

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 09
– Resort Zones

**REPLY OF RUTH CHRISTINE CAMERON EVANS
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

43 MILLBROOK RESORT ZONE CHAPTER

24 February 2017

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1. INTRODUCTION

- 1.1** My name is Ruth Evans. I prepared the section 42A report for the Millbrook Resort Zone chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 17 January 2017.
- 1.2** I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing on the 14 February 2017 and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing where relevant to the Millbrook Resort Zone.
- 1.3** This reply evidence covers the following issues:
- (a) deletion of reference to design guidelines (amended or otherwise) from the chapter;
 - (b) recommended changes to the zone purpose to reflect the updated structure plan and associated rules;
 - (c) recommended changes to the objective and policies required to support the revised chapter;
 - (d) deletion of Clarification 43.3.2.2;
 - (e) control over buildings in the R18 activity area;
 - (f) landscaping requirements for the South Dalgliesh part of the zone;
 - (g) control over utility buildings in the Landscape Protection (Malaghan) Activity Area;
 - (h) inclusion of matters of discretion for the setbacks standard (43.5.1);
 - (i) the inclusion of rules in the chapter relating to building heights, recession planes, building colours and materials, external lighting, and landscaping species, as a consequence of deleting reference to the design guidelines;
 - (j) reference to 'within the site' changing to 'within the zone' in relation to (renumbered) Rule 43.4.14;
 - (k) movement of the rule requiring compliance with the structure plan from 'Activities' to 'Standards';

- (l) recommendations on rules relating to fire fighting and atmospheric emissions; and
- (m) other non-substantive changes made to the chapter since the hearing.

1.4 Where I am recommending changes to the provisions as a consequence of the hearing of evidence and submissions, I have included these in the Revised Chapter in **Appendix 1 (Revised Chapter)**. I have attached a section 32AA evaluation in **Appendix 2**.

1.5 I also note that the Structure Plan in **Appendix 1** has not been updated due to time constraints. This will be provided to the Panel as soon as possible next week.

1.6 After the hearing I participated in further caucusing with Mr Edmonds for Millbrook Country Club Limited (**MCCL**) (696) and Ms Ayres for the Council. Ms Taylor (for X-Ray Trust) (356) has also been kept informed of the discussions. The Revised Chapter reflects the agreed position reached in our discussions and as far as I am aware there are no outstanding points of substantial disagreement between the Council and these two submitters.

1.7 In this Reply:

- (a) if I refer to a provision number without any qualification, it is to the notified provision number and has not changed through my recommendations;
- (b) if I refer to a 'redraft' provision number, I am referring to the s 42A recommended provision number; and
- (c) if I refer to a 'reply' provision number, I am referring to the recommended provision number in **Appendix 1** to this Reply.

2. DELETION OF REFERENCE TO DESIGN GUIDELINES FROM THE CHAPTER

2.1 My summary statement filed at the hearing outlines my revised position in relation to the reference to design guidelines in the

chapter. In that summary I outlined my agreement to remove all reference to the guidelines from the chapter, and instead add rules into the chapter to cover those matters that may have otherwise been contained in the guideline. I agreed that height controls are better placed in the rules, to provide certainty, and that as the chapter is for a unique zone, some more bespoke provisions such as colours and materials are acceptable within the planning framework. This also provides a "one-stop shop" for PDP users (refer to paragraphs 6 to 10 of my evidence summary).

2.2 Consequently all references to the design guidelines in the Revised Chapter have been removed. Additional rules have also been included to manage those requirements that the guidelines were originally anticipated to cover, being building heights, recession planes, building colours and materials, external lighting, and landscaping species. This change is included in **Appendix 1**.

3. RECOMMENDED FURTHER CHANGES TO THE CHAPTER

43.1 Resort Zone Purpose

3.1 I have recommended a number of non-substantive changes to the purpose statement. These changes include the addition of a summary of the new Landscape Protection (Malaghan) Activity Area, which is necessary to ensure the purpose statement summarises all the activity areas. I have also reworded some of the overlay descriptions to improve clarity and better reflect how the associated rules apply. Finally, I have recommended the deletion of the last two sentences of the final paragraph (relating to financial and development contributions) as I do not consider this to be relevant to the PDP. I have also moved the first part of this paragraph to the first paragraph of the chapter. These changes are shown in **Appendix 1**.

43.2 Objectives and Policies

3.2 I have recommended an amendment to the objective for the chapter, to remove reference to air quality, as well as recommending the deletion of the corresponding policy (Policy 43.2.1.5). The reference

in the objective and the policy relates to discharge to air, which is a Regional Council matter. Given this matter does not fall within the jurisdiction of the Council, it is recommended that reference to air discharge be removed from the chapter.

- 3.3** I have introduced a new policy (reply Policy 43.2.1.6) to provide policy support to the existing but amended landscaping rule (notified Rule 43.5.11 / reply Rule 43.4.7), and its trigger rule (Rule 43.5.11). These rules have been the subject of extensive consultation between Millbrook Country Club Ltd (**MCCL**) and X-Ray Trust in order to address X-Ray Trust's submission (356), which also provides scope to introduce this policy. The landscaping requirements for the new part of the zone form a vital part of the mitigation of visual amenity effects beyond the zone, and in particular on neighbouring properties. It is therefore prudent to provide specific policy support to require this landscaping to occur in order to meet the objective and policies for the zone.
- 3.4** Reply Policy 43.2.1.2 has also been amended to reference 'associated landscaping', which is considered necessary as the rules for new buildings in the expanded zone area refer to landscaping in the matters of discretion. Given the existing rule, I consider this change to be non-substantive and ensures that the rule is correctly implementing a policy.
- 3.5** Reply Policy 43.2.1.5 relating to discharge to Mill Creek has also been amended to reflect that development within Millbrook can only effect Mill Creek. Millbrook is not solely responsible for water quality in Lake Hayes, which is subject to discharges from other catchments outside of the Millbrook Zone and which development in Millbrook has no influence over. As notified, it would not be possible for development in Millbrook to be consistent with the full policy. As the reach of the notified policy effectively extended beyond the zone, it is considered a non-substantive amendment so that the policy can appropriately apply to development within the zone.

- 3.6 Finally, a number of non-substantive amendments have been made to improve wording and clarity. The changes outlined above are shown in **Appendix 1**.

Clarification 43.3.2.2

- 3.7 I have recommended deleting Clarification 43.3.2.2 from the Revised Chapter as I understand from discussions with the Council that Clarification 43.3.2.2 is an information requirement (despite it stating "for the purposes of this rule"). At notification, the statement sat under the "Clarification" heading and I understand its purpose was to show this detail on a plan to avoid infill development creating new lots that do not comply with the net area requirement in the residential areas.

- 3.8 I am not aware of any net area requirements for the Millbrook Zone and therefore the reference is obsolete in this chapter. Further, as Millbrook is a resort zone, not a residential zone, infill is unlikely to be a common occurrence. I consider it could be deleted as a non-substantive amendment, given that it is an information requirement only and does not trigger a resource consent requirement. This change is shown in **Appendix 1**.

Buildings in the R18 Residential Activity Area

- 3.9 The agreed position reached during caucusing was that Rule 43.4.25 relating to buildings in the R18 Residential Activity Area could be deleted, and building on R18 included in Rule 43.4.6. Buildings in this area are also controlled by Chapter 26 heritage, the density Rule 43.5.3, which provides for only 1 residential unit, and Rule 43.4.2 in relation to farm buildings. Given that the density requirements will limit the number of dwellings to one, and the heritage rules will limit development in R18 to that which is appropriate in the heritage context, this leaves very little to be addressed by other rules.
- 3.10 I consider the restricted discretionary activity status for buildings not covered by other rules provides for an acceptable level of assessment. This is because the matters over which discretion is

retained relate to the building appearance and effect on visual and landscape amenity, as well as heritage values. These are the key considerations for building in this activity area. I note that this change results in the submission point by submitter 383 to be 'accepted in part', 'not accepted'.

Landscaping requirements for the South Dalglish part of the zone

- 3.11** The MCCL 2 December 2016 revised version and subsequent iterations provided by Mr Edmonds, introduced a new rule outlining the landscaping requirements for a number of the overlay areas, to address the concerns of X-Ray Trust (356). The landscaping rules and the stage at which they are triggered have since been the subject of further discussion during caucusing and some amendments are now recommended to address questions raised by the Panel during the hearing. The final result is reply Rules 43.4.7 and 43.5.11 in the Revised Chapter.
- 3.12** Reply Rule 43.4.7 now includes landscaping requirements for all overlay areas in the zone, for the purposes of screening development in the expanded part of the zone (ie Dalglish Farm). It is linked to reply Rule 43.5.11, which requires landscaping in accordance with Rule 43.5.11 to form part of a consent condition or consent notice when further residential or golf course development is proposed.
- 3.13** The Panel questioned what the trigger should be for the landscaping to take place. In the notified chapter this was linked to golf course development, and no submissions sought to change this. However, the landscaping requirements provide mitigation of effects of the residential development on the upper slopes, not just the golf course. These landscaping requirements have been carefully developed to provide mitigation to the X-Ray Trust land in particular, but also to mitigate views from Malaghans Road (as a consequence of the development moving closer to Malaghans Road to address the X-Ray Trust submission). I therefore consider there is scope to trigger the landscaping when residential development occurs.

- 3.14** This is particularly important if the residential development occurs in advance of the golf course. Landscaping can occur in a staged manner, at the same time as staged development, whether it is golf course or residential development. This staging requirement could be conditioned as part of resource consent applications for residential development or the golf course.
- 3.15** In response to the Panel's question regarding whether there should be an overlay or an activity area protecting the landscaping along Malaghans Road, I confirm my preference for an activity area – the Landscape Protection (Malaghan) Activity Area. In my s42A report, I initially proposed that this be a new overlay (Roadside Planting Overlay). However, I agree that changing to an activity area is more efficient as the concept of a Landscape Protection Area already exists in the Structure Plan and rules. Providing a more specific 'Malaghan' Landscape Protection Area continues this theme, and provides specific rules for this location for the purposes of screening development. Utilising the existing terminology also reduces the number of different activity areas and overlays on the Structure Plan.

Control over utility buildings in the Landscape Protection (Malaghan) Activity Area

- 3.16** Ms Ayres has given further consideration to the option of providing for utility buildings in the Landscape Protection (Malaghan) Activity Area. Ms Ayres had recommended that these not be provided for in the Landscape Protection Activity Area, in response to Skipp Williamson (499), who submitted that utility buildings should not be allowed on the upper slopes. Given that the Landscape Protection (Malaghan) Activity Area is limited to a relatively narrow and flat strip directly adjacent to Malaghans Road, Ms Ayres now considers that utility buildings would be acceptable in this area. Reply Rule 43.4.14 has therefore be amended to provide this exception and is shown in **Appendix 1**.

