

QLDC Proposed District Plan – Stage 2
Jeff Brown – summary statement
Hogans Gully Zone
(Hogans Gully Farm Limited [2313])
25 July 2017

1. This is a summary of my primary evidence dated 13 June 2018 which addresses the Hogans Gully Zone (**HGZ**). I have read Mr Langman's rebuttal evidence.
2. My evidence evaluates the two key options before the Commission: the Wakatipu Basin Rural Amenity Zone (**WBRAZ**) and the HGZ in the context of the zoning principles and other factors that should be applied when considering the most appropriate provisions of the District Plan. My overall conclusion from that evaluation is that the HGZ is more consistent with and better achieves the rezoning principles than the WBRAZ, for the 159ha block.
3. I consider that:
 - (a) the HGZ better achieves the objectives and policies in Chapters 3 and 6, because it enables significant socio-economic benefits while not causing significant, or adverse, change to the landscape values of the Hogans Gully Farm Land or the wider Basin;
 - (b) the HGZ better achieves the relevant RPS provisions, overall, than the WBRAZ;
 - (c) the economic benefits of the HGZ significantly outweigh the costs, and significantly outweigh the economic benefits of the WBRAZ;
 - (d) the site can absorb the HGZ development due to the careful siting of the development areas within the Structure Plan and the development standards.
4. I have addressed the cumulative effects of the HGZ in combination with the effects of other existing and proposed development. In combination with the new developments proposed in the The Hills and Ayrburn Zone, along with existing development and the future development promoted by the Council, the cumulative effects of the HGZ on landscape and visual amenity values will be acceptable.
5. I consider that the HGZ better meets the s7 imperatives than the WBRAZ and is the most appropriate way to achieve the purpose of the Act.
6. I disagree with Mr Langman's rebuttal. In particular I disagree with his suggestion that the development should be undertaken by way of a resource consent rather than the new zoning. There is sufficient information available about the Zone now to enable a comprehensive review of the landscape and other values, and there is no reason for putting off the zoning determination in favour of a later process.
7. I have reviewed Mr Langman's comments on the HGZ provisions and have made some further modifications to the provisions. These are set out in the updated provisions attached.

J A Brown
25 July 2018

APPENDIX B

ANNOTATIONS ON THE HOGANS GULLY ZONE – PROVISIONS

45 Hogans Gully Zone

45.1 Zone Purpose

The purpose of the Zone to enable a golf course-based resort. The Zone provides for the golf course development, with clubhouse, driving range, maintenance facilities, and associated commercial activities, along with limited residential and visitor accommodation activities to support the golf course. The Zone promotes development that is absorbed into and is subservient to the surrounding landscape and rural context by providing for large open space and landscape protection areas, ecological enhancement, and building location and design controls.

45.2 Objectives and Policies

45.2.1 Objective – Commercial recreational, residential, and visitor accommodation activities that are sensitive to the landscape, amenity and nature conservation values of the rural environment.

Policies

- 45.2.1.1 Provide for a high-quality golfing experience with associated clubhouse, commercial, residential, visitor accommodation, and maintenance activities and facilities in a comprehensive master-planned environment.
- 45.2.1.2 Require development to be in accordance with a Structure Plan to ensure development is appropriately located and does not adversely affect the landscape, recreational, and ecological values and opportunities of the Zone.
- 45.2.1.3 Protect and enhance the ecological values through enhancement planting and other protection measures.
- 45.2.1.4 Require built development to be subservient to the landscape of the Zone and the wider rural environment by managing external materials and colours of all buildings.
- 45.2.1.5 Promote open space and farming activities as the backdrop to the golf course and to maintain landscape values, while avoiding reverse sensitivity effects through appropriate location of activities.
- 45.2.1.6 Provide the opportunity for sustainable water, stormwater, wastewater collection, treatment and disposal practises.

45.2.1.7 Require that landscaping contributes to the ecological diversity and enhancement of the Zone.

45.2.1.8 Provide for public walkway and cycleway access linkages.

45.2.1.9 [Provide for the take-off and landing of helicopters while ensuring that adverse effects on neighbours' amenities are mitigated.](#)

