

43 Millbrook

Please note: Variations to parts of this chapter have been decided by Council on 7 March 2019 as part of Stage 2 of the PDP. You can view the Stage 2 Decisions, appeals and section 274 notices on our website. The appeal and section 274 periods for the Stage 1 and 2 Decisions have closed.

This table identifies new provisions sought to be added:

Appellant Court Number	Provision/s Sought to be Added into Chapter 43
Airbnb Australia Pty Ltd ENV-2019-CHC-061	<p>Amend the permitted activity standards in the Waterfall Park (42.5.10) and Millbrook (43.5.15) zones as follows:</p> <p>Add the following standard: <u>Must comply with the noise limits for the relevant zone in Rules 36.5.1 to 36.5.4 in Chapter 36 Noise.</u></p> <p>Delete the following standards:</p> <ul style="list-style-type: none"> • May occur within either an occupied residential unit or an occupied residential flat on a site, and must not occur within both on a site. • Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport. • Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.
Airbnb Australia Pty Ltd ENV-2019-CHC-061	<ol style="list-style-type: none"> 1. Delete non-compliance activities status statements or letters in the 'non-compliance status' column in Rules 7.5.19, 8.5.18, 9.5.15, 10.5.10, 11.5.14, 22.5.15, 23.5.13, 41.5.1.13, and replace with 'C' to indicate controlled activity status for non-compliance. 2. Delete all matters of discretion listed in the 'non-compliance status' column in Rules 7.5.19, 8.5.18, 9.5.15, 10.5.10, 11.5.14, 22.5.15 and replace with the following; and add the following to the 'non-compliance status' column of Rules 22.5.15, 23.5.13 and 41.5.1.13: <u>Control is reserved to:</u> <ol style="list-style-type: none"> a. <u>The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u> b. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u> c. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 3. Amend Rules 21.9.6 and 24.5.22 as follows (in the 'non-compliance status' column): <u>Control is reserved to:</u> <ol style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</u> b. <u>The management of noise, rubbish and outdoor activities;</u> a. <u>The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u> <u>and re-number (b) and (c) to (c) and (d).</u> 4. Amend the 'non-compliance status' columns of rules 16.5.13, 42.5.10 and 43.5.15 as follows: <u>Control is reserved to:</u> <ol style="list-style-type: none"> a. <u>The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u> a. <u>The location, nature and scale of activities;</u> b. <u>The location, and provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> <u>and re-number (d) and (e) to (b) and (c).</u>