Matters of discretion for the setbacks standard (43.5.1)

- 3.17** The setback standards in 43.5.1 were notified with a restricted discretionary non-compliance activity status, but no matters of discretion were listed. In my s42A report, I recommended this be changed to fully discretionary, as in effect that is what the activity status was given as there were no listed matters of discretion, and no submissions sought that matters of discretion be added to the rule.
- 3.18** Mr Edmonds chapter tabled at the hearing contains matters of discretion for this rule. On review of Mr Edmonds proposed matters of discretion, I consider the matters of discretion appropriate, and that restricted discretionary status would be appropriate as the effects of non-compliance are discrete and limited to the matters listed (amenity, building design, landscaping and outlook and privacy of neighbours).
- 3.19** However, I remain of the view that there is no scope to add the matters of discretion into the rule. I also understand from questions from the Panel and Council's legal right of reply, that without scope to add matters of discretion, that as a matter of law, that the activity status is in fact fully discretionary.

Rules relating to building heights, recession planes, building colours and materials, external lighting and landscaping species.

- 3.20** In my summary statement tabled at the hearing I outlined my revised position supporting the inclusion of rules covering these matters that would have been covered in the design guidelines. In the Revised Chapter in **Appendix 1** I have included the rules previously agreed to between MCCL and X-Ray Trust.
- 3.21** I note that today I have been informed that there is now uncertainty around the simulations attached to Mr Andrew Craig's evidence (on behalf of MCCL). Of particular concern to the Council is whether the height limit in R14 was simulated at 5.5m or 6.5m, and whether the heights for R15 were simulated with or without the height restriction overlay. The Council understood that the simulations were modelled

using the amended height limits as agreed to in the 2 December 2016 version of Chapter 43, being 6.5m height limit in R14 and with the height restriction overlay in R15. As there is now uncertainty, the Council's recommendations as set out below and in **Appendix 1** may need to be reconsidered.

- 3.22** If MCCL were to rerun their simulations with the R14 height limit at 6.5m and with the height restriction overlay in R15, or confirm that the simulations attached to Mr Craig's evidence were based on that, the Council would be available to assess and provide (or confirm) its recommendations. Alternatively, the Council can provide an alternative recommendation on reply Rule 43.5.5.
- 3.23** Aside from amendments to improve wording and clarity, reply Rule 43.5.5 now also includes an exception for chimneys, and reply Rule 43.5.6 includes an additional requirement for external lighting. Ms Ayres has reviewed these two additions and confirmed that they are acceptable from a visual amenity perspective. I accept this opinion and have therefore included these two additions into the revised chapter in addition to the other rules for site specific building heights, recession planes, building colours and materials and landscaping species.
- 3.24** At the hearing there were discussions regarding the height rule for R14 changing from 5.5m to 6.5m, which was a matter I covered in my summary statement. I have discussed this further with Mr Edmonds and understand that during negotiations with X-Ray Trust the height limit was increased as a consequence of moving the location of this activity area. Ms Taylor has confirmed in her supplementary statement dated 16 February 2017 that her understanding that the height used in the visual simulations was 6.5m. Scope to change the height for R14 is provided by X-Ray Trust's submission (356), as it was in response to this submission that R14 was moved away from the X-Ray Trust land and to a lower elevation. As R14 is now at a reduced elevation, landscape experts agree that a higher building height is acceptable with respect to visual effects. On this basis the Revised Chapter has been amended to require a 6.5m height limit for R14.

Reference to 'within the site' changing to 'within the zone' in relation to (renumbered) Rule 43.4.14

- 3.25** The Panel questioned whether redraft Rule 43.4.14 should refer to the farm building being relocated from within the zone, rather than within the site. I agree the correct reference is to the 'zone', particularly as it is not clear what the site is in this instance. I have made this amendment in reply Rule 43.4.14.

Rule requiring compliance with the Structure Plan redraft Rule 43.4.27

- 3.26** In my s42A report I recommended the inclusion of non-complying activity (redraft) Rule 43.4.27 for completeness and also to implement Policy 43.2.1.1. This rule stated that "development shall be undertaken in general accordance with the Structure Plan provided at 4.7".

- 3.27** At the hearing I recommended a change in the non-compliance status to discretionary, as opposed to non-complying, for consistency with the similar rule in the subdivision chapter.¹ The Panel questioned if this was more appropriate as a standard rather than an activity. I confirm my opinion stated at the hearing that it is a standard, and have moved it in the Revised Chapter to reply Standard 43.5.13.

Rule 43.5.10 – Fire Fighting

- 3.28** During the hearing the appropriateness of Rule 43.5.10 was discussed. Mr Edmonds had sought its removal as he considered it to be not necessary and I had noted that I was seeking further advice from Council on whether or not it was required. Council have confirmed that it is required in those areas where there is no reticulated supply, which would apply to the expanded Dalgleish Farm area until such time as reticulation is available. Regardless, scope to remove it has always been an issue. At the hearing the Panel cautioned its removal unless there was clear scope, and noted that

¹ Rule 27.7.12 in Mr Nigel Bryce right of reply for the subdivision chapter dated 26 August 2016.

the New Zealand Fire Service was seeking the inclusion of such a rule in other chapters.

- 3.29** Given the lack of scope to remove the rule, I consider it should be retained.

Rule 43.5.12 – Atmospheric Emissions

- 3.30** As mentioned earlier, I consider this rule and associated policy can be deleted on the basis that it is a Regional Plan matter, and should not be included in the PDP. The regional council jurisdiction is set out in section 30(f) of the Resource Management Act 1991, which provides that regional councils have "*control of discharges of contaminants into or onto land, air, or water and discharges of water into water*".

Other non-substantive amendments

- 3.1** The revised chapter also contains a number of formatting and other non-substantive amendments for the purposes of clarity, consistency and efficiency. Each of these is identified by a comment bubble.
- 3.2** I note during the hearing that there was discussion regarding the appropriateness of 'rejecting' the X-Ray Trust submission. On the basis that the relief sought was not specifically provided in the revised chapter, I had rejected the submission. However, I consider that this should be changed to 'accept in part' as many of the amendments in the chapter are in response to X-Ray Trust's submission (356).

4. CONCLUSION

- 4.1** The Revised Chapter now reflects the agreed position of experts for Council, MCCL and X-Ray Trust, and I consider it to be more efficient and effective than both the notified and s42A versions of the provisions.

4.2 Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.

A handwritten signature in black ink, appearing to read 'Ruth Evans', written in a cursive style.

Ruth Evans

24 February 2017

APPENDIX 1
REVISED 43 MILLBROOK RESORT ZONE CHAPTER

MILLBROOK RESORT ZONE 43

Key:

Recommended changes to notified chapter are shown in red underlined text for additions and ~~red strikethrough text~~ for deletions, Appendix 1 to Right of Reply, dated 24 February 2017.

Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Section 42A report, Appendix 1, dated 17 January 2017.

43 Millbrook Resort Zone

43.1 Resort Zone Purpose

The purpose of the Millbrook Resort Zone is to provide for a visitor resort of high quality. The Zone provides for recreational activities (including golf), commercial, residential and visitor accommodation together with support facilities and services. The potential of the Millbrook Resort to contribute to visitor and economic development within the District through increased employment and visitor activity generated by the resort is recognised. The general amenity of the Zone is one of development enclaves located in the open rural countryside with well landscaped grounds. Well located and designed development is expected throughout the Zone. To achieve this, integrated planning in accordance with a Structure Plan is required.

Comment [RE1]: Text moved from end of purpose to here.

The Millbrook Structure Plan includes several 'Activity Areas' which correspond with rules. The purpose of the various Activity Areas is summarised as follows:

- Village Activity Area (V) – to provide for residential and visitor accommodation activities and commercial activities associated with a resort.
- Golf / Open Space Activity Area (G) – ~~To~~ provide for outdoor recreation activities and open space.
- Residential Activity Area (R) – to provide for residential activities (different areas are individually numbered so as to correspond with rules).
- Recreational Facilities Activity Area (F) – to provide for recreational activities.
- Landscape Protection Activity Area (LP) – to manage the pastoral character and sensitive landscape areas in a manner which prevents inappropriate development.
- Landscape Protection (Malaghan) Activity Area – to maintain a mature tree lined edge to Malaghan Road.
- Resort Services Activity Area (S): ~~To~~ provide for service and maintenance activities which support the functioning of a resort.
- Helicopter Landing and Take ~~e~~Off Activity Area (H) – to enable the consideration of applications for helicopter landings and take offs from this location.

Comment [RE2]: Non-substantive change.

Comment [RE3]: Non-substantive formatting change

Comment [RE4]: Non-substantive change.

Comment [RE5]: Non-substantive change.

Comment [RE6]: Non-substantive change for consistency

Comment [RE7]: Non-substantive change to aligns better with the purpose of the activity area and outcome sought in the associated 'Amenity Landscape Works' rule (43.4.7)

Comment [RE8]: Non-substantive change.

Comment [RE9]: #356

Comment [RE10]: Non-substantive change for consistency

Comment [RE11]: Non-substantive formatting change

Comment [RE12]: Non-substantive change.

Comment [RE13]: Non-substantive change

Comment [RE14]: Non-substantive change.

Comment [RE15]: Non-substantive change for clarity and efficiency

Comment [RE16]: Non-substantive change to simplify wording

The Structure Plan also includes the following overlays which apply in addition to the Activity Areas that cover the same areas. The purpose of these overlays is summarised as follows:

- Amenity Management Landscaping Overlay (AMAL) – to identify those locations where it is considered appropriate for measures to will be undertaken to avoid unreasonable identified potential adverse amenity effects on landscape amenity, on neighbouring properties outside of the Millbrook Resort Zone
- Ecological Protection and Restoration Overlay (E) – to identify those locations where either existing ecological values are to be protected or ecological restoration is anticipated.

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- Height Restriction Overlay (HR) – used to specify locations on Indicative Residential Sites 10 and 11 where corresponding specific height rules apply.
- Earth Mounding works Overlays (E1 and E2) – to identify specific areas where earthworks will be undertaken to mitigate effects on neighbouring properties for the purposes of mitigating effects from development and use of land on properties neighbouring the Dalgleish area of the Zone, and prevent buildings in those areas.
- Gully Planting (GP) and Open Planting (OP) Overlays – to specify approximate locations of and the nature and scale of where landscape planting is required for ecological protection and restoration purposes in the South Dalgleish area of the Zone.
- Indicative Residential Sites – to establish locations where of future buildings will be located, and specify height limits, and recession plane controls for building near ridgelines.

~~The potential of the Millbrook Resort to contribute to visitor and economic development within the District through increased employment and visitor activity generated by the resort is recognised. Millbrook Country Club Limited has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.~~

Comment [RE17]: Non-substantive change for clarity.

Comment [RE18]: Non-substantive change to correct overlay name

Comment [RE19]: Non-substantive change to simplify wording.

Comment [RE20]: Non-substantive change to clarify and simplify wording.

Comment [RE21]: #356. Includes suggested changes provided by MCCL in response to submission #356, with some amendments.

Comment [RE22]: Non-substantive change to simplify wording.

Comment [RE23]: Text moved from here to start of purpose

Comment [RE24]: Non-substantive change to remove text that is not relevant to the PDP.

43.2 Objectives and Policies

43.2.1 Objective – Visitor, residential and recreation activities developed in an integrated manner with particular regard for landscape, heritage, ecological, and water and air quality values.

Policies

43.2.1.1 Require development and activities to be located in accordance with a Structure Plan so as to promote orderly and integrated development and prevent the inappropriate development of sensitive parts of the site.

43.2.1.2 Require the external appearance of buildings and associated landscaping to have appropriate particular regard to landscape and heritage values.

