

By email

6 November 2013

Dear Ruth,

RCL revised position in relation to Plan Change 44

This letter is to assist the plan change 44 process by advising RCL's (as the plan change requestor) latest position prior to the hearing.

Attached is a proposed new set of provisions. Proposed additions to the operative zoning of the District Plan are shown in underline and proposed deletions are shown in ~~strikeout~~.

The proposed provisions take account of the submissions received and the recommendations of Council's reporting planner and other experts. They also generally seek to improve the drafting of the plan change.

While RCL cannot rule out further amendments as its experts continue to prepare evidence, it is its intention that at the hearing this position will remain largely unchanged from the attached.

In summary, some of the key changes from the notified version include;

- The merging of the plan change back into the Jacks Point (Resort) Zone, through creating a dedicated Hanley Downs Activity Area
- The application of a mix of the Rural General Zone and existing open space activity areas from the Jacks Point Zone for the area surrounding the Hanley Downs Activity Area
- A change in name from Henley Downs to Hanley Downs
- A reduction in the area referred to in the notified version as 'Development Area J' (to the west of the wetland) so as to address concerns about landscape effects
- The identification of more landscape features on the structure plan
- The introduction of an upper limit for commercial activities within Hanley Downs (500m2 of floor space in total)
- The lifting of the activity status for some activities including activities which do not comply with an outline development plan and service activities
- Greater controls on areas of medium density housing (now defined) to promote positive urban design outcomes
- Greater controls (via a controlled activity consent) for dwellings in the more sensitive 'semi-rural' parts of the site
- The addition of an area that would allow two residential units in a location to the west of Hanley Downs (on Lot 34 DP 381477)
- Rules to ensure that wilding trees are removed
- Rules to ensure minor accessways to the state highway are closed in due course
- A reduction in the length of policies and assessment matters so as to be more succinct, in order to address concerns about adding to the length of the Plan, and to improve wording

Other amendments proposed by Council's reporting planner have been accepted (partially or completely) and some consequential amendments relating to the above changes have been made. Note that we have only included the proposed amendments to the objectives, policies, rules and assessment matters of the Resort Zone and proposed amendments to the Definitions. Changes to the other parts of the District Plan resulting from this plan change will be considered by RCL's consultants and its position reported at the hearing.

We hope this information is of assistance to commissioners, submitters and Council staff in preparation for the hearing. Please feel free to circulate this information as you see fit.

Yours sincerely,



Daniel Wells

Planning consultant

John Edmonds and Associates

12. Special Zones

Resort Zones – Millbrook, Jacks Point and Waterfall Park

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

Penrith Park Zone

Bendemeer Zone

Remarkables Park Zone

Hydro Generation Zone

Quail Rise Zone

Meadow Park Zone

Frankton Flats Zone

Ballantyne Road Mixed Use Zone

Three Parks Zone

Kingston Village Zone

Introduction

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

12.1 Resort Zones

12.1.1 Resources and Activities

i **Millbrook Resort and Jacks Point**

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

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

The Hanley Downs Activity Area is distinctive from other parts of the Jacks Point Zone for its ability to absorb change across a large area. Recognising that land appropriate for residential development is a finite resource within the Wakatipu Area, it is important to realise the area's opportunity to accommodate intensive development.

ii **Waterfall Park Resort**

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

12.1.2 Values

i **Millbrook Resort**

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

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

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

remain, and many of the original implements and machinery are still on the property.

Thirdly, the site has been maintained in a high quality sward of pasture grasses. A large number of mature trees exist on the site, many of which date back to the first settlers. The tree species are predominantly European deciduous hardwoods including oaks, maples and walnuts. These mature trees give the farm an outstanding parkland character. Finally, the site lies within a high quality environment in terms of its scenic, visual and climatic values, clean air and open vistas.

ii **Waterfall Park Resort**

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

iii **Jacks Point**

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

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

It is this variable topography and the resulting low visibility from surrounding areas that lead to a report commissioned by the Council in 1993 to identify a large portion of the site as being suitable for future development. As the site has been in pastoral management for many decades, there is little remnant native vegetation, except on the steep

bluff dropping off into Lake Wakatipu. Most tree or shrub vegetation is in the form of recently planted as well as mature shelter belts and the ever present briar and Matagouri.

12.1.3 **Resource Management Issues**

i **Provision of Essential Services**

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

ii **Visual Amenities**

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

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

iii **Traffic Safety and Access**

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

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

Lake Hayes is a shallow water body with a depth of 33 m. Nutrients entering the lake from its catchment are high, arising from numerous limestone outcrops which are easily eroded and readily transported by water run-off. Grazing of stock comprises the major land use within the

catchment and continual topdressing and other nutrient enrichment of pastures has meant run-off entering watercourses is excessively high in phosphate and nitrate levels. This is particularly the case with Mill Creek.

v Historical Character (Millbrook Resort)

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

vi Natural Character (Waterfall Park Resort)

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

vii Public Access (Jacks Point)

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

Viii Ability to absorb change (Hanley Downs Activity Area)

The characteristics of the Hanley Downs Activity Area lend many parts of it to a greater intensity and scale of residential development than is typical in other parts of the Jacks Point Zone, without compromising landscape and natural values.

12.1.4 Objectives and Policies

Objective 1 - Millbrook Resort Zone

Visitor, residential and recreation activities developed in an integrated manner with regard for landscape, heritage, ecological,

water and air quality values and minimal impact on adjoining neighbours and roads.

Policies:

- 1.1 *To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.*
- 1.2 *To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.*
- 1.3 *To require the external appearance of buildings to have regard to landscape and heritage values of the site.*
- 1.4 *To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to minimise the impact on neighbouring activities, the road network and the landscape amenity of the Basin.*
- 1.5 *To protect and enhance the important heritage features on the site, particularly the original farm buildings and tree plantings.*
- 1.6 *To require adequate on-site car parking.*
- 1.7 *To control air emissions for visual amenity purposes.*
- 1.8 *To control the take-off and landing of aircraft.*

Implementation Methods

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

(i) District Plan

- (a) Rules relating to the location of activities, external appearance, parking, air emission, helicopter activities and the provision of essential services.

- (b) Controls on development to protect the catchment of Mill Creek and Lake Hayes.
- (c) District Plan rules to protect the important heritage features on the site.

(ii) Other Methods

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

Explanation and Principal Reasons for Adoption

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

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

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

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

Full development of the Zone will extend into the next century. A comprehensive range of sporting, leisure and visitor activities can be undertaken within the Zone together with conference, commercial, hotel and

other residential uses. The focus of the sporting activities will be the golf courses with the provision of other activities and residential use linked to this. The central area of the Zone will be comprised of the Millbrook Village, on the periphery of which will be other recreational activities and clusters of residential dwellings of different types.

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

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

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

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

Objective 2 - Waterfall Park Resort Zone

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

Policies:

- 2.1 To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.

- 2.2 *To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.*
- 2.3 *To ensure buildings and other structures erected within the zone are appropriate to the area in which they are located, with regard to external appearance.*
- 2.4 *To require all development to be located in accordance with the Structure Plan.*
- 2.5 *To protect and enhance the important natural feature on the site.*
- 2.6 *To require adequate on-site vehicle parking and manoeuvring.*
- 2.7 *To control air emissions for visual amenity purposes.*
- 2.8 *To protect and enhance Mill Creek as an important brown trout spawning habitat.*

Implementation Methods

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

(i) District Plan

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

(ii) Other Methods

- (a) Encourage a reduction in the use of fertiliser in the catchment.

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

Explanation and Principal Reasons for Adoption

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

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

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

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

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

To ensure the special amenities of the Zone and the surrounding landscape are protected, buildings will require consent in terms of their external

appearance. The assessment matters are directed at ensuring and enhancing the special character of the particular activities permitted within the Zone as identified by the Structure Plan.

Objective 3 - Jacks Point Resort Zone

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

Policies:

- 3.1 *To maintain and protect views into the site when viewed from the lake, and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway.*
- 3.2 *To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental values on or off the site.*
- 3.3 *In all parts of the Zone, aside from Development Plan Areas B, C, D, E, F and G of the Hanley Downs Activity Area, to require the external appearance, bulk and location of buildings to have regard to the landscape values of the site.*
- 3.4 *To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to mitigate the impact on neighbouring activities, the road network and landscape values.*
- 3.5 *To control the take-off and landing of aircraft within the zone.*
- 3.6 *To provide public access from the State Highway to the lake foreshore and to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu.*
- 3.7 *To ensure that subdivision, development and ancillary activities on the Tablelands and Jacks Point are subservient to the landscape.*

- 3.8 *To provide for local biodiversity through:*
 - *The protection and enhancement of existing ecological values, in a holistic manner;*
 - *Reduction in grazing around wetland areas; and*
 - *The provision of links between grey shrublands, wetlands and the lakeshore escarpment.*
- 3.9 *In all parts of the Jacks Point zone aside from the Hanley Downs Activity Area, to ensure that development within the sensitive areas of the Zone results in a net environmental gain.*
- 3.10 *In all parts of the Jacks Point zone aside from the Hanley Downs Activity Area, to ensure that residential development is not readily visible from the State Highway.*
- 3.11 *To ensure that subdivision and development does not compromise those visual amenity values associated with the southern entrance to Queenstown.*
- 3.12 *To provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.*
- 3.13 *To ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay.*
- 3.14 *To provide for farming and associated activities in appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape.*
- 3.15 *To avoid mining activities which do not contribute to the sustainable development of the Jacks Point Zone.*

Objective 4: Hanley Downs Activity Area

Development in Hanley Downs integrates within the Jacks Point settlement, providing for a mix of residential densities at a greater scale and intensity than elsewhere in the zone, and enabling some compatible non-residential activities.

Note – policies 4.1 to 4.8 apply only to the Hanley Downs Activity Area.

4.1 To ensure that development is not highly visible from the State Highway or Lake Wakatipu.

4.2 To align development with any relevant approved Outline Development Plan.

4.3 To use Outline Development Plans to:

- To give effect to the Hanley Downs Structure Plan
- To address potential adverse effects on landscape values
- To ensure an integrated approach to stormwater management
- To promote the protection and enhancement of the wetland shown on the Hanley Downs Structure Plan
- To identify appropriate locations for non-residential activities and medium density housing
- To promote an urban structure, including layouts of streets, blocks and open spaces, which is legible and functional
- To promote lot layouts which provide for privacy and access to sunlight
- To ensure roads are well connected within and between neighbourhoods and to the road network beyond Hanley Downs
- To establish a road hierarchy and a trail network which enables safe and efficient use by pedestrians, cyclists, public transport users and motorists.
- To encourage roads and open spaces to contribute to neighbourhood amenity and design cohesion

4.4 To use, enhance and interconnect existing watercourses for the purposes of stormwater management, and encourage them to contribute to neighbourhood amenity and biodiversity values.

4.5 To use residential development controls to promote privacy, outdoor living opportunities, access to sunlight and design cohesion.

4.6 To manage the location and design of medium density housing so as to contribute to neighbourhood amenity and provide for desirable living environments with convenient access to amenities and services.

4.7 To control residential density so as to promote efficient use of land while ensuring that development does not exceed the landscape's ability to absorb change.

4.6 To enable community activities, commercial activities, service activities and visitor accommodation, provided:

- Hours of operation and noise emissions do not compromise residential amenity values, social wellbeing, residential cohesion and privacy; and
- with respect to commercial activities, they are limited to a small neighbourhood precinct designed to service local needs or are activities related to property development in Jacks Point
- With respect to service activities, they are limited to activities related to property development in Jacks Point

4.7 To manage the design of buildings for commercial activities, community activities and visitor accommodation so as to contribute to neighbourhood amenity and minimise adverse effects beyond the site.

4.8 To avoid Industrial activities.

Implementation Methods

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

(i) District Plan

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

(ii) Other Methods

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

Explanation and Principal Reasons for Adoption

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

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

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

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

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

The Hanley Downs Activity Area has been created to recognise and provide for the character and development potential of this part of the Jacks Point Zone.

The Hanley Downs Structure Plan shows a number of features, including the main road from State Highway 6, key roading connections in and out of the Activity Area and key landscape features that are to be accounted for in the

development process. The intention is that the Outline Development Plan process will determine the exact location and extent of these features.

The Hanley Downs Structure Plan also shows a number of Development Plan Areas. These link to rules and assessment matters that reflect the characteristics of those parts of the Activity Area and set out the anticipated minimum areas for Outline Development Plans.

12.1.5 Environmental Results Anticipated

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

- (a) Preservation of the open space and rural amenity.
- (b) Preservation and enhancement of the recreational facilities while conserving the key physical and scenic values of the area namely:
 - i recognition of the predominant land forms surrounding the site particularly the peaks and mountain ranges.
 - ii recognition and enhancement of the important vegetation on the site.
 - iii recognition and enhancement of the important natural and visual resources that dominate the site.
- (c) Provision of a range of accommodation facilities while ensuring the quality of the local environment is maintained.
- (d) Exclusion or mitigation of activities which cause adverse environmental effects through the use of performance standards.
- (e) Ensuring traffic safety on local roads and State Highway 6.
- (f) Maintenance and enhancement of the water quality of Mill Creek and Lake Hayes.

- (g) A resort at Millbrook which complements the rural and alpine environment of the Wakatipu Basin in both its design and general visual appearance.
- (h) Enhancing public access to the lake foreshore from State Highway 6 and facilitating increased use and enjoyment of Lake Wakatipu (Jacks Point).
- (i) Completion of a public walkway connecting Jardine's Park (Kelvin Heights) with the public recreation area south of Lakeside Estates (Jack's Point).

ii The following environmental results are anticipated in Waterfall Park Resort:

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

12.2 Resort Zone Rules

12.2.1 Zone Purposes

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

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

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

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

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

12.2.2 District Rules

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

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

12.2.3 Activities

12.2.3.1 Permitted Activities

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

12.2.3.2 Controlled Activities

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

i Recreation Facilities

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

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ii Visitor Accommodation

In the Waterfall Park Resort Zone all Visitor Accommodation.

iii Administration

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

iv Community Activities

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

v Dams and Other Structures

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

vi Education Facilities

In the Waterfall Park Resort Zone education facilities.

