

12.30 Henley Downs Zone

The purpose of the Henley Downs Zone is to enable a settlement to establish which incorporates high standards of environmental management and urban design, while providing for the enjoyment of the spectacular landscape in and around the zone. The settlement is to integrate within the wider Wakatipu settlement pattern, functioning in a complementary manner to the neighbouring Jacks Point settlement.

For the purposes of this Plan, the term %Greater Jacks Point+ is used in particular instances to describe the area that incorporates both the Henley Downs Zone and Resort (Jacks Point and Homestead Bay) Zone.

12.30.1 Objectives and Policies

Objective 1: The Henley Downs Settlement

Development in Henley Downs contributes toward the success of Greater Jacks Point, integrating with the landscape, character and settlement pattern of the surrounding area.

Policies

- 1.1. *The Henley Downs Structure Plan is adhered to in order for:*
 - (i) *development to be located within an appropriately defined urban area;*
 - (ii) *maximum residential densities to not be exceeded in different parts of the site;*
 - (iii) *important road connections to be made through, to and from the site;*
 - (iv) *Areas of Biodiversity Value to be identified and appropriately managed.*

- 1.2. *Development is not highly visible from State Highway 6 and Lake Wakatipu.*
- 1.3. *In Development Areas A, H, I, and K the density of development, its location and landscaping is managed so as to avoid or reduce the visibility of development from State Highway 6.*
- 1.4. *Development in Henley Downs integrates with Greater Jacks Point to create a visually coherent built form.*
- 1.5. *Landscape planting is in keeping with the natural or cultural history of the area.*

Objective 2: Urban Activity Area

The Henley Downs Urban Activity Area develops with a predominantly residential character, incorporating a range of residential densities and compatible non-residential activities in an efficient, safe, healthy, vibrant and attractive urban setting.

Policies

- 2.1 *The lodgement and approval of an Outline Development Plan is required prior to subdivision and development occurring within the Development Areas of the Urban Activity Area, so as to ensure that Henley Downs benefits from a comprehensive and integrated approach to planning.*
- 2.2 *Development in the Urban Activity Area is consistent with an approved Outline Development Plan.*

- 2.3 Residential activities are enabled in Development Areas A to K, as shown on the Henley Downs Structure Plan up to the prescribed maximum number of residential units.
- 2.4 Visitor accommodation, retirement villages, commercial activities and community activities are enabled where residential amenity will not be undermined.
- 2.5 Specific and spatially defined Medium Density Housing Precincts and Commercial and Community Precincts are identified (as needed) through the Outline Development Plan process.
- 2.6 Small lot residential, multi-unit residential and visitor accommodation development are encouraged to co-locate within Medium Density Housing Precincts where design controls aimed at promoting high standards of medium and high density development apply.
- 2.7 Commercial and community activities are encouraged to co-locate within a Commercial and Community Precinct(s) within which there shall be a greater tolerance of adverse effects on amenity than the rest of the Henley Downs Zone.
- 2.8 Effects arising from the proximity of residential buildings, including shadowing and loss of privacy, are minimised through the use of controls on built form or through applying site specific solutions.
- 2.9 High standards of urban and individual building design are promoted, particularly for medium and high density residential development and buildings for non-residential activities.
- 2.10 Hours of operation of non-residential activities do not compromise residential amenity values, social wellbeing, residential cohesion and privacy.

2.11 Noise emissions associated with non-residential activities are within limits that maintain amenity values.

2.12 The urban structure (including road layout, cycle and walking networks, landuse densities, and block sizes) is well-connected and specifically designed to:

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

2.13 Roads, carriageways and walkways are designed and sized to:

- (i) encourage walking, cycling and (where relevant and practical) public transport use through being safe and pleasant to use for those purposes
- (ii) accommodate the likely nature and scale of future use, including existing or proposed public transport routes
- (iii) contribute to amenity and safety
- (iv) accommodate on-street car parking where needed
- (v) integrate with the character of Greater Jacks Point.

- 2.14 *In areas of lower density housing, in so far as is practical, the number of rear sites that do not front the street is minimised.*
- 2.15 *Rear sites in areas of medium and high density housing are avoided where possible, with houses fronting the street.*
- 2.16 *Subdivision, built form and landscaping outcomes are managed so as to encourage passive surveillance of streets and open spaces.*
- 2.17 *Subdivision, landscaping, building and street designs, where practical, enable passive solar heating.*
- 2.18 *Built forms conducive to affordable housing are enabled, including through:*
 - (i) *a range of lot sizes and housing typologies*
 - (ii) *applying plan provisions in a manner that does not preclude the use of innovative and cost effective building materials and techniques*
 - (iii) *providing for cost effective development*
- 2.19 *Existing watercourses in Henley Downs are used, enhanced and interconnected for the purposes of stormwater management and opportunities for stormwater paths to provide corridors of biodiversity value and public amenity are realised*

Objective 3: The Agriculture, Conservation and Recreation Activity Area

The Agriculture, Conservation and Recreation Activity Area supports and contains the Henley Downs urban area, maintaining and enhancing the landscape, recreational and natural values that surround it.

Policies

- 3.1 *Use of the Agriculture, Conservation and Recreation Activity Area is enabled where there is minimal adverse effects on landscape, recreational and natural values.*
- 3.2 *Infrastructure and associated servicing in the Agriculture, Conservation and Recreation Activity Area that is necessary to support Greater Jacks Point is enabled.*
- 3.3 *The biodiversity values of the Agriculture, Conservation and Recreation Activity Area are protected and enhanced.*
- 3.4 *Valuable natural vegetation and habitat in the Agriculture, Recreation and Conservation Activity Area, including grey shrublands, wetlands and the ecological links between them and the lakeshore escarpment, is protected and encouraged to re-establish.*
- 3.5 *Buildings in the Agriculture, Conservation and Recreation Activity Area are limited to those that:*
 - (i) *support agriculture, conservation or recreation; and/or*
 - (ii) *provide infrastructure or servicing for Greater Jacks Point; and/or*
 - (iii) *do not undermine the values set out in policies 3.1 to 3.4 above.*

12.31 Henley Downs Zone Rules

12.30.1 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

12.30.2 Activities

12.30.2.1 Permitted Activities

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

12.30.2.2 Restricted Discretionary Activities

The following shall be Restricted Discretionary Activities provided that 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 limited its discretion are listed with each Restricted Discretionary Activity.

