

# RESORT ZONES RULES – PC 44 Amendments

## Amendments to operative District Plan Provisions by RCL Queenstown Pty Ltd, Henley Downs Farm Ltd, Henley Downs Land Holdings Ltd and Henley Downs Farm Holdings Ltd

Changes are denoted by underline for additions and ~~strikethrough~~ for deletions.

## 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

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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.

## **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 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 Hanley Downs, 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;
  - location; and
  - compliance with any relevant Council approved development controls and design guidelines.

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(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.

(e) Buildings within Activity Area FP-1 of the Jacks Point Resort Zone, with the Council's control limited to:

- i. Consistency with the building locations specified on the Spatial Layout Plan approved under Rule 12.2.3.3(b)
- ii. the external appearance of buildings;
- iii. infrastructure and servicing;
- iv. associated earthworks and landscaping;
- v. access and parking;
- vi. bulk and location; and

vii. exterior lighting;

## ix Parking, Loading and Access

(a) In the Millbrook Resort, Jacks Point (excluding Hanley Downs) 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.

## x Landscaping and public access (Jacks Point Zone)

(a) 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

(b) The design of the State Highway mitigation within the location shown on the Structure Plan, with the Council's control limited to:

- i. The creation of a comprehensively designed landscape edge to the northern part of the zone;

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ii. Mitigation of the visual impacts of potential building development location with Activity Area EIC, (R(HD-SH) – 1 and R(HD-SH)- 2;

iii. Maintaining views across the zone to the mountains located against the western shores of Lake Wakatipu;

iv. Compatibility with flood hazard mitigation measures;

v. Appropriate plant species, height at planting and at maturity; and

vi. Provision for on-going maintenance and ownership.

## xi Earthworks

In the Jacks Point Zone, earthworks associated with golf course development, that exceed 1,000m<sup>3</sup> in volume and/or 2,500m<sup>2</sup> of exposed topsoil at any time.

## xii Outline Development Plan - Residential Activity Areas

In the Jacks Point area of the Jacks Point Resort Zone (excluding Hanley Downs), 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.
- (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.

## xiii Outline Development Plan - Village Activity Areas

In the Jacks Point area of the Jacks Point Resort Zone (excluding Hanley Downs), 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) Roding 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.

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- (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).

## xiv **Medium Density Residential Development - Hanley Downs**

Within the R(HD) A – E and R(HD-SH) 1 Activity Areas located within the Hanley Downs area of the Jacks Point Resort Zone, any residential activity which results in either:

- (a) three or more attached residential units; or
- (b) a density of more than one residential unit per 400m<sup>2</sup> of net site area.

With the Council's control limited to external appearance, access and car parking and associated earthworks and landscaping.

Except that this rule shall not apply to:

- i. A single residential unit on any site contained within a separate certificate of title

### 12.2.3.3 **Restricted Discretionary Subdivision Activities**

- (a) In the Jacks Point area of the Jacks Point Resort Zone (excluding Hanley Downs), 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 development on landscape and amenity values, particularly as viewed from State Highway 6.

~~b) Within the FP(1) Activity Area of the Jacks Point Resort Zone the construction of any residential unit which has not been created in accordance with Rule 15.2.17.2(ii) Hanley Downs Conservation Lots, with the Council's discretion restricted to the creation of open space, creation of conservation benefits and effects on landscape and amenity values.(b) Residential and Visitor Accommodation Activities (all excluding buildings) in Activity Area FP-1~~

Information Requirements:

Any applications for resource consent under this rule shall include a Spatial Layout Plan in respect of the whole FP-1 Activity Area and landscape analysis identifying areas of the Activity Area with capacity to absorb change.

Matters of Discretion:

The Council's discretion is restricted to:

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- i. Effects on landscape and amenity values through the location of sites for all building development
- ii. Subdivision layout
- iii. The protection of areas of open space
- iv. Effects on significant rock outcrops, streams, ephemeral wetlands, swamps and grey shrubland habitats

**(c) Residential, Visitor Accommodation and Rural Activities within Activity Area FP-2 Homesites**

Any Residential, Visitor Accommodation and Rural Activity, including associated buildings in any homesite located within the FP-2 Activity Area FP-2 of the Jacks Point Resort Zone, and any visitor accommodation activity within the FP-1 or FP-2 activity area of the Jacks Point Resort zone, with the Council's discretion restricted to:

- i. the external appearance of buildings with respect to the effect on visual and landscape values of the area;
- ii. the location of development, with respect to any rocky outcrops and existing native vegetation
- iii. infrastructure and servicing;
- iv. associated earthworks
- v. and landscaping;
- iv-v. The visible effects of vehicle access to the home site and parking;
- v. bulk and location;
- vi. exterior lighting;

vii. ~~Visibility of the building from State Highway 6 and Lake Wakatipu; and~~

viii-vii. ~~the appropriateness of any landscape planting to the vegetation patterns of the area and its impact on the character of the landscape.~~

**(d) Commercial Activities, Community Activities and Visitor Accommodation and Residential Activity within Hanley Downs.**

- i. Commercial activities, community activities and visitor ~~and residential~~ accommodation, located within the Education Innovation Campus of the Hanley Downs part of the Jacks Point Resort zone, including the addition, alteration or construction of associated buildings, with the Council's discretion restricted to:
  - a) Location, scale and external appearance of buildings
  - b) Setback from roads
  - c) Setback from internal boundaries
  - d) Traffic generation, vehicle access, street layout and car parking
  - e) Street scene including landscaping
  - f) Enhancement of ecological and natural values
  - g) Provision for walkways, cycle ways and pedestrian linkages
  - h) Scale of the activity, including the density of any proposed ancillary residential accommodation
  - i) Noise
  - j) Hours of operation

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k) Integration of development and open space with the State Highway Mitigation (Rule 12.2.3.2(x)(b)).

l) Cycle parking and storage and other end destination facilities aimed at reducing car travel.

