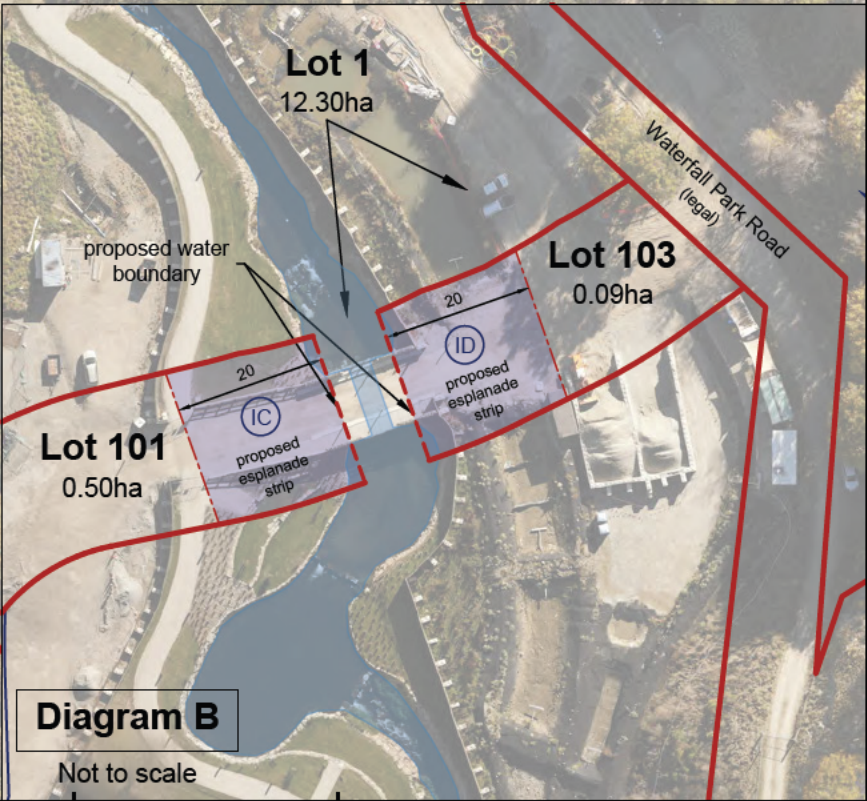
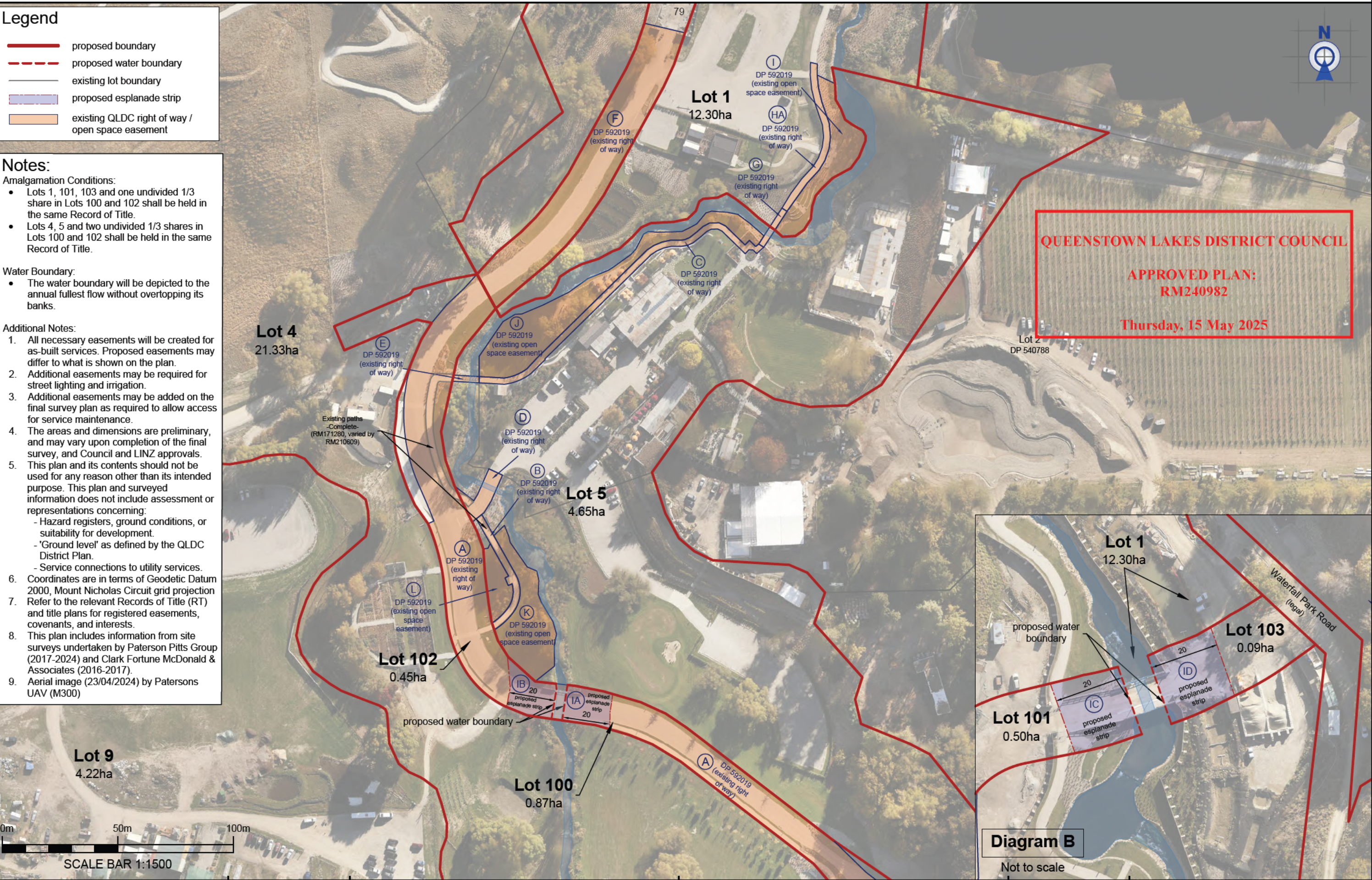
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9. Aerial image (23/04/2024) by Patersons UAV (M300)