45.3 Other Provisions and Rules

45.3.1 District Wide

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

1 Introduction	2 Definitions (& ODP)	3 Strategic Directions
4 Urban Development	5 Tangata Whenua	6 Landscapes

- The policy framework is relatively silent on managing the effects of commercial and helicopter activities on amenity. **JB comment:** There are no commercial activities that have the potential to adversely affect amenity values. On helicopters, agree, and a new policy 45.2.1.9 inserted.
- The policy framework is light on managing effects so as to maintain and enhance landscape values and visual amenity. **JB comment:** Disagree. Policies 45.2.1.2 – 45.2.1.5 and 45.2.1.7 address landscape and visual amenities, and these are given effect to by the Structure Plan (which locates activities in response to the need to avoid adverse landscape and visual amenity effects) and related rules including those for building design and site landscaping.
- The policy framework only seeks to address landscape effects beyond the zone through management of external materials and colours of buildings. This makes the zone vulnerable to future plan changes and incremental creep. **JB comment:** Disagree. Policy 45.2.1.2 addresses the concern adequately. The Structure Plan layout is not readily extendable because of the golf course, open space protection areas and the external boundaries, and zoning / uses beyond.
- A gap analysis against the objectives and policies of Chapter 24 would be useful. A gap analysis would identify where particular topics/adverse effects arising from development are addressed in Chapter 24, but not addressed by the proposed chapter. For example, there are no policies related to earthworks. **JB comment:** Disagree. Chapter 24 relates to the WBRAZ and would not be relevant to the HGZ, in the same way as other zones in the Wakatipu Basin are not covered by Chapter 24. Earthworks are addressed in a separate chapter.

24 Signs (ODP)	25 Earthworks (ODP)	26 Historic Heritage
27 Subdivision	28 Natural hazards	29 Transport (ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic trees	35 Temporary Activities and Related Buildings
36 Noise	37 Designations	Planning Maps

45.3.2 Clarification

Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the “Non Compliance Status” column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

The following abbreviations are used within this Chapter:

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

45.4 Rules – Activities

	Activities – Hogans Gully Zone	Status
45.4.1	Any activity which complies with the rules for permitted activities and is not listed as a controlled, discretionary, non-complying or prohibited activity. Activities not listed in this table.	P NC
45.4.2	Farming - In the Landscape Protection Area	P
45.4.3	Buildings – In the following activity areas: Activity Areas R3, R4, R5, R6 provided they meet the standards in Rule 45.5.2.	P
45.4.4	Farm Buildings in all activity areas aside from the Landscape Protection Area. Council shall exercise control over effects on landscape values.	C

- Rule 45.4.1 permits activities not otherwise permitted, which is not consistent with the non-complying default status for the other Resort Zones supported by Mr Brown (Trojan Helmet and Ayrburn). There is no explanation/justification for the different approach. Rule 45.4.6 provides for retail activity. However, it should also be specifically listed as an activity. By way of example, Rule 45.4.20 makes the landing and take-off of helicopters a controlled activity in the Clubhouse Activity Area, however because helicopter landing and take-off is not specified elsewhere these activities are permitted throughout the remainder of the zone. **JB comment: Agree. The rule is modified accordingly.**
- Rule 45.4.4 is not supported – If the purpose of the Zone is for golf course-based resort, there may not be sufficient justification for farm buildings at all. Particularly where the reason for making farm building permitted or controlled is to recognise the economic benefits of productive farming. **JB comment: Agree. There are already farm buildings on the property and any additional farming practice can be serviced from these buildings. The rule is deleted.**

45.4.5	<p>Licensed Premises in the Clubhouse Activity Area</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 10pm and 8am, provided that this rule shall not apply to the sale and supply of alcohol:</p> <ol style="list-style-type: none"> To any person who is residing (permanently or temporarily) on the premises; To any person who is present on the premises for the purposes of dining up to 12am. <p>With the exercise of Council's control limited to:</p> <ol style="list-style-type: none"> The scale of the activity Effects on amenity (including that of adjoining residential zones and public reserves) The configuration of activities with the building and the site (e.g, outdoor seating, entrances). Noise and hours of operation. 	C
45.4.6	<p>Buildings in:</p> <ol style="list-style-type: none"> Residential Activity Areas R1, R2, R7, R8, R9 and R10 Clubhouse Activity Area Maintenance Activity Area <p>With the exercise of the Council's control limited to:</p> <ol style="list-style-type: none"> The external appearance of the building including the use of natural materials. The location of access, car parking and curtilage areas 	C

	Activities – Hogans Gully Zone	Status
	<ol style="list-style-type: none"> Landscaping associated with the development and the extent to which landscaping contributes to the integration of the golf course amenities, ecological enhancement, and the amenities of the development areas. Provision of infrastructure 	
45.4.7	<p>Buildings in the Pastoral / Golf Course Activity Area, the Landscape Protection Activity Area and the Ecology / Golf Activity Area except for utilities, service and accessory buildings for farming or golf purposes up to 40m² in gross floor area.</p>	NC