<p>Airbnb Australia Pty Ltd ENV-2019-CHC-061</p>	<p>Amend the permitted activity standards for RVAs in the Waterfall (42.5.9) and Millbrook (43.5.14) zones as set out below:</p> <ul style="list-style-type: none"> • Must be limited to one residential unit or residential flat per site – not exceeding a cumulative total of 179 nights occupation by paying guests on a site per 12 month period. • Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site. • Must comply with the noise limits for the relevant zone in Rules 36.5.1 to 36.5.4 in Chapter 36 Noise. • Where the RVA involves construction of a new residential dwelling, the RVA must Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport. ... • Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.
<p>Trustees of the Spruce Grove Trust ENV-2019-CHC-034</p>	<p>Site-specific relief only:</p> <p>Amend the Millbrook Resort Zone Structure Plan in 43.7 to include land located at 459 Arrowtown – Lake Hayes Road, 9 Orchard Hill Road and 461 Arrowtown – Lake Hayes Road (Part Lot 2 and Lot 3 DP 19667 and Lots 1-2 DP 327817), 29 Butel Road and 9 Butel Road (Lots 1-2 DP 27846) and to incorporate new Residential Activity Areas R20 A, R20 B, R20 C, R 20 D and R 20 E (R20), with the land surrounding R20 and within the 25m setback distance included within the Golf Course and Open Space (G1) Activity Area.</p> <p>Amend Rule 43.4.11 to include Residential Activity Area R20 relating to buildings being a controlled activity, as follows:</p> <p>Buildings (Activity Status RDC)</p> <p>a. R1 to R13 <u>and R20 A-E</u> of the Residential Activity Area.</p> <p>Amend Chapter 43 to add a new Discretionary Activity rule in regard to buildings within the G1 Golf Course and Open Space Area, as follows:</p> <p><u>Buildings (Activity Status D)</u></p> <p><u>a. Within the G1 Golf Course and Open Space Activity Area.</u></p> <p>Amend Rule 43.5.2(c) to include Residential Activity Area R20 to require a 7m minimum setback for buildings from the residential activity area boundary, as follows:</p> <p>...</p> <p>c. On Residential Activity Sites 14, <u>and 19 and 20 A-E</u> buildings shall be located at least 7m from the Residential Activity Area boundary.</p> <p>Amend Rule 43.5.3 to include Residential Activity Area R20 on the appellant's land as it relates to building colours and materials, as follows:</p> <p>Building Colours and Materials in Residential Activity Areas R14, R15, R16 <u>and R20 A-E.</u></p> <p>Amend Rule 43.5.4 to include Residential Activity Area R20 as it relates to residential density, as follows:</p> <p>The maximum number of residential units in the Millbrook Resort Zone (<u>excluding the residential units within the R20 A-E activity area</u>) shall be limited to 450. <u>In the R20 A-E activity area the average density shall be no more than 1 residential unit per 500m².</u></p> <p>Amend Rule 43.5.11 to exclude Residential Activity Area R20 from the overall site coverage for the Millbrook Resort Zone, as follows:</p> <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, ridges and roads and parking areas. <u>Activity area R20 A-E is excluded from this calculation.</u></p> <p>Amend Chapter 43 to add a new Restricted Discretionary Activity rule for site coverage in regard to Residential Activity Area R20, as follows:</p> <p><u>Maximum Site Coverage – R20 A-E Activity Area (Non-compliance status RD)</u> <u>The maximum building coverage shall not exceed 50% of the site area.</u></p>
<p>Trustees of the Spruce Grove Trust ENV-2019-CHC-034</p>	<p>Site-specific relief only:</p> <p>Amend the Millbrook Resort Zone Structure Plan in 43.7 to include land located at 1124 Malaghans Road (Section 11 SO 447314) to incorporate new Residential Activity Areas R21 A and R21 B (R21) and the Golf Course and Open Space Activity Area (G).</p> <p>Amend Rule 43.4.10 to include Residential Activity Area R21 relating to buildings being a controlled activity, as follows:</p> <p>Buildings b. R1 to R13 <u>and R21 A-B</u> of the Residential Activity Area</p> <p>Amend Rule 43.5.2 to include Residential Activity Area R21 to require a 7m minimum setback for buildings from the residential activity area boundary, as follows:</p> <p>Setbacks c. On Residential Activity Sites 14, <u>and 19 and 21 A-B</u> buildings shall be located at least 7m from the Residential Activity Area boundary.</p> <p>Amend Rule 43.5.4 to include Residential Activity Area R21 as it relates to building colours and materials, as follows:</p> <p>Building Colours and Materials in Residential Activity Areas R14, R15, R16 <u>and R21 A-B.</u></p> <p>Amend Rule 43.5.4 to include Residential Activity Area R21 as it relates to residential density, as follows:</p> <p>Residential Density The maximum number of residential units in the Millbrook Resort Zone (<u>excluding the residential units within the R21 A-B activity area</u>) shall be limited to 450. <u>In the R21 A-B activity area the average density shall be no more than 1 residential unit per 500m².</u></p> <p>Amend Rule 43.5.11 to exclude Residential Activity Area R21 from the overall site coverage for the Millbrook Resort Zone, as follows:</p> <p>Maximum Total Site Coverage 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, ridges and roads and parking areas. <u>Activity area R21 A-B is excluded from this calculation.</u></p> <p>Amend Chapter 43 to add a new Restricted Discretionary Activity rule 43.5.15 for site coverage in regard to Residential Activity Area R21, as follows:</p> <p><u>Maximum Site Coverage – R21 A-B Activity Area (Non-compliance status RD)</u> <u>The maximum building coverage shall not exceed 50% of the site area.</u></p> <p>Amend Chapter 43 to add a new rule with a Discretionary activity status 43.3.15 pertaining to the visibility of buildings within the Residential Activity Area R21 from Malaghans Road, as follows:</p>

