

**BEFORE THE HEARING COMMISSIONERS  
FOR THE PROPOSED THE QUEENSTOWN LAKES DISTRICT PLAN AT QUEENSTOWN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Resort Zone  
Hearing Stream 9  
Millbrook Zone

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Statement of Evidence of John Bernard Edmonds on behalf of Millbrook  
Planning

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3 February 2017

## **INTRODUCTION**

### **Qualifications and Experience**

1. My name is John Bernard Edmonds. I hold the qualification of Bachelor of Regional Planning from Massey University, and am a full member of the New Zealand Planning Institute. I have 25 years' experience in planning and resource management, spanning policy and resource consent roles in local government and as a private consultant. I spent five years at Nelson City Council and six years with the Queenstown Lakes District Council (QLDC), most of that time (1997-2001) as the District Planner. In January 2001 I went into private consultancy. I am in my third year as a trustee of the Queenstown Trails Trust.

### **Code of Conduct Statement**

2. I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014, and (although this matter is not before the Environment Court) I have complied with it in the preparation of this evidence. This evidence is within my area of expertise and I confirm I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
3. Mr. Wells of my office prepared the Evaluation Report that was submitted to the Council and included in the notified plan, and he has had on-going involvement in the development of the plan provisions. I am familiar with the work he has completed and been kept informed, but I have not had any direct involvement.

### **Scope of this Evidence Structure**

4. I have been asked to prepare evidence by Millbrook Country Club Limited ('Millbrook'). I have read the relevant Section 42A reports as recently prepared as well as the background Section 32 material.
5. In preparing this evidence I have focused upon the changes that have been made since notification, and particular matters raised in the officers report.

## **BACKGROUND**

6. The section 32 for the Millbrook Resort Zone ('MRZ') was prepared by Mr. Wells of my office and provided to the Council for adoption in February 2015, with a further updated set provided to the Council in April 2015. That Evaluation Report is included in the agenda papers from page 52.

7. The Evaluation included supplementary reports in respect of:
- o Contaminated Sites
  - o Ecology
  - o Pollution
  - o Geology
  - o Heritage
  - o Infrastructure and Flooding
  - o Landscape
  - o Economic (of golf tourism)
  - o Consultation
8. An amended structure plan has been prepared for the whole zone, including an extension of the zone to the west to enable an additional 9 golf holes and up to 55 residences on that land locally known as Dalgliesh Farm.
9. I have also had the benefit of reading the draft evidence of Andrew Craig, (Landscape) and Ben O'Malley (Millbrook). I have also viewed the Virtual View simulations.
10. Through the course of this evidence I refer to various versions of the MRZ provisions. To avoid confusion they are:
- Council* - The notified plan provisions
- Millbrook1* – the amended provisions submitted to the Council on 2 December 2016
- The 42A version* – the provisions appended to the section 42A report
- Millbrook2* – the provisions appended to this brief of evidence.

## CHANGES TO THE PLAN PROVISIONS

11. Millbrook<sup>1</sup> and the neighbouring X-Ray Trust<sup>2</sup> and Roger Donaldson<sup>3</sup> have lodged submissions and further submissions to the MRZ.
12. Agreement has been reached between Millbrook and X-Ray Trust, which has resulted in amended zone provisions (*Millbrook1*) and an adjustment to the

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<sup>1</sup> S696 and FS1264, FS1266, FS1302 & FS1306

<sup>2</sup> S356 and FS1349

<sup>3</sup> S446

Structure Plan to meet X-Ray Trust's concerns. The redesign of the upper plateau was also a direct response to the Donaldson submission. A number of the features of the redesign will mitigate effects identified by the Donaldson submission.