- Rule 45.4.5: The matters of control are the scale and effects, noise and hours of operation, these effects may not be able to be substantively managed by controlled activity and restricted discretionary may be more appropriate. It could be argued that retail activities are permitted because while retail fits within the definition of 'commercial activity' it is also separately defined. **JB comment: Disagree. The rule is for licensed premises in the clubhouse area. Controlled activity is appropriate. If an effect is identified it can be managed appropriately by conditions.**
- All rules with controlled activity – given the certainty offered by the structure plan, many activities could be permitted subject to standards, or if a greater degree of oversight is required then the activity status ought to be restricted discretionary so as to ensure the landscape outcomes supported by the submitter's evidence will be fulfilled. Although different zones in nature, by way of example, Stage 1 of the PDP moved away from controlled activity status in the Business Mixed Use and Local Shopping Centre zones for buildings as if an application is fundamentally flawed, it is extremely difficult for a condition to result in a better outcome. Subdivision is supported as a controlled activity as long as there is a structure plan with a sufficient level of detail to provide certainty. **JB comment: The Controlled status is appropriate and is used successfully in other similar zones such as Millbrook.**
- Rule 45.4.7. The ability to build utility buildings and farm buildings up to 40m² may not be appropriate given the assurances that areas shall remain open. As stated above, the zone may not justify farm buildings. **JB comment: Agree in relation to farming. There are already farm buildings on the property and any additional farming practice can be serviced from these buildings. The relevant part of the rule is deleted.**

45.4.8	Residential activity in the Maintenance Area, Pastoral / Golf Course Activity Area, Landscape Protection Activity Area, Ecology / Golf Activity Area	NC
45.4.9	Visitor Accommodation including Residential Visitor Accommodation and Homestays in all Residential Activity Areas and the Clubhouse Activity Area	P
45.4.10	Commercial and Community Activities, except for: a. Commercial recreation activities; or b. Offices and administration activities directly associated with the management and development of the resort or ancillary to other permitted or approved activities located within the Maintenance Activity Area and Clubhouse Activity Area; or c. Bars, restaurants in the Clubhouse Activity Area	⊖ NC
45.4.11	Commercial Recreation Activities, except for: a. Golf courses and related ancillary commercial activities	D
45.4.11A	Golf Tournaments With the exercise of the Council's control limited to: a. Traffic and pedestrian management and safety within the site and on the local roading network; b. Temporary use by helicopters c. Waste management and disposal, sanitation d. Number of events per year e. Timing of set up and pack down for each event	C
45.4.12	Mining	NC
45.4.13	Service Activities, except for: a. activities directly related to other approved or permitted activities within the Zone; and b. located within the Maintenance Activity Area; or c. located within the Pastoral / Golf Activity Area and where any buildings have a gross floor area of no more than 40m ²	NC
45.4.14	Industrial Activities; except for: a. activities directly related to other approved or permitted activities within the Zone; and b. activities undertaken in the Maintenance Activity Area	NC

- Rules 45.4.8 and 45.4.9 provide the certainty expected from zones that rely on structure plans.
- Rules 45.4.10 and 45.4.11. Because of the certainty and types of land uses provided for in the Structure Plan, the discretionary activity status may not be appropriate, and casts doubt over the integrity of the structure plan and reliance on this. There is no guidance in the policies as to scale or management of effects of those activities. **JB comment: Agree. Non-complying status is more appropriate.**
- Rule 45.4.9 has the potential to permit more intensive visitor accommodation resort activities and these may be a different scale and nature to that assessed and supported by the submitter in the Home site areas. **JB comment: Disagree. The rule must be read in conjunction with the cap on the number of residential / visitor accommodation units within the Zone, at Rule 45.5.2, and the 5% maximum coverage, at Rule 45.5.7. If a greater intensity is desired in one development area, this would be at the expense of intensity in another development area.**

45.4.15	<p>Licensed Premises outside of the Clubhouse Activity Area</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the the sale and supply of alcohol:</p> <ol style="list-style-type: none"> to any person who is residing (permanently or temporarily) on the premises; to any person who is present on the premises for the purpose of dining up until 12am. 	NC
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	Activities – Hogans Gully Zone	Status
45.4.16	Panelbeating, spray painting, motor vehicle repair or dismantling except for activities directly related to other approved or permitted activities within the Zone and located within the Maintenance Activity Area.	NC
45.4.17	Forestry Activities	NC
45.4.18	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, <u>or</u> fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
45.4.19	Factory Farming	PR
45.4.20	<p>Landing and taking off of helicopters within the Clubhouse Activity Area</p> <p>With the exercise of the Council's control-limited <u>discretion restricted</u> to:</p> <ol style="list-style-type: none"> The number of trips Noise effects on properties outside the Zone The flight path to and from the landing location. 	C <u>RD</u>

45.5	Standards – Hogans Gully Zone	Non-compliance status
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- Rule 45.4.18: references to supermarket are not likely to be appropriate. **JB comment:** Agree. The rule is modified accordingly
- Rule 45.4.20 will be meaningless as a controlled activity in order to be able to manage adverse effects. **JB comment:** Agree. The status is changed to restricted discretion and the rule modified accordingly
- Rule 45.4.17 is controlled under the NES-PF and will be a controlled activity. **JB comment:** forestry not anticipated in the HGZ.