~~k)m~~ Crime Prevention through Environmental Design (CPTED) in the locations shown on the Structure Plan.

ii. Commercial activities, community activities and visitor accommodation, located within the R(HD) and R(SH-HD) Activity Areas, including the addition, alteration or construction of associated buildings, with the Council's discretion restricted to the matters listed within Clause i above.

iii. Visitor accommodation activities located within Activity Area FP-1, with the Council discretion restricted to:

a) Traffic generation, vehicle access, street layout and car parking

b) Scale of the activity

c) Noise

d) Hours of operation

(e) **Sale of liquor (Hanley Downs Area)**

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

(a) Location

(b) Scale of the activity

(c) Residential amenity values

(d) Noise

(e) Hours of operation

(f) Car parking and traffic generation

~~(f)~~ **Woolshed Road / State Highway 6 intersection design**

Any physical works to amend the Woolshed Road / State Highway 6 intersection configuration.

## 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

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- 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 1000m<sup>2</sup> 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.
- 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
- (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 (i.e. grey shrubland and tussock grassland on exposed sites and beech forest on sheltered sites).
  - (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 (i.e. broadleaf forest, grey shrubland and tussock grassland plant communities).
  - (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 the planting and/or growing of the following tree species:
    - Pinus muricata; or
    - Pinus contorta; or
    - Pinus nigra.



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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.

## 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 9m<sup>2</sup> 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 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 Commercial Recreation Activities (Hanley Downs Area)

Commercial recreation activities within Hanley Downs

## xiii Building within the Peninsula Hill Landscape Protection Area, Lake Shore Landscape Protection Area or Highway Landscape Protection Area identified within the on the Hanley Downs area of the Jacks Point Structure Plan.

## xiv Building within Activity Area FP-2

Building within Activity Area FP-2, outside of the identified Farm Preserve Home Sites and the Peninsula Hill Landscape Protection Area

## xv The use or development of land within Activity Area FP-1 in the absence of resource consent granted under Rule 12.2.3.3(b)

## ~~Xxvi~~ Service Activities in the Residential (Hanley Downs) Activity Area

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## **Xxvii Building prior to subdivision**

The construction of any new building (excludes extensions to existing buildings) in:

- R(HD)-A

- R(HD)-B

- R(HD)-C

- R(HD)-D

- R(HD)-E

prior to a subdivision having been approved in that area.

## **xviii State Highway Mitigation (Hanley Downs area)**

Within Activity Areas EIC, R(HD-SH)-1 and R(HD-SH)-2, any subdivision or building development prior to the implementation of the State Highway mitigation approved through Rule 12.2.3.2(x)(b).

## **xix Flood Hazard Mitigation (Hanley Downs)**

Any building within Activity Area EIC, R(HD-SH) – 1, R(HD-SH) – 2, R(HD) – 1, R(HD) – C and (R(HD) - D):

(a) Prior to the construction of the flood bank, required to mitigate the flood hazard risk in relation to each activity area.

(b) In respect to Activity Area S(HD-SH) – 2, located outside of any residential building platform created by subdivision, pursuant to Rule 15.2.3.3(xi)

## **12.2.3.5 Non-Complying Activities**

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 of existing forestry within the Hanley Downs Area

**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 Industrial and Service

**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 area of the Jacks Point Resort Zone, excluding Hanley Downs, all buildings which do not comply with the relevant Structure Plan.

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

**viii Residential Flat**

Except in the Jacks Point Zone.

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## 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.

**Except** any landscape planting undertaken for riparian and or ecological enhancement purposes, the removal of any pest plant species or the erection of any pedestrian walkway structures.

## 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 Building within the Peninsula Hill Landscape Protection Area

**xii 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 Hanley Downs area of the Jacks Point Resort Zone:
  - 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

### 12.2.4 Non-Notification of Applications

- (a) In the Jacks Point Zone 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.
- (b) 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.
- (c) 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:
  - (i) Rule 12.2.3.3(eb) Residential and Visitor Accommodation Activity (all excluding buildings) Units Activity Area in FP-2 and Visitor Accommodation within FP-1 and FP-2
  - (ii) Rule 12.2.3.3(c) Residential, Visitor Accommodation and Rural Activities within FP-2 Homesites

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(iii) Rule 12.2.3.3(d) Commercial activities, community and visitor accommodation within Hanley Downs.

~~12.2.3.3(e) Woolshed Road / State Highway 6 intersection design, only in respect of the New Zealand Transport Agency~~

~~(ii)(iv) The Sale of Liquor, pursuant to 12.2.3.3(ei)~~

~~(iii)(v) Rule 12.2.5.1(iii) Setbacks from Roads and Internal Boundaries~~

(vi) Rule 12.2.5.1 (iv) Access (Jacks Point Zone), only in respect of the New Zealand Transport Agency

~~(iv) —~~

## 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 40m<sup>2</sup> 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(JP)) - 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) Education Innovation Campus (EIC) – The use of this area is restricted to technology based activities including commercial and medical research, laboratories, training, educational facilities, specialist health care and associated administrative, office, accommodation, retailing and recreation facilities.
- (d) Recreation Activities (F) - the use of this area is restricted to recreation activities.
- (e) 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.
- (f) Open Space, Landscaping and Passive Recreation (O/P) - the use of this area is restricted to outdoor recreation activities and open space.
- (g) Resort Services (S) - the use of this area is restricted to service and maintenance facilities for other activities in the Zone.
- (h) Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants, and conference or meeting facilities.
- (i) 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.
- (j) Farm Preserve (FP) – Activities in this area are limited to farming, farm buildings, fencing, trail formation, farm access tracks, recreation, mining (with the exception of the Lake Shore and Peninsula Hill Landscape Protection Areas), limited rural living and visitor accommodation activities.