All activities from i to vii above are controlled in respect of the following matters:

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

vii Commercial activities, community activities, and visitor accommodation (Hanley Downs Activity Area)

Commercial activities, community activities and visitor accommodation, located within a precinct identified as part of an approved Outline Development Plan as is relevant to the proposed activity, including the

addition, alteration or construction of associated buildings, with control limited to:

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

viii Buildings

- (a) In the Millbrook Resort Zone buildings which comply with Figure 1 Structure Plan – Millbrook Resort Zone with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (b) In the Waterfall Park Resort Zone buildings with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (c) In the Jacks Point Zone, excluding buildings within Development Plan Areas B, C, D, E, F, G and J of the Hanley Downs Activity Area, buildings which comply with the relevant Jacks Point Structure Plan with the exercise of the Council's control being limited to:
 - the external appearance of buildings with respect to the effect of visual values of the area and coherence with surrounding buildings; and
 - infrastructure and servicing; and
 - associated earthworks and landscaping;
 - access;

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- location; and
- compliance with any relevant Council approved development controls and design guidelines.

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

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

viii Parking, Loading and Access

(a) In the Millbrook Resort, Jacks Point (excluding the Hanley Downs activity area) and Waterfall Park Zones parking, loading and access in respect of the location and design of access points and their impact on the safety and efficiency of the surrounding road network, and the number of parking spaces to be provided.

ix Landscaping and public access (Jacks Point Zone)

The design of the Lakeshore, Peninsula Hill and Highway Landscape Protection Areas and provision of public access to Lake Wakatipu

through the zone, and for planting within the Open Space - Foreshore Activity Area in respect of:

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

x Earthworks

In the Jacks Point Zone, earthworks associated with golf course development, that exceed 1,000m³ in volume and/or 2,500m² of exposed topsoil at any time.

xi Outline Development Plan - Residential Activity Areas

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

- (a) Roding pattern.
- (b) Indicative subdivision design and lot configuration and allotment sizes.
- (c) Compliance with the relevant Density Master Plan.
- (d) Mitigation measures to ensure that no building will be readily visible from State Highway 6.

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

Xiii Forestry Activities (Hanley Downs Activity Area)
Forestry Activities, limited to the harvesting of trees.

12.2.3.3 Discretionary Subdivision Activities

In the Jacks Point Zone, any subdivision occurring within any Residential (State Highway) Activity Area R(SH) Activity Area), with the exercise of Council's discretion limited to the cumulative effect of subdivision and

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development on landscape and amenity values, particularly as viewed from State Highway 6.

12.2.3.4 Discretionary Activities

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

i Buildings

- (a) In the Millbrook Zone all buildings which do not comply with Figure 1 Structure Plan – Millbrook Resort Zone.
- (b) In the Jacks Point Zone, buildings located within the Lodge Activity Areas (L Activity Areas), with the exercise of the Council's discretion being limited to:
 - the external appearance of buildings with respect to the effect on visual and landscape values of the area;
 - infrastructure and servicing;
 - associated earthworks and landscaping;
 - access and parking;
 - bulk and location;
 - exterior lighting; and
 - compliance with any relevant Council approved development controls and design guidelines.
- (c) In the Jacks Point Zone, within any Homesite Activity Area (HS Activity Area), the addition of any building which results in a total building footprint greater than 1000m² within that Activity Area,

with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.2(vii)(d) above.

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

ii Residential Units

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

iii Airports

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

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

v Vegetation (Jacks Point Zone)

In the Jacks Point Zone:

- (a) Within the Highway Landscape Protection Area (refer Structure Plan) - the planting and/or growing of any tree which may or does obscure views from the State Highway to the mountain peaks beyond the zone.

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- (b) Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) - the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Peninsula Hill escarpment.
- (c) Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Lake Wakatipu foreshore.
- (d) Within the Tablelands (refer Structure Plan), the planting and/or cultivation of any exotic vegetation, with the exception of:
- (i) grass species if local and characteristic of the area; and
 - (ii) other vegetation if it is:
 - less than 0.5 metres in height; and
 - less than 20 square metres in area; and
 - within 10 metres of a building; and
 - intended for domestic consumption.
- (e) Anywhere within the zone, other than in the part of the Zone shown in Figure 2 - Hanley Downs Structure Plan, the planting and/or growing of the following tree species:
- Pinus muricata; or
 - Pinus contorta; or
 - Pinus nigra.
- (f) In the parts of the Open Space Activity area shown in Figure 2 - Hanley Downs Structure Plan there shall be no clearance of indigenous vegetation except for:
- (a) The clearance of indigenous vegetation that is:
 - (i) Totally surrounded by pasture and other exotic species; and
 - (ii) less than 0.5 hectares in area; and more than 200 metres from any other indigenous vegetation which is greater than 0.5 hectares in area; and
 - (iii) less than 1070 metres above sea level; and
 - (iv) more than 20 metres from a water body; and
 - (v) not listed as a threatened species in Appendix 9.
 - (b) The clearance of indigenous vegetation for the operation and maintenance of existing roads, tracks, drains, utilities, structures and fence lines, excluding their expansion.
 - (c) The clearance of indigenous vegetation for the construction of public walkways up to 1.5 metres in width provided that it is not listed as a threatened species in Appendix 9.
 - (d) The clearance of indigenous trees that have been windthrown or are dead standing as a result of natural causes and have become dangerous to life or property.
 - (e) The Council shall restrict the exercise of its discretion in relation to this matter to its effect on nature conservation, landscape and visual amenity values and the natural character of the rural environment.
- vi Earthworks (Jacks Point Zone)**
In the Jacks Point Zone, earthworks which are not associated with a subdivision, the construction, addition or alteration of any building, or golf course development, **and** do not comply with the site and zone standards for earthworks, with the exercise of Council's discretion being limited to:
- The protection of amenity values;
 - The protection of adjoining sites;
 - Any other necessary environmental protection measures; and
 - The potential impacts on sites of cultural and archaeological heritage value.

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vii **Golf Course Development (Jacks Point Zone)**

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

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

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

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

and any outdoor swimming pool located within the Tablelands (except spa pools less than 9m² and located within any Homesite or Lodge Activity Area) and Hanley Downs Development Plan Area L shall be a restricted discretionary activity, with the exercise of Council's discretion being limited to:

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

ix **Mining**

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

x **Health and Education Services**

In the Jacks Point Zone (with the exception of the Hanley Downs Activity Area), health and education services and facilities, with the exercise of Council's discretion being limited to:

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

Xii **Activities related to property development (Hanley Downs Activity Area)**

Service activities and commercial activities of a limited timeframe for the purposes of developing and selling land and buildings within Jacks Point.

Xiii **Commercial Recreation Activities (Hanley Downs Activity Area)**

Commercial recreation activities within the Hanley Downs Activity Area

Xiv **Outline Development Plan - (Hanley Downs Activity Area)**

Outline development plans, including variations thereof, with the exercise of Council's discretion limited to:

- Roading pattern
- Indicative subdivision design, lot configuration and allotment sizes
- Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu
- The locations of building platforms in Development Plan Areas A, H, I, K and L and associated landscaping
- Road and street designs
- The location and dimensions of precincts for medium density housing, visitor accommodation commercial activities, and community activities;

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- (g) Natural hazard risks;
- (h) The location of and suitability of proposed open space areas, public transport links, cycleways and walkways;
- (i) Treatment of the interface between urban and rural areas and between Hanley Downs and Jacks Point residential neighbourhoods;
- (j) Effects on the biodiversity values of the wetland area shown on the structure plan;
- (k) Servicing in respect of water, stormwater, and waste water;
- (l) Compliance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- (m) Commitments to remove wilding trees
- (n) Commitments to close accesses to the state highway 6 aside from the intersection shown on the Hanley Downs Structure Plan

(Xv) Plans and design parameters for Medium Density Housing Precincts (Hanley Downs Activity Area)

With the exercise of Council's discretion limited to:

- (a) Indicative lot boundaries, lot configuration and shapes
- (b) The location and configuration of building platforms showing the maximum building coverage of residential buildings.
- (c) The design and layout of the precinct in relation to the streetscape, open spaces and surrounding properties.
- (d) Carparking and access

- (e) The location, and design of any public or private open space within the precinct
- (f) Design parameters for the control of building outcomes
- (g) Landscaping
- (h) Any design review process

Note 1 – Medium Density Housing is defined in the Definitions section of this plan

Note 2 – For the avoidance of doubt, plans and development controls for medium density housing precincts can be submitted in conjunction with a relevant outline development plan for an area.

Note 3 – For the avoidance of doubt, a detailed design of all buildings and landscaping within a precinct may be submitted and approved to meet the requirements of this rule.

(Xvi) Sale of liquor (Hanley Downs Activity Area)

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

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

12.2.3.5 Non-Complying Activities

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

i Factory Farming

ii Farming

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

iii Forestry Activities, excluding harvesting in the Hanley Downs Activity Area, as provided for by rule 12.xxxx

iv Mining Activities

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

v Industrial and Service Activities

With the exception of service activities in the Jacks Point Zone, aside from those service activities provided for by rule xxx (activities related to property development) in the Hanley Downs Activity Area.

vi Airports

Airports **other than**

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

vii Buildings

- (a) In the Waterfall Park Resort Zone buildings within 7 m of Mill Creek.

- (b) In the Jacks Point Zone all buildings which do not comply with the relevant Structure Plan.

- (c) In the Hanley Downs Activity Area, buildings located outside of an approved building platform in Development Plan Areas A, I K and L.

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

viii Residential Flat

Except in the Jacks Point Zone.

ix Wetlands

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

x Outdoor Tennis Courts (Jacks Point Zone)

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

Xi Activities outside of precincts (Hanley Downs Activity Area)

Medium density housing, visitor accommodation, community activities, and commercial activities except as provided for by rule xxx (activities related to property development), outside of a precinct identified in an approved Outline Development Plan.

xii Medium density housing inconsistent with precinct plan and design parameters (Hanley Downs Activity Area)

Medium Density Housing inconsistent with plans and design parameters approved pursuant to rule xxx.

Xiii Outline Development Plan which proposes a Non-complying Activity (Hanley Downs Activity Area)

Any Outline Development Plan which proposes a non-complying activity.

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

12.2.3.6 Prohibited Activities

The following shall be **Prohibited Activities**

- I Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.
- ii Planting the following trees in the part of the Jacks Point Zone shown in figure 2 - Hanley Downs Structure Plan:
 - a) Radiata Pine (Pinus radiata)
 - b) Bishops pine (Pinus muricata)
 - c) Contorta or lodgepole pine (Pinus contorta)
 - d) Ponderosa pine (Pinus ponderosa)
 - e) Scots pine (Pinus sylvestris)
 - f) Douglas fir (Pseudotsuga menziesii)
 - g) European larch (Larix decidua)
 - h) Corsican pine (Pinus nigra)
 - i) Mountain Pine/Dwarf Mountain pine (Pinus mugo)
 - j) Maritime pine (Pinus pinaster)
 - k) Sycamore
 - l) Hawthorn
 - m) Boxthorn
- (iii) **Outline Development Plan which proposes a Prohibited Activity (Hanley Downs Activity Area)**
Any Outline Development Plan which proposes a Prohibited Activity.

12.2.4 Non-Notification of Applications

- (a) In the Jacks Point Zone (except for the part of the Zone shown in Figure 2 - Hanley Downs Structure Plan) the design and layout of the Highway and Lakeshore Landscape Protection Areas and Open Space – Foreshore Activity Area under Rule 12.2.3.2(ix) and any variation of the Public Access Route shown on the Jacks Point Structure Plans may be publicly notified under section 94 of the Act.
- (d) Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with section 93 of the Act, unless special circumstances exist in relation to any such application:
 - (i) All applications for **Controlled** Activities.
 - (ii) Applications for the restricted discretionary activities detailed in rules 12.2.3.4 i (b), vi, vii, and viii. **Note – the applicant proposes that this cover Outline Development Plans and Medium Density Housing plans and design parameters**
 - (iii) Other than provided for by the Act, the following restricted discretionary activities will be considered without public notification but notice may be served on those persons considered to be adversely affected if those persons have not given their written approval: **Note - The applicant proposes that this cover Sale of liquor and earthworks**
 - (a) Applications for earthworks in breach of Site Standard 12.30.4.1(iii)(2)(a).
 - (b) The sale of liquor, pursuant to 12.30.2.2(iv) outside a commercial, visitor accommodation, or community precinct approved through an Outline Development Plan.

Note: Notification decisions in relation to a breach of any other site standards will be made in accordance with the Act.

12.2.5 Standards – Activities

12.2.5.1 Site Standards

i Structure Plan

The siting of buildings and activities within the Resort Zone must be in conformity with the Activity areas of the relevant **Structure Plans** as set out below and in Figure 1 to this Rule, except for Accessory, Utility and Service Buildings less than 40m² floor area in the Millbrook and Waterfall Park Zones. The location of activities as provided for by the Structure Plan is restricted to the following:

- (a) Residential Activities Area (R) - the use of this area is restricted to Residential Activities.
- (b) Village Area (V) – In the Jacks Point and Millbrook Resort Zones the use of this area is restricted to Residential and Visitor Accommodation Activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities. In the Jacks Point Zone, small-scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities are also allowed in this area. In the Waterfall Park Resort Zone the use of this area is restricted to Residential and Visitor Accommodation Activities including bars and restaurants, theatres, conference, cultural and resort facilities and office and administration activities ancillary to the above activities.
- (c) Recreation Activities (F) - the use of this area is restricted to recreation activities.
- (d) Golf Course and Open Space (G) - the use of this area is restricted to outdoor recreation activities and open space provided that up to two residential units may be established on Lot 6 DP 22166.
- (e) Open Space, Landscaping and Passive Recreation (O/P) - the use of this area is restricted to outdoor recreation activities and open space.
- (f) Resort Services (S) - the use of this area is restricted to service and maintenance facilities for other activities in the Zone.
- (g) Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants, and conference or meeting facilities.
- (h) Home site Activity Area (HS Activity Area) - the use of this area is restricted to Residential Activities and, in addition, a maximum of one residential unit per HS Activity Area.
- (i) Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities, provided that:
 - (i) No more than 15 building platforms are permitted within the Activity Area;
 - (ii) Those 15 building platforms referred to in (i) above are confined to 3 or 4 clusters; and
 - (iii) No building is to be erected prior to the horticultural activity being approved by the Council and planted.
- (j) Open Space - Foreshore (OSF) - the use of this area is restricted to the regeneration of native endemic species over 80% of the land area, and retention of open space.
- (k) Open Space (OS) - the use of this area is restricted to pastoral and arable farming and endemic revegetation.
- (l) Open Space - Residential (OSR) - the use of this area is restricted to 12 low level, low impact residential dwellings set within a regenerating foreshore environment, provided that:
 - (i) Prior to any development occurring within any allotment located within the Open Space - Residential Activity Area, at least 50% of that allotment must be planted with native vegetation.