	<p><u>Visibility of Buildings within the Residential R21 A-B Activity Area (Non-compliance status D)</u> <u>No part of any building located within the R21 A-B activity area is to be visible from Malaghans Road. Methods to achieve this may include restriction on building height, mounding and landscaping.</u></p>
Trustees of the Boundary Trust ENV-2019-CHC-035	<p>Site-specific relief only:</p> <p>Amend the Millbrook Resort Zone Structure Plan in 43.7 to include land located at 459 Arrowtown – Lake Hayes Road, 9 Orchard Hill Road and 461 Arrowtown – Lake Hayes Road (Part Lot 2 and Lot 3 DP 19667 and Lots 1-2 DP 327817), 29 Butel Road and 9 Butel Road (Lots 1-2 DP 27846) and to incorporate new Residential Activity Areas R20 A, R20 B, R20 C, R 20 D and R 20 E (R20), with the land surrounding R20 and within the 25m setback distance included within the Golf Course and Open Space (G1) Activity Area.</p> <p>Amend Rule 43.4.11 to include Residential Activity Area R20 relating to buildings being a controlled activity, as follows:</p> <p><u>Buildings (Activity Status RDC)</u> a. R1 to R13 <u>and R20 A-E</u> of the Residential Activity Area.</p> <p>Amend Chapter 43 to add a new Discretionary Activity rule 43.4.X in regard to buildings within the G1 Golf Course and Open Space Area, as follows:</p> <p><u>Buildings (Activity Status D)</u> a. <u>Within the G1 Golf Course and Open Space Activity Area.</u></p> <p>Amend Rule 43.5.2(c) to include Residential Activity Area R20 to require a 7m minimum setback for buildings from the residential activity area boundary. as follows:</p> <p>c. On Residential Activity Sites 14, <u>and 19</u> and 20 A-E buildings shall be located at least 7m from the Residential Activity Area boundary.</p> <p>Amend Rule 43.5.3 to include Residential Activity Area R20 on the appellant's land as it relates to building colours and materials, as follows:</p> <p>Building Colours and Materials in Residential Activity Areas R14, R15, R16 <u>and R20 A-E.</u></p> <p>Amend Rule 43.5.4 to include Residential Activity Area R20 as it relates to residential density, as follows:</p> <p>The maximum number of residential units in the Millbrook Resort Zone (<u>excluding the residential units within the R20 A-E activity area</u>) shall be limited to 450. <u>In the R20 A-E activity area the average density shall be no more than 1 residential unit per 500m².</u></p> <p>Amend Rule 43.5.11 to exclude Residential Activity Area R20 from the overall site coverage for the Millbrook Resort Zone, as follows:</p> <p>Maximum Total Site Coverage 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, ridges and roads and parking areas. <u>Activity area R20 A-E is excluded from this calculation.</u></p> <p>Amend Chapter 43 to add a new Restricted Discretionary Activity rule 43.5.14 for site coverage in regard to Residential Activity Area R20, as follows:</p> <p><u>Maximum Site Coverage – R20 A-E Activity Area (Non-compliance status RD)</u> <u>The maximum building coverage shall not exceed 50% of the site area.</u></p>
Airbnb Australia Pty Ltd ENV-2019-CHC-061	<p>1. For Rules 7.5.18; 8.5.17; 9.5.14; 10.5.9; 11.5.13: a. delete all text within the 'non-compliance status' column except for the following two matters (which have different numbering for each rule):</p>