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- (k) Wetland (W) –Structures are restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhance of biodiversity and ecological values.
  - (l) Open Space Golf (OSG) – the use of this area is restricted to the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices, sales and commercial instruction.
  - (m) Open Space Landscape Protection (OSL) –activities in this area are limiting to farming, together with farm buildings, fencing, trail formation, farm access tracks and recreation activities.
  - (n) Open Space Residential Amenity (OSA) – the use of this area is restricted to the recreation amenities/playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services
  - (o) 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.
  - (p) 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.
  - (q) Open Space (OS) - the use of this area is restricted to pastoral and arable farming and endemic revegetation.
  - (r) 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.
  - (s) 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.
  - (t) 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 **Structure Plan – Hanley Downs**
- (a) Within the Hanley Downs part of the Jacks Point Resort Zone, development shall be undertaken in general accordance with the Hanley Downs Structure Plan. For the purposes of interpreting this rule, the following shall apply:
    - (i) A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and its intersection with State Highway 6, shall be acceptable
    - (ii) Trails and secondary roads may be otherwise located and follow different alignments provided that alignment enables a similar journey
    - (iii) Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process. Development prior to such subdivision

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occurring which would preclude the creation of these open spaces shall be deemed to be contrary to this rule.

- (b) Development shall facilitate a road connection at all Key Road Connections shown on the Hanley Downs Structure Plan which will enable vehicular access to roads which connect with the Primary Road, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.
- (c) Within any open space area delineated by subdivision, in accordance with 12.2.5.1 ii (a)(iii) above and Rule 15.2.6.2 vii (d), there shall be no building.

### iii 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 or 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
- (c) In the Hanley Downs area of the Jacks Point Resort zone buildings for all activities, except for buildings located on sites smaller than

550 m<sup>2</sup> created pursuant to subdivision [Rules-rule 15.2.3.2 \(vi\) and 15.2.6.2 \(i\) \(b\)](#), shall be subject to the following internal setback rules:

- (i) Two setbacks of 4.5m, with all remaining setbacks of 2m; or
- (ii) One setback of 6m, one setback of 3.5m and all other setbacks of 2m.

Except that:

- a. Any building may encroach into a setback by up to 1m for an area no greater than 6m<sup>2</sup> provided the component of the building infringing the setback has no windows or openings.
- b. Buildings ancillary to a residential unit, including garages, may encroach into the setback where they are no more than 3.5m in height and where no windows or openings are orientated toward an internal boundary. .
- c. No setbacks are required when buildings share a common wall at the boundary.

The Council's exercise of discretion is restricted to the bulk, height and proximity of the building façade to the boundary and the impact on neighbours' amenity values.

- (d) In the Residential (Hanley Downs) Activity Area of the Jacks Point Resort Zone:
  - a. For commercial activities, community activities and visitor accommodation buildings shall be set back at least 3 m from a road boundary.
  - b. For all other activities, except for residential activities on sites smaller than 550 m<sup>2</sup> created pursuant to subdivision [Rules-rule 15.2.3.2\(vi\) and 15.2.6.2\(i\)\(b\)](#) buildings shall be set back 4.5m from the road boundary.

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The Council's discretion is restricted to the effects of bulk, height and proximity on residential amenity values, loss of daylight and access to sunlight.

## iv Access (Jacks Point Resort 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.

(a) Access to the Jacks Point Resort Zone from State Highway 6 shall be only at the intersections at Maori Jack Road or Woolshed Road, as shown on the Structure Plan.

(b) No new development shall be accessed from The Woolshed Road access shall not be used until an amended design for that road's intersection with State Highway 6 has been upgraded, completed and available for use approved pursuant to rule 12.2.3.3(e). For the avoidance of doubt this rule anticipates an approval of an intersection design on one occasion (unless otherwise prescribed by conditions) with subsequent resource consents able to rely on that approval.

a.

(b)(c) A threshold of No more than 500-300 residential units/titles or 2,400 vehicle movements per day (weekly average), whichever the lesser, may not be exceeded may be built within the EIC, R(HD) and R(SH-HD) Activity Areas of the Jacks Point Resort Zone without until the Woolshed Road intersection upgrade is being completed and available for use.

The Council's discretion is restricted to the safe and efficient functioning of the road network.

### Advisory Notes:

i. A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction and/or development with the Jacks Point Resort Zone

ii. The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency. The expectation of the NZ Transport Agency is that the existing crossing points CP60, CP62 and CP63 will be permanently and physically closed at that time.

## v Outdoor Living Space - Hanley Downs

(b)(c) In the Hanley Downs part of the Jacks Point Resort Zone 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. For three or more attached units or for sites smaller than 550 m<sup>2</sup> created pursuant to subdivision Rules-rule 15.2.3.2 (vi) and 15.2.6.2 (i) (b), 20m<sup>2</sup> contained in one area with a minimum dimension of 3m;

ii. In all other areas 36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m.

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(e)(d) The minimum provision of outdoor living space for each residential unit and residential flat above ground floor level shall be 8m<sup>2</sup> contained in one area with a minimum dimension of 2m.

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.

(e)(e) The outdoor living space shall be readily accessible from a living area.

(e)(f) No outdoor living space shall be occupied by:

- i. any building, other than an outdoor swimming pool or accessory building of less than 8m<sup>2</sup> gross floor area; or
- ii. a driveway or parking space
- iii. areas to be used for the storage of waste and recycling.

## vii Planting (Jacks Point Zone)

- (a) 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 3,000m<sup>2</sup> 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.
- (b) Within the Hanley Downs area of the Jacks Point Resort Zone, any native vegetation required to be planted shall:

- iv. Include species appropriate to the ecosystems of the area being planted
- v. Be capable of reaching 80% canopy closure for the ecosystem type being planted
- vi. Have eradicated any invasive plant pests the time of planting
- vii. Be maintained, with any plants that die or are diseased replaced.

(c) Within the Hanley Downs area of the Jacks Point Resort Zone, there shall be no clearance of indigenous vegetation that is less than 20 metres from a water body/ the wetland unless it is 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.

## viii 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 R(HD) and R(HD-SH) Activity Areas at Hanley Downs, except for sites smaller than 550m<sup>2</sup> and 400m<sup>2</sup> created pursuant to subdivision ~~Rules rule15.2.3.2(vi)~~ and 15.2.6.2(i)(b), 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.



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## ix 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
- Golf course development.

### 1 Volume of Earthworks

- (a) The total volume of earthworks does not exceed **100m<sup>3</sup>** (or **200m<sup>3</sup>** 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 **200m<sup>2</sup>** (or **400m<sup>2</sup>** 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 20m<sup>3</sup> (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 of 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



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~~Except that this rule shall not apply to a single residential unit on any site contained within a separate certificate of title.~~

~~The Council's discretion is restricted to the effects on residential amenity values, traffic, access, parking, and adequacy of infrastructure.~~

## **xi Outline Development Plan (Jacks Point Zone, excluding Hanley Downs)**

- (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.