45.5.1	<p>Building materials, colours and landscaping</p> <p>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure that they are visually recessive within the surrounding landscape:</p> <p>Exterior colours of buildings:</p> <ol style="list-style-type: none"> a. All exterior surfaces (excluding roofs and fittings such as guttering) shall be dark timbers or locally sourced schist. b. Pre-painted steel, and all roofs shall have a reflective value of not greater than 20% c. Surface finishes shall have a reflective value of not greater than 30% <p>Discretion is restricted to all of the following:</p> <ol style="list-style-type: none"> i. Whether the building will be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties ii. Where the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building iii. The size and height of the building where the subject colours would be applied. iv. The extent of landscaping undertaken to soften all buildings. 	RD
45.5.2	<p>Residential / visitor accommodation density</p> <p>The maximum number of residential / visitor accommodation units within the Zone shall be 96.</p>	NC
45.5.3	<p>Building Height <u>and roof form</u></p> <ol style="list-style-type: none"> a. All residential dwellings shall be restricted to single story building forms, no higher than 3.75 metres in height, measured from floor slab to the highest point of the roof form. b. Flat roofs only are permitted as the primary roof form. c. Splits in architectural forms are permitted however only 3.75 metres of visible building form is permitted above finished ground level. 	D

- Rule 45.5.1: compare to Chapters 21-24 of the PDP and the other Resort Zones requested. ie. Rule 44.5.2 of the requested Hills Resort Zone. **JB comment: The wording is based on the advice of the project architect and Mr Baxter.**
- Rule 45.5.3: Limb (b) is not related to building height. This should be a separate standard. **JB comment: The title of the standard is modified accordingly.**

45.5	Standards – Hogans Gully Zone	Non-compliance status
	d. Roof features and light well features may extend 1.2 metres above roof forms and shall be no more than 1.2m x 1.2m in plan dimension.	
45.5.4	<p>Glare</p> <p>a. All fixed lighting shall be directed down and away from adjacent roads and properties.</p> <p>b. Any building or fence that can be viewed from a public place that is constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish.</p> <p>c. No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</p>	<u>D</u>
45.5.5	<p>Nature and Scale of Activities</p> <p>Except within the Clubhouse and Maintenance Activity Areas:</p> <p>a. No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.</p> <p>b. All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building</p>	<u>NC</u>
45.5.6	<p>Retail Sales</p> <p>No goods or services shall be displayed, sold or offered for sale from a site except:</p> <p>a. goods grown, reared or produced on the site; or</p> <p>b. goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within the Clubhouse Area; or</p> <p>c. within the Clubhouse Activity Area.</p>	NC
45.5.7	<p>Maximum Total Site Coverage</p> <p>The maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings but excludes weirs, filming towers, bridges and roads and parking areas.</p>	NC

- Rules 45.5.4 and 45.5.5 are missing their respective activity status. **JB comment: These are added. They are consistent with the equivalent rule in other zones.**
- Rule 45.5.5 may be at odds with the specific nature of the location of activities for a zone that is supported by a structure plan. **JB comment: Agree. Part b of the rule is deleted.**
- Rule 45.5.6: limb (b) may be difficult to regulate if the recreation activity taking place is permitted. Limb (c) permits retail activity within the clubhouse Activity Area. The size of the Clubhouse Activity Area is estimated to be 1.58 ha. There are not any restrictions on the scale and this could result in a range of retail activities that are not anticipated by the PDP's policy framework. **JB comment: Agree. The retail is intended only for the clubhouse area and ancillary to the recreational function of the zone. Clause c of the rule is therefore deleted.**
- Rule 45.5.7. This rule appears arbitrary, 5% of the 129ha size of the zone as indicated on the structure plan is 6.45ha. Taking into account the areas where buildings are precluded, it may result in intensive overdevelopment of the Residential and Clubhouse areas. This rule would better if it was articulated by way of the maximum coverage provided for in each Activity Area. **JB comment: Disagree. There is a similar rule in other zones such as Millbrook, Jacks Point and Waterfall Park. The rule does not introduce uncertainty – the purpose of the rule is to ensure that 95% open space is provided for**