13. Mr. Wells sets out the other proposed changes in his cover letter to the Council dated 2 December 2016 (commencing at page 87 of the s.42A report bundle of documents). That letter included an amended Structure Plan, the *Millbrook 1* plan provisions and landscape analysis. The changes involve:
- (a) Portions of the Residential Activity Areas (R) have been amended. These amendments have generally relocated residential activity from the more southerly portions of the upper site to the more central parts of the site.
  - (b) A part of the Landscape Protection (LP) Activity Area has been removed to allow for additional Golf Course and Open Space (G) Activity Areas.
  - (c) The Ecological Protection and Restoration Overlay has been removed and a Gully Planting (GP) and Open Planting (OP) overlay is proposed.
  - (d) Earthworks Overlays (E1 and E2) are proposed to indicate where earthworks will be undertaken to mitigate against effects of development on neighboring properties.
  - (e) Specific height controls have been added for "indicative residential sites" in much of the more elevated R14, R15 and R16 areas to provide more certainty as to built-form outcomes.
  - (f) A recession plane rule has been added to part 43.5.5 and RL's have been set for the more northerly lots to reduce visibility of future buildings in the R15 and R16 Activity Areas.

## THE OFFICERS REPORT

14. The officer's 42A report acknowledges the amendments that have been proposed by Millbrook together with the acknowledgement letter from the X-Ray Trust that the revised package has the support of the Trust.
15. In addition the officer also recommends a number of other changes that are identified via track-change from pages 25 to 39 of the officers report (ie. the amended plan provisions). A number of these track-changes are minor typographical or format changes and they are adopted. They are often referenced in the margin as 'non-substantive changes' and I agree.

16. I note that the track-change (42A) version of the plan provisions that is included as Appendix 1 to the 42A report does not incorporate all of the changes that have been made to the Millbrook/ X-Ray Trust agreed provisions that were most recently submitted to the Council on 2 December 2016.
17. In fact there are number of provisions that have either been changed or deleted without appearing as track-changes. It is only by comparing each rule that this becomes apparent.
18. As a result I have gone through all of the rules and compared the 42A version with the most recent *Millbrook1* version (2 December 2016). I have cross-checked both documents and prepared a clean version (*Millbrook2*), incorporating the typographic changes of the 42A version. I have also formatted these provisions so that each rule and associated sub-rules have a unique reference. I have made other changes to the order of the activities and standards so that they flow consistently from Permitted through to Prohibited. I have not produced a further track-change version; as that becomes too difficult to follow.

### **Roadside Planting Overlay**

19. The 42A report includes a suggested Roadside Planting Overlay along Malaghan Road – which is referenced from paragraph 7.10 of Ms. Ayres's assessment.
20. There is a Landscape Protection Activity Area already identified on the proposed Structure Plan adjacent to Malaghan Road. Rather than add further Activity Areas and Overlays, I consider that the existing Activity Area reference could be used and further distinguished by re-naming it the 'Landscape Protection (Malaghan)' Activity Area.
21. Consequentially, the 'Resort Zone Purpose' (43.1) should be amended to include a description of this Activity Area:

*Landscape Protection (Malaghan) – to maintain a mature tree lined edge to Malaghan Road.*
22. An associated new rule would be necessary as a new Standard (refer to my attached amended provisions – *Millbrook2*):

43.5.3	<p><b>Roadside Planting – Malaghan Road</b></p> <p><i>i. The removal of trees from the Landscape Protection (Malaghan) Activity Area except for the replacement of any tree (as a result of safety concerns or the ill health of a tree) with the same or similar species.</i></p>	D
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23. I have indicated a Discretionary Activity status to ensure that existing trees within this roadside area are protected, or alternatively replaced by same or similar species. For instance in the longer term evergreen species might be selected as providing more substantial screening effects and similarly binding Millbrook to maintaining and re-planting road-side Poplars may lead to public safety issues on Malaghan Road.