	<p><i>"The keeping of records of RVA use, and availability of records for Council inspection; and Monitoring requirements, including imposition of an annual monitoring charge."</i></p> <p>b. Insert into the 'non-compliance status' column, above the two remaining matters</p> <ul style="list-style-type: none"> - 'C' (to indicate controlled activity status). - the statement <u>"Control is reserved to:"</u> - the following new matter of control: <u>"The location and provision of parking and access for the construction of new residential dwellings to be used for RVA"</u> <p>2. For Rules 16.5.12; 21.9.5; 24.5.20; 42.5.9; 43.5.14, within the 'non-compliance status' column, make the following changes:</p> <p>a. delete all matters of control, except the following two (which have different numbering for each rule):</p> <p><i>"The keeping of records of RVA use, and availability of records for Council inspection; and Monitoring requirements, including imposition of an annual monitoring charge."</i></p> <p>b. add the following new matter of control: <u>"The location and provision of parking and access for the construction of new residential dwellings to be used for RVA"</u></p> <p>3. For Rules 22.5.14; 23.5.12; 41.5.1.12, within the 'non-compliance status' column, make the following changes:</p> <p>a. delete "D" and replace with "C" (to indicate controlled activity status).</p> <p>b. Add the following text: <u>"Control is reserved to:"</u></p> <p>c. Add the following matters of control:</p> <ul style="list-style-type: none"> <u>a. The location and provision of parking and access for the construction of new residential dwellings to be used for RVA;</u> <u>b. The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>c. Monitoring requirements, including imposition of an annual monitoring charge.</u>
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43.1 Resort Zone Purpose

43.1.1 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.

43.1.2 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 (Malaghans) Activity Area (LPM) - to maintain a mature tree lined edge to Malaghans 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.

43.1.3 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 Landscaping Overlay (L) – to identify those locations where measures will be undertaken to avoid adverse effects on landscape amenity.
- Height Restriction Overlay (HR) – used to specify height restrictions on Indicative Residential Sites 10 and 11.
- Earthworks Overlays (E1 and E2) - to identify where earthworks will be undertaken to mitigate effects on neighbouring properties, and prevent buildings in those areas.
- Gully Planting (GP) and Open Planting (OP) Overlays - to specify where landscape planting is required for ecological restoration purposes.
- Indicative Residential Sites - to identify locations of future buildings and specify height limits and recession plane controls.

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 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 buildings and associated landscaping to have 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 an integrated landscape management plan for the South Dalgliesh part of the zone
- 43.2.1.6 Reduce nutrient levels and other pollutants entering Mill Creek.

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 shown in italics.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs	25 Earthworks	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport
30 Utilities and Renewable Energy	31 Hazardous Substances	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 Explanatory Rules

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 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	Activity Status
43.4.1	Any activity which complies with the standards for permitted activities and is not listed as a controlled, discretionary, non-complying or prohibited activity.	P
43.4.2	Residential Activity a. Resort Services Activity Area, except for residential activity ancillary to a permitted or approved activity	D

	Activities – Millbrook	Activity Status
	<ul style="list-style-type: none"> b. Golf / Open Space Activity Area, except for residential activity ancillary to a permitted or approved activity c. Recreational Facilities Activity Areas, except for residential activity ancillary to a permitted or approved activity 	
43.4.3	Visitor Accommodation outside of the Village Activity Area	D
43.4.4	Golf Courses <ul style="list-style-type: none"> a. In the Landscape Protection Activity Area b. In the Landscape Protection (Malaghans) Activity Area 	NC
43.4.5	Commercial and Community Activities, except for: <ul style="list-style-type: none"> a. Commercial recreation activities b. 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 c. Bars, restaurants, theatres, conference, cultural and community facilities in the Village Activity Area d. Retail activities which comply with rule 43.5.10 (Retail Sales) 	D
43.4.6	Commercial Recreation Activities, except for: <ul style="list-style-type: none"> a. Golf courses; or b. Within the Recreation Facilities Activity Area or Village Activity Area 	D
43.4.7	Licensed Premises in the Village Activity Area <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 to any person who is residing (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>Control is reserved to:</p> <ul style="list-style-type: none"> a. The scale of the activity b. Car parking and traffic generation c. Effects on amenity (including that of adjoining residential zones and public reserves) d. The configuration of activities within the building and site (e.g. outdoor seating, entrances) 	C