43.2.1.3 Protect valuable ecological remnants and promote the enhancement of ecological values where reasonably practical.

43.2.1.4 ~~Control~~ Require the take-off and landing of aircraft to be controlled.

~~43.2.1.5~~ ~~Require Control~~ air emissions to be controlled for visual amenity purposes.

43.2.1.6 Reduce nutrient levels and other pollutants generally and within entering Mill Creek and improve and protect the water quality of Lake Hayes.

43.2.1.6 Require an integrated landscape management plan for the South Dalgleish part of the zone.

Comment [RE25]: Recommended amendment to reflect deletion of Policy 43.2.1.5 and Rule 43.5.12 relating to air discharge, which is a Regional Council matter.

Comment [RE26]: Non-substantive change - wording amended to reflect wording used in Objective 43.2.1.

Comment [RE27]: Non-substantive change for clarity.

Comment [RE28]: Non-substantive amendment to provide policy support to rules.

Comment [RE29]: Amended as per the Fourth Procedural Minute dated 8 April 2016.

Comment [RE30]: Amended as per the Fourth Procedural Minute dated 8 April 2016.

Comment [RE31]: Recommended amendment to reflect deletion of Rule 43.5.12 relating to air discharge, which is a Regional Council matter.

Comment [RE32]: Non-substantive change to correct numbering

Comment [RE33]: Non-substantive change to reflect intention of policy.

Comment [RE34]: #356 New policy to provide support for new Rule 43.4.7

Comment [RE35]: Non substantive change for consistency with other Stage 1 PDP chapters

43.3 Other Provisions and Rules

43.3.1 District Wide

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

1 Introduction	2 Definitions	3 Strategic Direction
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4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (operative ODP)	25 Earthworks (operative ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (operative ODP)
30 Energy and Utilities	31 Hazardous Substances (operative ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

43.3.2 Clarification

Advice Notes

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

~~**43.3.2.2** Development resulting in more than one (1) residential unit per lot shall show each residential unit contained within the net area. For the purposes of this rule net area means an area of land shown on a plan with defined boundaries (legally defined or otherwise), less any area for shared access or any strip of land less than 6m in width.~~

43.3.2.32 The following abbreviations are used within this Chapter.

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

~~**43.3.2.3** Millbrook Resort Country Club Limited will prepare and submit design guidelines to the Council for approval prior to any development proceeding in the South Dalglish area of the Zone. These guidelines will cover (but not to be restricted to) assessment matters, building design, colour and material of buildings, building heights above sea level, appropriate species for the Gully Planting and Open Planting Overlays and guidance for landscaping plans for golf course development.~~

43.4 Rules – Activities

	Activities – Millbrook	Status
43.4.1	Any activity which complies with the rules for permitted activities and is not listed as a controlled, discretionary, non-complying or prohibited activity	P
43.4.2	Farm buildings in all activity areas aside from the Landscape Protection Area and Landscape Protection (Malaghan) Activity Area, as set out in rule 43.4.13 and in the E1 and E2 areas as set out in Rule 43.4.24.	C*
	* Council shall exercise control is reserved to the in respect of over effects on heritage and landscape values	

Comment [RE36]: Non-substantive change to clarify the identification of methods and advice notes.

Comment [RE37]: Non-substantive change to support ease of reference

Comment [RE38]: Non-substantive change to support ease of reference

Comment [RE39]: Non-substantive change as there are no net area requirements for the Millbrook Zone chapter and therefore this clarification note is obsolete.

Comment [RE40]: Non-substantive change into table, to support ease of reference

Comment [RE41]: Non-substantive renumbering change.

Comment [RE42]: #383 and #356

Comment [RE43]: Reference to the design guidelines has been removed from the chapter.

Comment [RE44]: #356 Reflects new Landscape Protection (Malaghan) Activity Area

Comment [RE45]: Non-substantive change to reflect that Rule 43.4.13 also applies to the Landscape Protection (Malaghan) Activity Area

Comment [RE46]: Non-substantive change to remove unnecessary text (this matter is covered by a separate rule)

Comment [RE47]: #356. Proposed changes by MCCL in response to submission #356.

Comment [SG48]: Non-substantive change for consistency with other PDP Chapters.

MILLBROOK RESORT ZONE 43

	Activities – Millbrook	Status
43.4.3	<p>Buildings in:</p> <ul style="list-style-type: none"> the Village Activity Area; or R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12 and R13 of the Residential Activity Area; or The Recreational Facilities Activity Area <p>*With the exercise of *Council's eControl is reserved in respect of limited to the implementation of Council approved design guidelines and parameters to control:</p> <ul style="list-style-type: none"> The external appearance of the building, and The effects of on visual and landscape amenity values of the area including coherence with the surrounding buildings. 	C*
43.4.4	<p>Licensed Premises in the Village Activity Area:</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale and supply of alcohol:</p> <ul style="list-style-type: none"> to any person who is residing (permanently or temporarily) on the premises; to any person who is present on the premises for the purpose of dining up until 12am. <p>*Control is reserved in respect of in respect to consideration of to the following:</p> <ul style="list-style-type: none"> The scale of the activity; Car parking and traffic generation; Effects on amenity (including that of adjoining residential zones and public reserves); The configuration of activities within the building and site (e.g. outdoor seating, entrances); Noise issues and hours of operation. 	C*

Comment [RE49]: Non-substantive change to consolidate text

Comment [SG50]: Non-substantive change for consistency with other PDP Chapters.

Comment [RE51]: #383

Comment [RE52]: Non-substantive change

Comment [RE53]: Non-substantive change for consistency

Comment [RE54]: Non-substantive change

Comment [RE55]: Non-substantive change to improve expression

Comment [RE56]: #356 and non-substantive amendments to improve wording and for consistency

Comment [RE57]: Non-substantive change for consistency

Comment [SG58]: Non-substantive change for consistency with other PDP Chapters.

Comment [RE59]: Non-substantive change for consistency.

Comment [RE60]: Non-substantive change for consistency.

Comment [RE61]: Non-substantive change for consistency.

Comment [RE62]: Non-substantive change for consistency.

MILLBROOK RESORT ZONE 43

	Activities – Millbrook	Status
43.4.5	<p>Buildings in R14, R15 and R16 of the Residential Activity Area</p> <p>* With the exercise of Council's discretion is limited restricted to consideration of the following: the implementation of design guidelines and parameters to control:</p> <ul style="list-style-type: none"> • Consistency with Council approved design guidelines; and • the external appearance of the building; and • associated landscaping controls; and • the effects of on visual and landscape amenity values of the area including coherence with the surrounding buildings and landscape values. <p>Assessment matter: In R14, R15 and R16 the following are anticipated:</p> <ul style="list-style-type: none"> • dark and recessive building materials; and • a range of vegetation which is predominantly indigenous including shrub and tree species that contribute to the mitigation of potential adverse effects • particular attention to accessway designs 	RD*
43.4.6	<p>Buildings in R17 and R18 of the Residential Activity Area</p> <p>* With the exercise of Council's discretion limited is restricted to consideration of the following: the implementation of design guidelines and parameters to control:</p> <ul style="list-style-type: none"> • consistency with Council approved design guidelines; and • the external appearance of the building including materials and designs; and • the effects on visual and landscape amenity values of the area including coherence with the surrounding buildings and heritage values. <p>Assessment matter: The location, height and bulk of buildings should be assessed with particular attention to maintaining or creating viewshafts to the historic cottage in R18 which allow the appreciation of the historical configuration of that building and the plantings and signs of domestication that surround it. Materials and designs of buildings in R17 shall also integrate with the heritage values of that site.</p>	RD*

Comment [RE63]: Non-substantive change for consistency and efficiency.

Comment [RE64]: #383

Comment [RE65]: Non-substantive change for consistency and efficiency

Comment [RE66]: Non-substantive change to improve expression

Comment [RE67]: #356
Amended to reflect removal of design guidelines and non-substantive amendments to improve wording.

Comment [RE68]: #383.
Note that these assessment matters are captured by the matters of discretion and should be included in the design guidelines

Comment [RE69]: #383 / Non-substantive change reflecting the deletion of proposed Rule 43.4.25 (which was inserted as a result of submission #383).

Comment [SG70]: Non-substantive change for consistency with other PDP Chapters.

Comment [RE71]: #383

Comment [RE72]: Non-substantive change for consistency and efficiency

Comment [RE73]: Non-substantive change to improve expression

Comment [RE74]: Non-substantive formatting change.

Comment [RE75]: #356
Amended to reflect removal of design guidelines and non-substantive amendments to improve wording.

Comment [RE76]: #383.
Note that these assessment matters are captured by the matters of discretion and should be included in the design guidelines

MILLBROOK RESORT ZONE 43

Activities – Millbrook	Status
<p>43.4.7 <u>Amenity Landscaping Works</u></p> <p>i. <u>Landscaping works within the Gully Planting Overlay, the Open Planting Overlay, the Amenity Landscaping Overlay, the Earth Mounding Overlay, the Landscape Protection Activity Area within the South Dalgleish part of the zone, and the Landscape Protection (Malaghan) Activity Area.</u></p> <p>ii. <u>*Discretion is restricted to:</u></p> <p style="padding-left: 20px;">a) <u>An integrated landscape management plan that incorporates:</u></p> <p style="padding-left: 40px;">I. <u>Details on timing and commitments to appropriate plant species, prompt establishment, density of planting, replacement of dead and diseased plants, restrictions on removal of other vegetation, irrigation, fertiliser, mulching, rabbit control and use of gender dimorphic native plant stock sourced from local seeds where appropriate.</u></p> <p style="padding-left: 40px;">II. <u>Measures that shall be employed to maintain or enhance the quality of water within Mill Creek.</u></p> <p style="padding-left: 40px;">III. <u>Removal and ongoing management of wilding tree species and noxious weeds, including <i>Pinus</i>, <i>Pseudotsuga</i> and <i>Cytisus</i>.</u></p> <p style="padding-left: 40px;">IV. <u>Measures to avoid or mitigate adverse effects on the landscape and visual amenity values enjoyed from public and private locations beyond the Zone boundary.</u></p> <p style="padding-left: 40px;">V. <u>Planting plans for Gully planting and Open Planting Overlays that indicate how these areas will be planted and maintained with at least 90% of plants selected from the plant species list in Appendix 1.</u></p> <p style="padding-left: 40px;">VI. <u>Earthworks to be undertaken within Earth Mounding Overlays for the purpose of mitigating views of golfing activities, and visually screening residential properties within Residential Activity Areas R14 and R15, from building platforms on Lot 1 DP 475822, CT 665219 and Lot 2 DP 475822, CT 665220.</u></p> <p style="padding-left: 40px;">VII. <u>Management of existing trees within the Landscape Protection (Malaghan) Activity Area and replacement of those trees with appropriate tree and shrub species, to ensure the same or increased level of visual screening (of Millbrook) from Malaghans Road.</u></p> <p style="padding-left: 40px;">VIII. <u>Protection and enhancement of pastoral character within the Landscape Protection Activity Area.</u></p>	RD*
<p>43.4.78 Buildings in the Golf Course and Open Space Activity Area, except for utilities, service and accessory buildings up to 40m2 in gross floor area.</p>	D
<p>43.4.89 Residential activity in the Resort Services, Golf / Open Space or Recreational Facilities Activity Areas, except for residential activity ancillary to a permitted or approved activity.</p>	D
<p>43.4.91 Visitor Accommodation outside of the Village Activity Area</p>	D