(i) Outline Development Plans

An outline development plan with the exercise of Council's discretion limited to:

- a. the **comprehensiveness** of the outline development plan; and
- b. **Indicative subdivision design**, lot configuration and allotment sizes; and
- c. The locations of **building platforms** in Development Areas A, H, I and K; and
- d. **Roading** pattern, proposed road and street designs; and
- e. the appropriateness of **proposed activities** and their locations, including the locations of activities that may give rise to reverse sensitivity effects, the appropriateness of those effects occurring in the proposed location and any mitigation measures proposed; and
- f. The location of **Medium Density Housing Precincts and Commercial and Community Precincts**; and
- g. measures to address **natural hazard risks**; and
- h. the location of and suitability of proposed **open space areas, public transport links, pedestrian and cycle links**; and
- i. **Mitigation measures to ensure development is not highly visible** when viewed from State Highway 6 and Lake Wakatipu; and
- j. The proposed **treatment of the interface between the urban and rural area**; and
- k. With regards to Development Area J, a **biodiversity management and restoration plan** for the wetland shown on the Henley Downs Structure Plan; and
- l. Evidence that development can be appropriately serviced with **water, stormwater, and wastewater infrastructure**
- m. Compliance with the National Environmental Standard for Assessing and Managing **Contaminants in Soil** to Protect Human Health

(ii) Residential Buildings

The addition, alteration or construction of **buildings with more than three residential units**, with the exercise of Council's discretion limited to:

- a. the location, external appearance and design of buildings; and
- b. infrastructure and servicing; and
- c. associated earthworks and landscaping; and
- d. access.

(iii) **Non-Residential Activities**

Commercial activities, community activities and visitor accommodation, including the addition, alteration or construction of associated buildings, in a location approved as part of an Outline Development Plan, with the exercise of Council's discretion limited to:

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

(iv) **Sale of liquor**

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

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

- (v) Any Activity which is not listed as a Non-Complying Activity or Prohibited Activity and which complies with all the Zone Standards but does not comply with one or more of the Site Standards shall be a Restricted Discretionary Activity with the exercise of the Council's

discretion being confined to the matter(s) specified in the standard(s) not complied with.

12.30.2.3 Discretionary Activities

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

(i) **Airports**

Airports, limited to helicopter landing and take-off areas.

(ii) **Mining**

The mining of rock, aggregate or gravel for use within Greater Jacks Point.

(iii) **Forestry Activities**

(iv) Forestry Activities, aside from the harvesting of forest.

(v) **Service Activities**

(vi) **Buildings**

- a. Buildings located outside of an approved building platform in Development Areas A, H, I and K; and
- b. Buildings located in the Agriculture, Conservation and Recreation Activity Area.

(vii) **Activities inconsistent with an Outline Development Plan**

Any activity inconsistent with an approved Outline Development Plan.

(viii) **Outline Development Plan which proposes a Discretionary Activity**

Any Outline Development Plan which proposes a Discretionary Activity.

12.30.2.4 Non-Complying Activities

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

- (i) **Industrial activities**
- (ii) **Airports**

Airports, aside from Helicopter Landing and Take-off Areas and the use of land and water for emergency landings, rescues and fire fighting.

- (iii) **Factory farming**
- (iv) Any activity which does not comply with one or more of the relevant **Zone Standards**.
- (v) **Outline Development Plan which proposes a Non-complying Activity**

Any Outline Development Plan which proposes a Non-Complying Activity.

12.30.2.5 Prohibited Activities

The following shall be **Prohibited Activities**:

- (i) Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade License under the Health Act 1956.
- (ii) Planting the following trees:
 - Pinus radiata
 - Pinus muricata
 - Pinus contorta
 - Pinus ponderosa

- Pinus sylvestris
- Pinus nigra
- Douglas Fir

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

Any Outline Development Plan which proposes a Prohibited Activity.

12.30.3 Non-notification of Applications

Except as provided for by the Act, all applications for restricted discretionary activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected person; except that in applications for the exercise of the Council's discretion in respect of failure to comply with the following Site Standard 12.30.4.1(vi) Internal setbacks notice may be served on those persons considered to be adversely affected if those persons have not given their written approval.

12.30.4 Standards

12.30.4.1 Site Standards

- (i) **Size of Outline Development Plans**

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

- (ii) **Nature and Scale of Activities**

The maximum net floor area for any retail activity shall be 200m².

- (iii) **Earthworks**

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

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

1. Volume of Earthworks

- (a) The total volume of earthworks does not exceed 100m³ 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 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 Areas.
- (c) The Accidental Discovery Protocol, as outlined in Appendix 6 of the Ngai tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 shall be complied with.

(iv) Protection of indigenous vegetation

In the Areas of Biodiversity Value as identified on the Structure Plan:

- (a) no clearance of indigenous vegetation shall exceed 100m² in area in any one hectare in any continuous period of 5 years
- (b) there shall be no exotic tree or shrub planting
- (c) no buildings shall be constructed, aside from those identified in an approved Outline Development Plan
- (v) **Building height**

Building height for buildings located in a Commercial and Community Precinct or Medium Density Housing Precinct identified in an approved outline development plan the maximum height for buildings shall not exceed 10m.