#### **Advice Notes & Design Guidelines**

24. The 42A report includes a series of Advice Notes, including 43.3.2.2 - which states that "development resulting in more than one (1) residential unit per lot shall show each residential unit contained within the net area..." I am unsure of the purpose of this advice note, and suggest that it is not necessary.
25. A further Advice Note (43.3.2.3 (although presumably meant to be 43.3.2.4)) indicates the Millbrook is to prepare 'design guidelines' for the 'South Dalglish' land. This suggested advice note is in response to the Council's submission and also relies in part on the original submission by X-Ray Trust. Millbrook and X-Ray Trust have subsequently agreed alternative provisions.
26. I do not agree that:
- i. an 'advice note' is an appropriate method of requiring the preparation of a design guideline; or
  - ii. that a design guideline is an appropriate method of ensuring implementation of the standards that are identified in the suggested 'advice note'
27. It remains unclear how those design guidelines will be administered, including any third party involvement in amending or updating them.
28. I consider it more appropriate to identify any particular standards within table 43.5. I have consulted with Mr. Baxter (of the Millbrook Design Review Panel) and he has provided me with a list of the matters that would be appropriately

included within a Design Guideline. I have incorporated those matters into my amended set of plan provisions (Millbrook2 – Rule 43).

29. I note that the officer report prefers, to avoid listing assessment matters within the plan, and instead favours cross-referencing a Design Guideline for consistency of plan formatting.
30. In my amended set of plan provisions I have removed the reference to the Design Guideline (and all related rules), I have accepted that the Assessment Matters can be removed (provided the matters over which discretion is restricted are clearly listed), and added additional standards (such as the colours and materials of buildings).
31. I anticipate the Millbrook will continue to have its own private Design Guidelines that it will manage independently of Council processes with the individual land owners.

### **Golf Course Development and Amenity Planting**

32. The 42A plan provisions include a Zone Standard (43.5.11) which intends that a comprehensive planting and landscape plan is implemented prior to any work commencing on the final 9 golf holes.
33. I agree that a Zone Standard is required to prevent golf course works commencing in advance of the mitigation, however a lower order rule is also needed to initiate a resource consent for those mitigations works. I have included a new Restricted Discretionary Activity within 43.4.

### **Buildings within the Landscape Protection Activity Area**

34. The Landscape Protection Activity Area has been introduced in the Dalgliesh South part of the Zone, and appears in four locations (refer 42A report – page 43-13).
35. The notified provisions include the opportunity to construct a utility structure within this area such as a water pump or similar. These small structures are necessary for the maintenance of the golf course, and in my amended set of provisions I have retained them within the 'Landscape Protection (Malaghan) Activity Area.

## Building Height

36. The height of buildings is an important issue, and the district plan typically manages height as a Zone Standard. In this case there are two standards (42A: 43.5.4 and 43.5.5); one applying to the wider Millbrook Zone; which repeats the operative district plan rule. The second standard relates to buildings within the R14 to R17 Activity Areas.
37. The *Millbrook1* provisions submitted on 2 December with the approval of X-Ray Trust include specific heights for those four Activity Areas, and in addition further detailed height limits for the 'indicative residential sites' that are cross-referenced on the Structure Plan. These indicative sites have been carefully assessed and the height limits identified in consultation with the X-Ray Trust and in recognition of the matters raised in the Donaldson submission. The 42A report reduces the height limit in R14, adds an additional exception to R15, and deletes the height limit table for those 'indicative residential sites'.
38. The originally notified (Council) maximum RL's have been reproduced in the 42A version, however they are no longer consistent with the updated Structure Plan as agreed with X-Ray Trust.
39. None of these changes are referenced in the s42A report nor explained in the track-change plan provisions.
40. I have re-introduced the most up to date height rules in the *Millbrook2* amended set of plan provisions.

## Fire Fighting, Atmospheric Emissions and Helicopter Landings

41. These three Zone Standards have been inherited from the operative district plan. The MRZ is connected to the reticulated water supply network and there are hydrants available for fire-fighting purposes. The rule is not necessary.
42. Similarly the Regional Plan: Air manages the effects of discharges to air and contains rules regarding indoor fires. Again, this rule is not necessary, and may be ultra vires.
43. The helicopter landing rule seeks to regulate the number of landing areas that are approved by resource consent. I do not consider such a rule to be appropriate.
44. I have deleted these three rules from my amended provisions.