45.5.8	Fire Fighting A fire fighting reserve of water shall be maintained. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.	NC												
45.5.9	Atmospheric Emissions There shall be no indoor solid fuel fires, except for: <ul style="list-style-type: none"> a. feature open fireplaces in the clubhouse and other communal buildings including bars and restaurants. Note – Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.	NC												
45.5.10	Building coverage <u>The maximum site coverage on any lot in Activity Areas R1 – R10 shall not exceed those in the table below. The discretion is reserved to the matters listed in Rule 45.5.1.</u> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th><u>Lot size range</u></th> <th><u>Maximum site coverage</u></th> </tr> </thead> <tbody> <tr> <td><u>650m² – 700m²</u></td> <td><u>200m²</u></td> </tr> <tr> <td><u>701m² – 850m²</u></td> <td><u>250m²</u></td> </tr> <tr> <td><u>851m² – 1000m²</u></td> <td><u>350m²</u></td> </tr> <tr> <td><u>1001m² – 1200m²</u></td> <td><u>400m²</u></td> </tr> <tr> <td><u>>1201m²</u></td> <td><u>450m²</u></td> </tr> </tbody> </table>	<u>Lot size range</u>	<u>Maximum site coverage</u>	<u>650m² – 700m²</u>	<u>200m²</u>	<u>701m² – 850m²</u>	<u>250m²</u>	<u>851m² – 1000m²</u>	<u>350m²</u>	<u>1001m² – 1200m²</u>	<u>400m²</u>	<u>>1201m²</u>	<u>450m²</u>	RD
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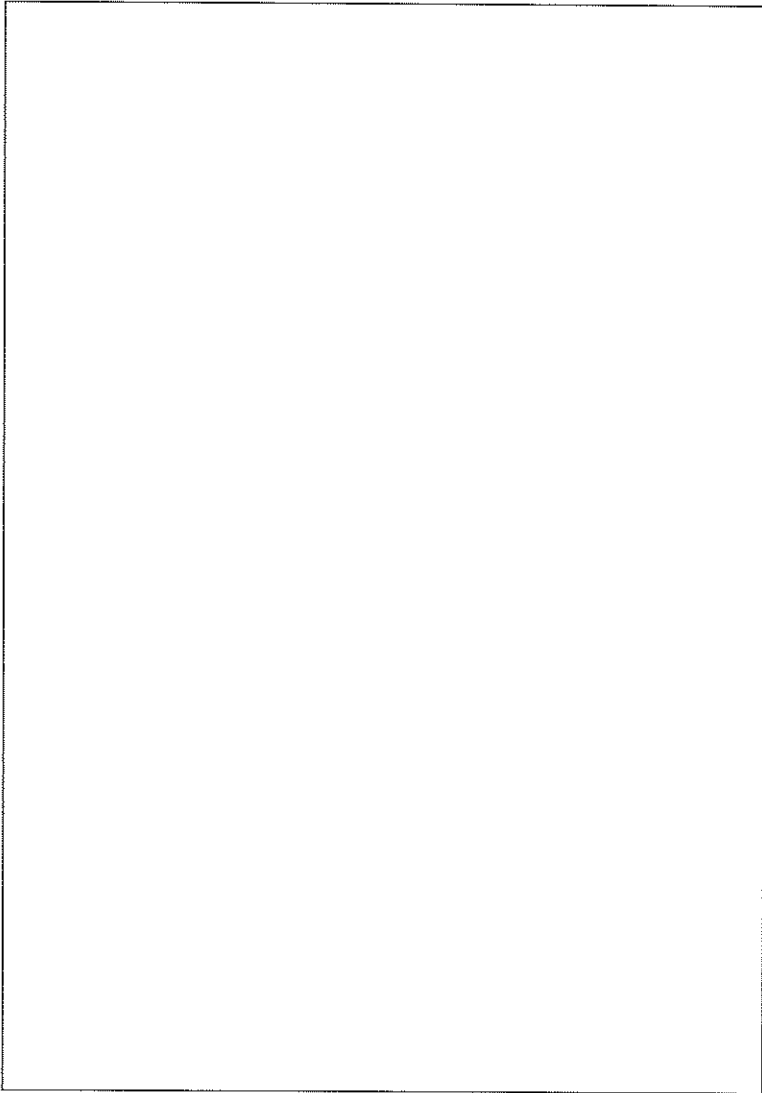
45.5	Standards – Hogans Gully Zone	Non-compliance status
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- Rule 45.5.8 applies to the zone, each activity thereafter will need to ensure compliance with firefighting as it applies to the zone. Clarification may be required if it is intended that the initial development will provide firefighting for all activities. Reliance on the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008 to achieve permitted activity is discouraged because the document does not provide enough certainty. Compliance is better achieved through the matters of discretion or control for each activity. **JB comment: The same or similar rule features in other zones. The fire fighting supply would be provided as part of the subdivision engineering requirements. The rule is necessary for any development that might precede any subdivision, such as the clubhouse.**
- Rule 45.5.9 is a regional council function. **JB comment: The same or similar rule features in other zones.**
- New Standard 45.5.10 inserted to provide coverage parameters for buildings on individual lots in R1 – R10