(vi) **Setbacks from internal boundaries**

- a. In all areas aside from Commercial and Community Precincts and Medium Density Housing Precincts identified as part of an approved Outline Development Plan, **except** as provided for below, the minimum setback for buildings from internal boundaries for any building shall be:

Front Site:

- o One setback of 4.5m and all other setbacks 2m.

Rear Sites:

- o Two setbacks of 4.5m and all remaining setbacks to be 2m.

except that:

- (i) 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.

- (ii) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
 - a. eaves up to 0.6m into the setback; and
 - b. 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
 - c. porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
 - d. 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
 - e. no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.
- (iii) No setback is required from an internal boundary where buildings share a common wall on that boundary.

- b. In Medium Density Housing Precincts identified as part of an approved Outline Development Plan, **except** as provided for below, the minimum setback for buildings from internal boundaries for any building shall be 1.5 meters.

Except that

- (i) Eaves may be located up to 0.6m into the minimum setback
- (ii) No setback is required from an internal boundary where buildings share a common wall on that boundary.

(vii) **Outdoor living space**

- a. 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 and Commercial 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.
- 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.

(viii) **Continuous building length for residential buildings**

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

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

Refer Appendix 4

(ix) **Garages**

In Development Areas B, D, E and F garages and carports must be setback at least level to the front façade (i.e. the façade facing the street) of the residential unit.

(x) **Fences**

Fences located within a setback from roads shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site.

(xi) **Building and fence colours**

External building and fencing materials shall:

- a. be coated in colours which have a reflectance value of between 0 and 35%;or
- b. consist of natural wood, stone, concrete or copper;

except that:

- c. architectural features including doors and window frames may be any colour; and
- d. roof colours shall have a reflectance value of between 0 and 20%.

12.30.4.2 Zone standards

(i) **Noise:**

- a. In all areas aside from Commercial and Community Precincts identified in an approved outline development plan:
 - (i) 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 any other site in this Zone:
 - daytime (0800 to 2000 hrs) 50 dB $L_{Aeq(15\ min)}$
 - night-time (2000 to 0800 hrs) 40 dB $L_{Aeq(15\ min)}$
 - night-time (2000 to 0800 hrs) 70 dB L_{AFmax}
- b. In Commercial and Community Precincts identified in an approved outline development plan:
 - (i) Sound from activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in a Commercial and Community Precinct:

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

- (ii) Sound received from non-residential activities in Commercial and Community Precincts identified in an approved outline development plan shall comply with the noise limits set in the zone standards for other parts of the Henley Downs Zone
- (iii) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (iv) The noise limits in (a) and (b) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.
- (v) The noise limits in (a) and (b) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply 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.

- (vi) The noise limits in (a) and (b) 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.
- (ii) **Lighting and Glare**

Any activity that does not comply with the following standards:

- a. All fixed exterior lighting shall be directed away from adjacent sites and roads; and
- b. 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.
- c. There should be no upward light spill

(iii) **Building Height**

In all areas aside from Medium Density Housing Precincts and Commercial and Community Precincts identified as part of an approved Outline Development Plan, **except** as provided for below, 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 25° 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 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.

(iv) **Access**

Each unit shall have legal access to a formed road.

(v) **More than one residential unit on a site**

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

(vi) **Setbacks from roads**

- a. Except in Commercial and Community Medium Density Housing Precincts identified as part of an approved Outline Development Plan, buildings shall be set back at least 4.5 m from a road boundary.
- b. In Medium Density Housing Precincts, buildings shall be set back at least 3 m from a road boundary.

(vii) **Rear sites**

No rear sites shall be created in Commercial and Community Precincts and Medium Density Housing Precincts unless as part of a retirement village or visitor accommodation complex.

(vii) **Size of building platforms**

No building platforms shall be smaller than 70m² or greater than 1000m².

(viii) **Residential density**

The maximum number of residential units in a Development Area (as shown on the Henley Downs Structure Plan) shall be as follows:

Development Area	Maximum Number of Residential Units
A	4
B	85
C	255
D	325
E	450
F	540
G	800
H	1
I	7
J	100
K	4

(ix) **Residential units in approved building platforms**

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

12.30.5 Resource Consent Assessment Matters

12.30.5.1 Restricted discretionary activities

(i) **Outline development plan:**

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:

In regard to the **comprehensiveness of the outline development plan:**

- (a) An Outline Development Plan must include sufficient information to enable all matters of discretion to be adequately assessed. At a minimum an Outline Development Plan would normally be expected to include:
 - a. A plan showing:
 - i. an indicative subdivision layout
 - ii. an indicative street network
 - iii. locations of Medium Density Housing precincts which are anticipated to consist of lots smaller than 400m² or lots intended to accommodate buildings with more than three residential units
 - iv. Locations of sites anticipated to accommodate more than one residential unit, with information on the maximum number of residential units those sites shall accommodate
 - v. Locations of :
 - 1. Residential activities
 - 2. Commercial activities
 - 3. Schools and other large scale education facilities,
 - 4. Other community activities,
 - 5. Visitor accommodation
 - 6. Retirement villages

- Note - in some instances an area may be identified as suitable for a range of uses such as both residential and visitor accommodation.
- vi. Indicative building footprints for non-residential activities and residential buildings of three or more units
 - vii. building platforms in Development Areas A, H, I and K
 - viii. the location(s) of any proposed Commercial and Community Precinct(s)
 - ix. the proposed walking, cycling and public transport network
 - x. locations of proposed parks and other public open spaces
 - xi. the location of proposed landscaping, including for the mitigation of visibility from State Highway 6
 - xii. the location of any area in which development is not anticipated to occur until sufficient landscaping has been established or secured
 - xiii. Locations of any proposed public car parking
 - xiv. Locations of any utilities proposed that may need consent under Section 17 of the Plan
- b. details on the type of mitigation proposed to manage reverse sensitivity issues and to reduce visibility of development (including, where relevant, the types of species to be planted)
 - c. an explanation on how the edge of the urban area is proposed to be treated
 - d. Road design cross sections and information as to which roads the different road designs shall apply
 - e. An indicative stormwater management plan
 - f. If the Outline Development Plan proposes development within Development Area J, a biodiversity management and restoration plan for the wetland in that area.