Comment [RE77]: Non-substantive change to reflect new numbering

Comment [RE78]: Non-substantive change to reflect new numbering

Comment [RE79]: Non-substantive change to reflect new numbering

MILLBROOK RESORT ZONE 43

	Activities – Millbrook	Status
43.4.40 11	<p>Commercial and Community Activities, except for:</p> <ul style="list-style-type: none"> Commercial recreation activities; or Offices and administration activities directly associated with the management and development of Millbrook or ancillary to other permitted or approved activities located within the Resort Services and Village Activity Areas; or Bars, restaurants, theatres, conference, cultural and community facilities in the Village Activity Area; or Retail activities which comply with rule 43.5.8 (retail sales) 	D
43.4.41 12	<p>Commercial Recreation Activities, except for:</p> <ul style="list-style-type: none"> Golf courses (aside from the Landscape Protection Area); or Within the Recreation Facilities Activity Area or Village Activity Area 	D
43.4.42 13	<p>Golf courses in the Landscape Protection Activity Area <u>and Landscape Protection (Malaghan) Activity Area.</u></p>	NC
43.4.43 14	<p>Buildings in the Landscape Protection Activity Area <u>and Landscape Protection (Malaghan) Activity Area</u>, except for:</p> <ul style="list-style-type: none"> utility buildings up to 25m² in gross floor area; and one farm buildings in the (relocated from within the site zone and restored) in that part of the Landscape Protection (Malaghan) Activity Area which fronts Malaghans Road. Utility buildings up to 25m² gross floor area in the Landscape Protection (Malaghan) Activity Area. 	NC
43.4.44 15	<p>Helicopter landing and take-off areas in the Helicopter Landing and Take-off Activity Area</p> <p>* With the exercise of Council's control discretion is restricted limited to:</p> <ul style="list-style-type: none"> Safety; and effects on amenity values confirmation that no more than one helicopter landing and take-off area shall be in operation at any given time. 	RD*

Comment [RE80]: Non-substantive change to reflect new numbering

Comment [RE81]: Non-substantive change for consistency.

Comment [RE82]: Non-substantive change for consistency.

Comment [RE83]: Non-substantive change to reflect new numbering

Comment [RE84]: Non-substantive change for consistency.

Comment [RE85]: Non-substantive change to delete unnecessary text (covered by Rule 43.4.13)

Comment [RE86]: Non-substantive change to reflect new numbering

Comment [RE87]: #356 Reflects new Landscape Protection (Malaghan) Activity Area

Comment [RE89]: Non-substantive change to correct wording of sentence.

Comment [RE88]: Non-substantive change to reflect new numbering

Comment [RE90]: #356 Reflects new Landscape Protection (Malaghan) Activity Area

Comment [RE91]: #499

Comment [RE92]: Non-substantive change to correct wording of sentence.

Comment [RE93]: Non-substantive change to reflect that the farm building will come from within the zone, not the site. Response to Panel question.

Comment [RE94]: #499

Comment [RE95]: Non-substantive change to make it clear what activity area is being referred to.

Comment [RE96]: Non-substantive change to indicate the specific Landscape Protection Area

Comment [RE97]: #499

Comment [RE99]: Non-substantive change for efficiency.

Comment [RE98]: Non-substantive change to reflect new numbering

Comment [RE100]: Non-substantive change to language to reflect the activity status of restricted discretionary, not controlled.

Comment [RE101]: Non-substantive change for consistency

Comment [RE102]: Non-substantive change to delete unnecessary text (covered by Rule 43.5.12)

MILLBROOK RESORT ZONE 43

43.4.15 <u>16</u>	Airports , aside from: <ul style="list-style-type: none"> Helicopter landings and takeoffs approved under rule 43.4.14<u>15</u> (above); or the use of land and water for an emergency landings, rescues and fire-fighting. 	NC
43.4.16 <u>17</u>	Mining	NC
43.4.17 <u>18</u>	Service Activities , except for: <ul style="list-style-type: none"> activities directly related to other approved or permitted activities within the Zone; and located within the Resort Services Activity Area; or located within the Golf / Open Space Activity Area and which have a gross floor area of no more than 40m² 	NC
43.4.18 <u>19</u>	Industrial Activities ; except for: <ul style="list-style-type: none"> activities directly related to other approved or permitted activities within the Zone; and activities located within the Resort Services Activity Area 	NC
43.4.19 <u>20</u>	Licensed Premises outside of the Village Activity Area Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the the sale and supply of alcohol: <ul style="list-style-type: none"> to any person who is residing (permanently or temporarily) on the premises; to any person who is present on the premises for the purpose of dining up until 12am. 	NC
43.4.20 <u>21</u>	Panelbeating, spray painting, motor vehicle repair or dismantling except for activities directly related to other approved or permitted activities within the Zone and located within the Resort Services Activity Area.	NC
43.4.21 <u>22</u>	Forestry Activities	NC
43.4.22 <u>23</u>	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
43.4.23 <u>24</u>	Factory Farming	PR
43.4.24 <u>25</u>	Buildings in the E1 and E2 Earth Mounding works Overlays Areas	PR

Comment [RE103]: Non-substantive change to reflect new numbering

Comment [RE104]: Non-substantive change to clarify reference to more than one landing (similar to takeoffs).

Comment [RE105]: Non-substantive change to reflect new numbering

Comment [RE106]: Non-substantive change to reflect new numbering

Comment [RE107]: Non-substantive change to reflect new numbering

Comment [RE108]: Non-substantive change to reflect new numbering

Comment [RE109]: Non-substantive change to reflect new numbering

Comment [RE110]: Non-substantive change to reflect new numbering

Comment [RE111]: Non-substantive change to reflect new numbering

Comment [RE112]: Non-substantive change to reflect new numbering

Comment [RE113]: Non-substantive change to reflect new numbering

Comment [RE114]: Non-substantive change to correct overlay name

Comment [RE115]: #356. Change proposed by MCCL in response to this submission.

MILLBROOK RESORT ZONE 43

43.4.25	Buildings other than one residential unit or a farm building in R18 of the Residential Activity Area.	NC
43.4.26	Any development within the Millbrook Resort Zone prior to the approval of Millbrook Design Guidelines by Queenstown Lakes District Council.	NC
43.4.27	Development shall be undertaken in general accordance with the Structure Plan provided at 4.7 and the Council approved design guidelines.	NC

Comment [RE116]: #383

Comment [RE117]: #383
Now covered by Rules 43.4.2 and (renumbered) 43.4.7

Comment [RE118]: #356
Amended to reflect that the guidelines are no longer referred to in the chapter

43.5 Rules- Standards

	Rules – Millbrook	Non-compliance status
43.5.1	Setbacks No building or structure shall be located closer than 6m to the Zone boundary, and in addition: No building shall be located closer than 10m from Malaghan Road or the Arrowtown Lake Hayes Road.	RDD
	On Indicative Residential Sites 14 and 19 buildings shall be located at least 7m from no building shall be located within a 7m setback from those boundaries of the Indicative Residential Sites which adjoin the boundary of the Residential Activity Area boundary.	D
43.5.2	Residential Density In the Millbrook Resort Zone t The maximum number of residential units shall be limited to 450.	NC
43.5.3	Residential dDensity in R13, R14, R15, R16, R17 and R18 In the following parts of the Residential Activity Area the total number of residential units shall not exceed: R13 10 residential units R14 6 residential units R15 15 residential units R16 6 residential units R17 7 residential units R18 1 residential units In addition there shall be no more than one residential unit per Indicative Residential Site.	NC
43.5.4	Building Height The maximum height of buildings shall be: <ul style="list-style-type: none"> Visitor accommodation, clubhouses, conference and theatre facilities restaurants, retail and residential buildings (except in R14, R15, R16 and R17)- 8m Filming towers - 12m All other buildings and structures (except in R14, R15, R16 and R17)- 4m 	NC

Comment [RE119]: Added for completeness as no rule requiring this in the notified version. Required to implement Policy 43.2.1.1

Comment [RE120]: Non-substantive change to move from activities rules to standards rules. Non-substantive change to include rule in order to implement Policy 43.2.1.1

Comment [RE122]: Non-substantive change to correct activity status for the standard, as the standard has no matters of discretion it is fully discretionary

Comment [RE121]: Non-substantive formatting change

Comment [RE124]: #356.
Change proposed by MCCL in response to this submission.

Comment [RE123]: Non-substantive change to improve wording.

Comment [RE126]: Non-substantive change for efficiency.

Comment [RE127]: Non-substantive formatting change

Comment [RE128]: Non-substantive change to remove unnecessary text

Comment [RE129]: #383

Comment [RE130]: #356.
Change proposed by MCCL in response to this submission.

MILLBROOK RESORT ZONE 43

	Rules – Millbrook	Non-compliance status																		
43.5.5	<p>Building Height in R14, R15, R16 and R17</p> <p>i. In the following parts of the Residential Activity Area (as annotated on the Structure Plan) the following maximum building heights shall apply:</p> <p>R14 5.5m6.5m</p> <p>R15 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m.</p> <p>R16 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m.</p> <p>R17 5.5m</p> <p>And in addition no part of a building shall be situated above the following heights above sea level:</p> <p style="text-align: center;">Datum (masl)</p> <p>R14 465.5m</p> <p>R15 478.5m</p> <p>R16 483m</p> <p>In addition, buildings must comply with the site specific heights and recession planes for each indicative residential site, as specified in the Council approved design guidelines.</p> <p>ii No part of a building shall exceed the following heights above sea level (excluding chimneys which may exceed the height control by 2.0m with a maximum horizontal dimension of 1.5m):</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: center;">Indicative Residential Site as shown on the Structure Plan</th> <th style="text-align: center;">Datum (masl) using the “Mt Nic 2000 & MSL” datum</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">1</td><td style="text-align: center;">481.8</td></tr> <tr><td style="text-align: center;">3</td><td style="text-align: center;">478.8</td></tr> <tr><td style="text-align: center;">6 - 13</td><td style="text-align: center;">475.8</td></tr> <tr><td style="text-align: center;">14</td><td style="text-align: center;">476.8</td></tr> <tr><td style="text-align: center;">19</td><td style="text-align: center;">472.8</td></tr> </tbody> </table> <p>iii. No part of a building on Indicative Residential Sites 1 and 3 shall protrude through a recession plane running due south at an angle of 30 degrees commencing at the boundary of the indicative residential sites noted below and as measured from the following heights above sea level:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: center;">Indicative Residential Site as shown on the Structure Plan</th> <th style="text-align: center;">Datum (masl) using the “Mt Nic 2000 & MSL” datum</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">1</td><td style="text-align: center;">478</td></tr> <tr><td style="text-align: center;">3</td><td style="text-align: center;">475</td></tr> </tbody> </table>	Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the “Mt Nic 2000 & MSL” datum	1	481.8	3	478.8	6 - 13	475.8	14	476.8	19	472.8	Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the “Mt Nic 2000 & MSL” datum	1	478	3	475	NC
Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the “Mt Nic 2000 & MSL” datum																			
1	481.8																			
3	478.8																			
6 - 13	475.8																			
14	476.8																			
19	472.8																			
Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the “Mt Nic 2000 & MSL” datum																			
1	478																			
3	475																			
43.5.6	<p>Glare</p> <p>43.5.6.1 All fixed lighting shall be directed away from adjacent roads</p>	NC																		

Comment [RE131]: Non-substantive change

Comment [RE132]: #356
Reflects movement of R14 in response to X-Ray Trust submission

Comment [RE133]: #356
Reflects that R16 is not subject to the Height Restriction Overlay under the revised Structure Plan

Comment [RE134]: Non-substantive change to improve wording.