**CONCLUSION**

- 45. I consider that the amended set of provisions is the most appropriate way of giving effect to the imperatives identified in the section 32 evaluation and to manage the associated resource management issues.
- 46. I agree with Ms. Evans conclusion that the proposed objective and six supporting policies will implement the higher order objectives and policies within the PDP, and will not be inconsistent with the operative and proposed RPS. I agree that the objectives and policies for the MRZ will give effect to the purpose and principles of the Act by setting a clear management structure for the existing and future zoned areas.
- 47. I have prepared an amended set of plan provisions that I consider most appropriately implement the objective and policies for the MRZ.

**John Edmonds**

3 February 2017

**Attachment**

Millbrook2 – Amended Plan Provisions

Document Title: *Millbrook2* – Amended Plan Provisions  
 Attachment to Evidence of John Edmonds  
 Submitted to Council 3 February 2017  
 Hearing Stream 9

## 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 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.

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 sensitive landscape areas in a manner which prevents inappropriate development.
- Landscape Protection (Malaghan) Activity Area<sup>1</sup> – 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-Off Activity Area (H) – to enable the consideration of applications for helicopter landings and take offs from this location.

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 Landscape Overlay (AL) – to identify those locations where it is considered appropriate for measures to be undertaken to avoid unreasonable adverse amenity.
- Height Restriction Overlay (HR) – used to height rules apply on Indicative Residential Sites 10 and 11.

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<sup>1</sup> To be shown on updated Structure Plan

- Earthworks Overlays (E1 and E2) – to identify specific areas where earthworks will be undertaken for the purposes of mitigating effects from development and use of land on properties neighbouring the Dagleish 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 planting expected for ecological restoration purposes in the South Dagleish area of the Zone.
- Indicative Residential Sites establish locations where future buildings will be located and to establish specific height limits for each such site. The boundary of these sites is also used to set a recession plane controlling building height 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.

## 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, 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 to have appropriate 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 Require the take-off and landing of aircraft to be controlled.
- 43.2.1.5 Require air emissions to be controlled for visual amenity purposes.
- 43.2.1.6 Reduce nutrient levels and other pollutants generally and within Mill Creek and improve and protect the water quality of Lake Hayes.

## 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
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (ODP)	25 Earthworks (ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (ODP)

30 Utilities and Renewable Energy	31 Hazardous Substances (ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

### 43.3.2 Clarification

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

The following abbreviations are used within this Chapter.

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

## 43.4 Rules – Activities

	Activities – Millbrook	Status
43.4.1	<b>Any Activity</b> 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	<b>Farm Buildings</b> <ul style="list-style-type: none"> <li>i. All Activity Areas except for the Landscape Protection Activity Area (Rule 43.4.15) and the E1 and E2 Overlay Areas (Rule 43.4.27).</li> <li>ii. Control is reserved in respect of: <ul style="list-style-type: none"> <li>a) Effects on heritage and landscape values.</li> </ul> </li> </ul>	C
43.4.3	<b>Buildings</b> <ul style="list-style-type: none"> <li>i. Village Activity Area; or</li> <li>ii. R1, to R13 of the Residential Activity Area.</li> <li>iii. The Recreational Facilities Activity Area.</li> <li>iv. Control is reserved in respect of: <ul style="list-style-type: none"> <li>a) The external appearance of the building.</li> <li>b) Effects on visual values of the area including coherence with the surrounding buildings.</li> </ul> </li> </ul>	C
43.4.4	<b>Licensed Premises</b> <ul style="list-style-type: none"> <li>i. Village Activity Area; 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 to any person who is residing</li> </ul>	C