## **xii Nature and Scale of Activities**

- a. In the Jacks Point Zone the maximum net floor area (as defined) for any commercial activity shall be 200m<sup>2</sup>, except for any commercial activity located within the EIC Activity Area (Hanley Downs).
- b. The maximum net floor area for any single retail activity within the EIC Activity Area shall be 200 m<sup>2</sup>.

## **xiii Density (Jacks Point zone – Village Activity Areas)**

- (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.~~

## **xiv 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.

## **xv Building Coverage – Hanley Downs**

- (a) On any site within the ~~EIC~~, R(HD) and R(HD-SH) Activity Areas of the Jacks Point Resort Zone, buildings shall not exceed a maximum building coverage of 50%, except:

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- i. A medium density residential development authorised pursuant to Rule 12.2.3.2(xiv) where a maximum building coverage of 70% shall apply.
- ii. Any non-residential activity authorised by Rule 12.2.3.3(d) where a maximum building coverage of 70% shall apply.
- iii. This rule shall not apply to sites smaller than 550m<sup>2</sup> and 400m<sup>2</sup> created pursuant to subdivision Rules-rule 15.2.3.2(vi) and 15.2.6.2(i)(b).

(b) On any site located within the EIC Activity Area of the Jacks Point Resort Zone, buildings shall not exceed a maximum building coverage of 20%.

The Council's exercise of discretion is restricted to effects on amenity values for neighbours and stormwater management.

(c) On any site located within the EIC Activity Area of the Jacks Point Resort Zone, building coverage greater than 30% shall be a discretionary activity (unrestricted).

## **xvi Building Colours – Hanley Downs**

In the Hanley Downs area of the Jacks Point Resort zone any building shall result in:

- (a) At least 70% of the total painted or galvanised external surface of buildings (excluding roofs and windows) with a reflectance value of between 0 and 35%;
- (b) Roof colours shall have a light reflectance value of 20% or less, and in the range of browns, greys and black.

## **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 Resort Zone, the maximum height of buildings shall be:
- |  |            |                  |       |                  |       |
|--|------------|------------------|-------|------------------|-------|
| (i) Village (V) Activity Areas   | 10m        | HS <sup>4</sup>  | 377.0 | HS <sup>22</sup> | 374.0 |
| (ii) Farm buildings  | 10m        | HS <sup>5</sup>  | 388.0 | HS <sup>23</sup> | 371.5 |
| (iii) Residential (R, and R(HD)) Activity Areas  | 8m         | HS <sup>6</sup>  | 382.0 | HS <sup>24</sup> | 372.4 |
| (iv) Open Space/Vineyard (OS/V) Activity Area  | 8m         | HS <sup>7</sup>  | 379.0 | HS <sup>25</sup> | 373.0 |
| (v) Farm Buildings and Craft (FBA) Activity Area   | 8m         | HS <sup>8</sup>  | 386.5 | HS <sup>26</sup> | 378.1 |
| (vi) Lodge (L) Activity Areas  | 7.5m       | HS <sup>9</sup>  | 389.0 | HS <sup>27</sup> | 388.0 |
| (vii) <u>Education Innovation Campus (EIC)</u>   | <u>10m</u> | HS <sup>10</sup> | 395.0 | HS <sup>28</sup> | 392.6 |
| (viii) <u>Farm Preserve (FP-1) and (FP-2) Activity Areas</u>   | <u>8m</u>  | HS <sup>11</sup> | 396.0 | HS <sup>29</sup> | 385.5 |
| (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         | HS <sup>12</sup> | 393.0 | HS <sup>30</sup> | 395.9 |
|  |            | HS <sup>13</sup> | 399.0 | HS <sup>31</sup> | 393.7 |
|  |            | HS <sup>14</sup> | 403.0 | HS <sup>32</sup> | 384.8 |
|  |            | HS <sup>15</sup> | 404.0 | HS <sup>33</sup> | 385.8 |
|  |            | HS <sup>16</sup> | 399.5 | HS <sup>34</sup> | 399.0 |
|  |            | HS <sup>17</sup> | 394.5 | HS <sup>35</sup> | 405.0 |
|  |            | HS <sup>18</sup> | 392.5 | HS <sup>36</sup> | 400.3 |
- (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 Number | Datum (masl) | HS Activity Area Number | Datum (masl) |
|-------------------------|--------------|-------------------------|--------------|
| HS <sup>1</sup>         | 372.0        | HS <sup>19</sup>        | 372.0        |
| HS <sup>2</sup>         | 381.0        | HS <sup>20</sup>        | 377.2        |
| HS <sup>3</sup>         | 381.0        | HS <sup>21</sup>        | 372.5        |
- (e) Within the R(HD) and R(HD-SH) Activity Areas of the Jacks Point Resort Zone:
- i. In addition to the maximum height of buildings above, within all R(HD) activity areas, except for:
    - a. Sites smaller than 550m<sup>2</sup> created pursuant to subdivision Rules 15.2.3.2(vi) and rule 15.2.6.2(i)(b)
    - b. A Medium Density Residential Development authorised by Rule 12.2.3.2(xiv)

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 along any internal site boundary.

**Except that:**

    - a. A gable or dormer may encroach beyond the recession lines where it is:

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- ii. no greater than 1m in height and width measured parallel to the nearest adjacent boundary
- iii. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.
- b. A recession line restriction shall not apply to accessory buildings nor common walls shared at a boundary and parts of buildings that do not extend beyond the length of that wall.
- c. For:
  - a. Any non-residential activity authorised pursuant to Rule 12.2.3.3(d)
  - b. Any medium density housing development authorised pursuant to Rule 12.2.3.2(xiv)
  - c. Sites smaller than 400m<sup>2</sup> created pursuant to Rule 15.2.6.2(i)(b)

the maximum height of buildings may exceed the maximum height stated in Clause (c) above, up to a maximum of 3 storeys or 10m (whichever is lesser).