Comment [RE135]: #356

Comment [RE136]: #356
Reflects deletion of the design guidelines and transfer of those controls to the chapter.

MILLBROOK RESORT ZONE 43

	Rules – Millbrook	Non-compliance status
	<p>and properties.</p> <p>43.5.6.2 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.</p> <p>43.5.6.3 No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</p> <p style="color: red;">43.5.6.4 External lighting shall be limited to down lighting only, not more than 1.5 metres above the finished floor level of the dwelling with the light source shielded from horizontal view.</p>	
43.5.7	<p>Nature and Scale of Activities</p> <p>Except within the Village and Resort Services Activity Areas:</p> <p>43.5.7.1 No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.</p> <p>43.5.7.2 All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building</p>	NC
43.5.8	<p>Retail Sales</p> <p>43.5.8.1 No goods or services shall be displayed, sold or offered for sale from a site except:</p> <p>a. goods grown, reared or produced on the site; or</p> <p>b. goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within the Recreation Facilities Activity Area; or</p> <p>c. Within the Village Activity Area</p>	NC
43.5.9	<p>Maximum Total Site Coverage</p> <p>The maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings but excludes weirs, filming towers, bridges and roads and parking areas.</p>	NC
43.5.10	<p>Fire Fighting</p> <p>A fire fighting reserve of water shall be maintained. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.</p>	NC
43.5.11	<p>Golf Course development</p> <p style="color: red;">Development of more than residential units in the South Dalglish part of the zone, or more than 27 holes of golf shall not take place without a plan being prepared under Rule 43.4.7 and approved by Council and its implementation secured via a condition of consent or consent notice, which</p>	NC

Comment [RE137]: #356
Added due to guidelines being deleted.

Comment [RE138]: Non-substantive change to correct typographical error.

MILLBROOK RESORT ZONE 43

	Rules – Millbrook	Non-compliance status
	<p>addresses the following:</p> <ul style="list-style-type: none"> • practical and reasonable protection and restoration of ecological values through planting in those areas identified within the Gully Planting and Open Planting Overlays Ecological Protection and Restoration Overlay; and • Practical and reasonable measures within the Amenity Landscaping overlay to mitigate or avoid adverse effects on the amenity values enjoyed within properties and public places beyond the Zone boundary; and • An overview of measures that shall be employed to maintain or enhance the quality of water within Mill Creek and Lake Hayes. • Landscaping plans that include details of how the Gully Planting and Open Planting Overlays will be planted and maintained, utilising plant species outlined in the Council approved design guidelines. • Earthworks to be undertaken in E1 for the purpose of visually screening all residential properties within the R14 and R15 Activity Areas from approved building locations on sites adjoining the South Dalgleish Area of the Millbrook Resort Zone. • Earthworks to be undertaken in E2 for the purpose of mitigating views of golfing activities as viewed from approved building locations on sites adjoining the South Dalgleish Areas of the Millbrook Resort Zone. • Retention and long term replacement (when required) of those trees within the Roadside Planting Overlay 	
<p>43.5.12</p>	<p>Atmospheric Emissions</p> <p>There shall be no indoor solid fuel fires, except for:</p> <ul style="list-style-type: none"> • feature open fireplaces in the clubhouse and other communal buildings including bars and restaurants. <p>Note – Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.</p>	<p>NC</p>
<p>43.5.131 2</p>	<p>Helicopter Landing Areas</p> <p>There shall be no more than one permanent helicopter landing area approved via resource consent at any given time within the Zone.</p>	<p>NC</p>
<p>43.5.13</p>	<p>Development shall be undertaken in general accordance with the Structure Plan provided at 4.7.</p>	<p>D</p>
<p>43.5.14</p>	<p>Building colours and materials in Residential Activity Areas R14, 15 and 16</p> <p>i. <u>Roof materials and colours will be limited to</u></p> <ol style="list-style-type: none"> <u>Dark grey corrugated iron.</u> <u>Dark grey tray profile.</u> <u>Slate.</u> <u>Copper (left to weather).</u> <u>Gutters and downpipes to match the roof colour.</u> 	<p>RD*</p>

Comment [RE139]: Non-substantive change to reflect that some of the amenity planting is to screen from public places.

Comment [RE140]: #356

Comment [RE141]: Submission #356

Comment [RE142]: #356

Comment [RE143]: #356

Comment [RE145]: Recommend rule be deleted as this is a Regional Council matter.

Comment [RE144]: Underlining removed as not required in chapter and for consistency.

Comment [RE146]: Non-substantive change to reflect renumbering

Comment [RE147]: Non-substantive change to remove unnecessary wording

Comment [RE148]: Moved from Activities to Standards in response to Panel question and reference to guidelines deleted. Activity status changed from non-complying to discretionary for consistency with the Subdivision Chapter. (Rule was added in s42A version as a non-substantive amendment to give effect to Policy 43.2.1.1)

MILLBROOK RESORT ZONE 43

	Rules – Millbrook	Non-compliance status
	<p>ii. <u>Claddings will be limited to:</u></p> <ul style="list-style-type: none"> a) <u>Millbrook quarry stone.</u> b) <u>Painted or stained weatherboards.</u> c) <u>Steel sheeting.</u> d) <u>Textured concrete.</u> e) <u>Painted plaster.</u> <p>iii. <u>Paint colours and external joinery shall have a maximum 30% light reflectivity value.</u></p> <p><u>*Council’s discretion is restricted to:</u></p> <ul style="list-style-type: none"> a) <u>Effects on amenity and landscape values</u> b) <u>Building design</u> c) <u>the degree to which the colours and materials are recessive within the context of the building</u> 	

Comment [RE149]: #356
Reflects deletion of guidelines

43.6 Non-Notification of Applications

43.6.1 ~~Except as provided for by the Act, a~~ All applications for controlled activities and restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified. will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.

Comment [RE150]: #383

MILLBROOK RESORT ZONE 43

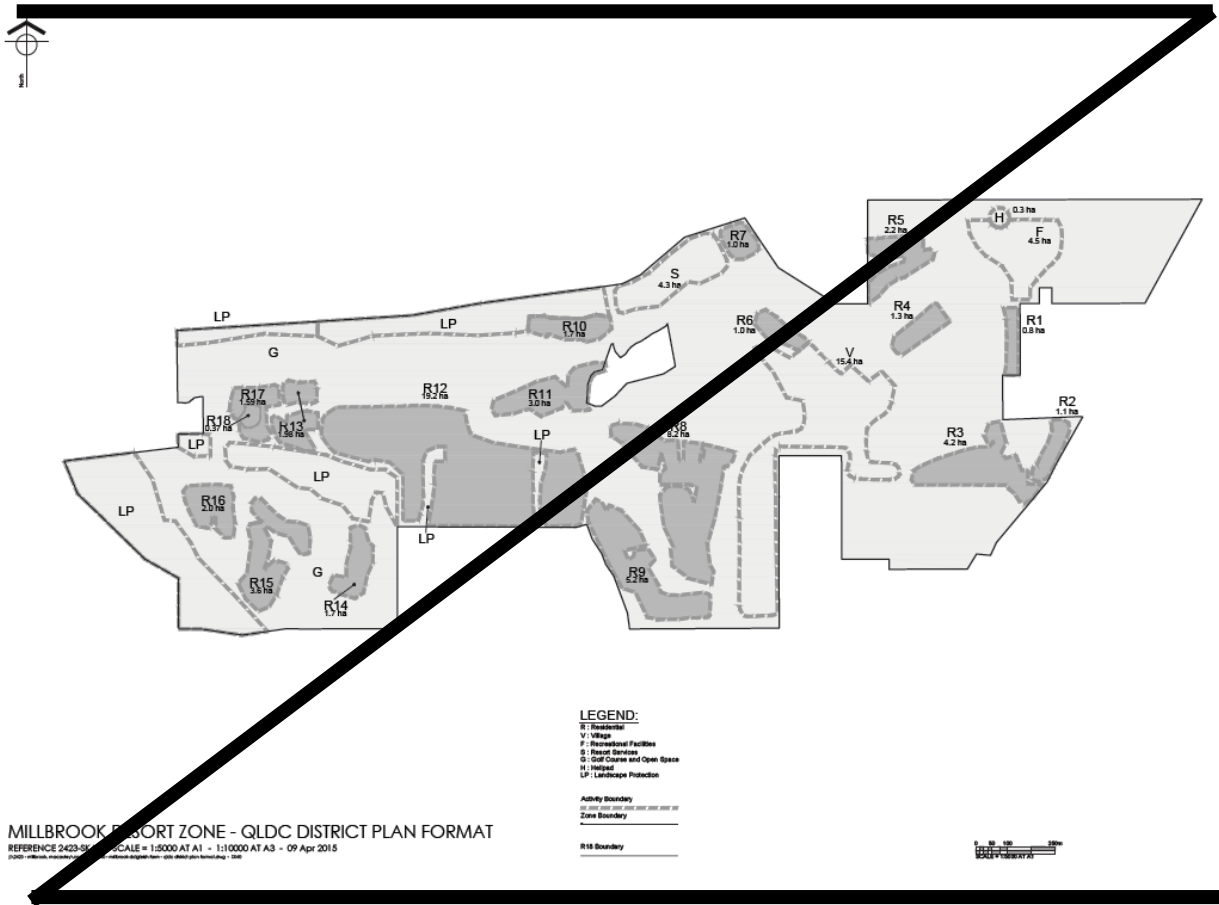
Appendix 1

Comment [RE151]: #356
Reflects deletion of guidelines

Overlay Area	Plant List
Gully Planting Overlay	<ul style="list-style-type: none"> - <u>Carex secta</u> - <u>Hebe salicifolia</u> - <u>Aristotelia serrata</u> - <u>Coprosma lucida</u> - <u>Coprosma propinqua</u> - <u>Fuscopora solandri</u> - <u>Olearia lineata</u> - <u>Cortaderia richardii</u> - <u>Phormium tenax</u>
Open Planting Overlay:	<ul style="list-style-type: none"> - <u>Festuca novae-zelandiae</u> - <u>Coprosma propinqua</u> - <u>Leonohebe cupressoides</u> - <u>Olearia odorata</u> - <u>Melicytus alpinus</u> - <u>Sophora microphylla</u> - <u>Olearia avicenniifolia</u> - <u>Carmichaelia petriei</u> - <u>Poa colensoi</u> - <u>Hebe subalpina</u>