45.5.10	<p>Buildings in Activity Areas R1, R2, R3, R4, R5, R6, R7, R8, R9, and R10 constructed prior to completion of the following ecological protection and enhancement works required by Rule 27.7.11.2(b) for the relevant subdivision stage, in the areas labelled Ecological Restoration Planting and Ecological Protection and Enhancement on Plan []:</p> <ol style="list-style-type: none"> 1. A Hogans Gully Ecological Management Plan and Revegetation Strategy shall be submitted to the Council for approval. The purpose of the Hogans Gully Ecological Management Plan and Revegetation Strategy is to achieve viable indigenous habitats that can support a variety of indigenous fauna. The Strategy shall set out the programme of and detail of the specific works required in 2–11 below. 2. The areas shall be rabbit fenced and where necessary stock fenced to permanently exclude grazing animals from these areas. 3. All woody weeds and wilding species including but not limited to willows, briar, hawthorn, broom and wilding conifers shall be removed and shall not be replanted. 4. Pest species shall be controlled. 5. No indigenous vegetation shall be removed except where necessary for restoration purposes or for the replacement of diseased or dying vegetation. 6. New indigenous vegetation shall be: <ul style="list-style-type: none"> • planted at a maximum of 1.2 m centres; • planted within a protective shelter; • planted with fertiliser, • of revegetation grade and eco-sourced. 7. Restoration of dryland communities should consist of a combination of indigenous species that represent the pre-human plant diversity within the Wakatipu Basin and provide for vegetation complexity (e.g. kowhai, <i>Olearia</i>'s, <i>Coprosma</i>s, hebes and native broom). Species selected shall increase plant diversity and provide a food source for invertebrates, lizards and birds within these areas. 8. Restoration of wetlands and riparian areas shall occur using native species such as <i>Carex</i>, <i>Juncus</i>, toetoe and flax and supported by shrubland species tolerant of periodic saturation such as <i>Coprosma propinqua</i>, <i>Olearia lineata</i>, and kowhai. 9. All indigenous vegetation within the dryland areas shall be supported by irrigation for at least 3 years following the installation of the plantings. 	NC
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- Rule 45.5.10 should be linked to subdivision and should be restricted discretionary activity status to ensure the outcome of the purpose of the zone can be achieved. Standard 13 may not provide sufficient certainty as to the timing and completion of works. **JB comment:** Agree, in relation to the link with the subdivision rule. The intent of the rule is to ensure that the ecological restoration programme is locked in with certainty, by ensuring that it occurs prior to development. The mechanics of the planting and related works are shifted to the subdivision provisions at 27.7.11.2(b)

10. ~~Twice-yearly maintenance (Autumn and Spring) of ecological plantings shall occur for the first five years.~~
11. ~~An annual audit shall be undertaken to assess the performance of the ecological plantings for the first 3 years of the project and subsequently on a biennial basis. An audit report shall be submitted to council documenting the findings of the audit. The audit report shall address pest and weed control programs undertaken throughout the year, any replacement planting required, the overall plant losses and percentage survival of the plantings and proposed amendments to the *Hogans Gully Ecological Management Plan and Revegetation Strategy*.~~
12. ~~Completion of the works in 2 – 11 above will be when all the plantings, irrigation and rabbit and stock proof fencing has been installed for a period of 12 months and the first audit report finds the performance metrics and objectives of the *Hogans Gully Ecological Management Plan and Revegetation Strategy* have been achieved.~~



45.5	Standards – Hogans Gully Zone	Non-compliance status
	13. The revegetation works required in 2 – 11 above may be undertaken instages. Buildings in any one of Activity Areas R1, R2, R3, R4, R5, R6, R7, R8, R9, and R10 may be constructed provided a commensurate area of revegetation, to be shown on a revegetation works staging plan, is completed in accordance with 12 above.	
45.5.11	All landscaping and gardens associated with the residential development, clubhouse and lodge/hotel shall contain no less than 70% indigenous vegetation.	NC
45.5.12	Any earthworks within 20m of any water body (stream or wetland) Discretion is restricted to: <ul style="list-style-type: none"> a. The methods for managing the works to avoid any adverse effects of sediment runoff into wetlands or streams; b. The revegetation of the works to maintain stability and enhance the indigenous habitat of the water body and its margins, and the integration, where practical, of the revegetation required in 45.5.11 above. 	RD

45.6 Non-Notification of Applications

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

Chapter 27 – Subdivision

Consequential amendment to Chapter 27 – Subdivision

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

27.4.4 (new) The following shall be controlled activities:

(a) Subdivision in the development areas in the Hogans Gully Zone Structure Plan.

Control is limited to the following:

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

(b) Modify Table 27.5.1 as follows:

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There does not appear to be any link between the provisions setting out the maximum number of dwellings in or the structure plan in each of the Activity Areas as set out in Rule 45.5.2, and the subdivision rules. I consider that RD is a more appropriate consent status, and that the matters of discretion widened to include considering the extent to which open space areas in the resort are protected by covenants in favour of the Council, and extent to which ecological and restoration planting is provided (as referred to in Rule 45.5.10). **JB comment:** The controlled status is appropriate because of the certainty created by the Structure Plan. The non-complying status for development in the open space and golf areas is sufficient; covenants are not required. The ecological works are addressed in Rule 27.7.11.2 below.