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Land Professionals

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E queenstown@patersons.co.nz

Client/Location:
Waterfall Park Developments Ltd

Purpose/Drawing Title:
Proposed Subdivision Plan
Proposed Esplanade Strips, Existing QLDC Open Space
Easements and Existing QLDC Rights of Way

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Surveyed by:

Designed by:

Drawn by:

Checked by:

Approved by:

Job Ref:

Original Size:

Scale:

Revision No:

Date Created:

81

J

12/11/2024

Document Set ID: 8383582

Version: 1, Version Date: 21/11/2024

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Land Registration District

Otago

Territorial Authority

Queenstown Lakes District Council

Plan Number

Proposed subdivision

Job Number

Q6388-52

PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of way	P	Lot 4	Lot 9
	AC	Lot 5	Lots 1, 9, 101, 103
	AA	Lot 100	Lots 6, 9
	AB	Lot 100	Lot 9
	AD	Lot 102	Lot 9

PROPOSED SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of way	N	Lot 1	Lots 101, 103
	AC	Lot 5	Lots 4, 100, 102
	AA, AB	Lot 100	Lots 1, 4, 5, 101, 102, 103
	F, M	Lot 101	Lot 1, 103
	AD, AE	Lot 102	Lots 1, 4, 5, 100, 101, 103
	O	Lot 103	Lot 1

PROPOSED ESPLANADE STRIP	
SHOWN	BURDENED LAND
IA	Lot 100
IB	Lot 102
IC	Lot 101
ID	Lot 103

Drawing Reference: Q6388C-52 (Revision J)
Dated: 12/11/2024

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM240982**

Thursday, 15 May 2025

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	BURDENED LAND	CREATED BY
Pipeline and other rights in gross	Marked Z DP 540788	Lot 5	T 49743
Right of way (Pedestrian and Cycle Way)	Marked P, Q, R DP 540788	Lot 4	EI 9271663.1
Right to convey electricity	Marked A, B, F, I, J, Q DP 556161	Lots 4, 5, 100, 101, 102	EI 11940062.3
Right to transform electricity	Marked B DP 556161	Lot 4	
Right to convey telecommunications	Marked F, I, Q, R DP 556161	Lots 5, 100, 101, 102	EI 11940062.4
Right of way	Marked A, D DP 592019	Lots 5, 100, 102	EI 12927755.2
	Marked F DP 592019	Lot 101	
Right of way (pedestrian and cycle way)	Marked B, E, C, G, HA DP 592019	Lots 1, 5	
Open space easement	Marked K, L, J DP 592019	Lot 5	
	Marked I DP 592019	Lot 1	

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	CREATED BY
Right to take and divert water from Hayes Creek and a right to cut construct and maintain a water race	Marked M, OA DP 540788	Lot 1	T 49744
Right of way (Pedestrian)	Marked J DP 540788		EI 10964163.1
Right to convey water, electricity and telecom	Marked S, T, U DP 540788	Lot 4	T 5079285.7
Right to draw water and right to install bore and pumps	Marked V DP 540788		
Right to convey water	Marked X DP 540788		EI 8663856.1

Drawing Reference: Q6388C-52 (Revision J)
Dated: 12/11/2024

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM240982**

Thursday, 15 May 2025

EXISTING LAND COVENANTS

Lot 5 (formerly part Lots 1 and 4 DP 540788 is subject to an existing covenant 11940062.5, pursuant to s108(2)(d) RMA 1991:

SHOWN	BURDENED LAND
U, V DP 556161	Lot 5

Lot 5 (formerly part Lots 1 and 4 DP 540788 is subject to an existing covenant 13089412.1:

SHOWN	BURDENED LAND
M, N, O, P, Q DP 607902	Lot 5

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM240982**

Thursday, 15 May 2025

Drawing Reference: Q6388C-52 (Revision J)
Dated: 12/11/2024

Stage 1
To be progressed first, or may be combined

Stages 2 and 3
Stage 2 (Lot 9) and Stage 3 (Lot 103) may be progressed in any order, or may be combined



QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM240982**

Thursday, 15 May 2025