MILLBROOK RESORT ZONE 43

43.7 Structure Plans



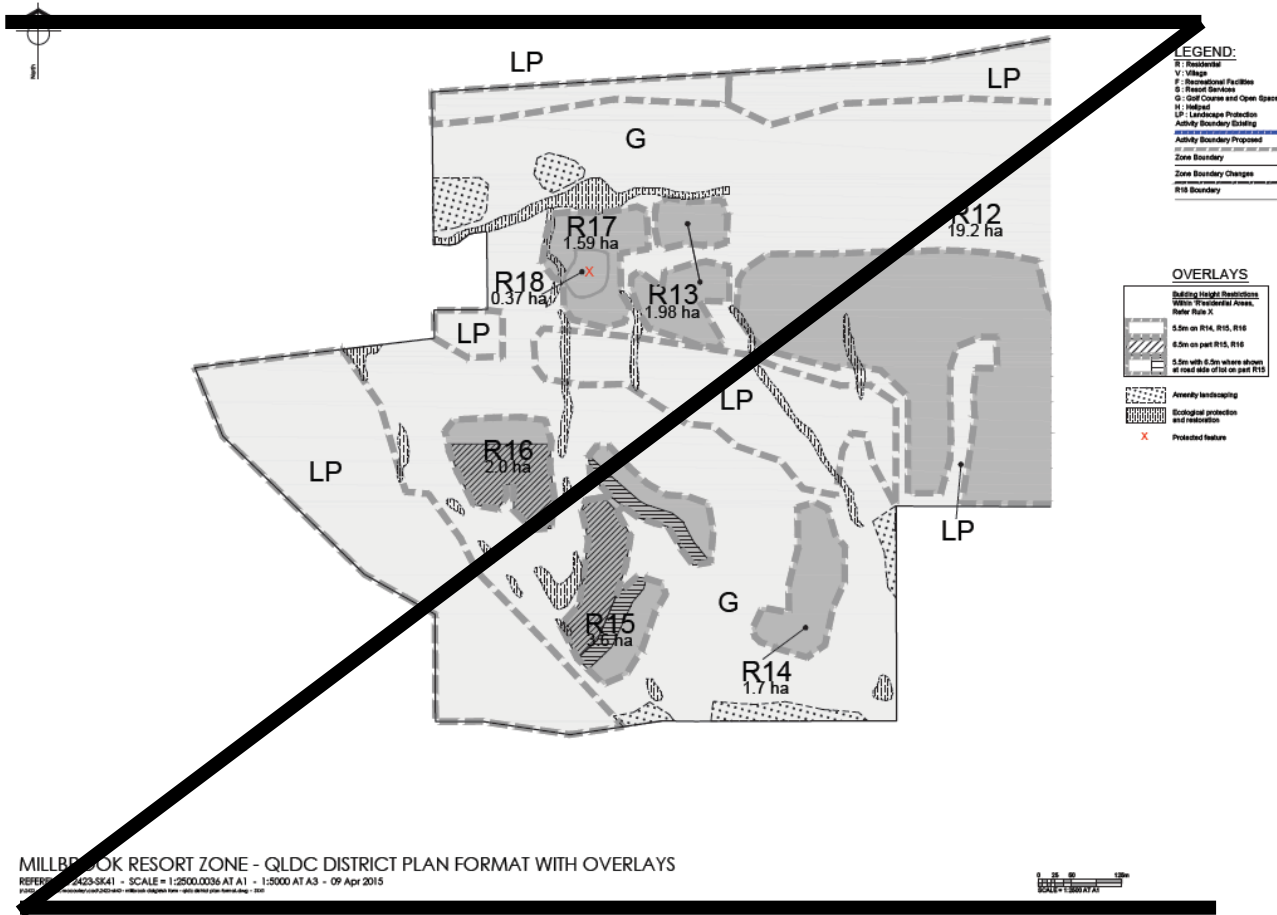
Comment [RE152]: Submission #356. Notified Structure Plans to be replaced with those submitted by MCCL to QLDC on 2 December 2016 and provided at the end of this chapter.

Note that the Structure Plan will require further amendment to include the proposed 'Roadside Planting Overlay'. Update Right of Reply: Due to time constraints the Structure Plan has not been updated. It the following amendment:

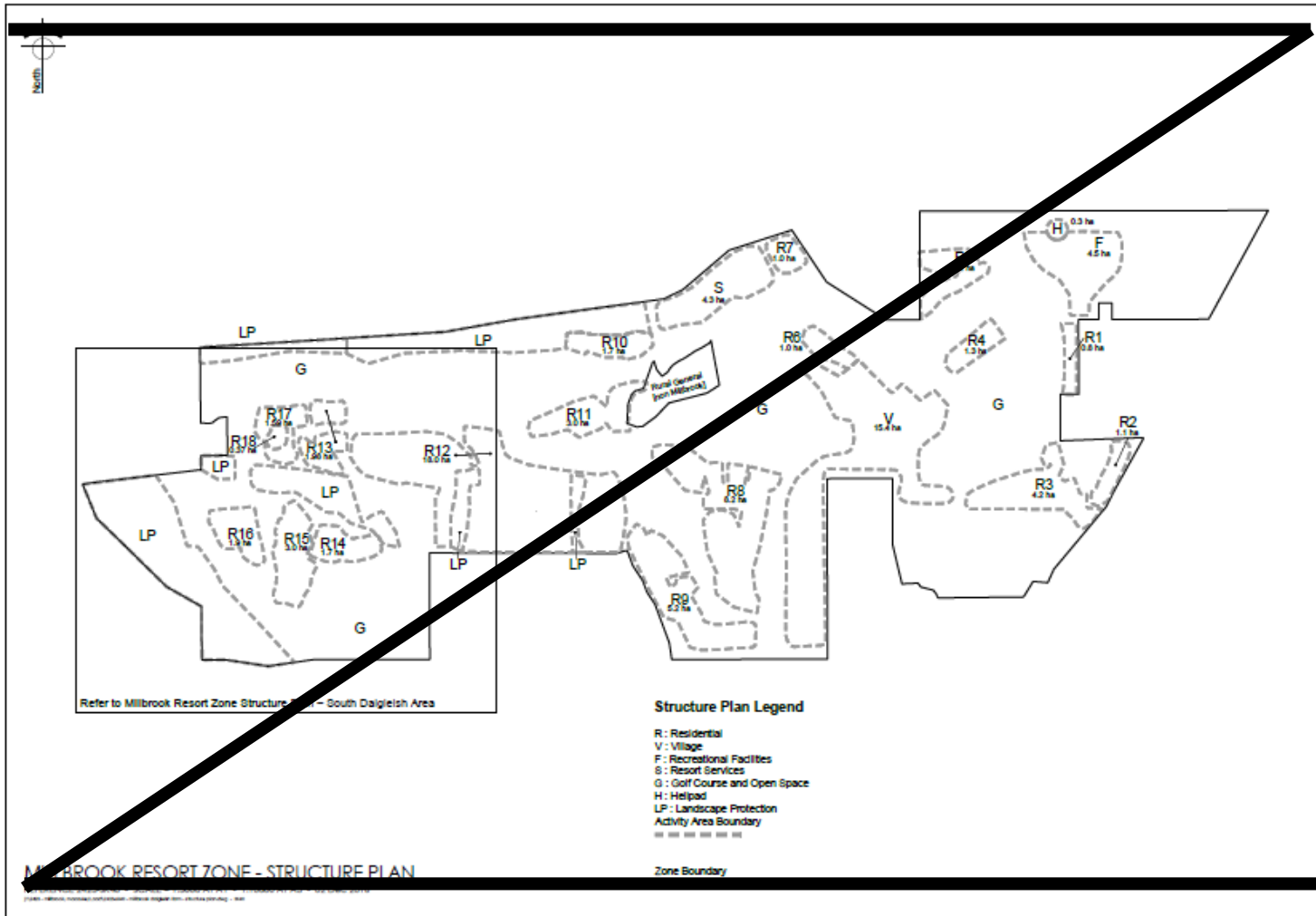
- include 'Landscape Protection (Malaghan) Activity Area' in the part of the current Landscape Protection Area adjoining Malaghans Road;
- add a key for 'Landscape Protection (Malaghan) Activity Area'
- add a Key for overlays to be changed to delete the words 'for general amenity' after 'Earth Mounding', for consistency; and
- add Geo-referenced CAD file reference.

An updated Structure Plan will be provided to the Panel as soon as possible next week.

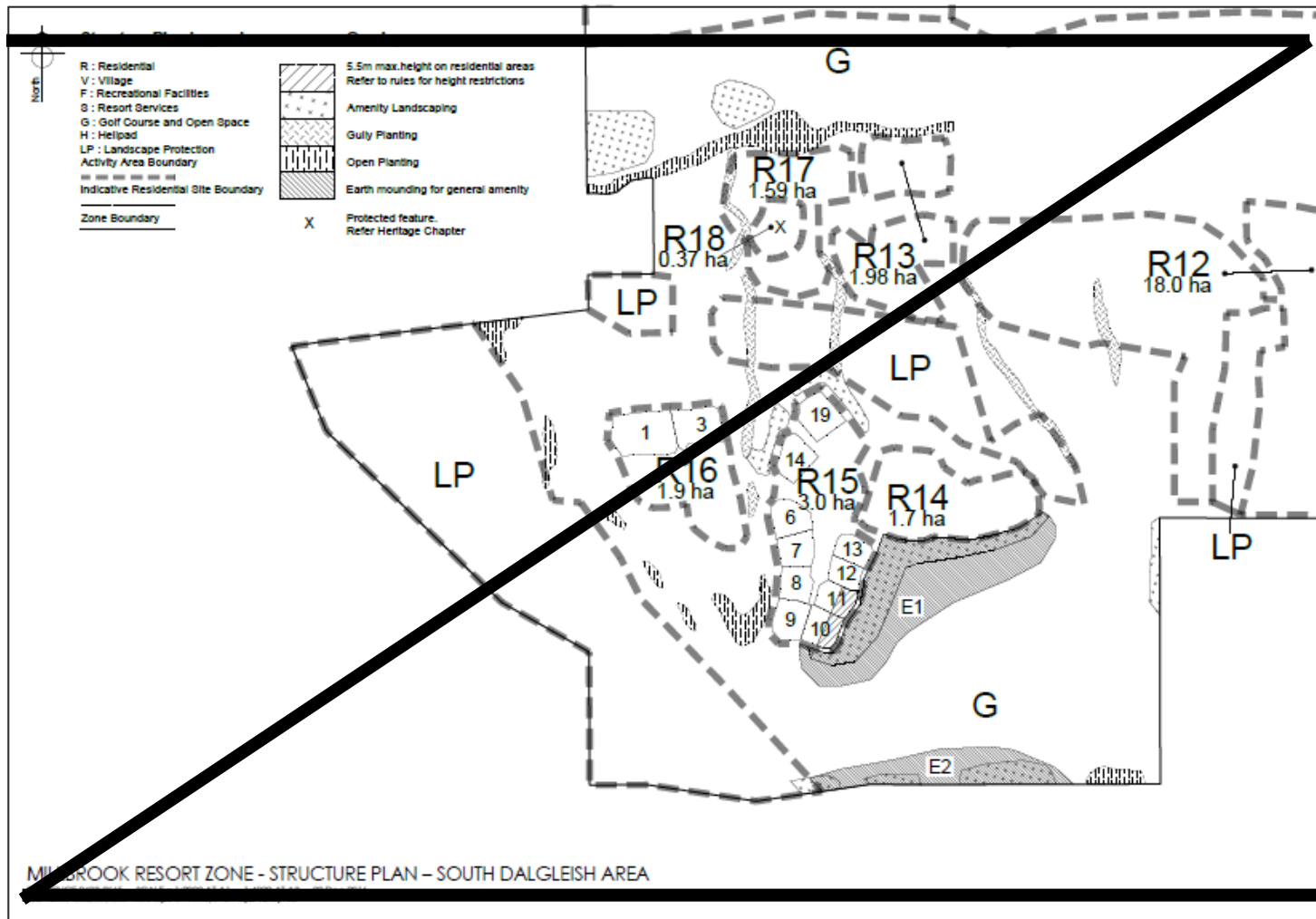
MILLBROOK RESORT ZONE 43



MILLBROOK RESORT ZONE 43



MILLBROOK RESORT ZONE 43



SUBDIVISION 27

Excerpt from Subdivision Chapter – relevant rules for Millbrook Resort Zone

27 Subdivision

...