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- (m) Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and farming related activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation.
- (n) Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use

ii Size of Outline Development Plans (Hanley Downs Activity Area)

Outline Development Plans shall cover at least one entire Development Plan Area as identified in the Hanley Downs Structure Plan.

ii Setback from Roads and Internal Boundaries

- (a) No building or structure shall be located closer than 6m to the Zone boundary, **except:**
 - (i) in the Jacks Point Zone (excluding the Boating Facilities (BFA) Activity Area and the Hanley Downs Activity Area) no building or structure shall be located closer than 20m to the Zone boundary.
 - (ii) This rule shall not apply to the Boating Facilities (BFA) Activity Area in the Jacks Point Zone nor the Hanley Downs Activity Area.
- (b) In the Millbrook Resort Zone no building shall be located within the following minimum setback distances from Malaghan Road or the Arrowtown Lake Hayes Road;
 - (i) Buildings for Residential Accommodation, Recreation 10m Activities, Retail Activities

- (ii) Buildings for Visitor Accommodation 20m

- (e) In the Hanley Downs Activity Area, except in precincts for medium density housing, commercial activities, community activities and visitor accommodation identified in an approved Outline Development Plan and except in Development Plan areas A, H, I and K:

- (i) The minimum setback for buildings from internal boundaries for any building shall be:

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

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

Except that:

- a. Accessory buildings for residential activities other than those used for the housing of animals may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.
- b. Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
 - i. eaves up to 0.6m into the setback; and
 - ii. balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and
 - iii. porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m

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

Except that:

- a. Eaves may be located up to 0.6m into the minimum setback
 - b. No setback is required from an internal boundary where buildings share a common wall on that boundary.
 - c. Buildings within approved precincts shall be setback at least 4.5 m along any internal boundary that adjoins either:
 - An area within the Urban Activity Area that has not been identified as a commercial or community precinct in any approved Outline Development Plan; or
 - Public open space.
 - d. Except in medium density housing precincts identified within an approved outline development plan, where a garage has the garage entrance facing the street, that garage shall be set 0.5 metres back from the front façade of the dwelling.
- (f) In the Hanley Downs Activity Area:
- a. In precincts for medium density housing, commercial activities, community activities and visitor accommodation identified in an approved Outline Development Plan buildings shall be set back at least 3 m from a road boundary.
 - b. In all other areas buildings shall be set back 4.5m from the road boundary.

iii Access (Jacks Point Zone)

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

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

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

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

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

(i) Outdoor living space (Hanley Downs Activity Area)

a. In the Hanley Downs Activity Area the minimum provision of outdoor living space for each residential unit and residential flat at the ground floor level contained within the net area of the site shall be:

(i) In Medium Density Housing Precincts, Commercial Precincts and Community Precincts identified in an approved Outline Development Plan, 20m² contained in one area with a minimum dimension of 3m;

(ii) In all other areas 36m² contained in one area with a minimum dimension of 4.5m.

b. The minimum provision of outdoor living space for each residential unit and residential flat above ground floor level shall be 8m² contained in one area with a minimum dimension of 2m.

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Note – for the avoidance of doubt, a residential unit or flat that meets the requirements for outdoor living space at ground floor level need not provide additional outdoor living space at floors above ground level.

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

d. No outdoor living space shall be occupied by:

- (i) any building, other than an outdoor swimming pool or accessory building of less than 8m² gross floor area; or
- (ii) a driveway or parking space
- (iii) areas to be used for the storage of waste and recycling.

(ii) **Continuous building length for residential buildings (Hanley Downs Activity Area)**

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

- a. The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum internal setback (continuous façades) at the same distances from the boundary; or
- b. That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard internal setback (varied façade(s) with stepped setbacks from the boundary).

Note: Refer Appendix 4

iv **Planting (Jacks Point Zone)**

No buildings shall be erected within a Homesite Activity Area (HS Activity Area) unless and until an area as specified within this rule has been revegetated with native vegetation. The area required to be

revegetated for the purposes of this rule shall be the greater of 3,000m² or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated. The area to be revegetated may, at the election of the owner of lot or title, be situated all or partly within the lot or title within which the Homesite Activity Area is situated and/or all or partly in another location(s) agreed by the Council. For the purposes of this rule no account shall be taken of any native vegetation existing at the date of application for subdivision consent to create the lot or title within which the Homesite Activity Area is located.

v **Fencing (Jacks Point Zone)**

(i) There shall be no fences or walls within the boundary of any lot or title within the Tablelands Area of the Jacks Point Zone outside of any Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock and for the purpose of demarcating private land from land accessible to the public as a result of the creation of public walkways additional to those walkways identified as “Public Access Route” on Figure 1 and Figure 2 – Jacks Point Zone. Any such fencing shall be post and wire only.

(ii) In the Hanley Downs Activity Area, fences located within a setback from a road shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site.

vi **Earthworks**

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

- A subdivision
- The construction, addition or alteration of any building; and

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- Golf course development.

1 Volume of Earthworks

- (a) The total volume of earthworks does not exceed **100m³ (or 200m³ in the part of the Jacks Point Zone shown in Figure 2 - Hanley Downs Structure Plan)** per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m² (or 400m² (or 200m³ in the part of the Jacks Point Zone shown in Figure 2 - Hanley Downs Structure Plan)** in area within that site (within a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m³ (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
 - (i) expose any groundwater aquifer;
 - (ii) cause artificial drainage of any groundwater aquifer;
 - (iii) cause temporary ponding of any surface water.

2 Height of cut and fill and slope

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

3 Environmental Protection Measures

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

4 Protection of Archaeological sites and sites of cultural heritage

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

vii **Density Master Plan (Jacks Point Zone, excluding the Hanley Downs Activity Area)**

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- (a) No residential development shall take place within any Jacks Point Residential Activity Area (R(JP) Activity Area) identified on Structure Plan 1 - Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(JP) and V(JP) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(JP) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(JP) Activity Area in order to achieve the required overall average density of between 10-12 dwellings per hectare across all of the R(JP) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(JP) Activity Areas.
- (b) An amended Density Master Plan may be lodged with the council in respect of all R(JP) Activity Areas from time to time - with the effect of amending densities within individual R(JP) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(JP) Activity Areas.
- (c) ~~No residential development shall take place within any Hanley Downs Residential Activity Area (R(HD) Activity Area) identified on Structure Plan 2 - Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(HD) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(HD) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(HD) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(HD) Activity Areas.~~
- (d) ~~An amended Density Master Plan may be lodged with the Council in respect of all R(HD) Activity Areas from time to time - with the effect of amending densities within individual R(HD) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(HD) Activity Areas.~~
- (e) No residential development shall take place within any R(JP) Activity Area, ~~or R(HD) Activity Area~~ which does not comply with the current Density Master Plan lodged with the Council pursuant to previous subparagraphs of this rule.
- viii Outline Development Plan (Jacks Point Zone, excluding the Hanley Downs Activity Area)**
- (a) No subdivision or development shall take place within an individual Residential (R) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2 (xi) with respect to all of that area.
- (b) No subdivision or development shall take place within any Residential (R) Activity Area which does not comply with an Outline Development Plan in respect of that area approved by the Council pursuant to the preceding rule.
- (c) No subdivision or development shall take place within any Village (V) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2(xii) with respect of all of that (V) area.
- (d) No subdivision or development shall take place within any (V) Area which does not comply with an Outline Development Plan in respect of that (V) Area approved by the Council pursuant to the preceding rule.
- ix Nature and Scale of Activities**
- (b) In the Jacks Point Zone the maximum net floor area (as defined) for any commercial activity shall be 200m².
- x Density (Jacks Point zone – Village Activity Areas)**

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- (a) No development shall take place within any Jacks Point Village Activity Area (V(JP) Activity Area) identified on Structure Plan 1 – Jacks Point Zone which does not comply with the following standards:
- (i) building coverage across the whole V(JP) Activity Area shall not exceed 60%;
 - (ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;
 - (iii) A minimum of 1/6 (by floor area) of the 60% building coverage shall be used for commercial purposes.
- ~~(b) No development shall take place within any Hanley Downs Village Activity Area (V(HD) Activity Area) identified on Structure Plan 2 – Jacks Point Zone which does not comply with the following standards:~~
- ~~(i) building coverage across the whole V(HD) Activity Area shall not exceed 60%;~~
 - ~~(ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;~~
 - ~~(iii) a minimum of 1/6 (by floor area) of the 60% building coverage shall be used for commercial purposes.~~

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

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

12.2.5.2 Zone Standards

i Residential Units

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

ii Building Height

- (a) In the Millbrook Resort Zone the maximum height of buildings shall be:
- (i) Hotels, clubhouses, conference and theatre facilities restaurants, retail and residential buildings - 8m
 - (ii) Filming towers - 12m
 - (iii) All other buildings and structures - 4m
- (b) In the Waterfall Park Resort Zone the maximum height of buildings shall be:
- (i) Accommodation, clubhouses, conference, theatre facilities restaurants, and residential buildings - 8m

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- (ii) Filming towers, aerials, chimneys - 12m
- (iii) All other buildings and structures - 4m
- (c) In the Jacks Point Zone (excluding the Hanley Downs Activity Area) the maximum height of buildings shall be:
 - (i) Village (V) Activity Areas 10m
 - (ii) Non residential farm buildings 10m
 - (iii) Residential (R) Activity Areas 8m
 - (iv) Open Space/Vineyard (OS/V) Activity Area 8m
 - (v) Farm Buildings and Craft (FBA) Activity Area 8m
 - (vi) Lodge (L) Activity Areas 7.5m
 - (vii) All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event). 4m
- (d) **Except** in the following Homesite Activity Areas (HS Activity Areas), where the maximum height shall be 5m above the datum level specified for that Activity Area:

HS Activity Area		HS Activity Area	
Number	Datum (masl)	Number	Datum (masl)
HS ¹	372.0	HS ¹⁹	372.0
HS ²	381.0	HS ²⁰	377.2
HS ³	381.0	HS ²¹	372.5
HS ⁴	377.0	HS ²²	374.0
HS ⁵	388.0	HS ²³	371.5

HS ⁶	382.0	HS ²⁴	372.4
HS ⁷	379.0	HS ²⁵	373.0
HS ⁸	386.5	HS ²⁶	378.1
HS ⁹	389.0	HS ²⁷	388.0
HS ¹⁰	395.0	HS ²⁸	392.6
HS ¹¹	396.0	HS ²⁹	385.5
HS ¹²	393.0	HS ³⁰	395.9
HS ¹³	399.0	HS ³¹	393.7
HS ¹⁴	403.0	HS ³²	384.8
HS ¹⁵	404.0	HS ³³	385.8
HS ¹⁶	399.5	HS ³⁴	399.0
HS ¹⁷	394.5	HS ³⁵	405.0
HS ¹⁸	392.5	HS ³⁶	400.3

(e) In Hanley Downs Activity Area:

- i. Except in Precincts for Commercial activities, Community activities, Visitor Accommodation, and Medium Density Housing identified in an approved Outline Development Plan, the maximum height for buildings shall be:

- a. Flat sites where any elevation indicates a ground slope of equal or less than 6 degrees (i.e. equal to or less than 1 in 9.5):

The maximum height for buildings shall be 8.0m, and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° and commencing at 2.5m above ground level at any given point on the site boundary:

Except that gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m² with the apex no higher than a point 1m below the maximum HEIGHT FOR THE ZONE

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and the base of the area(s) at the level of recession line protrusion.

- b. Sloping sites where any elevation indicates a ground slope of equal or less than 6 degrees (i.e. equal to or less than 1 in 9.5):

The maximum height for buildings shall be 7.0m:

Except that no part of any accessory building located within the setback from internal boundaries shall protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary.

c. For the purposes of applying a. and b., ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

- ii. In Precincts for Commercial activities, Community activities, Visitor Accommodation, and Medium Density Housing s identified in an approved Outline Development Plan buildings shall neither exceed 3 storeys nor 10 m in height.

NOTE: Refer Section D for definition of “storey”

iii Jacks Point Zone – Homestead Bay

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

The building coverage within the Homestead Bay Village Area shall be a maximum of 21,500 m². Buildings shall be distributed across the whole village area, incorporating visual breaks, and avoiding any concentration in any one part of that area. The buildings shall provide a variety of living accommodation.

iv Glare

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

Except that:

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

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

v Servicing

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(a) All services (with the exception of stormwater in the area shown in Figure 2 - Hanley Downs Structure Plan) are to be reticulated underground.

(b) In the Millbrook Resort Zone all effluent disposal shall be reticulated to the Shotover Sewerage Treatment Plant.

vi **Site Coverage and Building Coverage**

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

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

(c) In the Hanley Downs Activity Area, except in Precincts for Commercial activities, Community activities, Visitor Accommodation, and Medium Density Housing identified in an approved Outline Development Plan, the maximum building coverage for all residential activities on any site shall be 45%.

vii **Nature and Scale of Activities**

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

(a) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.

(b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming activities in the Jacks Point Zone

viii **Retail Sales**

(a) In the Waterfall Park Zone no goods shall be displayed, sold or offered for sale from a site **except**:

(i) goods grown, reared or produced on the site;

(ii) within those areas of the Structure Plan identified as the Village Centre.

(b) In the Millbrook Resort Zone no goods or services shall be displayed, sold or offered for sale from a site **except**:

(i) goods grown, reared or produced on the site;

(ii) goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within those areas of the Structure Plan identified as Recreation Facilities.