	<b>Activities – Millbrook</b>	<b>Status</b>
	<p>(permanently or temporarily) on the premises or to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>ii. Control is reserved in respect of:</p> <ul style="list-style-type: none"> <li>a) The scale of the activity.</li> <li>b) Car parking and traffic generation.</li> <li>c) Effects on amenity values (including that of adjoining residential zones and public reserves).</li> <li>d) The configuration of activities within the building and site (e.g. outdoor seating, entrances)</li> <li>e) Noise and hours of operation.</li> </ul>	
<b>43.4.5</b>	<p><b>Amenity Landscaping Works</b></p> <ul style="list-style-type: none"> <li>i. Landscaping works within the Gully Planting Overlay, the Open Planting Overlay the Amenity Landscaping Overlay, the E1 and E2 Earth Mounding areas.</li> <li>ii. Discretion is restricted to: <ul style="list-style-type: none"> <li>a) Landscape designs and planting plans that indicate how the Gully Planting and Open Planting Overlays will be planted and maintained with at least 90 % of plants in Appendix 1.</li> <li>b) Practical and reasonable measures within the Amenity Landscaping overlay to mitigate or avoid adverse effects on the amenity values enjoyed within properties beyond the Zone boundary, utilising the species lists for the Gully Planting and Open Planting Overlays in Appendix 1.</li> <li>c) Removal of all <i>Pinus</i>, <i>Pseudotsuga</i> and <i>Cystisus</i> from the E1, E2, Open Planting, Gully Planting and Amenity Landscaping overlay areas.</li> <li>d) Earthworks to be undertaken in E1 for the purpose of visually screening all residential properties within the R14 and R15 Residential Activity Areas from approved building locations on sites adjoining the South Dagleish area of the Millbrook Resort Zone.</li> <li>e) 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 Dagleish area of the Millbrook Resort Zone.</li> <li>f) Landscaping plans shall include details on and commitments to prompt establishment, density of planting, replacement of dead and diseased plants, restrictions on removal of other vegetation, irrigation, fertiliser, composting, rabbit control and use of gender dimorphic stock sourced from local seeds.</li> <li>g) The measures that shall be employed to maintain or enhance the quality of water within Mill Creek.</li> </ul> </li> </ul>	RD

	<b>Activities – Millbrook</b>	<b>Status</b>
<b>43.4.6</b>	<p><b>Buildings</b></p> <ul style="list-style-type: none"> <li>i. R14, R15 and R16 of the Residential Activity Area</li> <li>ii. Discretion is restricted to: <ul style="list-style-type: none"> <li>a) The external appearance of the building.</li> <li>b) Associated landscaping controls.</li> <li>c) The effect on visual values of the area including coherence with the surrounding buildings and landscape values.</li> </ul> </li> </ul>	RD
<b>43.4.7</b>	<p><b>Buildings</b></p> <ul style="list-style-type: none"> <li>i. R17 of the Residential Activity Area</li> <li>ii. Discretion is restricted to: <ul style="list-style-type: none"> <li>a) The external appearance of the building.</li> <li>b) The effect on visual values of the area including coherence with the surrounding buildings and heritage values.</li> </ul> </li> </ul>	RD
<b>43.4.8</b>	<p><b>Helicopter landing and take-off</b></p> <ul style="list-style-type: none"> <li>i. Helicopter Landing and Take-off Activity Area</li> <li>ii. Discretion is restricted to: <ul style="list-style-type: none"> <li>a) Safety</li> <li>b) Effects on amenity values</li> <li>c) Confirmation that no more than one helicopter landing and take-off area shall be in operation at any given time.</li> </ul> </li> </ul>	RD
<b>43.4.9</b>	<p><b>Buildings</b></p> <ul style="list-style-type: none"> <li>i. Golf Course and Open Space Activity Area, except for utilities, service and accessory buildings up to 40m<sup>2</sup> in gross floor area.</li> </ul>	D
<b>43.4.10</b>	<p><b>Residential Activity</b></p> <ul style="list-style-type: none"> <li>i. Resort Services Activity Area, except for residential activity ancillary to a permitted or approved activity.</li> <li>ii. Golf / Open Space Activity Area, except for residential activity ancillary to a permitted or approved activity.</li> <li>iii. Recreational Facilities Activity Area, except for residential activity ancillary to a permitted or approved activity.</li> </ul>	D