27.6 Rules - Standards for Subdivision Activities

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified. Zone Minimum Lot Area
Town Centres No minimum Local Shopping Centre No minimum

Zone		Minimum Lot Area
Millbrook		No minimum

...

27.7 Rules – Zone and Location Specific Standards

	Zone specific standards	Activity status
27.7.12	Any subdivision of the Millbrook Resort Zone that is inconsistent with the Millbrook Millbrook Resort Zone Structure Plan specified in part 43.7.	D

Comment [SG153]: Non-substantive change to correct spelling.

APPENDIX 2
SECTION 32AA EVALUATION

Appendix 2

Section 32AA Assessment

Note: The relevant provisions from the revised chapter are set out below, showing additions to the notified text in underlining and deletions in ~~strike through~~ text from the s42A report and recommended changes from the Reply are shown in red underlined text for additions and ~~red strike through~~ text for deletions, (ie as per the Revised Chapter).

The section 32AA assessment then follows in a separate table underneath each of the provisions.

Recommended Amendments to Objective 43.2.1
43.2.1 Objective – Visitor, residential and recreation activities developed in an integrated manner with particular regard for landscape, heritage, ecological, <u>and</u> water and air quality values.

Appropriateness (s32(1)(a))
The amendment is appropriate as removes reference to air quality, which is a regional council function.

Recommended Amendments to Policy 43.2.1.2
Require the external appearance of buildings <u>and associated landscaping</u> to have appropriate particular regard to landscape and heritage values.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • Provides policy support for existing rules, which include landscaping requirements. 	<ul style="list-style-type: none"> • Effective and efficient to provide link back to policies for rules, in order to correctly implement the rule.

Recommended Amendments to Policy 43.2.1.5
Require Control air emissions to be controlled for visual amenity purposes.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • Deletes policy that relates to a regional plan matter. 	<ul style="list-style-type: none"> • Removal of the policy is efficient and effective as the PDP should not contain policies relating to matters outside of district council jurisdiction.

New Policy 43.2.1.6 (renumbered)

Require an integrated landscape management plan for the South Dalgliesh part of the zone.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Reduces flexibility for developer to develop this area without a landscape plan. 	<ul style="list-style-type: none"> • Provides policy support for existing but amended landscaping rules in the chapter, specifically proposed Rule 43.4.7 and Rule 43.5.11. • Supports opportunity to develop a comprehensive landscape plan for the expanded part of the zone and mitigate effects on neighbouring properties. • Provides increased certainty that the landscaping will occur. 	<ul style="list-style-type: none"> • Effective and efficient to provide direct policy support for an existing but amended rule, and will assist in efficient preparation and assessment of resource consent applications for development of the new part of the Zone.

Redraft Rule 43.4.2

Rules – Activities

	Activities – Millbrook	Status
43.4.2	<p>Farm buildings in all activity areas aside from the Landscape Protection Area <u>and Landscape Protection (Malaghan) Activity Area</u> as set out in rule 43.4.13 <u>and in the E1 and E2 areas as set out in Rule 43.4.24.</u></p> <p>* Council shall exercise cControl is reserved to the over effects on heritage and landscape values</p>	C*

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • No farm buildings can be established in the Earthworks Overlay Areas. • Farm buildings (other than the one provided for in the Landscape Protection (Malaghan) Activity Area) not supported in the Landscape Protection Activity Areas. 	<ul style="list-style-type: none"> • Preserves these areas for earthworks for the purposes of mitigating the effects of development within the expanded zone area. • Provides for the establishment of one farm building in the Landscape Protection (Malaghan) Activity Area. 	<ul style="list-style-type: none"> • Efficient to remove previously proposed exception where it is already covered by a rule (Rule 43.4.25) as pursuant to this rule farm buildings are prohibited in the E1 and E2 activity areas, therefore the exception does not need to be stated in the rule.

Redraft Rule 43.4.3

Rules – Activities

	Activities – Millbrook	Status
43.4.3	<p>Buildings in:</p> <ul style="list-style-type: none"> • the Village Activity Area; or • R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12 and <u>–</u> R13 of the Residential Activity Area; or • The Recreational Facilities Activity Area <p>* With the exercise of *Council's cControl is reserved in respect of limited to the implementation of Council approved design guidelines and parameters to control:</p> <ul style="list-style-type: none"> • †The external appearance of the building, and • †The eEffects of on visual and landscape amenity values of the area including coherence with the surrounding buildings. 	C*

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • More detail located in chapter as a result of guidelines being deleted. 	<ul style="list-style-type: none"> • "One stop shop" for PDP users now, users do not have to refer to a separate guideline to complete assessment. 	<ul style="list-style-type: none"> • Efficient to provide all detail for assessing an application in one place. • Efficient to remove uncertainty associated with guidelines that do not yet exist for the new part of the zone.

Redraft Rule 43.4.5

Rules – Activities

	Activities – Millbrook	Status
43.4.5	<p>Buildings in R14, R15 and R16 of the Residential Activity Area</p> <p>.* With the exercise of Council's dDiscretion is limited <u>restricted</u> to <u>consideration of the following</u>: the implementation of design guidelines and parameters to control:</p> <ul style="list-style-type: none"> • <u>Consistency with Council approved design guidelines; and</u> • the external appearance of the building; and • associated landscaping controls; and • the effects of on visual <u>and landscape amenity</u> values of the area including coherence with the surrounding buildings and landscape values. <p>Assessment matter: In R14, R15 and R16 the following are anticipated:</p> <ul style="list-style-type: none"> • dark and recessive building materials; and • a range of vegetation which is predominantly indigenous including shrub and tree species that contribute to the mitigation of potential adverse effects • particular attention to accessway designs 	RD*

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • More detail located in chapter as a result of guidelines being deleted. 	<ul style="list-style-type: none"> • "One stop shop" for PDP users now, users do not have to refer to a separate guideline to complete assessment. • Removal of assessment matters from this chapter is consistent with the general approach in the PDP. 	<ul style="list-style-type: none"> • Effective and efficient as assessment matters are not generally used in other parts of the PDP. The matters of discretion cover the assessment criteria. • Efficient to provide all detail for assessing an application in one place, to avoid having to look at a separate document (the design guidelines). • Efficient to remove uncertainty associated with guidelines that do not yet exist for the new part of the zone.

Updated Rule 43.4.6

Rules – Activities

	Activities – Millbrook	Status
43.4.6	<p>Buildings in R17 <u>and R18</u> of the Residential Activity Area</p> <p>* With the exercise of Council's discretion limited is restricted to consideration of the following the implementation of design guidelines and parameters to control:</p> <ul style="list-style-type: none"> • consistency with Council approved design guidelines; and • the external appearance of the building including materials and designs; and • the effects on visual and landscape amenity values of the area including coherence with the surrounding buildings and heritage values. <p>Assessment matter: The location, height and bulk of buildings should be assessed with particular attention to maintaining or creating viewshafts to the historic cottage in R18 which allow the appreciation of the historical configuration of that building and the plantings and signs of domestication that surround it. Materials and designs of buildings in R17 shall also integrate with the heritage values of that site.</p> <ul style="list-style-type: none"> • 	RD*

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • More detail located in chapter as a result of guidelines being deleted. 	<ul style="list-style-type: none"> • Removal of assessment matters from this chapter is consistent with the general approach in the PDP. • "One stop shop" for PDP users now, users do not have to refer to a separate guideline to complete assessment. 	<ul style="list-style-type: none"> • Effective and efficient as assessment matters are not generally used in other parts of the PDP. The matters of discretion cover the assessment criteria. • Efficient to provide all detail for assessing an application in one place, to avoid having to look at a separate document (the design guidelines). • Efficient to remove uncertainty associated with guidelines that do not yet exist for the new part of the zone.

Reply Rule 43.4.7

Rules – Activities

	Activities – Millbrook	Status
<u>43.4.7</u>	<p data-bbox="288 349 699 383"><u>Amenity Landscaping Works</u></p> <ul style="list-style-type: none"><li data-bbox="331 383 1264 533">i. <u>Landscaping works within the Gully Planting Overlay, the Open Planting Overlay, the Amenity Landscaping Overlay, the Earth Mounding Overlay, the Landscape Protection Activity Area within the South Dalglish part of the zone, and the Landscape Protection (Malaghan) Activity Area.</u><li data-bbox="331 562 1264 1944">ii. <u>*Discretion is restricted to:</u><ul style="list-style-type: none"><li data-bbox="475 622 1264 689">a) <u>An integrated landscape management plan that incorporates:</u><ul style="list-style-type: none"><li data-bbox="453 725 1264 958">I. <u>Details on timing and commitments to appropriate plant species, prompt establishment, density of planting, replacement of dead and diseased plants, restrictions on removal of other vegetation, irrigation, fertiliser, mulching, rabbit control and use of gender dimorphic native plant stock sourced from local seeds where appropriate.</u><li data-bbox="453 994 1264 1050">II. <u>Measures that shall be employed to maintain or enhance the quality of water within Mill Creek.</u><li data-bbox="453 1086 1264 1173">III. <u>Removal and ongoing management of wilding tree species and noxious weeds, including <i>Pinus</i>, <i>Pseudotsuga</i> and <i>Cytisus</i>.</u><li data-bbox="453 1207 1264 1294">IV. <u>Measures to avoid or mitigate adverse effects on the landscape and visual amenity values enjoyed from public and private locations beyond the Zone boundary.</u><li data-bbox="453 1328 1264 1438">V. <u>Planting plans for Gully planting and Open Planting Overlays that indicate how these areas will be planted and maintained with at least 90% of plants selected from the plant species list in Appendix 1.</u><li data-bbox="453 1471 1264 1671">VI. <u>Earthworks to be undertaken within Earth Mounding Overlays for the purpose of mitigating views of golfing activities, and visually screening residential properties within Residential Activity Areas R14 and R15, from building platforms on Lot 1 DP 475822, CT 665219 and Lot 2 DP 475822, CT 665220.</u><li data-bbox="453 1704 1264 1859">VII. <u>Management of existing trees within the Landscape Protection (Malaghan) Activity Area and replacement of those trees with appropriate tree and shrub species, to ensure the same or increased level of visual screening (of Millbrook) from Malaghans Road.</u><li data-bbox="453 1892 1264 1944">VIII. <u>Protection and enhancement of pastoral character within the Landscape Protection Activity Area.</u>	<u>RD*</u>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Unknown financial cost associated with implementing landscaping. 	<ul style="list-style-type: none"> Mitigates effect of residential development and the golf course from beyond the zone, particularly on the land directly to the south, and from Malahgans Road. Improved ecological outcomes through use of local plant species and requirement to remove wilding trees and noxious weeds. 	<ul style="list-style-type: none"> Effective and efficient to provide all landscaping requirements in one rule, with the trigger being the development of the new part of the zone, including residential sites or the golf course.