~~d. Notwithstanding the height limit in clause (a) above, for any commercial activity located within the EIC Activity Area, authorised by Rule 12.2.3.3(d), the maximum height of any building shall be 15m.~~

## 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 m<sup>2</sup>. 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, 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) 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.
- (d) In the Hanley Downs part of the Jacks Point Resort Zone, 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

- (a) All services, with the exception of stormwater in the Hanley Downs area of the Jacks Point Resort Zone, are to be reticulated underground.
- (c) In the Millbrook Resort Zone all effluent disposal shall be reticulated to the Shotover Sewerage Treatment Plant.

## vi Site Coverage

- (a) In the Millbrook Resort, Jacks Point (excluding Homestead Bay and Hanley Downs) 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.

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- (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.

## 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 Residences Activities Areas shown on Figure 1 and the Structure Plans:

- |       |            |                    |                                 |
|-------|------------|--------------------|---------------------------------|
| (i)   | daytime    | (0800 to 2000 hrs) | 50 dB $L_{Aeq}(15 \text{ min})$ |
| (ii)  | night-time | (2000 to 0800 hrs) | 40 dB $L_{Aeq}(15 \text{ min})$ |
| (iii) | night-time | (2000 to 0800 hrs) | 70 dB $L_{AFmax}$               |

- (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:

- |      |            |                    |                                 |
|------|------------|--------------------|---------------------------------|
| (iv) | daytime    | (0800 to 2000 hrs) | 50 dB $L_{Aeq}(15 \text{ min})$ |
| (v)  | night-time | (2000 to 0800 hrs) | 40 dB $L_{Aeq}(15 \text{ min})$ |
| (vi) | night-time | (2000 to 0800 hrs) | 70 dB $L_{AFmax}$               |

- (c) 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.
- (d) 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.
- (e) 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

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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.

- (f) Within the Hanley Downs area of the Jacks Point Resort Zone, any residential activities located within 80 m of the seal edge of State Highway 6, shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq(24 hour) in bedrooms and 40 dBA (Leq (24 hour) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.

The Council restricts its exercise of discretion to health and residential amenity.

## 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.
- (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 Location and Scale of Commercial Activities (Hanley Downs area)

- a) The total floor space of all commercial activities in the R(HD) A to E Activity Areas shall not exceed 500m<sup>2</sup>.
- b) Retail activities shall be located within 120 metres of the Primary Road shown on the Structure Plan or within 120 metres of its final formed location. Except that, this rule shall not apply within the EIC Activity Area.
- c) The total floor area of all retail activities within the EIC Activity Area shall not exceed 500m<sup>2</sup> (GFA).



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b)d) There shall be no commercial activities within the EIC Activity Area with less than 200 m<sup>2</sup> in GFA. Except that this rule does not apply to retail activities.

**xvi Wilding trees (Hanley Downs 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).

**xvii Access (Hanley Downs area)**

Each unit shall have legal access to a formed road.

**xviii Density (Hanley Downs)**

(a) Within the Hanley Downs area, the average density of residential units within each of the Residential Activity Areas shall be as follows:

<u>Activity Area</u>	<u>Net density (dwellings per Ha)</u>
<u>R(HD-SH) – 1</u>	<u>12 – 22</u>
<u>R(HD-SH) – 2</u>	<u>2 – 10</u> 1.4
<u>R(HD) - A</u>	<u>17 – 26</u>
<u>R(HD) – B</u>	<u>17 – 26</u>
<u>R(HD) - C</u>	<u>15 – 22</u>
<u>R(HD) - D</u>	<u>17 – 26</u>
<u>R(HD) - E</u>	<u>25 – 45</u>

<u>R(HD) - F</u>	<u>24 – 40</u> 22
<u>R(HD) – G</u>	<u>2 – 10</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 excludes sites used for non-residential activities. If part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. To demonstrate compliance as part of a subdivision application, restrictions may need to be placed on the numbers of residential units per site.

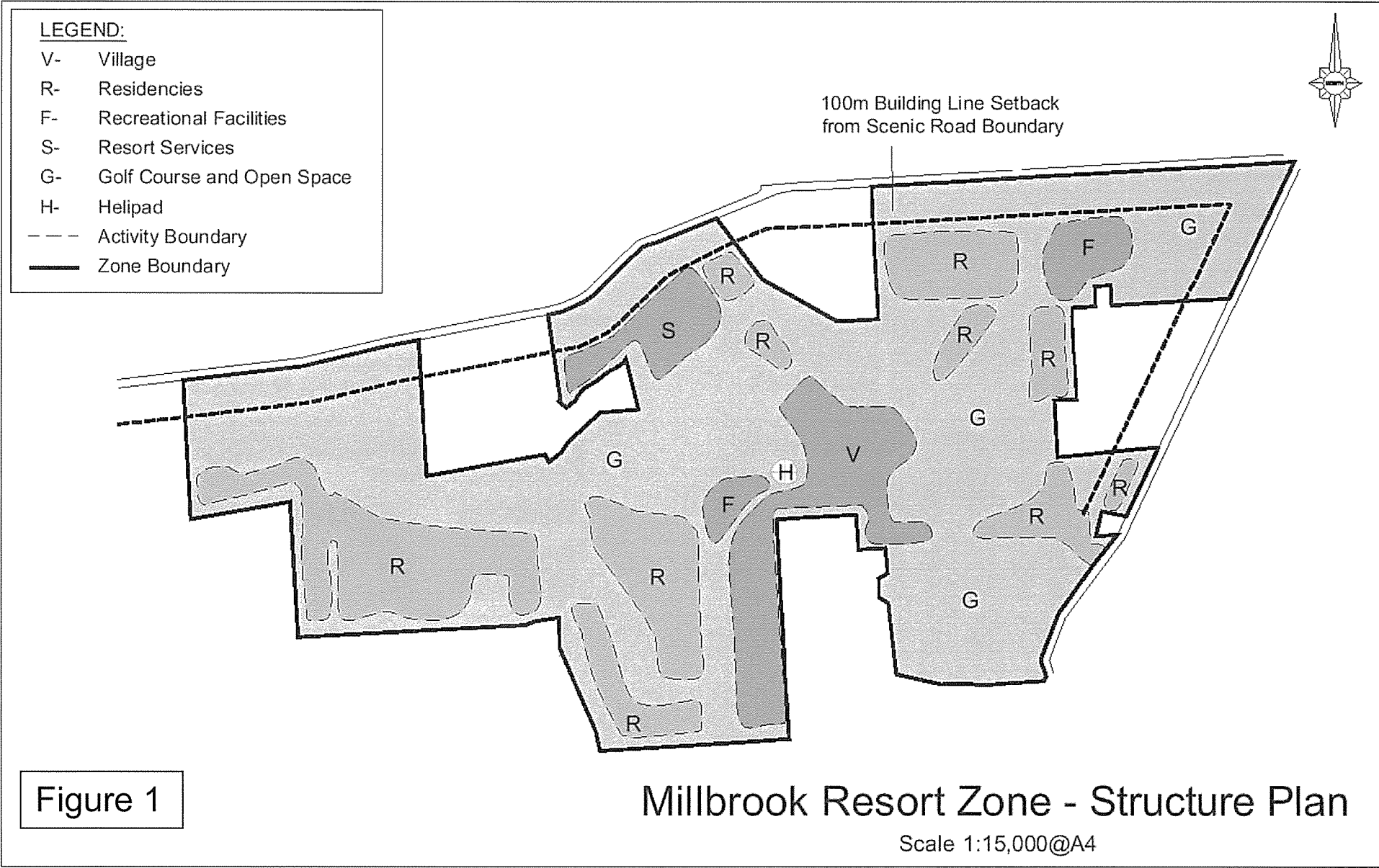
Except that this rule shall not apply to a single residential unit on any site contained within a separate certificate of title.