	<b>Activities – Millbrook</b>	<b>Status</b>
<b>43.4.11</b>	<p><b>Visitor Accommodation</b></p> <ul style="list-style-type: none"> <li>i. Resort Services Activity Area, except for visitor accommodation activity ancillary to a permitted or approved activity.</li> <li>ii. Golf / Open Space Activity Area, except for visitor accommodation activity ancillary to a permitted or approved activity.</li> <li>iii. Recreational Facilities Activity Area, except for visitor accommodation activity ancillary to a permitted or approved activity.</li> <li>iv. Residential Activity Area, except for visitor accommodation activity ancillary to a permitted or approved activity.</li> </ul>	D
<b>43.4.12</b>	<p><b>Commercial and Community Activities</b>, except for:</p> <ul style="list-style-type: none"> <li>i. Commercial recreation activities; or</li> <li>ii. 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</li> <li>iii. Bars, restaurants, theatres, conference, cultural and community facilities in the Village Activity Area; or</li> <li>iv. Retail activities which comply with rule 43.5.10 (Retail Sales)</li> </ul>	D
<b>43.4.13</b>	<p><b>Commercial Recreation Activities</b>, except for:</p> <ul style="list-style-type: none"> <li>i. Golf courses</li> <li>ii. Recreation Facilities Activity Area</li> <li>iii. Village Activity Area</li> </ul>	D
<b>43.4.14</b>	<p><b>Golf Courses</b></p> <ul style="list-style-type: none"> <li>i. In the Landscape Protection Activity Area and the Landscape Protection (Malaghan) Activity Area.</li> </ul>	NC
<b>43.4.15</b>	<p><b>Buildings in the Landscape Protection Activity Area</b>, except for:</p> <ul style="list-style-type: none"> <li>i. One farm building relocated from within the site and restored in that part of the Landscape Protection (Malaghan) Activity Area (refer Rule 43.4.2).</li> <li>ii. Utility buildings up to 25m<sup>2</sup> gross floor area in the Landscape Protection (Malaghan) Activity Area.</li> </ul>	NC
<b>43.4.16</b>	<p><b>Buildings</b></p> <ul style="list-style-type: none"> <li>i. In R18 of the Residential Activity Area, except for one residential unit or a farm building.</li> </ul>	NC

	<b>Activities – Millbrook</b>	<b>Status</b>
<b>43.4.17</b>	<p><b>Building Colours and Materials in R14, 15 and 16</b></p> <ul style="list-style-type: none"> <li>i. Roof materials and colours will be limited to <ul style="list-style-type: none"> <li>a) Dark grey corrugated iron.</li> <li>b) Dark grey tray profile.</li> <li>c) Natural dark grey slate.</li> <li>d) Copper (left to weather).</li> <li>e) Gutters and downpipes to match the roof colour</li> </ul> </li> <li>ii. Claddings will be limited to: <ul style="list-style-type: none"> <li>a) Millbrook quarry stone.</li> <li>b) Painted or stained weatherboards.</li> <li>c) Steel sheeting.</li> <li>d) Textured concrete.</li> <li>e) Painted plaster.</li> </ul> </li> <li>iii. Paint colours shall have a maximum 30% light reflectivity value.</li> <li>iv. All external joinery, including door frames, window joinery, and any other external joinery shall be a dark recessive colour.</li> </ul>	NC
<b>43.4.18</b>	<p><b>Airports, except for:</b></p> <ul style="list-style-type: none"> <li>i. Helicopter landings and take-offs approved under rule 43.4.8.</li> <li>ii. The use of land and water for an emergency landings, rescues and fire-fighting.</li> </ul>	NC
<b>43.4.19</b>	<b>Mining</b>	NC
<b>43.4.20</b>	<p><b>Service Activities, except where:</b></p> <ul style="list-style-type: none"> <li>i. Directly related to other approved or permitted activities within the Zone.</li> <li>ii. Located within the Resort Services Activity Area.</li> <li>iii. Located within the Golf / Open Space Activity Area, and which have a gross floor area of no more than 40m<sup>2</sup>.</li> </ul>	NC
<b>43.4.21</b>	<p><b>Industrial Activities; except for:</b></p> <ul style="list-style-type: none"> <li>i. Activities directly related to other approved or permitted activities within the Zone.</li> <li>ii. Activities located within the Resort Services Activity Area.</li> </ul>	NC
<b>43.4.22</b>	<p><b>Licensed Premises</b></p> <ul style="list-style-type: none"> <li>i. Premises outside of the Village Activity Area 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: <ul style="list-style-type: none"> <li>a) to any person who is residing (permanently or temporarily) on the premises.</li> <li>b) to any person who is present on the premises for the purpose of dining up until 12am.</li> </ul> </li> </ul>	NC