In regard to **indicative subdivision design**:

- (a) Whether the street blocks are designed to be walkable. The following can be used as a guide for the Development Areas B, C, D, E, F and H:
 - a. Outside of Commercial and Community Precincts and Medium Density Housing Precincts, where practical block sizes larger than 1.5 ha and block lengths (between intersections, not including rear service lanes) longer than 200m should be avoided.
 - b. In Commercial and Community Precincts and Medium Density Housing Precincts where practical:
 - i. block areas exceeding 0.8 hectares should be avoided.
 - ii. block lengths longer than 100m should be avoided unless they front roads which are designed to move substantial amounts of traffic from the Greater Jacks Point area.
- (b) Whether the subdivision layout, in so far as is practical, minimises the numbers of rear sites. Circumstances where rear sites may prove appropriate include where:
 - a. due to terrain or site constraints, providing road frontage would be impractical or prohibitively expensive
 - b. adverse effects relating to rear sites such as loss of privacy and excessive driveways fronting streets are likely to be minimal. Reasons for this being the case may be due to the presence of large lot sizes, site specific design controls or frontages on to open space that mean that houses on rear sites would be expected to face away from those that front the street;
 - c. alternative layouts may result in alternative street layouts that would result in a worse outcome in terms of residential amenity, connectivity/ walk-ability, and safety.
- (c) Whether the lot sizes and dimensions will realistically enable built forms that meet all zone standards. For small or unusually shaped

sites, indicative building footprints may be necessary to aid in the consideration of this assessment matter.

- (d) Whether the street and lot configuration is likely to encourage building designs with visual connections from habitable rooms to the street. In so far as practical, on flat and gently sloping sites, subdivision designs should avoid large numbers of north facing residential lots which may incentivise houses to be set well back from the street with private, enclosed outdoor space toward the front of the building.
- (e) Whether the street and lot configuration is likely to encourage house orientations that maximise solar gain. North-south street orientations are encouraged to support such a lot configuration.
- (f) Whether proposed open spaces and walkways are likely to feel safe, including through benefiting from passive surveillance from surrounding uses. Subdivision designs should normally avoid lots directly adjoining open spaces without a road or accessway providing separation, unless:
 - a. there is not considered to be an incentive for lot owners to seek to reduce the visibility of their property from the open space such as when an approved rear lot fronts an open space; or
 - b. the open space is intended for farming rather than public use and appropriate edge treatment is to be put in place, or other reasons mean that the open space is unlikely to be frequented by the public
- (g) Whether for any proposed Commercial and Community Precinct (aside from those precincts design to provide for larger scale community activities such as education and health facilities), the lot alignment and indicative building footprints would be expected to create a place which:
 - a. Is orientated around a mainstreet which accommodates through traffic
 - b. is attractive and pedestrian-focused
 - c. enables buildings with active street frontages
 - d. minimises unattractive and unsafe outcomes resulting from the servicing of buildings and vehicle parking. If possible, servicing of buildings should be achievable from the rear of buildings without service lanes connecting to the main street.
- (h) Whether the steep slopes of the gully to the east of Activity Area C are proposed to be free of development.
- (i) Whether a range of housing choice may be promoted through some diversity in section sizes.

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

In regard to **locations of building platforms:**

- (a) The extent to which building platforms in Development Areas A, H, I and K are located such that resultant buildings and associated earthworks, access and landscaping will avoid breaking the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- (b) Whether, through the location of building platforms and associated mitigation, present levels of privacy and rural amenity will be maintained in Development Area A, with resultant buildings not being highly visible from State Highway 6 or visible from existing private residences in Development Area A.
- (c) Whether, through the location of building platforms and associated mitigation, the visual pattern of Development Area I, when viewed of from State Highway 6 will be dominated by green space and vegetation with parts of buildings being a minor part of that view.

- (d) Whether, through the location of building platforms and associated mitigation, the resultant building(s) in Development Area H will not be visible when viewed from State Highway 6.
- (e) Whether building platforms and associated mitigation in Development Area K will be effective in reducing the visibility of development when viewed from existing homesites and places frequented by the public outside of the Henley Downs Zone.
- (f) Whether any particular control on development is required for a building platform in order to minimise the visibility of development, such as a limit on height.

In regard to **roading**:

- (a) The extent to which a grid design with vehicle or pedestrian connections, particularly within Development Areas B, D, E, F and G is utilised to promote connectivity, and to avoid a conventional suburban design with unnecessarily meandering road forms. Curved roads that respond positively to landforms and topography are acceptable, provided these are well-connected.
- (b) Whether the roading pattern realises opportunities to connect streets. Where practical, cal-de-sacs, except those that are short (no more than 75m) and straight, should be avoided. Instances where avoiding cal-de-sacs that are not short and straight may prove impractical may include where:
 - a. terrain or site constraints limit options that are pragmatic or affordable (through leading to expensive roading costs or a significant reduction in development yield for part of the site)
 - b. activity area boundaries necessitate cal-de-sacs that are not short or straight in order to access lots
- (c) Whether and when a through road from the Jacks Point Village to the State Highway 6 intersection with Woolshed Road is to be provided. The road should provide a logical and direct route to and

from the State Highway for a significant proportion of the Greater Jacks Point and Henley Downs community and follow approximately the route shown on the Structure Plan. It is anticipated that the road would be in operation prior to congestion problems arising at the Maori Jack Road entrance/exit to Greater Jacks Point.