	Activities – Millbrook	Activity Status
	e. Noise issues and hours of operation	
43.4.8	<p>Licensed Premises Outside 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"> a. To any person who is residing (permanently or temporarily) on the premises b. To any person who is present on the premises for the purpose of dining up until 12am 	NC
43.4.9	<p>Farm Buildings</p> <p>All Activity Areas except for the Landscape Protection (Malaghans) Activity Area.</p> <p>Control is reserved to effects on heritage and landscape values.</p>	C
43.4.10	<p>Buildings</p> <ul style="list-style-type: none"> a. Village Activity Area b. R1 to R13 and R19 of the Residential Activity Area c. The Recreational Facilities Activity Area <p>Control is reserved to:</p> <ul style="list-style-type: none"> i. The appearance of the building ii. Effects on visual and landscape amenity of the area including coherence with the surrounding buildings 	C
43.4.11	<p>Buildings</p> <ul style="list-style-type: none"> a. R14, R15, R16 and R20 of the Residential Activity Area <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> i. The appearance of the building ii. Associated landscaping controls iii. The effects on visual and landscape amenity values of the area including coherence with the surrounding buildings 	RD
43.4.12	<p>Buildings</p> <ul style="list-style-type: none"> a. R17 and R18 of the Residential Activity Area <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> i. The appearance of the building 	RD

	Activities – Millbrook	Activity Status
	<ul style="list-style-type: none"> ii. Effects on visual and landscape amenity of the area including coherence with the surrounding buildings and heritage values 	
43.4.13	<p>Buildings</p> <ul style="list-style-type: none"> a. Golf Course and Open Space Activity Area, except for utilities, service and accessory buildings up to 40m² in gross floor area 	D
43.4.14	<p>Buildings in the Landscape Protection and Landscape Protection (Malaghans) Activity Area, except for:</p> <ul style="list-style-type: none"> a. One farm building relocated from within the zone and restored the Landscape Protection (Malaghans) Activity Area (refer Rule 43.4.9) b. Utility buildings up to 25m² in gross floor area 	NC
43.4.15	Buildings in the E1 and E2 Earth Moulding Overlay Areas	PR
43.4.16	<p>Amenity Landscaping Works</p> <p>Landscaping works within the Gully Planting Overlay, the Open Planting Overlay the Amenity Landscaping Overlay, the Earth Moulding Overlay, the Landscape Protection (Malaghans) Activity Area and the Landscape Protection Activity Area.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> a. An integrated landscape management plan that incorporates: <ul style="list-style-type: none"> i. 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 listed in Appendix 1 ii. Practical and reasonable measures within the Amenity Landscaping overlay to avoid or mitigate 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 iii. Removal of all Pinus, Pseudotsuga and Cystisus from the E1, E2, Open Planting, Gully Planting and Amenity Landscaping overlay areas iv. 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 Residential Building Platforms on Lot 1 DP 475822 and Lot 2 DP 475822 v. Earthworks to be undertaken in E2 for the purpose of mitigating views of golfing activities as viewed from 	RD

	Activities – Millbrook	Activity Status
	<p>approved Residential Building Platforms on Lot 1 DP 475822 and Lot 2 DP 475822</p> <p>vi. 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 where practical</p> <p>vii. The measures that shall be employed to maintain or enhance the quality of water within Mill Creek</p> <p>viii. Landscape designs and planting plans for the Landscape Protection (Malaghans) Activity Area that ensures a predominantly screened effect when viewed from the road</p>	
43.4.17	<p>Helicopter Landing and Take Off</p> <p>a. Helicopter Landing and Take-off Activity Area</p> <p>Discretion is restricted to the following:</p> <p>i. Safety</p> <p>ii. Effects on amenity values</p>	RD
43.4.18	<p>Airports, except for:</p> <p>a. Helicopter landings and take-offs approved under rule 43.4.17</p> <p>b. The use of land and water for any emergency landings, rescues and fire-fighting.</p>	NC
43.4.19	<p>Service Activities, except where:</p> <p>a. Directly related to other approved or permitted activities within the Zone and located within the Resort Services Activity Area; or</p> <p>b. Located within the Golf / Open Space Activity Area and which have a gross floor area of no more than 40m²</p>	NC
43.4.20	<p>Industrial Activities; except for:</p> <p>a. Activities directly related to other approved or permitted activities within the Zone</p> <p>b. Activities located within the Resort Services Activity Area</p>	NC
43.4.21	Mining	NC
43.4.22	Panelbeating, spray painting, motor vehicle repair or dismantling except for activities directly related to other approved or permitted	NC