The Council's discretion is restricted to the effects on residential amenity values, traffic, access, parking, and adequacy of infrastructure.

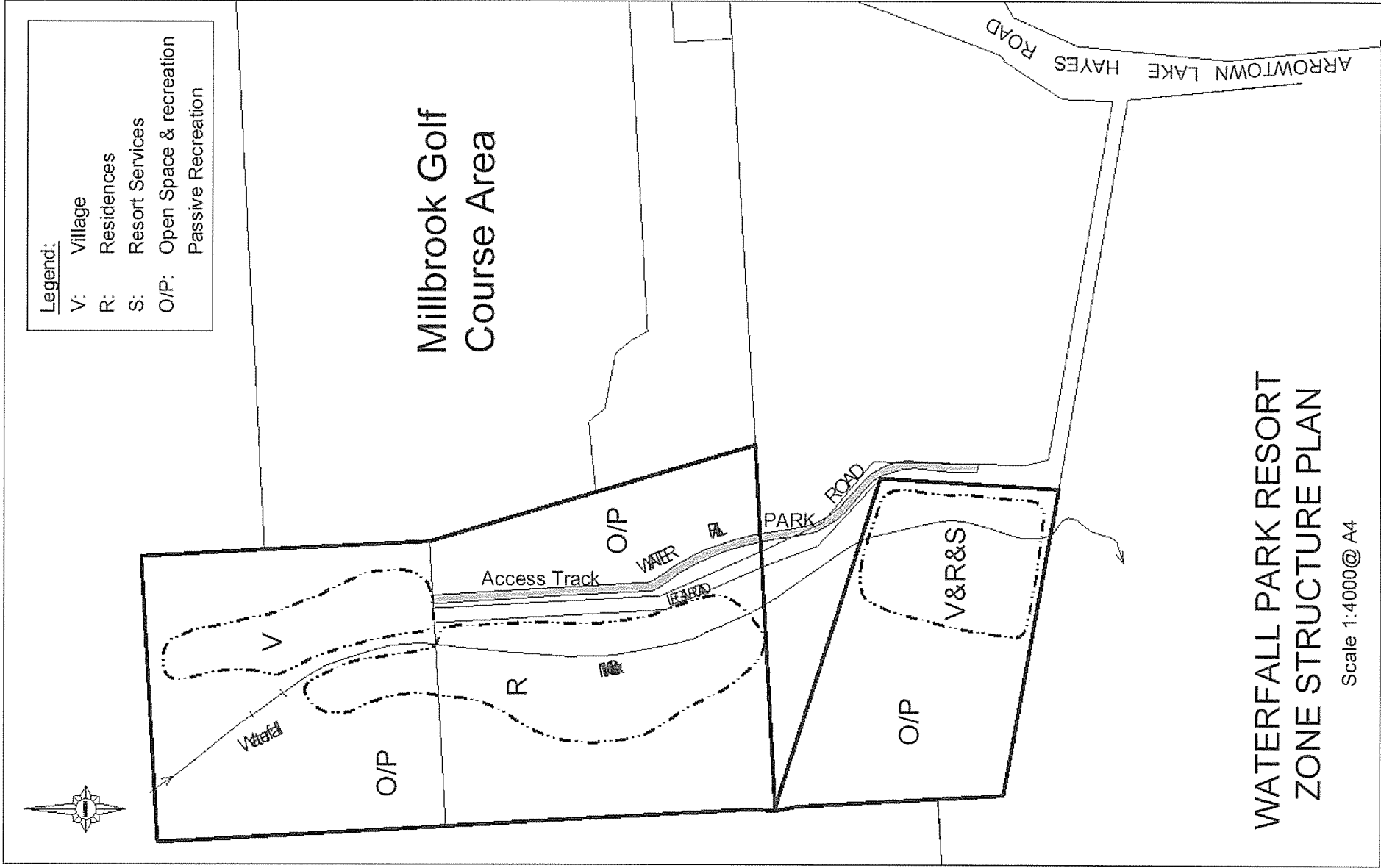
(b) Within the FP-1 and R(HD-SH)-2 Activity Areas of the Jacks Point Resort Zone, the maximum number of residential units shall be restricted to the following:

<u>Activity Area</u>	<u>Maximum number of Residential Units</u>
<u>FP-1</u>	<u>34</u>
<u>R(HD-SH) – 2</u>	<u>7</u>