- (d) Whether road connections in, through and out of the site shown on the Structure Plan are to be created. Note that the exact location will not normally be of concern in determining whether compliance with the structure plan is being achieved.
- (e) Whether the indicative road layout will facilitate existing or potential future public transport routes through Henley Downs to the Jacks Point Village. Indicative locations of future bus stops should be shown.
- (f) Whether the road network is designed so that all lots benefit from logical, efficient and safe vehicle routes to State Highway 6, the Jacks Point Village and, where practical, between neighbourhoods.
- (g) Whether road and street design cross sections show key dimensions and features of roads, footpaths, walkways, cycleways, on-street parking, stormwater management infrastructure and, where relevant, indicative street furniture and public transport infrastructure.
- (h) Whether road and street design cross sections are shown to be proposed for use in appropriate locations reflecting the likely role and function of the road or street. Note, this is likely to require showing a road hierarchy for roads and streets in the area to which the Outline Development Plan applies.
- (i) Whether road and street designs will enable safe, efficient and pleasant use by vehicles, pedestrians and cyclists. Consideration should be given to issues such as width of carriageways, noting that wide carriageways can promote unsafe vehicle speed, and traffic calming measures.

- (j) Whether proposed road and street designs make a positive contribution to the amenity of the settlement.
- (k) Whether on roads and streets where traffic volumes are expected to make lane sharing between motor vehicles and cycles unpleasant or unsafe, road and street designs show how segregated cycle lanes are to be incorporated, or alternatively, a plan shows safe and practical alternative cycling routes.

In regard to **proposed activities**:

- (a) Whether the zone maintains a predominantly residential character. While the Henley Downs Zone provides some flexibility for non-residential activities to establish, Outline Development Plans that would result in Henley Downs assuming a predominantly non-residential nature will not normally be approved.
- (b) Whether non-residential activities that may give rise to noise or other effects that risk undermining residential amenity are appropriately located or it is shown that appropriate mitigation is proposed to provide confidence that zone standards can be met.
- (c) Whether retirement villages are located in such a way as to reduce the prospect of their servicing and operation leading to reverse sensitivity conflicts with other residential and non-residential uses
- (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.
- (e) The extent to which the location of any proposed utilities that may need consent under Section 17 of the Plan are located in such a way as to enable efficient use while, where practical, mitigating reverse sensitivity effects that may arise.

- (f) Whether opportunities are realised to co-locate non-residential uses that can serve as a community hub within a Commercial and Community Precinct

In regard to the location of **Medium Density Housing Precincts and Commercial and Community Precincts**:

- (a) Whether any Commercial and Community precinct intended to serve as a community hub is located so as to be easily accessible and visible from the main through road shown on the Structure Plan.
- (b) The extent to which any Medium Density Housing precincts are located so as to benefit from reasonable access to open space and public transport (now or in the future).

In regard to **natural hazard risks**:

- (a) Whether, in considering natural hazard information, the proposed development is considered to be feasible. In applying this assessment matter, the level of assessment should take account of the need to apply for subsequent subdivisions and resource consents in which natural hazards will be a matter considered.

In regard to **open space areas, public transport links, pedestrian and cycle links**:

- (a) Whether, where terrain and site constraints do not enable connections between streets, safe, convenient and attractive walking and cycle connections are provided where practical.
- (b) Whether a range of public open spaces are shown on the Outline Development Plan including larger natural areas, playing fields (where Council has identified a need), smaller urban parks and playgrounds which provide relief from urban streetscapes, community meeting points and recreation opportunities.

- (c) Whether medium density housing precincts benefit from reasonable access to useful public parks and open spaces.
- (d) Whether parks and reserves, through their location and interrelation with adjacent uses, can provide safe and pleasant environments.
- (e) Whether a significant part of the south face of the mound toward the south end of Development Area G is to be retained, including the existing height, so that an undeveloped slope can be viewed from the Jacks Point Village.

In regard to **mitigation measures to ensure development is not highly visible from State Highway 6**

- (a) Whether and where, in order to ensure buildings are not highly visible from State Highway 6, landscaping such as plating or mounding is proposed.
- (b) Whether proposed landscaping will appear natural or be in keeping with the historical use of the site.
- (c) Whether, in order to ensure buildings are not highly visible from State Highway 6, specific height or colour controls for buildings are necessary for parts of the zone.
- (d) Whether, in order to ensure buildings are not highly visible from State Highway 6, conditions are necessary to prescribe that development not occur until landscaping has been undertaken, existing vegetative screening secured and/or a succession plan for existing vegetation put in place. In particular, it is anticipated that such measures may need to be considered in parts of Development Areas A, B and C as shown on the Structure Plan.

In regard to **treatment of the interface between the urban and rural area:**

- (a) Whether the proposed treatment of the boundary between the urban area and the rural or natural part of the site will maintain rural amenity and provide for a safe and pleasant urban environment. Such treatment may include (but is not limited to) streets, roads, walls, rural fences, mounding and planting. Suburban style fences which are highly visible from the rural area should be avoided. Any materials used should maintain a coherent theme with similar constructions in Greater Jacks Point.
- (b) Whether any encroachments of sections into the Agriculture Conservation and Recreation Activity Area is justified on the basis that:
 - a. landscape effects will be minor; and
 - b. little or no development is proposed within the Agriculture Conservation and Recreation Activity Area parts of the sites; and
 - c. an attractive urban edge will result; and
 - d. there is considered to be a practical benefit in privatising those areas.