	<b>Activities – Millbrook</b>	<b>Status</b>
43.4.23	<b>Panelbeating, spray painting, motor vehicle repair or dismantling</b> except for activities directly related to other approved or permitted activities within the Zone and located within the Resort Services Activity Area.	NC
43.4.24	<b>Forestry Activities.</b>	NC
43.4.25	<b>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.</b>	PR
43.4.26	<b>Factory Farming.</b>	PR
43.4.27	<b>Buildings in the E1 and E2 Overlay Areas.</b>	PR

### 43.5 Rules- Standards

	<b>Rules – Millbrook</b>	<b>Non-compliance status</b>
43.5.1	<b>Setbacks</b> <ul style="list-style-type: none"> <li>i. No building or structure shall be located closer than 6m to the Zone boundary.</li> <li>ii. No building shall be located closer than 10m from Malaghan Road or the Arrowtown Lake Hayes Road.</li> </ul>	RD
43.5.2	<b>Setbacks</b> <ul style="list-style-type: none"> <li>i. On Indicative Residential Sites 14 and 19 buildings shall be located at least 7m from the Residential Activity Area boundary.</li> </ul>	D
43.5.3	<b>Roadside Planting – Malaghan Road</b> <ul style="list-style-type: none"> <li>i. The removal of vegetation from the Landscape Protection (Malaghan) Activity Area except for the replacement of any tree (as a result of safety concerns or the ill health of a tree) with the same or similar species.</li> </ul>	D
43.5.4	<b>Residential Density</b> <ul style="list-style-type: none"> <li>i. In the Millbrook Resort Zone the maximum number of residential units shall be limited to 450.</li> </ul>	NC
43.5.5	<b>Residential Density</b> <ul style="list-style-type: none"> <li>i. In the following parts of the Residential Activity Area the total number of residential units shall not exceed: <ul style="list-style-type: none"> <li>a) R13 10 residential units.</li> <li>b) R14 6 residential units.</li> <li>c) R15 15 residential units.</li> </ul> </li> </ul>	NC