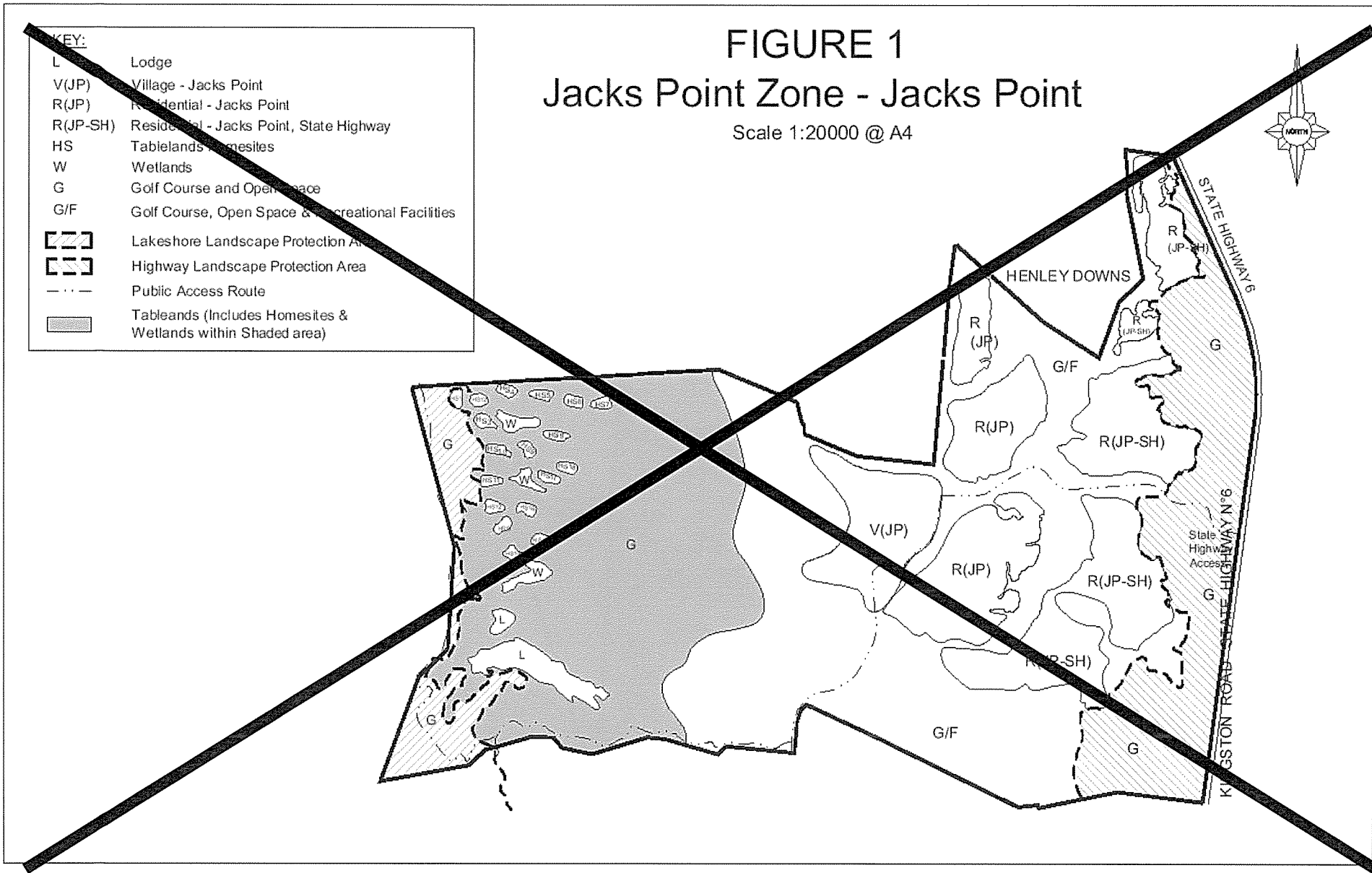
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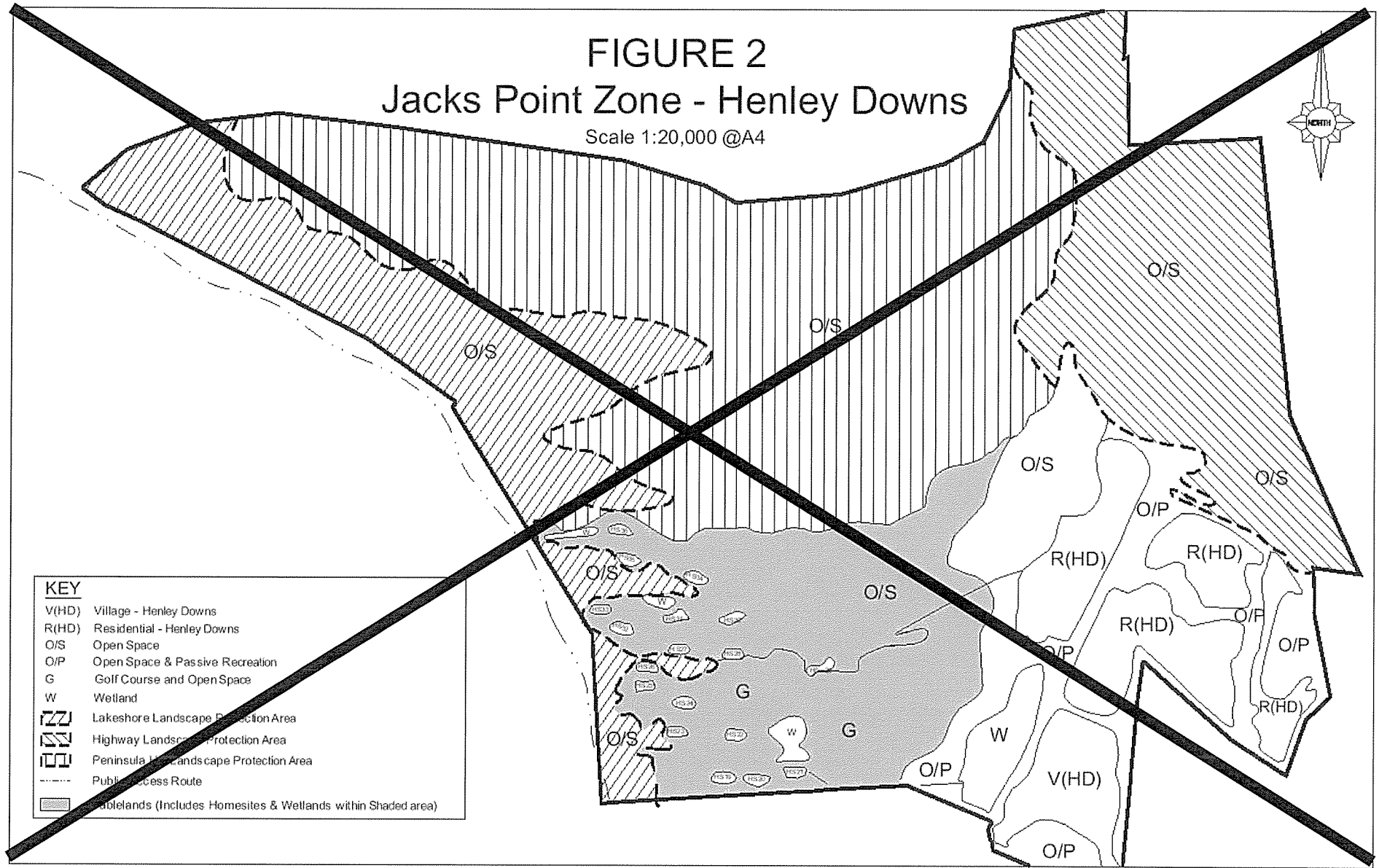
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FIGURE 2  
 Jacks Point Zone - Henley Downs