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

Zone	Minimum Lot Area
...	...
Hogans Gully Zone	No minimum
...	...

27.7 Zone – Location Specific Rules

Add a new section in the Table as follows:

Zone and Location Specific Rules	Activity Status
...	...

27.7.11	<p><u>Hogans Gully Zone</u></p> <p><u>27.7.11.1 Any subdivision that is inconsistent with the Hogans Gully Zone Structure Plan contained in Section 27.13</u></p>	NC
	<p><u>27.7.11.2 Subdivision failing to comply with any of the following:</u></p> <p>(a) <u>Any subdivision that does not require, by condition of consent, the following to be registered as a consent notice on the titles of any land within the R areas on the Structure Plan:</u></p> <p>(i) <u>That no building shall be constructed prior to completion of the works required by Standard 47.5.11 in the Hogans Gully Zone.</u></p> <p>(ii) <u>That any building shall be in accordance with the Hogans Gully Building and Landscaping Design Controls.</u></p> <p>(b) <u>Any subdivision that does not require, by condition(s) of consent, the following works and related requirements for the areas labelled Ecological Restoration Planting and Ecological Protection and Enhancement on Plan [...]:</u></p> <ol style="list-style-type: none"> 1. <u>A Hogans Gully Ecological Management Plan and Revegetation Strategy shall be submitted to the Council for approval. The purpose of the Hogans Gully Ecological Management Plan and Revegetation Strategy is to achieve viable indigenous habitats that can support a variety of indigenous fauna. The Strategy shall set out the programme of and detail of the specific works required in 2 – 11 below.</u> 2. <u>The areas shall be rabbit fenced and where necessary stock fenced to permanently exclude grazing animals from these areas.</u> 3. <u>All woody weeds and wilding species including but not limited to willows, briar, hawthorn, broom and wilding conifers shall be removed and shall not be replanted.</u> 4. <u>Pest species shall be controlled.</u> 	NC

	<ol style="list-style-type: none"> 5. <u>No indigenous vegetation shall be removed except where necessary for restoration purposes or for the replacement of diseased or dying vegetation.</u> 6. <u>New indigenous vegetation shall be:</u> <ul style="list-style-type: none"> • <u>planted at a maximum of 1.2 m centres;</u> • <u>planted within a protective shelter;</u> • <u>planted with fertiliser.</u> • <u>of revegetation grade and eco-sourced.</u> 7. <u>Restoration of dryland communities should consist of a combination of indigenous species that represent the pre-human plant diversity within the Wakatipu Basin and provide for vegetation complexity (e.g. kowhai, <i>Olearia</i>'s, <i>Coprosmas</i>, hebes and native broom). Species selected shall increase plant diversity and provide a food source for invertebrates, lizards and birds within these areas.</u> 8. <u>Restoration of wetlands and riparian areas shall occur using native species such as <i>Carex</i>, <i>Juncus</i>, toetoe and flax and supported by shrubland species tolerant of periodic saturation such as <i>Coprosma propinqua</i>, <i>Olearia lineata</i>, and kowhai.</u> 9. <u>All indigenous vegetation within the dryland areas shall be supported by irrigation for at least 3 years following the installation of the plantings.</u> 10. <u>Twice yearly maintenance (Autumn and Spring) of ecological plantings shall occur for the first five years.</u> 11. <u>An annual audit shall be undertaken to assess the performance of the ecological plantings for the first 3 years of the project and subsequently on a biennial basis. An audit report shall be submitted to council documenting the findings of the audit. The audit report shall address pest and weed</u> 	
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control programs undertaken throughout the year, any replacement planting required, the overall plant losses and percentage survival of the plantings and proposed amendments to the *Hogans Gully Ecological Management Plan and Revegetation Strategy*.