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

ix **Noise**

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

(i) daytime (0800 to 2000 hrs) 50 dB $L_{Aeq(15\ min)}$

(ii) night-time (2000 to 0800 hrs) 40 dB $L_{Aeq(15\ min)}$

(iii) night-time (2000 to 0800 hrs) 70 dB L_{AFmax}

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(b) Except that in the Hanley Downs Activity Area, within precincts for commercial activities and community activities identified in an approved outline development plan:

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

- daytime (0800 to 2200 hrs) 60 dB LAeq(15 min)
- night-time (2200 to 0800 hrs) 50 dB LAeq(15 min)
- night-time (2200 to 0800 hrs) 70 dB LAFmax

(ii) Sound received from non-residential activities in precincts for commercial and community activities identified in an approved outline development plan shall comply with the noise limits set in the zone standards for other parts of the Jacks Point Zone;

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

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

- | | | | |
|-------|------------|--------------------|--------------------|
| (i) | daytime | (0800 to 2000 hrs) | 50 dB LAeq(15 min) |
| (ii) | night-time | (2000 to 0800 hrs) | 40 dB LAeq(15 min) |
| (iii) | night-time | (2000 to 0800 hrs) | 70 dB LAFmax |

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

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

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

x Fire Fighting

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

xi Water Quality

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

xii Refuse Management

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

xiii Atmospheric Emissions

(a) Within any premises in the Millbrook Resort, and Waterfall Park Resort Zones the best practicable means shall be adopted to minimise the emission of smoke, smell and other air pollutants from the premises and to render any air pollutant harmless and inoffensive.

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- (b) In the Millbrook Resort and Waterfall Park Resort Zones feature open fireplaces are permitted in the clubhouse and other communal buildings including bars and restaurants. There shall be no other solid fuel fires.

xiv Temporary and Permanent Storage of Vehicles

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

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

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

Xv Jacks Point Zone (Hanley Downs Activity Area) - Densities

- (a) The following net densities for each Development Area shall be achieved:

Development Plan Area	Net density (dwellings per Ha)
<u>B</u>	<u>15-22</u>
<u>C</u>	<u>15-22</u>
<u>D</u>	<u>17-26</u>
<u>E</u>	<u>17-26</u>
<u>F</u>	<u>17-26</u>
<u>G</u>	<u>25-45</u>
<u>J</u>	<u>11-21</u>

Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space.

access or roading and areas identified on Outline Development Plans for non-residential development.

- (b) All Outline Development Plans lodged for Development Plan Areas A, I, K and L shall show the number of residential units proposed and the maximum number permitted in each Development Area shall not exceed the following:

<u>Development Area</u>	<u>Max. no. of Residential Units</u>
<u>A</u>	<u>4</u>
<u>H</u>	<u>1</u>
<u>I</u>	<u>8</u>
<u>K</u>	<u>9</u>
<u>L</u>	<u>2</u>

Xvi Nature and Scale of Activities (Hanley Downs Activity Area)

The total floorspace of all commercial activities in the Hanley Downs Activity Area shall not exceed 500m².

Xvii Alignment with an Outline Development Plan (Hanley Downs Activity Area).

- (a) No subdivision or development for a residential, visitor accommodation, commercial or community activity shall take place unless an Outline Development Plan has been approved pursuant to Rule 12.2.xxx for the site.
- (b) No subdivision or development for a residential, visitor accommodation, commercial or community activity shall take place which does not comply with an approved Outline Development Plan in respect of the site except as provided for by Rule xxx (activities related to property development).

Xviii Roads, Access and Connectivity (Hanley Downs Activity Area)

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(a) Roads and roading connections shown on Figure 2 - Hanley Downs Structure Plan shall be completed in the locations shown, **except that:**

- (i) The intersection between SH6 and the 'main road' as shown on the Hanley Downs structure plan may move up to 120m from the location shown;
- (ii) The 'main road' as shown on the Hanley Downs structure plan may be moved from the locations shown so long as a connection from state highway 6 to the Jacks Point is to be achieved.
- (iii) All roading connections made between the Hanley Downs Activity Area and the Residential (R) Area, and between the Hanley Downs Activity Area and the Village (V) Area may be moved so long as a connection is made.

(b) No more than 500 residential dwellings may be built within the Hanley Downs Activity Area without the intersection between SH6 and the 'main road' as shown on the Hanley Downs structure plan having been opened for use by residents within that Activity Area.

Xiv Requirements of Outline Development Plans in the Hanley Downs Activity Area

- a) Any Outline Development Plan that proposes to provide access for residential properties via the intersection between SH6 and the 'main road' as shown on the Hanley Downs structure plan, must also propose a timeframe that commits to the permanent and physical closure of the existing authorised crossing places CPs 60, 62, and 63.
- b) Applications for Outline Development Plans for areas where wilding trees are present (as listed in 12.2.3.6.ii) must set out a timeframe which commits to the removal of those trees.
- c) Any Outline Development Plan lodged for Development Plan Areas G or J shall be accompanied by a Biodiversity Management And Restoration Plan for the area O/P (Wetland) shown on the Hanley Downs Structure Plan.,

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

Xv Wilding trees (Hanley Downs Activity Area)

No landscape plan submitted as part of any resource consent application shall propose to permanently retain wilding trees (as listed as prohibited in rule 12. 2.3.6.ii).

Xvi Access (Hanley Downs Activity Area)

Each unit shall have legal access to a formed road.

Xvii More than one residential unit on a site (Hanley Downs Activity Area)

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

Xviii Size of building platforms (Hanley Downs Activity Area)

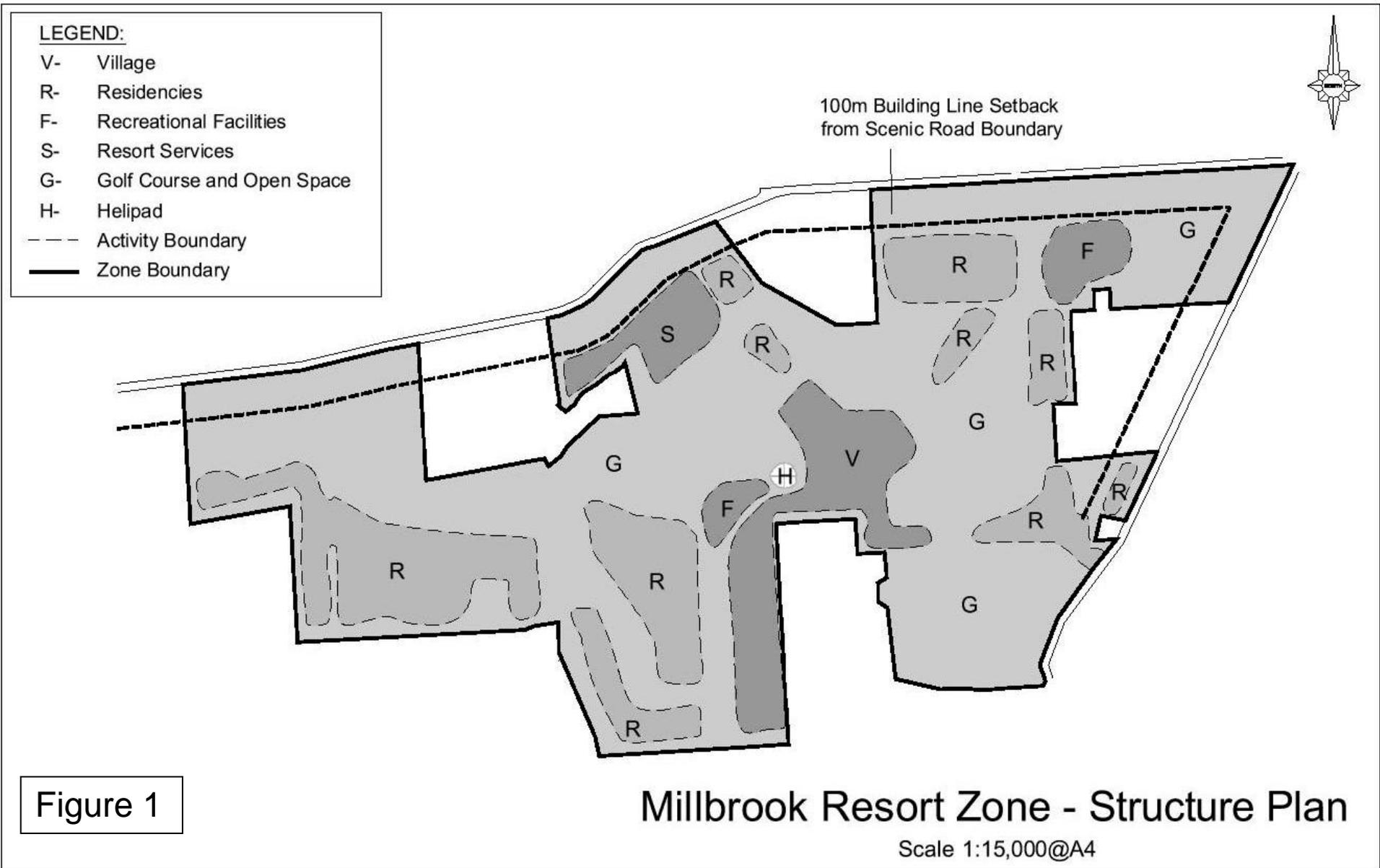
No building platforms proposed as part of an Outline Development Plan for Development Plan Areas A, H, I, K or L shall be smaller than 70m² or greater than 1000m².

Xiv Residential units in approved building platforms (Hanley Downs Activity Area)

No more than one residential unit shall be constructed within an approved building platform in Development Plan Areas A, H, I, K or L.

Note – the assessment matters for this zone can be viewed in the Rural Visitor section of the plan