Scale 1:20,000 @A4



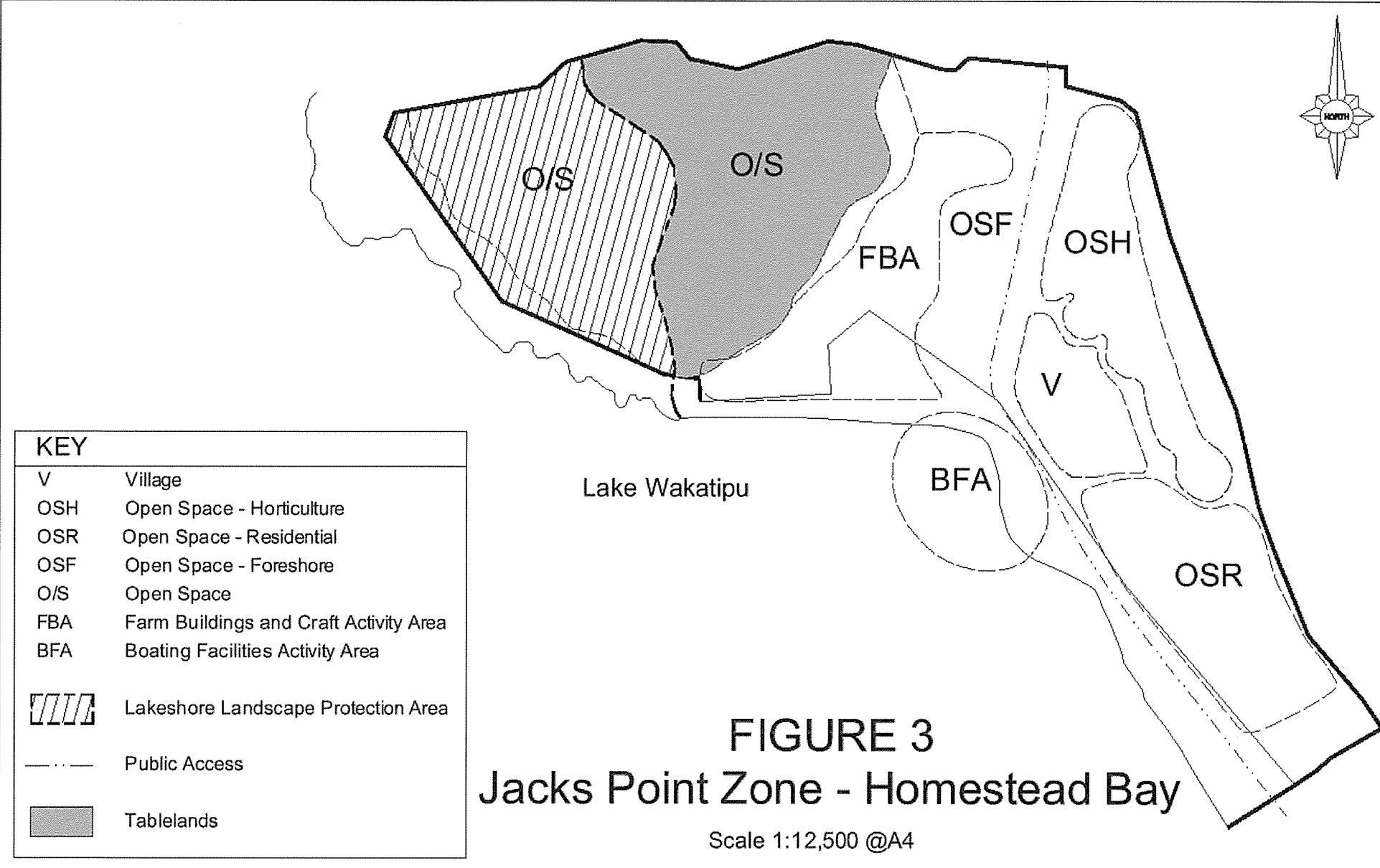
KEY	
V(HD)	Village - Henley Downs
R(HD)	Residential - Henley Downs
O/S	Open Space
O/P	Open Space & Passive Recreation
G	Golf Course and Open Space
W	Wetland
	Lakeshore Landscape Protection Area
	Highway Landscape Protection Area
	Peninsula Landscape Protection Area
	Public Access Route
	Wetlands (Includes Homesites & Wetlands within Shaded area)

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*Insert New Jacks Point Structure Plan:*

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