	<b>Rules – Millbrook</b>	<b>Non-compliance status</b>																										
	<p>d) R16 6 residential units.</p> <p>e) R17 7 residential units.</p> <p>f) R18 1 residential unit.</p> <p>ii. In addition there shall be no more than one residential unit per Indicative Residential Site.</p>																											
<b>43.5.6</b>	<p><b>Building Height</b></p> <p>i. The maximum height of buildings shall be:</p> <p>a) Visitor accommodation, clubhouses, conference and theatre facilities restaurants, retail and residential buildings (except in Residential Activity Areas R14, R15, R16, R17 and R17) - 8m.</p> <p>b) Filming towers - 12m.</p> <p>c) All other buildings and structures (except in Residential Activity Areas R14, R15, R16 and R17) - 4m.</p>	NC																										
<b>43.5.7</b>	<p><b>Building Height in Residential Activity Areas R14, R15, R16 and R17</b></p> <p>i. In the following parts of the Residential Activity Area the following maximum building heights shall apply:</p> <p>a) R14 6.5m.</p> <p>b) R15 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m.</p> <p>c) R16 6.5m.</p> <p>d) R17 5.5m.</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):</p> <table border="1"> <thead> <tr> <th>Indicative Residential Site as shown on the Structure Plan</th> <th>Datum (masl) using the "Mt Nic 2000 &amp; MSL" datum</th> </tr> </thead> <tbody> <tr><td>1</td><td>481.8</td></tr> <tr><td>3</td><td>478.8</td></tr> <tr><td>6</td><td>475.8</td></tr> <tr><td>7</td><td>475.8</td></tr> <tr><td>8</td><td>475.8</td></tr> <tr><td>9</td><td>475.8</td></tr> <tr><td>10</td><td>475.8</td></tr> <tr><td>11</td><td>475.8</td></tr> <tr><td>12</td><td>475.8</td></tr> <tr><td>13</td><td>475.8</td></tr> <tr><td>14</td><td>476.8</td></tr> <tr><td>19</td><td>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>	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	475.8	7	475.8	8	475.8	9	475.8	10	475.8	11	475.8	12	475.8	13	475.8	14	476.8	19	472.8	NC
Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the "Mt Nic 2000 & MSL" datum																											
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Rules – Millbrook		Non-compliance status						
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Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the “Mt Nic 2000 & MSL” datum							
1	478							
3	475							
<b>43.5.8</b>	<p><b>Glare</b></p> <ul style="list-style-type: none"> <li>i. All fixed lighting shall be directed away from adjacent roads and properties.</li> <li>ii. 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.</li> <li>iii. 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.</li> <li>iv. 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.</li> </ul>	NC						
<b>43.5.9</b>	<p><b>Nature and Scale of Activities</b></p> <ul style="list-style-type: none"> <li>i. Except within the Village and Resort Services Activity Areas: <ul style="list-style-type: none"> <li>a) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.</li> <li>b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building</li> </ul> </li> </ul>	NC						
<b>43.5.10</b>	<p><b>Retail Sales</b></p> <ul style="list-style-type: none"> <li>i. No goods or services shall be displayed, sold or offered for sale from a site except: <ul style="list-style-type: none"> <li>a) Goods grown, reared or produced on the site; or</li> <li>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</li> <li>c) Within the Village Activity Area</li> </ul> </li> </ul>	NC						
<b>43.5.11</b>	<p><b>Maximum Total Site Coverage</b></p> <ul style="list-style-type: none"> <li>i. 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.</li> </ul>	NC						

	Rules – Millbrook	Non-compliance status
43.5.12	<b>Golf Course Development</b>  i. Development of more than 27 holes of golf prior to Council certification of the implemented plans for the Gully Planting Overlay, Open Planting Overlay and Amenity Landscaping areas (refer Rule 43.4.5).	NC

### Appendix 1

Overlay Area	Plant List
Gully Planting Overlay	<ul style="list-style-type: none"> <li>- <i>Carex cecta</i></li> <li>- <i>Hebe salicifolia</i></li> <li>- <i>Aristotelia serrata</i></li> <li>- <i>Coprosma Lucida</i></li> <li>- <i>Coprosma Propinqua</i></li> <li>- <i>Nothofagus solandri var. cliffortioides</i></li> <li>- <i>Olearia lineata</i></li> <li>- <i>Cortaderia richardii</i></li> <li>- <i>Phormium tenax</i></li> </ul>
Open Planting Overlay:	<ul style="list-style-type: none"> <li>- <i>Festuca novae-zelandiae</i></li> <li>- <i>Coprosma propinqua</i></li> <li>- <i>Leonohebe cupressoides</i></li> <li>- <i>Olearia odorata</i></li> <li>- <i>Melicytus alpinus</i></li> <li>- <i>Sophora microphylla</i></li> <li>- <i>Olearia avicenniifolia</i></li> <li>- <i>Carmichaelia petriei</i></li> <li>- <i>Poa colensoi</i></li> <li>- <i>Hebe subalpina</i></li> </ul>

## 43.6 Non-Notification of Applications

- 43.6.1 Except as provided for by the Act, all applications for Controlled Activities and Restricted Discretionary Activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.

**[Amended Structure Plan to Be Appended]**