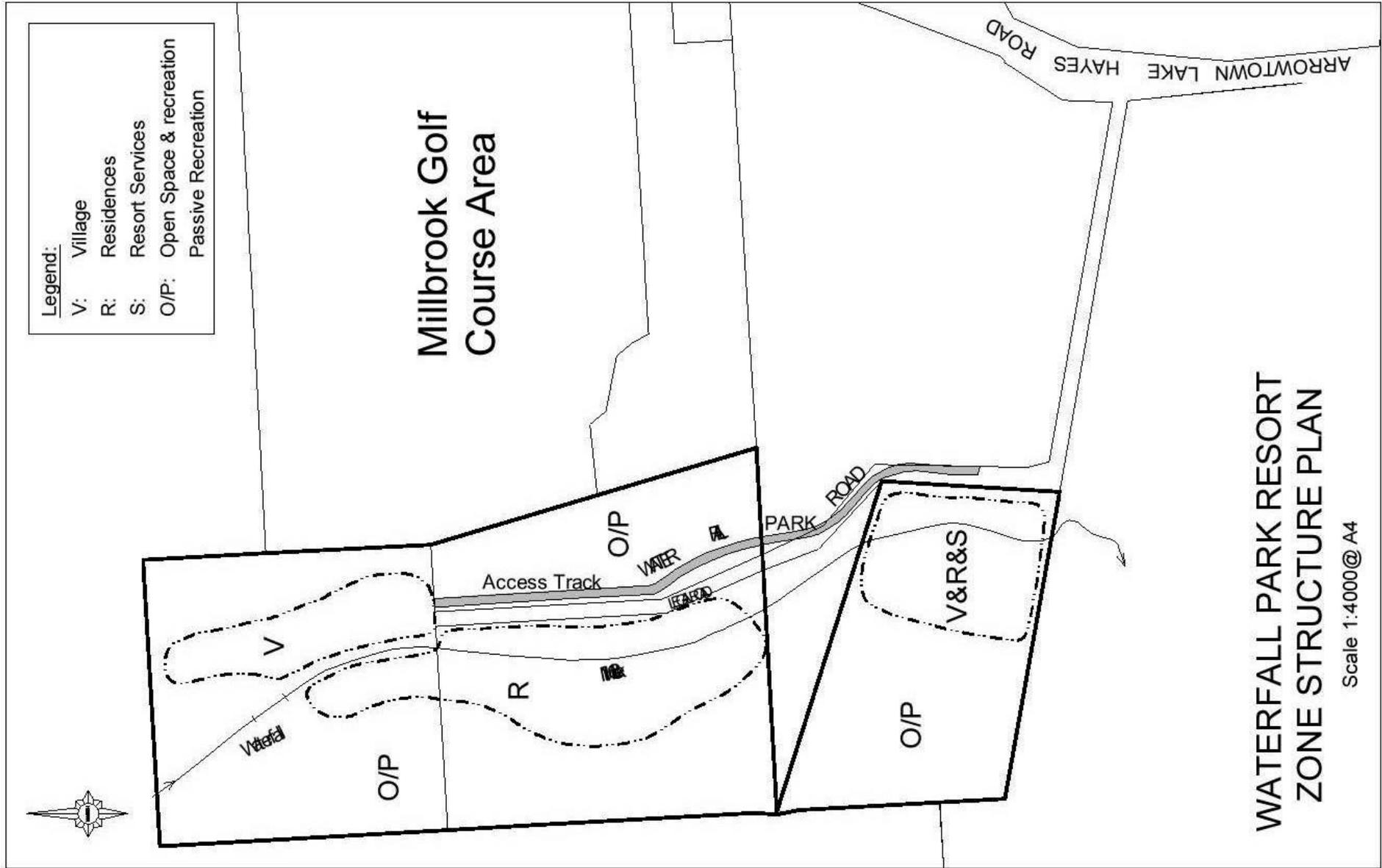
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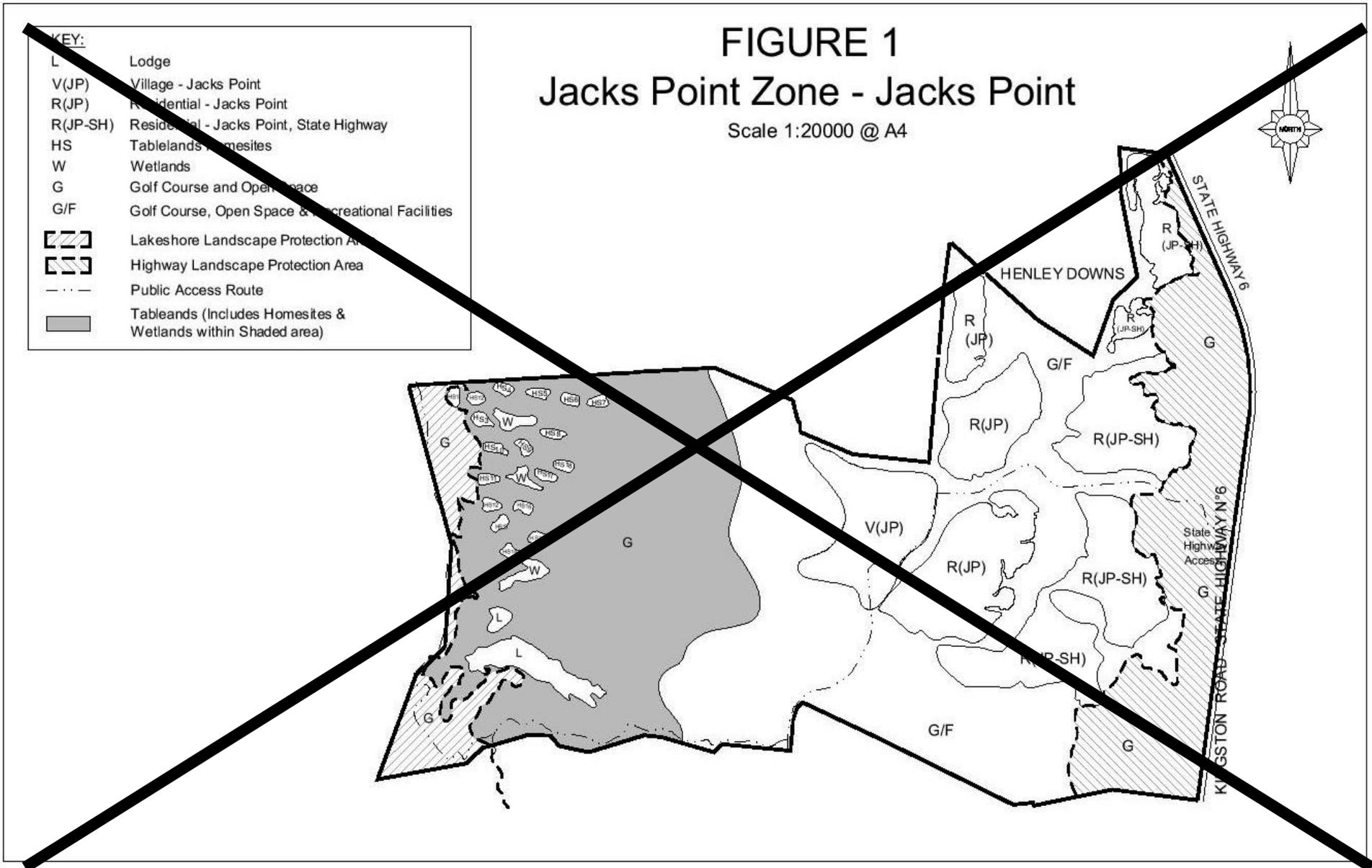
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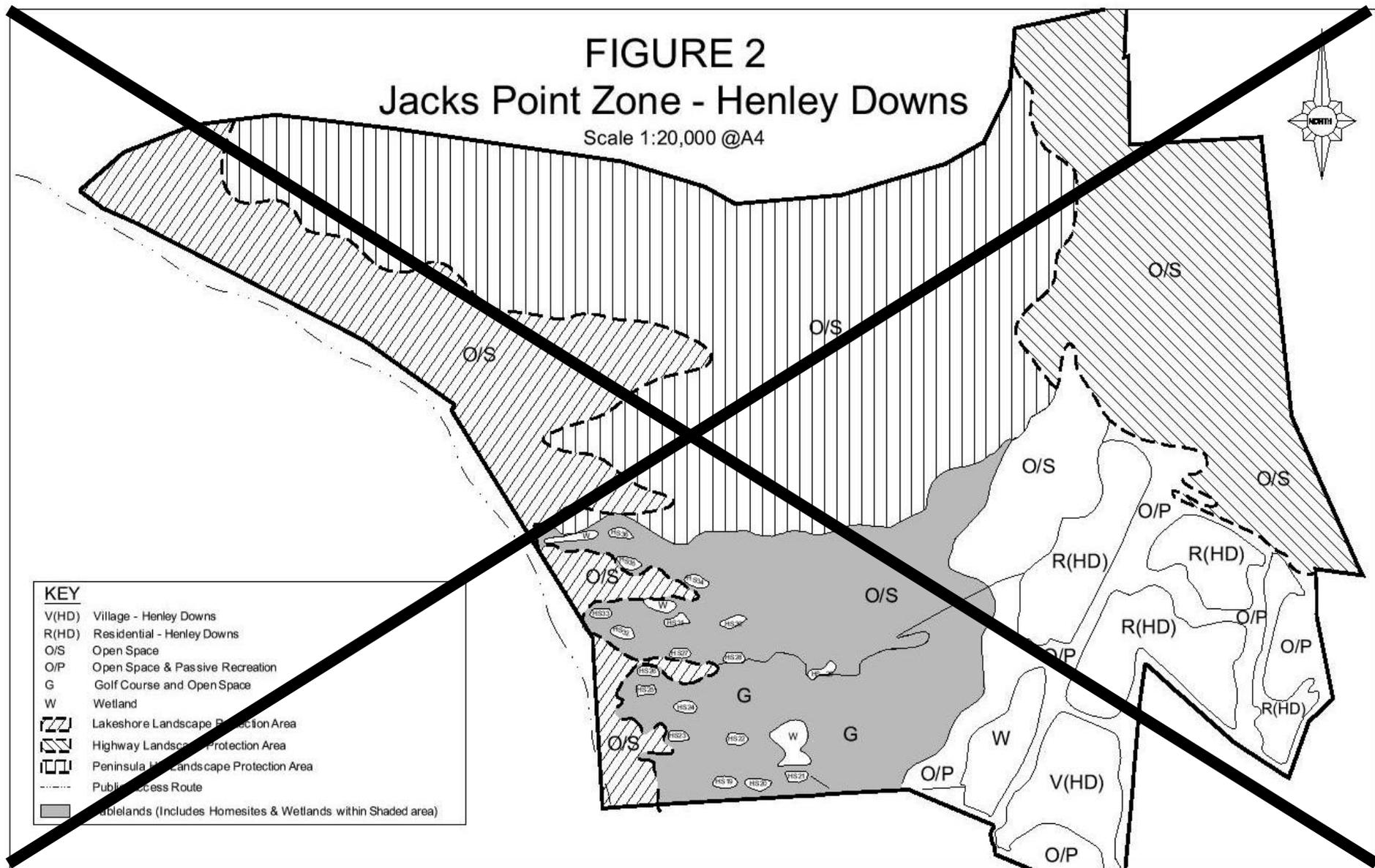
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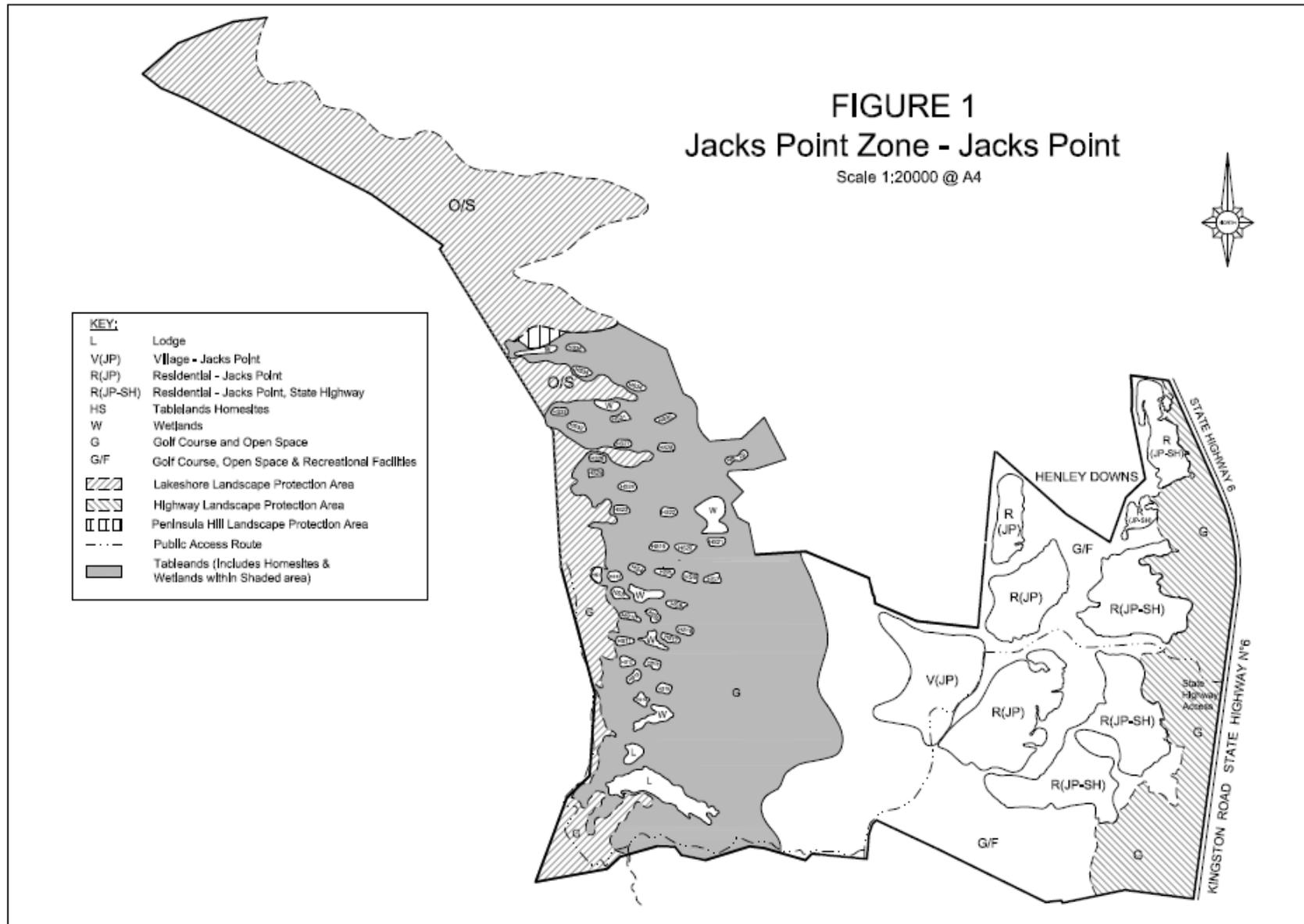
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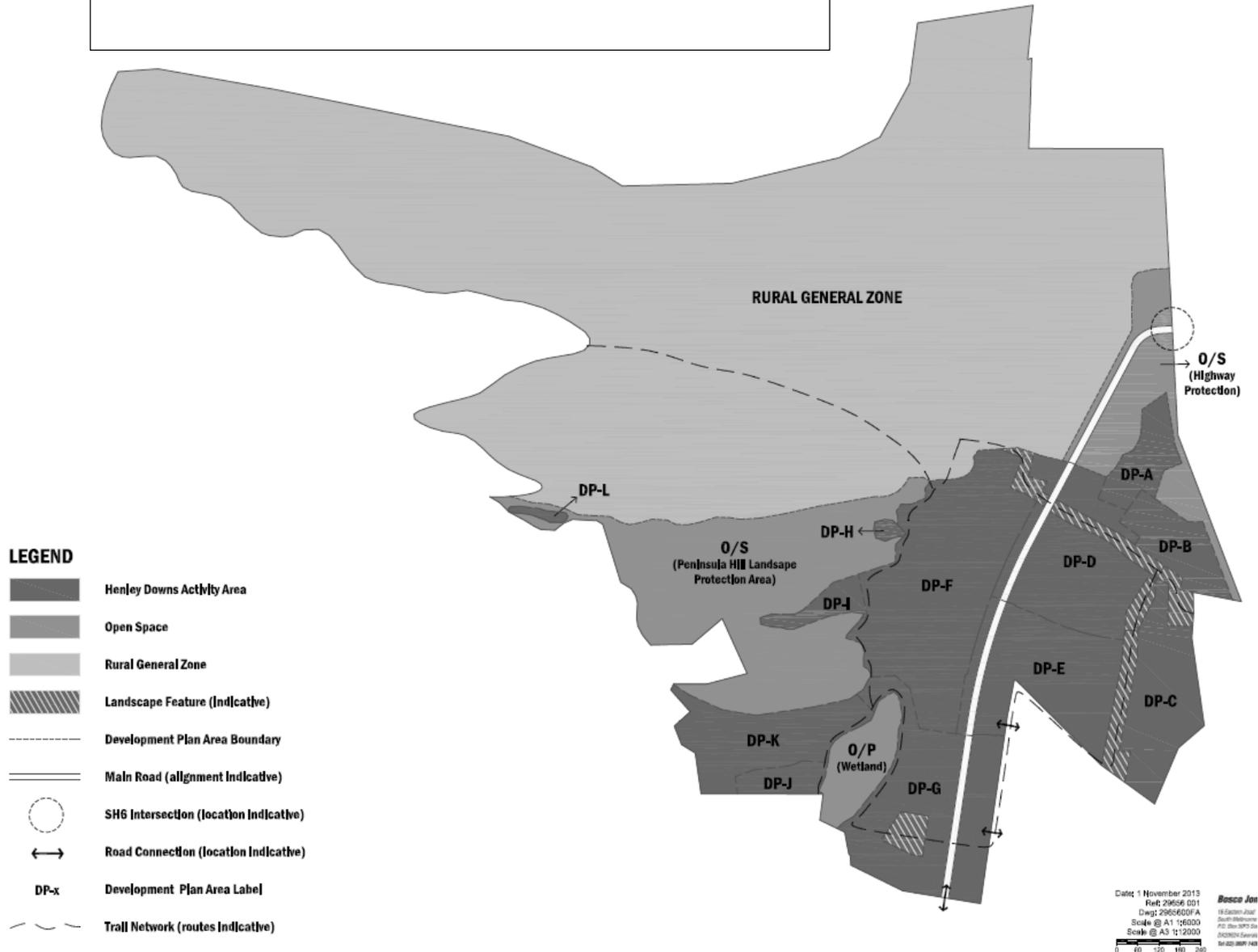
New Structure Plan:

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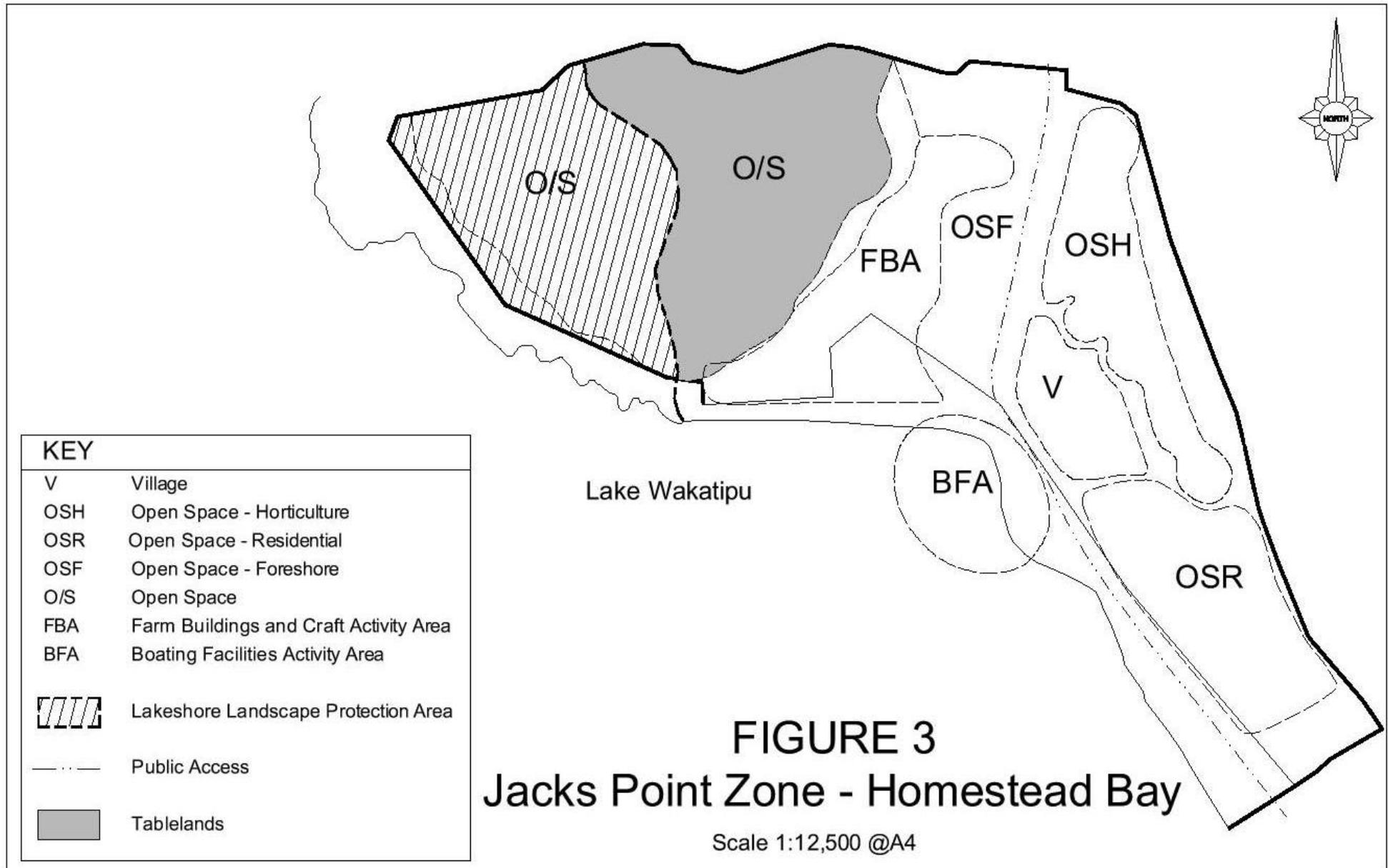


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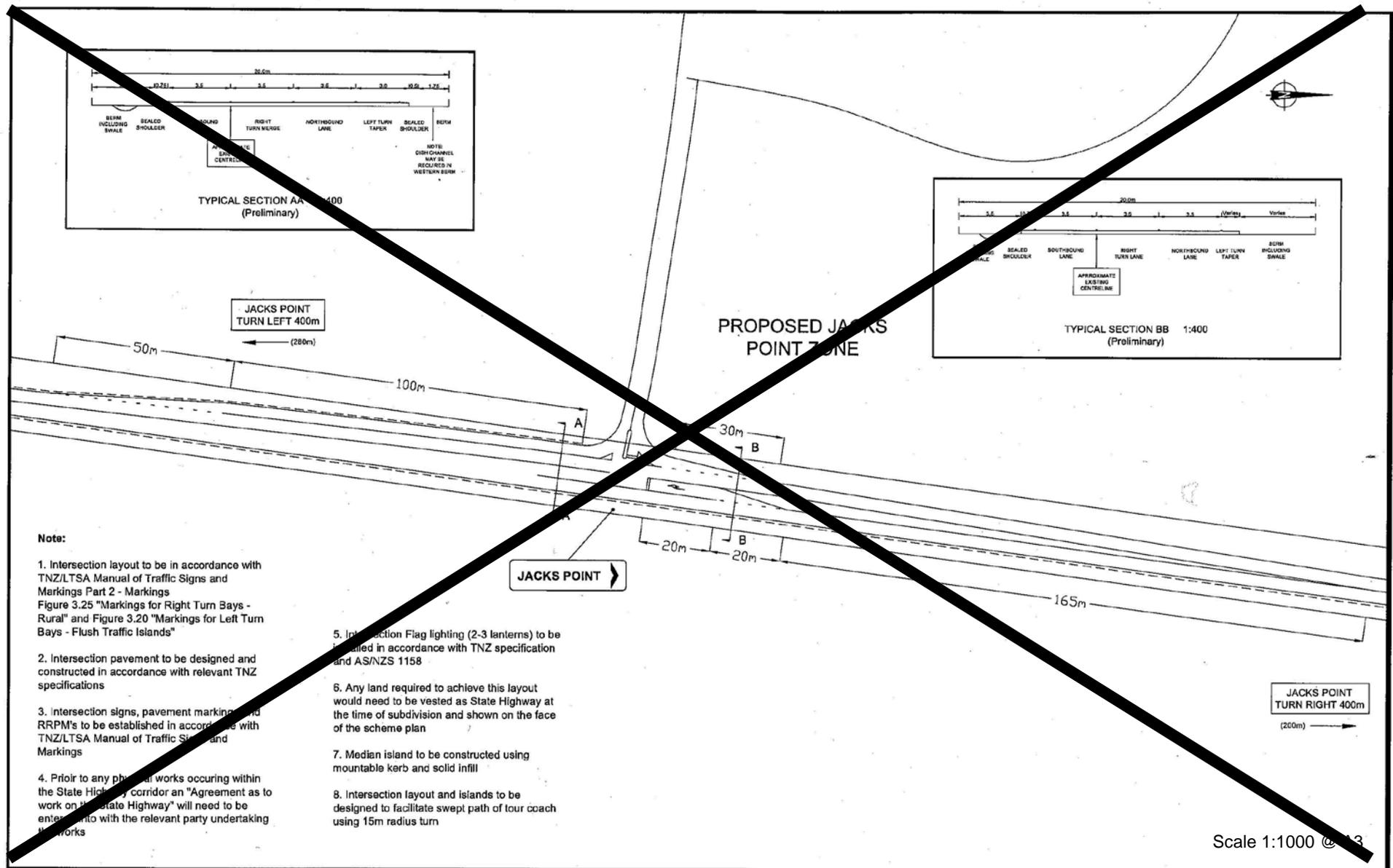
Figure 2 – Hanley Downs Structure Plan



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RURAL VISITOR ZONE - RULES - Plan Change 44 Amendments

12.4 Rural Visitor Zone Rules

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

12.5.1 General

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

12.5.2 Assessment Matters

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

i Controlled Activity - Parking, Loading and Access

Conditions may be imposed to ensure:

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

ii Controlled and Discretionary Activities - Buildings - Resort Zones

(a) For buildings and other structures in the Village area:

- (i) The extent to which an historic building design theme is to be followed, in keeping with buildings already established within the Village.
- (ii) The extent to which external above ground building cladding and roofing materials are predominantly local stone, plaster rendered for a stonelike appearance, timber weatherboards, and slate or corrugated iron roofs.
- (iii) The extent to which predominant colours are to be creams, greys and earth tones and a variety of trim colours may be considered.

(b) For buildings in the residential areas, excluding the Hanley Downs Activity Area:

- (i) The extent to which buildings within residential areas follow a unified design theme based on the gable roofed form.

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- (ii) The extent to which buildings are carefully sited within areas of established trees in order to reduce their visual prominence as seen from surrounding public roads.
 - (iii) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone-like appearance and timber weatherboards.
 - (iv) The extent to which all roofing materials are slate and corrugated iron.
 - (v) The extent to which predominant colours within this area are to be grey through to earth tones in harmony with their landscape setting. A variety of trim colours may be considered.
- (c) For buildings in Development Plan Areas A, H, I, K and L of the Hanley Downs Activity Area
- (i) The extent to which conditions to control building materials, building dimensions, landscaping and building locations are appropriate to avoid or reduce visibility when viewed from State Highway 6, Lake Wakatipu and other neighbourhoods within the Jacks Point Zone.
 - (ii) The extent to which conditions are appropriate to promote building designs and landscaping cohesion with nearby natural, rural or residential character.
- (d) For facilities within the recreation area and part of the (O/P) area shown in Figure 2 – Hanley Downs Structure Plan:
- (i) External appearance of buildings are to be appropriate to their function and use.
 - (ii) Natural materials and colours are to be used.
- (d) For resort services within the service area:
- (i) External appearance of buildings are to be appropriate to their function and use.
 - (ii) Where practical, in the Millbrook Zone, an historic agricultural building design theme will be followed.
- (e) For other buildings and structures which are to be erected, including those within the recreation area and (O/P) area of the Jacks Point (Hanley Downs) Zone:
- (i) All other buildings and structures are to be screened by landform and/or tree planting so as not to be visibly prominent from surrounding public roads.
 - (ii) Predominant colours are to be greys and earth tones.
- (f) For buildings within the Homesite and Lodge Activity Areas (HS and L Activity Areas) in the Jacks Point Zone:
- (i) The extent to which each building meets the following external cladding criteria:

South elevation:	Not less than 75% local stone
East Elevation:	Not less than 50% local stone
West elevation:	Not less than 50% local stone
 - (ii) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone like appearance, and timber weatherboards.
 - (iii) The use of non-reflective glazing and/or eaves to minimise reflection of light off glass.
 - (iv) The extent to which all colours will be predominantly within the shades of browns, greys and earth tones.

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- (v) The use of local grasses, tussocks, shale (local schist chip) and slate as the predominant roofing materials.
- (vi) The extent to which all earthworks ensure that the line and form of the landscape is maintained and, in addition, methods for remedial earthworks and planting.
- (vii) The extent to which any building and/or domestic curtilage area has been designed and/or located in a manner complementary to the topography of the site.
- (viii) The extent to which the bulk, location and design of any building within a Tablelands Homesite is subservient to the surrounding landscape and does not compromise the visual amenity values of the Zone and surrounding area.
- (ix) The extent to which wetland areas (including waterways) within and adjacent to the site are to be protected and enhanced.
- (x) The extent to which exterior lighting can be minimised to avoid adverse effects on amenity values.
- (xi) The extent to which earthworks and/or landscaping is necessary to ensure that buildings do not have an adverse visual effect on landscape and visual amenity values.
- (xii) The extent to which any proposed access ways is subservient to the natural topography of the site.
- (xiii) The extent to which the proposed development complies with any relevant Council approved development controls and design guidelines.

iii Controlled Discretionary and Non-Complying Activities - Airports

- (a) The extent to which noise from aircraft is/will:

- (i) Compatible with the character of the surrounding area;
 - (ii) Adversely affect the pleasant use and enjoyment of the surrounding environment by residents and visitors;
 - (iii) Adversely affect the quality of the experience of people partaking in recreational and other activities.
- (b) The cumulative effect of a dispersed number of airports.
 - (c) Convenience to and efficient operation of existing airports.
 - (d) The visual effect of airport activities.
 - (a) The frequency and type of aircraft activities.
 - (f) Assessment of helicopter noise pursuant to NZS 6807: 1994, excluding the levels contained in Table 1 of Section 4.2.2 to the intent that the levels specified in Table 1 do not override the noise limits specified in Rule 12.4.5.2.iii(a).

iv Structure Plan - Resort Zones

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

v Setback from Roads and Internal Boundaries

- (a) The extent to which the intrusion towards the internal boundary or road setback is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.

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- (b) Any adverse effects of the proximity or bulk of the building, in terms of visual dominance by buildings. The outlook from adjoining sites, buildings or roads, which is out of character with the local environment.
 - (c) Any adverse effects on adjoining sites of reduced privacy through overlooking or being in close proximity to neighbouring buildings.
 - (d) The ability to mitigate any adverse effects of the proposal on adjoining sites.
 - (e) Any adverse effects of the proximity or bulk of the building, in terms of the loss of the historic character of the area.
- vi Controlled Activity and Discretionary Activity – Commercial Recreation, Visitor Accommodation, Commercial and Retail Activities - Rural Visitor Zone**
- (a) The extent to which the activity will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding rural area.
 - (b) Any adverse effects of the proposed activity in terms of:
 - (i) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road.
 - (ii) Loss of privacy.
 - (iii) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
 - (iv) Pedestrian safety in the vicinity.
 - (v) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities.
 - (c) The ability to mitigate any adverse effects of additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
 - (d) The extent to which activity is an integral and necessary part of, or closely associated with, other activities being undertaken on the site.
 - (e) The extent to which the commercial activity could practically be undertaken within an urban area.
 - (f) Any adverse effects of any buildings for the activities and its associated earthworks, access, parking and landscaping.
 - (g) The extent to which visitor accommodation will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding rural area.
 - (h) Any potential adverse effects of the activity on the quality of ground and/or surface waters.
 - (i) The extent to which any recreational activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity.
- vii Natural Hazards**
- Conditions may be imposed having regard to the following:
- (a) The likelihood of the proposed activity, including an addition to any residential unit, being threatened by any natural hazard.
 - (b) The quantity of assets that will be vulnerable to any natural hazard as a result of the establishment of the proposed activity.