	Activities – Millbrook	Activity Status
	activities within the Zone and located within the Resort Services Activity Area.	
43.4.23	Forestry Activities	NC
43.4.24	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
43.4.25	Factory Farming	PR
43.4.26	Residential Visitor Accommodation and Homestays in the Residential Activity Area	P

43.5 Rules- Standards

	Rules – Millbrook	Non-compliance status
43.5.1	<p>Structure Plan</p> <p>Development shall be undertaken in general accordance with the Structure Plan.</p>	D
43.5.2	<p>Setbacks</p> <ul style="list-style-type: none"> a. No building or structure shall be located closer than 6m to the Zone boundary b. No building shall be located closer than 10m from Malaghans Road or the Arrowtown Lake Hayes Road c. On Residential Activity Sites 14 and 19 buildings shall be located at least 7m from the Residential Activity Area boundary 	RD
43.5.3	<p>Building Colours and Materials in Residential Activity Areas R14, R15, R16</p> <ul style="list-style-type: none"> a. Roof materials and colours will be limited to: <ul style="list-style-type: none"> i. Dark grey corrugated iron ii. Dark grey tray profile iii. Slate iv. Copper (left to weather) v. Gutters and downpipes to match the roof colour b. Claddings will be limited to: <ul style="list-style-type: none"> i. Millbrook quarry stone ii. Painted or stained weatherboards iii. Steel sheeting iv. Textured concrete v. Painted plaster c. Paint colours and external joinery shall have a maximum 30% light reflectancy value <p>*Council's discretion is restricted to:</p>	RD

	Rules – Millbrook	Non-compliance status
	<ul style="list-style-type: none"> i. Effects on amenity and landscape values ii. Building design iii. the degree to which the colours and materials are recessive within the context of the building 	
43.5.4	<p>Residential Density</p> <p>The maximum number of residential units in the Millbrook Resort Zone shall be limited to 458.</p>	NC
43.5.5	<p>Residential Density</p> <ul style="list-style-type: none"> a. In the following parts of the Residential Activity Area the total number of residential units shall not exceed: <ul style="list-style-type: none"> i. R13 10 residential units ii. R14 6 residential units iii. R15 15 residential units iv. R16 6 residential units v. R17 7 residential units vi. R18 1 residential unit vii. R19 4 residential units viii. R20 4 residential units b. In addition there shall be no more than one residential unit per Indicative Residential Site 	NC
43.5.6	<p>Building Height</p> <p>The maximum height of buildings shall be:</p> <ul style="list-style-type: none"> a. Visitor accommodation, clubhouses, conference and theatre facilities restaurants, retail and residential buildings except in R14, R15, R16, R17 - 8m b. Filming towers - 12m c. All other buildings and structures except in R14, R15, R16, R17 - 4m 	NC

	Rules – Millbrook	Non-compliance status												
43.5.7	<p>Building Height – Residential Activity Areas R14, R15, R16 and R17</p> <p>a. In the following parts of the Residential Activity Area the following maximum building heights shall apply:</p> <p>i. R14 6.5m</p> <p>ii. R15 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m</p> <p>iii. R16 6.5m</p> <p>iv. R17 5.5m</p> <p>b. 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><tr><td>Indicative Residential Site as shown on the Structure Plan</td><td>Datum (masl) using the “Mt Nic 2000 & MSL” datum</td></tr><tr><td>1</td><td>481.8</td></tr><tr><td>3</td><td>478.8</td></tr><tr><td>6-13</td><td>475.8</td></tr><tr><td>14</td><td>475.8</td></tr><tr><td>19</td><td>472.8</td></tr></table> <p>c. 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	6-13	475.8	14	475.8	19	472.8	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	475.8													
19	472.8													