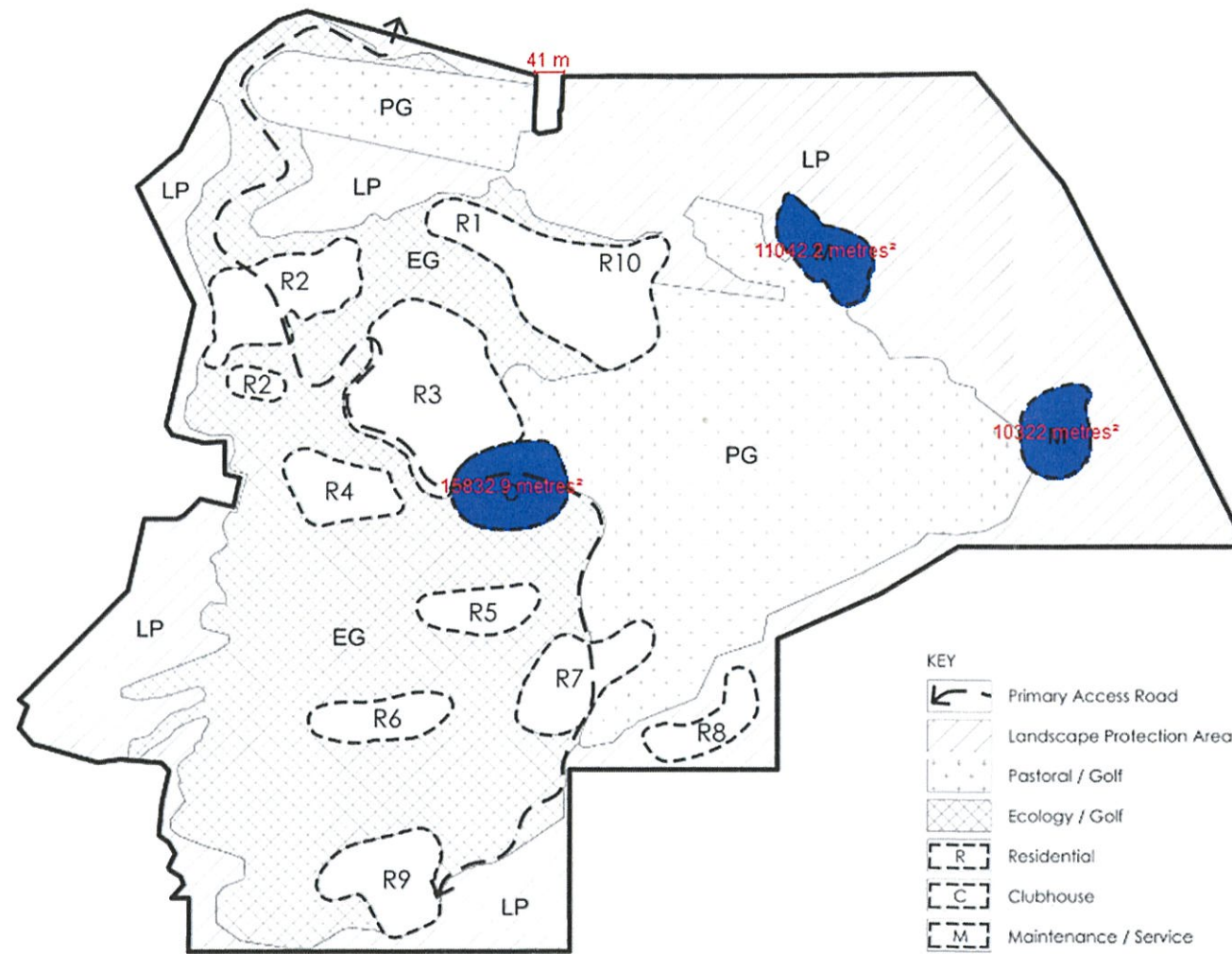
12. Completion of the works in 2 – 11 above will be when all the plantings, irrigation and rabbit and stock proof fencing has been installed for a period of 12 months and the first audit report finds that performance metrics and objectives of the *Hogans Gully Ecological Management Plan and Revegetation Strategy* have been achieved.
13. The ecological revegetation works required in 2 – 11 above may be undertaken in the following stages:

<u>Activity Area</u>	<u>Planting area shown on Plan X</u>	<u>Area of planting</u>
<u>R1</u>	<u>PA1</u>	
<u>R2</u>	<u>PA2</u>	
<u>R3</u>	<u>PA3</u>	
<u>R4</u>	<u>PA4</u>	
<u>R5</u>	<u>PA5</u>	
<u>R6</u>	<u>PA6</u>	
<u>R7</u>	<u>PA7</u>	
<u>R8</u>	<u>PA8</u>	
<u>R9</u>	<u>PA9</u>	
<u>R10</u>	<u>PA10</u>	

27.13 Structure Plans

Add a new section as follows:

27.13.8 Structure Plan: Hogans Gully Zone



- The Structure plan does not have a useful scale bar, which makes it difficult to scale. The structure plan has been scaled using the outline of distinctive parcels. **JB comment:** This will be remedied
- The Structure plan does not reflect the existing unformed road that bisects the proposed zone. Indicative roading should be included. **JB comment:** The indicative roading is shown on the Structure Plan. HGFL has applied to stop the paper road.
- The Maintenance Activity Areas appear relatively large for their overall function in the Zone, measured at 1.1 and 1.0ha each. **JB comment:** They are the necessary areas, for the structures and associated yards, and the irrigation storage pond.