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- (c) The degree to which on or off-site construction or remedial works will mitigate the degree to which the site will be threatened by a natural hazard.
- (d) The extent to which the construction of the building will result in increased slope instability, erosion or deposition for other sites in the vicinity.
- (e) The degree to which the construction of the building will mitigate against any damage or danger as a result of the occurrence of a natural hazard.
- (f) The ability of buildings to be relocated and the possible destination for the relocated building.

viii Controlled Activity - Building External Appearance- Rural Visitor Zone

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

xiv Landscaping - Controlled Activity, Rural Visitor Zone

- (a) The level of landscaping required to ensure the development does not visually detract from the environment.
 - (b) Whether landscaping is required in the context of the location, or whether there is adequate existing vegetation to ensure any development will blend in with the surrounding environment, having regard to the external appearance of buildings.
- x Windermere - the following assessment matters should be taken into account in addition to those listed for specific activities.**
- (a) The design, constructions, orientation and location of buildings and whether an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments can be achieved.
 - (b) Whether noise sensitive activities are located with maximum separation from Wanaka Airport.
 - (c) Whether the location of activities is consistent with providing buffer from Airport activities, taking into account the air noise boundary and outer control boundary.
 - (d) Whether buildings, structures or activities are a hazard to aircraft.
 - (e) Provision of landscaping that mitigates the visual effects while ensuring that species that may be a hazard to aircraft are avoided.
 - (f) Whether the residential activity is for on-site custodial management purposes and the potential for adverse cumulative effects of residential development.
- xi Vegetation (Jacks Point Zone)**
- (a) The height to which the proposed tree or shrub will grow, and its characteristics.
 - (b) The potential for the tree or shrub to adversely affect indigenous and/or endemic vegetation.

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- (c) The number of exotic trees or shrubs to be planted and their relative spacing.
- (d) Whether such planting would result in an unnatural appearance in this general locality and whether such planting (taking into account the effect at maturity) will blend with the predominant vegetative pattern.
- (e) Public amenity values and view shafts.

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

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

xiii Earthworks

1. Environmental Protection Measures

- (a) The extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

2. Effects on landscape and visual amenity values

- (a) Whether the scale and location of any cut and fill will adversely affect:
 - the visual quality and amenity values of the landscape;
 - the natural landform of any ridgeline or visually prominent areas;
 - the visual amenity values of surrounding sites.
- (b) Whether the earthworks will take into account the sensitivity of the landscape.

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- (c) The potential for cumulative effects on the natural form of existing landscapes.
 - (d) The proposed rehabilitation of the site.
- 3. Effects on adjacent sites:**
- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
 - (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
 - (c) Whether cut, fill and retaining are done in accordance with engineering standards.
- 4. General amenity values**
- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
 - (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
 - (c) Whether natural ground levels will be altered.
- 5. Impacts on sites of cultural heritage value:**
- (a) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.
 - (b) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.
- xiv Golf Course Development - Discretionary Activity (Jacks Point Zone)**
- (a) Whether the proposed golf course assists in achieving the community's aspirations for the Jacks Point Zone.
 - (b) The potential for the proposed golf course to compromise other recreational and community activities within the Jacks Point Zone; and
 - (c) Whether an additional golf course is likely to assist in providing for the economic, social and cultural wellbeing of the wider community.
- xv Controlled Activity - Outline Development Plan (Jacks Point Zone)**
- (a) For Residential (R) Activity Area Outline Development Plans:
 - (i) The extent to which the proposed Outline Development Plan achieves the policies of the zone.
 - (ii) The effect of setbacks on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and daylight and access to views.
 - (iii) The ability to provide adequate opportunities for garden and tree planting around buildings.
 - (vi) Pedestrian safety.
 - (v) The extent to which imaginative, efficient and comprehensive design solutions are applied to encourage a layout that will establish an individual theme or site specific response within each Residential (R) Activity Area.

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- (vi) The extent to which pedestrian walkways provide convenient and logical connections to other Residential (R), Village (V), Open Space (OS) and Golf (G) Activity Areas.
- (vii) The extent to which existing watercourses and wetlands in the vicinity are protected and enhanced.
- (viii) The extent to which 'green engineering' solutions can be applied to stormwater runoff.
- (ix) The extent to which the subdivision and development design encourages efficient use of solar energy and takes advantage of northerly aspects.
- (x) The extent to which the subdivision and development design minimises the potential for pedestrian and traffic conflicts.
- (xi) The extent to which the subdivision and development design is consistent with the topography of the particular Residential (R) Activity Area.
- (xii) The methods used to manage the boundary between the Activity Area and the surrounding Open Space (OS) and/or Golf (G) Activity Area.
- (xiii) The extent to which visitor parking is provided for, in a manner which does not compromise the amenity values of the Zone.
- (xiv) The extent to which the subdivision layout provides for areas of open space for use by the local community, particularly families and children.
- (xv) The extent to which the Design Guidelines proposed to apply to buildings will achieve the policies of the Zone.
- (xvi) The extent to which the Design Guidelines proposed to apply to buildings will achieve an integrated character and/or design

theme for the area subject to the Outline Development Plan.

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- (b) For Village (V) Area Outline Development Plans:
- (i) The extent to which the proposed Outline Development Plan achieves the policies of the zone.
 - (ii) The effect of setbacks on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and daylight and access to views.
 - (iii) The ability to provide adequate opportunities for garden and tree planting around buildings.
 - (iv) Pedestrian safety.
 - (v) The extent to which imaginative, efficient and comprehensive design solutions are applied to encourage a layout that will establish an individual theme or site specific response within the Village (V) Activity Area.
 - (vi) The extent to which pedestrian walkways provide convenient and logical connections to other Residential (R), Village (V), Open space (OS) and Golf (G) Activity Areas.
 - (vii) The extent to which existing watercourses and wetlands in the vicinity are protected and enhanced.
 - (viii) The extent to which 'green engineering' solutions can be applied to stormwater runoff.
 - (ix) The extent to which the subdivision and development design encourages efficient use of solar energy and takes advantage of northerly aspects.
 - (x) The extent to which the subdivision and development design minimises the potential for pedestrian and traffic conflicts.
 - (xi) The extent to which the subdivision and development design is consistent with the topography of the particular Village (V) Activity Area.
 - (xii) The methods used to manage the boundary between the Village (V) Activity Area and the surrounding Open Space (OS) and/or Golf (G) Activity Area.
 - (xiii) The extent to which visitor parking is provided for, in a manner which does not compromise the amenity values of the Zone.
 - (xiv) The extent to which the subdivision layout provides for areas of open space for use by the local and wider community.
 - (xv) The extent to which the Design Guidelines proposed to apply to buildings will achieve the policies of the Zone.
 - (xvi) The extent to which the Design Guidelines proposed to apply to buildings will achieve an integrated character and/or design theme for the area subject to the Outline Development Plan.
- xvi Controlled activity – Commercial, community and visitor accommodation activities (Hanley Downs Activity Area), within precincts identified in an approved Outline Development Plan**
- (a) The extent to which the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
 - (i) Noise, vibration and lighting from vehicles
 - (ii) Protecting privacy for residential neighbours.
 - (b) The extent to which buildings, taking account of their proposed location, function and visibility, will contribute positively to neighbourhood amenity taking account of matters such as:
 - (i) Building materials
 - (ii) Colour
 - (iii) Glazing treatment

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- (iv) Symmetry
 - (v) Vertical and horizontal emphasis
 - (vi) Ground floor levels
 - (vii) Balconies and veranda designs
 - (viii) The ratio of the building height relative to the width of the adjacent street or open space
 - (ix) Setbacks from roads and surrounding uses
 - (x) Façade and roof articulation
 - (xi) Landscaping
 - (xii) Arrangements for outdoor storage of goods and waste
 - (xiii) Vehicle and cycle parking location and design
 - (xiv) Relationships with streets and open spaces used by the public
- (c) The extent to which the design, colour and building materials will contribute to a coherent theme for the street and neighbourhood.
- (d) The extent to which the design, colour, building materials and landscaping controls may be appropriate to manage potential adverse effects on the landscape.
- (e) The extent to which access and loading arrangements provide for efficient servicing while ensuring safety for vehicles and pedestrians.

Xvii Controlled activity - Harvesting of forest in the Hanley Downs Activity Area:

The extent to which conditions are appropriate to avoid, remedy or mitigate effects relating to:

- (a) Traffic Generation
- (b) Volume and disposal of hazardous waste, and hazardous substances
- (a) Production of noise and odour;
- (b) Associated earthworks, and potential effects on water quality.

Xviii Restricted Discretionary Activity - Outline Development Plan Hanley Downs Activity Area:

- (i) In regard to **roading pattern:**
- (a) The extent to which a grid design with vehicle or pedestrian connections, is utilised where practical to promote connectivity, and to avoid unnecessarily meandering road forms. Curved roads that respond positively to landforms and topography are acceptable, provided these are well-connected.
 - (b) The extent to which the roading pattern is well connected. Where practical, subdivision layouts should minimise the number of cul-de-sacs, aside from those that are short and straight
 - (c) The extent to which the indicative road layout will facilitate existing or potential future public transport routes through Hanley Downs to the Jacks Point Village. In some instances indicative locations of future bus stops may need to be shown.
 - (d) The extent to which the road network is designed so that all lots benefit from logical, efficient and safe vehicle routes to State Highway 6, the Jacks Point Village and, where practical, between neighbourhoods.
- (ii) In regard to **indicative subdivision design:**
- (a) The extent to which the street blocks are designed to be walkable. The following can be used as a guide for Development Plan Areas B, C, D, E, F, G and J:
 - (i) Outside of Medium Density Housing Precincts, where practical:
 - block sizes 1.5 ha or smaller are encouraged; and
 - block lengths (between intersections, not including rear service lanes) 200m or shorter are encouraged.
 - (ii) In Medium Density Housing Precincts where, practical:
 - block areas 0.8 hectares or smaller are encouraged;

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- block lengths 100m or shorter are encouraged unless they front roads which are designed to move substantial amounts of traffic.
- (b) The extent to which the subdivision layout, in so far as is practical, minimises the numbers of rear sites.
- (c) Whether the lot sizes and dimensions will realistically enable built forms that meet all zone standards.
- (d) The extent to which the street and lot configuration is likely to maximise sunlight into indoor and outdoor living areas
- (e) The extent to which Crime Prevention through Environmental Design (CPTED) principles are adhered to in the location and design of proposed parks, reserves, walkways and surrounding uses.
- (f) The extent to which a range of housing choice may be promoted through some diversity in section sizes.

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

- (iii) **In regard to mitigation measures to ensure development is not highly visible from State Highway 6 or Lake Wakatipu:**
 - (a) The extent to which proposed landscaping will appear natural or be in keeping with the historical use of the site.
 - (b) Whether, in order to ensure buildings are not highly visible from State Highway 6, specific height or colour controls for buildings are necessary for limited parts of the Activity Area.
 - (c) Whether conditions or other mechanisms are necessary to ensure that development does not occur until landscaping has been undertaken, existing vegetative screening secured and/or a succession plan for existing vegetation put in place;

- (iv) **In regard to locations of building platforms:**
 - (d) The extent to which building platforms in Development Areas A, H, I and K and L are located such that resultant buildings and associated earthworks, access and landscaping will avoid breaking the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
 - (e) The extent to which through the location of building platforms and associated mitigation, present levels of privacy and rural amenity will be maintained in Development Area A, with resultant buildings not being highly visible from State Highway 6 or visible from existing private residences in Development Area A.
 - (f) The extent to which, through the location of building platforms and associated mitigation, the visual pattern of Development Area I, when viewed of from State Highway 6 will be dominated by green space and vegetation with parts of buildings being a minor part of that view.
 - (g) Whether, through the location of building platforms and associated mitigation, the resultant building in Development Area H will not be visible when viewed from State Highway 6.
- (v) **In regard to road and street designs:**
 - (a) The extent to which road and street design cross sections show key dimensions and features of roads, footpaths, walkways, cycleways, on-street parking, stormwater management infrastructure and, where relevant, indicative street furniture, landscaping and public transport infrastructure.
 - (b) The extent to which road and street design cross sections are shown for use in appropriate locations reflecting the likely role and function of the road or street. Note, this is likely to require showing a road hierarchy for roads and streets in the area to which the Outline Development Plan applies.
 - (c) The extent to which road and street designs will enable safe, efficient and pleasant use by vehicles, pedestrians and cyclists.