In regard to a **biodiversity management and restoration plan for the wetland**

- (a) Whether a biodiversity management and restoration plan will be effective in maintaining and enhancing the biodiversity values of the wetland located within Development Area J, including through weed control, fencing, replanting of vegetation and the establishment of ongoing management arrangements.
- (b) With respect to any buildings proposed in the part of Development Area J covered by Agriculture, Conservation and Recreation Activity Area:
 - a. whether they are related to conservation activities or the enjoyment of the natural area (for example boardwalks)
 - b. whether they would risk degrading the natural values of the wetland through disturbance of wildlife or indigenous vegetation.

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

In regard to **water, stormwater, and wastewater infrastructure**

- (a) Whether a stormwater management plan shows proposed stormwater flow paths and soakage and disposal areas.
- (b) Whether a stormwater management plan appropriately accounts for site conditions and for likely stormwater flows from a fully developed catchment.
- (c) Whether development that may hinder the safe and effective function of overland flow paths is avoided.
- (d) Whether, where practical, low impact design solutions have been employed to minimise or prevent adverse effects on the environment.
- (e) Whether, where practical, safe and practical proposals to integrate stormwater management facilities into an attractive public realm and/or biodiversity corridors are proposed (including through planting of vegetation).
- (f) Whether a water supply exists or can feasibly be built to ensure that an appropriate quality and quantity of secure water supply will be available to development in the area subject to the Outline Development Plan.
- (g) Whether infrastructure exists or can be feasibly built to ensure that wastewater from development in the area subject to the Outline Development Plan will be appropriately treated and disposed of.

(ii) Residential buildings of more than three residential units

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

assessment matters:

- (a) Whether the development positively contributes to the streetscape through the location and design of the built form, carparking, balconies, ground floor levels, accessways, the treatment of the public/ private interface, and landscaping.
- (b) Whether buildings are able to achieve a high level of connection with the street, including establishing local character and evoking visual interest from street users.
- (c) Whether the design creates a visual connection between land uses and the street, including through having windows that face the street.
- (d) Whether views from the street into sites are clearly drawn to land use activities and entrance points, with garages being a recessive visual feature. Applications where the garage, front fencing, or high front landscape screening will dominate a site frontage will not normally be approved.
- (e) Whether the visual effect of monotonous or repetitious facades created by same or similar unit types have been avoided or mitigated through articulation of building frontages. Such effects may be mitigated by such means as variations in form, height, materials, texture and colour, or by including recesses or protrusions in the elevation which are of a sufficient depth and width to effectively break any monotony of the form.
- (f) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood.
- (g) Whether communal car parking is designed so that spaces are broken up and easily identifiable with each unit and commercial-style continuous parking areas avoided.
- (h) Whether there are suitable places to store cycles within residential units (such as garages) or secure and convenient cycle parking / storage is available for each unit.

- (i) Whether each unit is designed to minimise loss of privacy and nuisance effects between other units, such as by off-setting windows in close proximity to one another.
- (j) Whether waste and recycling material can be appropriately stored within the grounds of each area, or convenient, appropriately sized and designed communal areas for the storage of waste are available.
- (k) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
 - (i) Noise, vibration and lighting from vehicles
 - (ii) Protecting privacy for residential neighbours.
- (l) Whether private and public space are clearly demarcated
- (m) Whether proposals to utilise innovative, cost effective building designs, methods and materials that may support the provision of affordable housing are not unreasonably precluded.

(iii) Non-residential activities

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

- (a) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
 - (i) Noise, vibration and lighting from vehicles
 - (ii) Protecting privacy for residential neighbours.
- (b) Whether buildings, taking account of their proposed location, function and visibility, will make an attractive contribution to the streetscape or landscape. Consideration should be given to factors such as:
 - Building materials

- Colour
 - Glazing treatment
 - Symmetry
 - External appearance
 - Vertical and horizontal emphasis
 - Ground floor levels
 - Balconies and veranda designs
 - the ratio of the building height relative to the width of the adjacent street or open space.
- (c) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood.
 - (d) Whether the buildings would be attractive when viewed from elevated locations inhabited or frequented by people. This may affect the location of air conditioning units, other utilities, signs and lighting or necessitate screening.
 - (e) Whether the building is setback from the road or not and the extent to which it is set back. The following can be used as a guide:
 - a. In Commercial and Community Precincts (aside from those precincts designed to provide for larger scale community activities such as schools), it is anticipated that buildings would be located up to the road boundary.
 - b. Individual non-residential buildings that are surrounded by residential properties should normally be set back consistent with residential buildings.
 - c. For larger scale buildings, including community activities such as schools are expected to be setback considerably further.
 - (f) Whether the area set aside for the storage of waste is adequately sized and designed to enable the separation, storage and collection of recyclable waste. Where possible, servicing and waste storage areas should be located to the side or rear of buildings in a location accessed separately from the public entrance.

- (g) The extent to which the outside storage of any goods, materials or equipment (including vehicles associated with the activity parked on the site overnight) would have an adverse effect on the residential amenity of neighbours or the streetscape. With respect to this assessment matter, whether the site is within a Commercial and Community Precinct approved as part of Outline Development Plan, and can therefore be reasonably anticipated, may be a relevant consideration.
- (h) Whether any landscaping associated with buildings, for the purposes of mitigation or beautification, will:
 - a. Would result in adverse effects on neighbouring properties; and
 - b. Would be practical to maintain.
- (g) Whether sufficient car and cycle parking is available or proposed either on site or through shared or common areas to serve the needs of the development, visitors, customers and employees and avoid or mitigate adverse effects on the visual amenity and convenience enjoyed by neighbouring properties and those frequenting the wider area. In applying this assessment matter regard should be given to:
 - a. the availability of alternative transport means, and
 - b. the frequency at which adverse effects are likely to be experienced.
- (h) Whether car parking is appropriately located and designed. Sites should be designed so that buildings and/or landscaping are the dominant features visible from streets and open spaces; with car parking areas located to the side or rear of buildings. Car parking should be landscaped.
- (i) Whether, in any Commercial and Community Precinct (aside from those precincts designed to provide for larger scale community activities such as schools), the building contributes to the creation of an active street frontage. In such areas it is expected that:

- a. Pedestrian amenity and opportunities for pedestrian movement shall be maximised along main streets through the provision of footpaths, verandas, interesting façade designs (which should include the main pedestrian entrance into the building), minimal vehicle crossings, and the avoidance, where possible, of any deliveries or servicing from the main street.
- b. Vehicle accesses from main streets shall be minimised and avoided where possible, through the provision of rear lanes or through vehicle crossings being shared between properties wherever possible.
- c. Main entrances shall be at the front of buildings and should be clearly visible from the street.
- (j) Whether, for buildings which adjoin open spaces, an appropriate interface is achieved with that open space that makes the open space feel safe and attractive. Where possible, buildings should front the open space with openings and extensive glazing,

(iv) In regard to sale of liquor:

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

- (a) With regards to the appropriateness of the location, the sale of liquor is only likely to be appropriate within a commercial and community precinct approved in an Outline Development Plan or as part of another approved use such as visitor accommodation, retirement villages, recreation facilities or temporary activities.
- (b) With regards to the scale of the activity and hours of operation, frequency of use and its compatibility in relation to surrounding and/or adjoining uses should be considered.

- (c) With regards to retention of amenity, the effect on existing and foreseeable future uses of the neighbourhood, particularly in relation to noise, traffic generation and loss of privacy should be taken account of.
- (d) With regard to noise, it should be demonstrable that relevant zone standards will be able to be met on an ongoing basis. How the topography of the site and neighbouring area and proposed mitigation will affect noise emissions beyond the site should be considered. A noise management plan may be required.
- (v) **In regard to size of Outline Development Plans (in relation to any breach of the site standard 12.30.4.1(i)):**
 - (a) Outline Development Plan that cover only part of an entire Development Area will not normally be approved unless there is a practical reason for limiting the extent of the application.
- (vi) **Earthworks (in relation to any breach of zone standard 12.30.4.1(iii)):**

1. Environmental Protection Measures

- (a) The extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
- (e) Whether appropriate measures to control dust emissions are proposed.

- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

2. Effects on landscape and visual amenity values

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

3. Effects on adjacent sites:

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

(vii) In regard to protection of indigenous vegetation (in relation to any breach of the site standard 12.30.4.1(iv)):

(a) Whether any loss or degradation of ecological values is reinstated or offset by planting, weed or pest control that contributes to the biodiversity of other Areas of Biodiversity Value as identified in the Structure Plan.

(b) Whether, with respect to buildings, a building will benefit conservation efforts or support the enjoyment of natural areas by the public without unduly undermining conservation values.

(viii) In regard to height for residential buildings of three or more units and non-residential buildings (in relation to any breach of site standard 12.30.4.1(v)):

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

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

(i) Whether a protrusion through the height plane is necessary to enable a lift tower.

(j) Whether a better design outcome can be achieved through allowing a protrusion through the height plane when compared to alternative complying designs.

(k) Whether the increase in height is necessary for the practical use of the building. Applications in which a protrusion is proposed so as to exaggerate the visual prominence of the building are unlikely to be approved.

(l) Whether the location of the buildings, proposed setbacks and mitigation would mean that a protrusion through the height plane would result in minimal adverse effects on the amenity and privacy enjoyed by neighbours and on the cohesiveness of residential character.

(ix) In regard to setbacks from internal boundaries (in relation to any breach of site standard 12.30.4.1(vi)):

(a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient or practical use of the remainder of the site.

(b) Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.

- (c) Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy, noise, glare or vibration, and the extent which this is inconsistent with the living environment anticipated in the neighbourhood.
- (d) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.
- (e) The ability to mitigate adverse effects of the proposal on adjoining sites, including the ability to provide adequate opportunities for landscaping around buildings.
- (f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
- (h) Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.
- (x) In regard to continuous building length (in relation to any breach of site standard 12.30.4.1(viii)):**
 - (a) Any adverse effects of the continuous building length in terms of visual dominance by building(s) of the outlook from the street and adjoining sites, which is out of character with the local area.
 - (b) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

(xi) In regard to garages (in relation to any breach of site standard 12.30.4.1(ix)):

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

- (a) Whether the breach of the standard would result in:

- a. Visual dominance of the frontage of a residential building by a garage when viewed from the street; or
- b. The obstruction of sight lines from the street to windows or the main entrance to the house; or
- c. the diminishing of the coherence of the design and built form of the street or neighbourhood.

(xii) In regard to fence height (in relation to any breach of site standard 12.30.4.1(x)):

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

12.30.5.2 Discretionary activities

(i) In regard to Service Activities

- (a) Whether the activity relates directly to the maintenance, operation or construction of Greater Jacks Point.
- (b) Whether the design, location and associated mitigation would satisfactorily avoid remedy or mitigate any adverse effects on the

amenity enjoyed by other uses in and around Greater Jacks Point and landscape values.

(ii) In regard to forestry:

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:

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

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

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

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

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

- (a) The existing ecological values of the subject land and the surrounding environment, having particular regard to the potential effects on existing indigenous ecosystems;
- (b) Current and future demand on water resources.