Reply Rule 43.4.13

Rules – Activities

	Activities – Millbrook	Status
43.4.4 <u>213</u>	Golf courses in the Landscape Protection Activity Area <u>and Landscape Protection (Malaghan) Activity Area.</u>	NC

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Nil. Golf courses already non-complying in this activity area. 	<ul style="list-style-type: none"> Ensures that the Landscape Protection (Malaghan) Activity Area has the same restrictions on golf course development as the Landscape Protection Activity Area 	<ul style="list-style-type: none"> Effective and efficient as ensures consistent approach to golf courses in the landscape protection activity areas.

Reply Rule 43.4.14

Rules – Activities

	Activities – Millbrook	Status
43.4.4 <u>314</u>	<p>Buildings in the Landscape Protection Activity Area <u>and Landscape Protection (Malaghan) Activity Area</u>, except for:</p> <ul style="list-style-type: none"> utility buildings up to 25m² in gross floor area; and <u>one farm buildings in the (relocated from within the site zone and restored) in that part of the Landscape Protection (Malaghan) Activity Area which fronts Malaghans Road.</u> <u>Utility buildings up to 25m² gross floor area in the Landscape Protection (Malaghan) Activity Area.</u> 	NC

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> No buildings (with two exceptions) can occur in the Landscape Protection Activity Areas. 	<ul style="list-style-type: none"> Ensures that the landscape is protected from inappropriate development. Acknowledges the intent to move one farm building within the area fronting Malaghans Road. Acknowledges the appropriateness of a utility building in the Landscape Protection (Malaghan) Activity Areas, which is on the flat land. 	<ul style="list-style-type: none"> Effective and efficient as ensures that development in the Landscape Protection Activity Area is managed through a rule.

New Redraft Rule 43.4.26

Rules – Activities

	Activities – Millbrook	Status
<u>43.4.26</u>	Any development within the Millbrook Resort Zone prior to the approval of Millbrook Design Guidelines by Queenstown Lakes District Council.	<u>NC</u>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> More detail located in chapter as a result of guidelines being deleted. 	<ul style="list-style-type: none"> "One stop shop" for PDP users now, users do not have to refer to a separate guideline to complete assessment. 	<ul style="list-style-type: none"> Efficient to provide all detail for assessing an application in one place, to avoid having to look at a separate document (the design guidelines). Efficient to remove uncertainty associated with guidelines that do not yet exist for the new part of the zone.

New Redraft Rule 43.4.27 now moved to Standards (43.5.13) – see analysis in relation to this new Rule.

Redraft Rule 43.5.5

Rules – Standards

	Rules – Millbrook	Status																		
43.5.5	<p>Building Height in R14, R15, R16 and R17</p> <p><u>i.</u> In the following parts of the Residential Activity Area (as annotated on the Structure Plan) the following maximum building heights shall apply:</p> <p>R14 5.5m<u>6.5m</u></p> <p>R15 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m.</p> <p>R16 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m.</p> <p>R17 5.5m</p> <p>And in addition no part of a building shall be situated above the following heights above sea level:</p> <p>Datum (masl)</p> <p>R14 465.5m</p> <p>R15 478.5m</p> <p>R16 483m</p> <p>In addition, buildings must comply with the site specific heights and recession planes for each indicative residential site, as specified in the Council approved design guidelines.</p> <p><u>ii</u> No part of a building shall exceed the following heights above sea level (excluding chimneys which may exceed the height control by 2.0m with a maximum horizontal dimension of 1.5m):</p> <table border="1" data-bbox="395 1361 1193 1585"> <thead> <tr> <th><u>Indicative Residential Site as shown on the Structure Plan</u></th> <th><u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u></th> </tr> </thead> <tbody> <tr> <td><u>1</u></td> <td><u>481.8</u></td> </tr> <tr> <td><u>3</u></td> <td><u>478.8</u></td> </tr> <tr> <td><u>6 - 13</u></td> <td><u>475.8</u></td> </tr> <tr> <td><u>14</u></td> <td><u>476.8</u></td> </tr> <tr> <td><u>19</u></td> <td><u>472.8</u></td> </tr> </tbody> </table> <p><u>iii.</u> No part of a building on Indicative Residential Sites 1 and 3 shall protrude through a recession plane running due south at an angle of 30 degrees commencing at the boundary of the indicative residential sites noted below and as measured from the following heights above sea level:</p> <table border="1" data-bbox="395 1794 1193 1951"> <thead> <tr> <th><u>Indicative Residential Site as shown on the Structure Plan</u></th> <th><u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u></th> </tr> </thead> <tbody> <tr> <td><u>1</u></td> <td><u>478</u></td> </tr> <tr> <td><u>3</u></td> <td><u>475</u></td> </tr> </tbody> </table>	<u>Indicative Residential Site as shown on the Structure Plan</u>	<u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u>	<u>1</u>	<u>481.8</u>	<u>3</u>	<u>478.8</u>	<u>6 - 13</u>	<u>475.8</u>	<u>14</u>	<u>476.8</u>	<u>19</u>	<u>472.8</u>	<u>Indicative Residential Site as shown on the Structure Plan</u>	<u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u>	<u>1</u>	<u>478</u>	<u>3</u>	<u>475</u>	NC
<u>Indicative Residential Site as shown on the Structure Plan</u>	<u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u>																			
<u>1</u>	<u>481.8</u>																			
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<u>1</u>	<u>478</u>																			
<u>3</u>	<u>475</u>																			

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Additional height and recession plane requirements for some buildings in the expanded area of the MRZ. 	<ul style="list-style-type: none"> Reduces the visual effect of buildings on neighbouring properties. Increased height provided for R14 to reflect its movement under the revised Structure Plan. R16 excluded from height overlay requirements due to its movement in response to submission. 	<ul style="list-style-type: none"> Efficient to provide all detail for assessing an application in one place, to avoid having to look at a separate document (the design guidelines). Efficient to remove uncertainty associated with guidelines that do not yet exist for the new part of the zone

Reply Rule 43.5.6

Rules – Standards

Rules – Millbrook		Status
	Glare	NC
32.1.1.1	All fixed lighting shall be directed away from adjacent roads and properties.	
32.1.1.2	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.	
32.1.1.3	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.	
	<u>43.5.6.4 External lighting shall be limited to down lighting only, not more than 1.5 metres above the finished floor level of the dwelling with the light source shielded from horizontal view.</u>	

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Restricts external lighting options, which may have an associated financial cost. 	<ul style="list-style-type: none"> One stop shop for PDP users now, users do not have to refer to a separate guideline to complete assessment. Reduces potential for adverse visual amenity effects associated with the lighting. 	<ul style="list-style-type: none"> Efficient to provide all detail for assessing an application in one place, to avoid having to look at a separate document (the design guidelines). Efficient to remove uncertainty associated with guidelines that do not yet exist for the new part of the zone.

Rules – Standards

	Rules – Millbrook	Status
	<p>Golf Course development</p> <p>Development of more than <u>residential units in the South Dalgleish part of the zone, or</u> more than 27 holes of golf shall not take place without a plan being <u>prepared under Rule 43.4.7 and</u> approved by Council and its implementation secured via a condition of consent or consent notice, which addresses the following:</p> <ul style="list-style-type: none"> • practical and reasonable protection and restoration of ecological values through planting in those areas identified within the Gully Planting and Open Planting Overlays Ecological Protection and Restoration Overlay; and • Practical and reasonable measures within the Amenity Landscaping overlay to mitigate or avoid adverse effects on the amenity values enjoyed within properties and public places beyond the Zone boundary; and • An overview of measures that shall be employed to maintain or enhance the quality of water within Mill Creek and Lake Hayes. • Landscaping plans that include details of how the Gully Planting and Open Planting Overlays will be planted and maintained, utilising plant species outlined in the Council approved design guidelines. • Earthworks to be undertaken in E1 for the purpose of visually screening all residential properties within the R14 and R15 Activity Areas from approved building locations on sites adjoining the South Dalgleish Area of the Millbrook Resort Zone. • Earthworks to be undertaken in E2 for the purpose of mitigating views of golfing activities as viewed from approved building locations on sites adjoining the South Dalgleish Areas of the Millbrook Resort Zone. • Retention and long term replacement (when required) of those trees within the Roadside Planting Overlay 	NC

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Financial cost associated with implementing landscaping 	<ul style="list-style-type: none"> • Mitigates effect of residential development and the golf course from beyond the zone, particularly on the land directly to the south, and from Malahgans Road. 	<p>Effective and efficient to provide all landscaping requirements in one rule, to be implemented via Rule 43.4.7.</p>

Reply Rule 43.5.13

Rules – Standards

	Rules – Millbrook	Status
<u>43.5.13</u>	<u>Development shall be undertaken in general accordance with the Structure Plan provided at 4.7 and the Council approved guidelines.</u>	<u>D</u>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • One stop shop for PDP users now, users do not have to refer to a separate guideline to complete assessment. 	<ul style="list-style-type: none"> • Efficient to provide all detail for assessing an application in one place, to avoid having to look at a separate document (the design guidelines). • Efficient to remove uncertainty associated with guidelines that do not yet exist for the new part of the zone. • Efficient to have same activity status as similar rule in the subdivision chapter.

Reply Rule 43.5.14

Rules – Standards

	Rules – Millbrook	Status
<u>43.5.1</u> <u>4</u>	<p><u>Building colours and materials in Residential Activity Areas R14, 15, and 16</u></p> <p>i. <u>Roof materials and colours will be limited to</u></p> <ol style="list-style-type: none"> a) <u>Dark grey corrugated iron.</u> b) <u>Dark grey tray profile.</u> c) <u>Slate.</u> d) <u>Copper (left to weather).</u> e) <u>Gutters and downpipes to match the roof colour.</u> <p>ii. <u>Claddings will be limited to:</u></p> <ol style="list-style-type: none"> a) <u>Millbrook quarry stone.</u> b) <u>Painted or stained weatherboards.</u> c) <u>Steel sheeting.</u> d) <u>Textured concrete.</u> e) <u>Painted plaster.</u> <p>iii. <u>Paint colours and external joinery shall have a maximum 30% light reflectivity value.</u></p> <p><u>*Council's discretion is restricted to:</u></p> <ol style="list-style-type: none"> a) <u>Effects on amenity and landscape values</u> b) <u>Building design</u> c) <u>the degree to which the colours and materials are recessive within the context of the building</u> 	RD*

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Limited cladding and colour palette reduces options available for these houses, and may have an associated financial cost. 	<ul style="list-style-type: none"> Ensures that the houses on the upper slopes of the South Dalgleish part of the zone are appropriate from landscape and visual amenity perspective. One stop shop for PDP users now, users do not have to refer to a separate guideline to complete assessment. 	<ul style="list-style-type: none"> Efficient to provide all detail for assessing an application in one place, to avoid having to look at a separate document (the design guidelines). Efficient to remove uncertainty associated with guidelines that do not yet exist for the new part of the zone. Efficient to provide certainty around the acceptable visual effect of new buildings.