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- (d) The extent to which proposed road and street designs make a positive contribution to neighbourhood amenity and to design cohesion between neighbourhoods in Jacks Point, particularly through the use of landscaping. Abrupt changes in character are discouraged. In order to assist the assessment of this matter, it is anticipated that the outline development plan set out the species of plants and trees anticipated for use in different streets.
- (e) With regard to the form and function of the 'main road' shown on the structure plan, the extent to which the indicative subdivision layout and road design:
 - a. Contains landscaping which contributes to the amenity of settlement
 - b. Provides for safe pedestrian crossing
 - c. Provides for public transport use, now or in the future
 - d. Provides for safe cycle use as appropriate, noting that it may be possible to promote cycle use on alternative lower traffic routes
 - e. Is designed so as to accommodate future foreseeable traffic volumes, including ensuring that property access arrangements for vehicles will remain safe
 - f. Provides for the most part a reasonably direct route from the State Highway to the Jacks Point Village.
- (vi) **In regard to the location and dimensions of precincts for medium density housing, visitor accommodation, commercial activities and community activities:**
 - (a) The extent to which medium density housing precincts are located within reasonable proximity to future public transport routes, parks, reserves and open space available for public use.
 - (b) The extent to which any proposed Commercial Precinct:
 - a. Is orientated on a mainstreet which accommodates through traffic
 - b. can provide an attractive and pedestrian-focused environment including buildings with active street frontages and opportunities for appropriate vehicle servicing and parking
 - (c) Whether activities that may give rise to adverse effects on residential amenity are appropriately located or it can be shown that the effects can be appropriately mitigated so as to provide confidence that all zone standards can be met.
 - (d) Whether the location of activities in relation to the road network will avoid levels of traffic generation that create unsafe or unpleasant residential neighbourhoods.
 - (vii) **In regard to natural hazard risks:**
 - (a) Whether, in considering natural hazard information, the proposed development is feasible and appropriate. In applying this assessment matter, the level of assessment should take account of the need to apply for subsequent resource consents in which natural hazards will also be a matter under consideration.
 - (vii) **In regard to open space areas, cycle links and walkways:**
 - (a) The extent to which the open space and trail routes shown indicatively on the structure plan are given effect to. In applying this assessment matter, the exact boundaries of open spaces and locations of trails are expected to be determined through the outline development process, with some movement to accommodate more appropriate or practical routes and layouts considered acceptable.
 - (b) The extent to which, taking account of Council policies, an appropriate amount and range of quality parks and reserves will be available in locations that can be easily accessed from residential neighbourhoods and compliment the offer of recreational spaces throughout Jacks Point.

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- (c) The extent to which parks and reserves, through their location and interrelation with adjacent uses, can provide safe and pleasant environments.
- (d) The extent to which parks and reserves make a positive contribution to neighbourhood amenity and to design cohesion between neighbourhoods in Jacks Point, particularly through landscaping. Abrupt changes in character are discouraged. In order to assist the assessment of this matter, it is anticipated that the outline development plan set out the species of plants and trees anticipated for use in different parks, reserves and open spaces which are to be frequented by the public.
- (viii) **In regard to the treatment of the interface between the urban and rural area and between neighbourhoods:**
- (a) The extent to which the design treatment of the boundary between the urban parts of the site is sympathetic to the amenity and landscape values of the rural area, provides for a safe urban environment and avoids detracting from neighbourhood amenity. Such treatment may include (but is not limited to) streets, roads, walls, rural fences, mounding and planting.
- (b) The extent to which suburban style fences which are highly visible from the rural area are avoided.
- (c) In those areas where development is nearby and highly visible from existing Jacks Point neighbourhoods, the extent to which the design of roads, parks, reserves and other open spaces will promote a coherent transition in character between neighbourhoods.
- (ix) **In regard to the effects on the biodiversity values of the wetland shown on the Structure Plan:**
- (a) Whether a biodiversity management and restoration plan will be effective in maintaining and enhancing the biodiversity values of the wetland located within Activity Area O/P (Wetland), including
- through weed control, fencing, replanting of vegetation, signage and the establishment of on-going management arrangements.
- (b) Whether an appropriate setback for development from the margins of the wetland is proposed so as to avoid, remedy or mitigate adverse effects arising from the disturbance of wildlife and to enable the establishment of enhancement planting.
- (c) The extent to which the risk of adverse effects on biodiversity arising from stormwater sediment entering the wetland has been avoided or sufficiently mitigated through buffer planting and/or stormwater treatment prior to being discharged.
- (x) **In regard to servicing:**
- (a) Whether development that may hinder the safe and effective function of overland flow paths is avoided.
- (b) With regard to stormwater, the extent to which:
- a) natural flow paths have been used in the design of stormwater management systems;
- b) techniques have been adopted to ensure that:
- a. the rate of stormwater discharge remains equal to, or less than that of pre-development up to the 1 in 100 year average recurrence interval event; and
- b. the quality of water in any discharge remains equal to or better than that of pre-development; and
- c. stormwater management systems are designed to cater for the 1 in 100 year average recurrence interval event.
- (c) The extent to which, where practical, safe proposals to integrate stormwater management facilities into an attractive public realm and/or biodiversity corridors have been considered or are proposed (including through planting of vegetation).
- (d) Whether and to what extent the Part 15 assessment matters relating to water supply (15.2.11.4), stormwater (15.2.12.3), and wastewater (15.2.13.2) have been considered and adequately addressed or

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satisfied at the Outline Development Plan stage, to the degree that is practicable and recognising that detailed engineering designs will be required in due course through the subdivision consent process.

(xi) In regard to **commitments to the remove wilding trees:**

- (a) Whether an outline development plan that covers an area with species listed in 12.XXXXX sets out a reasonable timeframe for their removal, recognising that while most wilding species warrant immediate attention, *pinus radiata* plantations may be removed over a longer timeframe which provides for their productive use.

(xii) In regard to **commitments to close accesses to State Highway 6:**

- (a) Whether a reasonable timeframe for the closure of accesses CPs 60, 62, and 63 is proposed, taking account of their practical use (particularly for farm access) but acknowledging that for safety reasons these accesses will need closing as traffic volumes increase.

Xix Plans and design parameters for Medium Density Housing Precincts:

- (a) The extent to which the location and configuration of lots and building platforms will enable development that meet relevant performance standards and contributes to neighbourhood amenity and safety.
- (b) The extent to which an appropriate level of privacy will be achievable between homes within the precinct.
- (c) The extent to which adverse effects on properties surrounding the precinct, including on privacy, from shadowing and light from vehicles can be avoided, remedied or mitigated.
- (d) The extent to which proposed design parameters appropriately address matters such as height (noting that a lower height limit than the 10m prescribed by zone standard xxx may be appropriate).

building mass, glazing, building setbacks, building materials and landscaping to address matters such as:

- a. Solar access
 - b. Coherence with the character of the neighbourhood or other parts of Jacks Point
 - c. Quality of private open space
 - d. Privacy
 - e. Controls to avoid bland, monotonous or excessively repetitious built forms
 - f. Passive surveillance of public spaces
 - g. The visual impression of buildings when viewed from the street
 - h. waste management arrangements
- (a) The extent to which parking and access is configured in a manner which minimises the dominance of driveways at the street edge, provides for efficient use of the land and maximises pedestrian and vehicular safety.
- (b) The extent to which public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
- (c) The extent to which potential effects on housing affordability have been accounted for in considering matters such as controls on building materials and the layout of the precinct.
- (d) Whether a design review processes is appropriate and if proposed by the robustness of this process in promoting neighbourhood amenity and ensuring compliance.

Xx Nature and Scale of Activities (Jacks Point Zone)

- (a) The extent to which the proposed activity will result in levels of traffic generation ~~of~~ or pedestrian activity, which is incompatible

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with the nature and scale of surrounding area and the intent of the Zone.

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

Xxi Discretionary Activity - Mining (Jacks Point Zone)

- (a) The extent to which mining activities will adversely affect:
 - (i) amenity values
 - (ii) recreational values
 - (iii) nature conservation values
 - (iv) landscape and visual amenity values
 - (v) historical, cultural or known archaeological artefacts or sites
 - (vi) life supporting capacity of soils, water and air.
 - (vii) public access to and along the lake, river or waterway.
- (b) The extent to which screening is provided to ensure that the potential adverse visual effects of the activity are no more than minor.

- (c) The ability of the proposal to rehabilitate the site during and after mining.
- (d) The ability of the company to:
 - (i) provide a contingency plan for early mine closure
 - (ii) adequately monitor operations and the effects of the receiving environment.
- (e) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.

Xxii Health and Education Services (Jacks Point Zone)

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

Xxiii Outdoor Swimming Pools (Jacks Point Zone)

- (a) The extent to which earthworks and landscaping are necessary to mitigate the potential adverse effects of any proposed swimming pool;

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- (b) The extent to which the colour of the pool and fencing is subservient to and does not detract from the surrounding landscape values; and
- (c) The extent to which the pool and any associated features are consistent with any Council approved development controls and design guidelines that apply to the area.

Xxiv Sale of liquor (Hanley Downs Activity Area):

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

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

Xxv Size of Outline Development Plans (Hanley Downs Activity Area):

- (a) An Outline Development Plan that covers only part of an entire Development Area will not normally be approved unless there is a practical reason for limiting the extent of the application.

Xxvi Protection of indigenous vegetation in the Open Space Activity Area shown on the Hanley Downs Structure Plan:

- (a) Whether any loss or degradation of ecological values is reinstated or offset by planting, weed or pest control that contributes to the biodiversity of other parts of the Jacks Point area.

Xxvii Continuous building length (Hanley Downs Activity Area):

- (a) Any adverse effects of the continuous building length in terms of visual dominance by building(s) of the outlook from the street and adjoining sites, which is out of character with the local area.
- (b) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

Xxviii Garage setbacks and fence heights (Hanley Downs Activity Area):

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

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- (b) Whether any measures have been taken to reduce potential adverse effects, for example through the use of permeable or transparent fencing materials

Xxix Activities related to property development (Hanley Downs Activity Area)

(a) The extent to which the activity and the timeframe proposed relate to the development or sale of land and buildings in Jacks Point.

(b) Whether the design, location and associated mitigation would satisfactorily avoid, remedy or mitigate any adverse effects on residential amenity and landscape values.

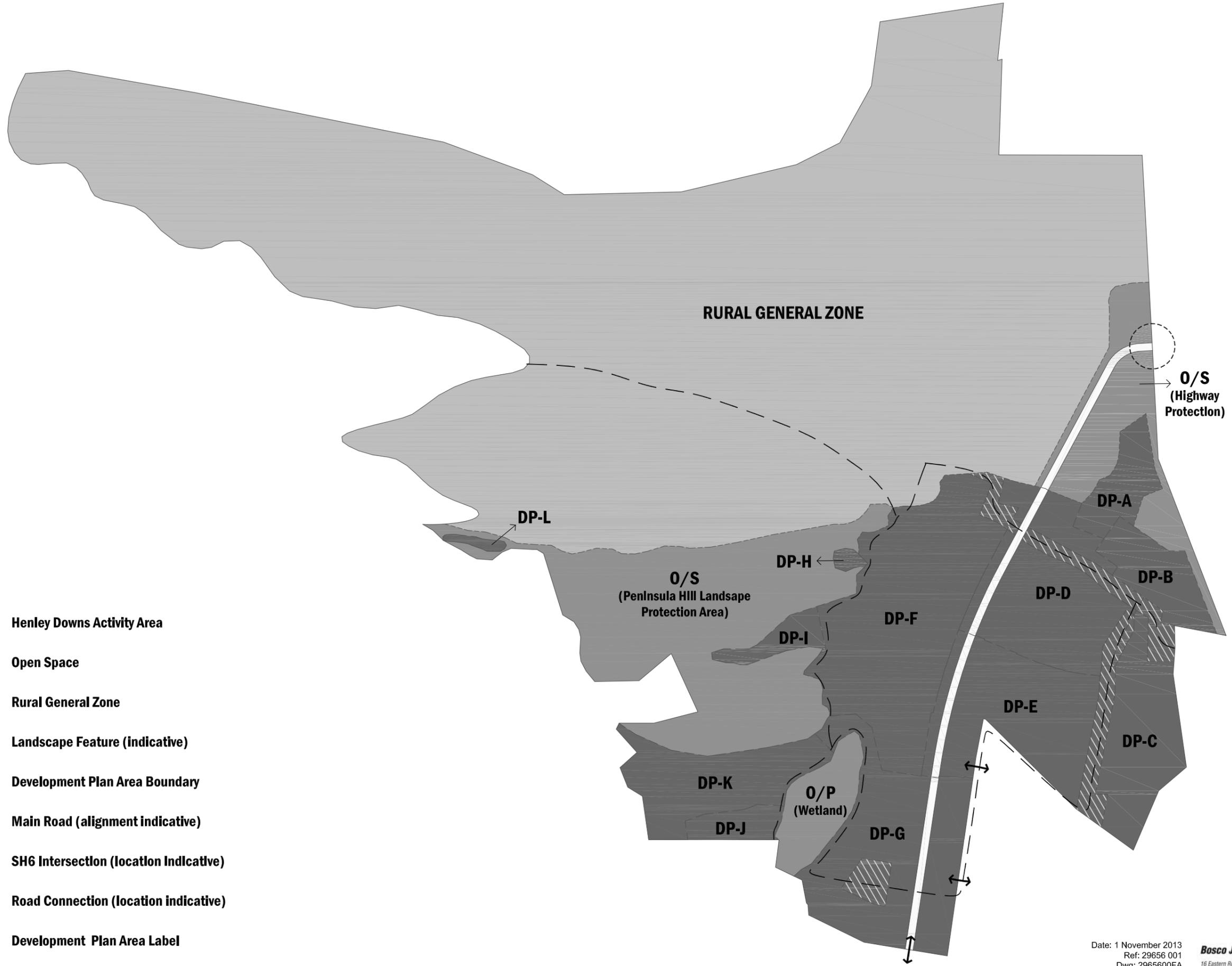
Proposed changes to Section D - Definitions

HOME OCCUPATION (Three Parks Zone and the Hanley Downs Activity Area of the Resort Zone)

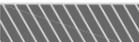
Means the use of a site for a non-residential activity (trade, occupation, profession, or business) in addition to the use of that site for a residential activity, where the non-residential activity occupies no more than 40m² of the GFA of all buildings on the site and where at least one person engaged in the non-residential activity resides permanently on the site and no more than one full-time equivalent person engaged in the activity resides permanently off-site. Home occupations exclude the operation of any visitor accommodation activity or homestay.

MEDIUM DENSITY HOUSING (in the Hanley Downs Activity Area of the Resort Zone)

Any residential unit on a site smaller than 400m² and/or any residential development with more than three attached residential units.



LEGEND

-  **Henley Downs Activity Area**
-  **Open Space**
-  **Rural General Zone**
-  **Landscape Feature (indicative)**
-  **Development Plan Area Boundary**
-  **Main Road (alignment indicative)**
-  **SH6 Intersection (location indicative)**
-  **Road Connection (location indicative)**
- DP-x** **Development Plan Area Label**
-  **Trail Network (routes indicative)**

Date: 1 November 2013
 Ref: 29656 001
 Dwg: 2965600FA
 Scale @ A1 1:6000
 Scale @ A3 1:12000

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