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

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

(ii) In regard to mining:

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

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

- (b) The extent to which screening is provided to ensure that the potential adverse visual effects of the activity are no more than minor.
- (c) The ability of the proposal to rehabilitate the site during and after mining.
- (d) The ability of the company to:
 - (i) provide a contingency plan for early mine closure
 - (ii) adequately monitor operations and the effects of the receiving environment.
- (e) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.
- (f) The benefit in supporting the development of Jacks Point and Henley Downs through locally sources materials, including the potential for reduced use of energy through transportation.

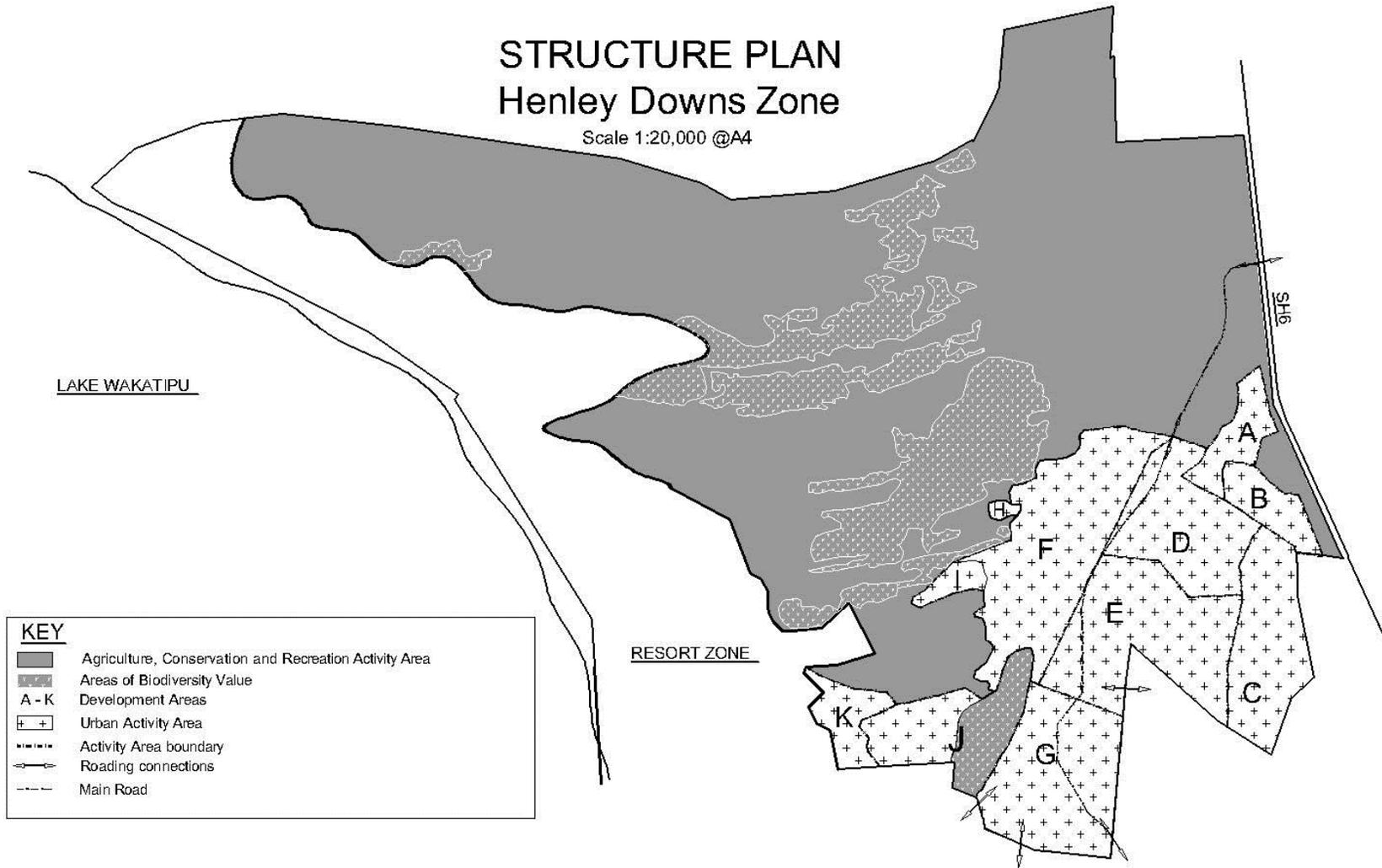
(iii) In regard to activities inconsistent with an approved Outline Development Plan:

- (a) The extent to which the activity may be of a nature, scale or frequency that would undermine the integrity of an approved Outline Development Plan.
- (b) The likelihood that an Outline Development Plan may have prescribed different outcomes on other sites had the development been proposed as part of that process.

(iv) In regard to buildings in the Agriculture, Recreation and Conservation Activity Area:

- (a) Whether the buildings are intended for the purposes of servicing and infrastructure important to the functioning of Greater Jacks Point and landscape effects have been satisfactorily mitigated.
- (b) The extent to which proposed habitat restoration or a contribution toward the protection and enhancement of ecological values within the Agriculture, Conservation and Recreation Activity Area may benefit biodiversity.
- (c) Whether the buildings, associated development and activities would be highly visible when viewed from State Highway 6, Lake Wakatipu or places frequented by the public outside of the Henley Downs Zone.
- (d) With respect to buildings for farming purposes:
 - a. Whether the design is in keeping with what may be anticipated on a working farm,
 - b. Whether colours and external building materials are recessive
 - c. Whether the building is appropriately located away from landscape sensitive areas such as skylines and ridges and areas close to State Highway 6
- (e) The extent to which the building may aid conservation activities.
- (f) The extent to which the building may aid in the public recreational enjoyment of the Agriculture, Recreation and Conservation Activity Area.

Note . for the avoidance of doubt landscape classifications and associated policies set out in Section 4 of the District Plan are applicable in the assessment of proposals in the Agriculture, Recreation and Conservation Activity Area.



HENLEY DOWNS ZONE

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