	Rules – Millbrook	Non-compliance status						
	<table><tr><td>Indicative Residential Site as shown on the Structure Plan</td><td>Datum (masl) using the “Mt Nic 2000 & MSL” datum</td></tr><tr><td>1</td><td>478</td></tr><tr><td>3</td><td>475</td></tr></table>	Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the “Mt Nic 2000 & MSL” datum	1	478	3	475	
Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the “Mt Nic 2000 & MSL” datum							
1	478							
3	475							
43.5.8	<p>Glare</p> <p>a. All fixed lighting shall be directed away from adjacent roads and properties</p> <p>b. 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>c. No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property</p> <p>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>	NC						
43.5.9	<p>Nature and Scale of Activities</p> <p>a. Except within the Village and Resort Services Activity Areas:</p> <p>i. 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>ii. All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building</p>	NC						

	Rules – Millbrook	Non-compliance status
43.5.10	<p>Retail Sales</p> <p>No goods or services shall be displayed, sold or offered for sale from a site except:</p> <ol style="list-style-type: none"> goods grown, reared or produced on the site 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 Within the Village Activity Area 	NC
43.5.11	<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
43.5.12	<p>Golf Course Development</p> <p>Development of:</p> <ol style="list-style-type: none"> more than 27 holes of golf without prior certification by the Council of the plans for the Gully Planting Overlay, Open Planting Overlay, Earthworks Mounding Overlay and Amenity Landscaping areas (refer Rule 43.4.16); or residential units in the South Dalgliesh part of the zone without prior certification by the Council of the implemented plans for the Gully Planting Overlay, Open Planting Overlay, Earthworks Mounding Overlay and Amenity Landscaping areas (refer Rule 43.4.16). 	NC
43.5.13	<p>Helicopter Landing Areas</p> <p>More than one permanent helicopter landing area within the Zone.</p>	NC
43.5.14	<p>Residential Visitor Accommodation</p> <p>43.5.14.1 Must be limited to one residential unit or residential flat per site not exceeding a cumulative total of 179 nights</p>	<p>C</p> <p>Control is reserved to:</p>

	Rules – Millbrook	Non-compliance status				
	<p>occupation by paying guests on a site per 12 month period.</p> <p>43.5.14.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>43.5.14.3 Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</p> <p>43.5.14.4 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>43.5.14.5 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours’ notice.</p> <p>43.5.14.6 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours’ notice, in order to monitor compliance with rules 43.5.14.1 to 43.5.14.6.</p> <table><tr><th>Rule 43.5.14 and relief sought</th><th>Appellant Court Number</th></tr><tr><td>Rule 43.5.14 Residential Visitor Accommodation ... 43.5.14.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</td><td>Wayfare Group Ltd ENV-2019-CHC-076</td></tr></table>	Rule 43.5.14 and relief sought	Appellant Court Number	Rule 43.5.14 Residential Visitor Accommodation ... 43.5.14.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076	<p>a. The location, nature and scale of activities;</p> <p>b. The location, provision, and screening of parking and access;</p> <p>c. The management of noise, rubbish and outdoor activities;</p> <p>d. The compliance of the residential unit with the Building Code as at the date of the consent;</p> <p>e. Health and safety provisions in relation to guests;</p> <p>f. Guest management and complaints procedures;</p> <p>g. The keeping of records of RVA use, and availability of records for Council inspection; and</p> <p>h. Monitoring requirements, including imposition of an annual monitoring charge</p>
Rule 43.5.14 and relief sought	Appellant Court Number					
Rule 43.5.14 Residential Visitor Accommodation ... 43.5.14.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076					
43.5.15	<p>Homestay</p> <p>43.5.15.1 May occur within either an</p>	<p>C</p> <p>Control is reserved to:</p>				

	Rules – Millbrook	Non-compliance status				
	<p>occupied residential unit or an occupied residential flat on a site, and must not occur within both on a site.</p> <p>43.5.15.2 Must not exceed 5 paying guests on a site per night.</p> <p>43.5.15.3 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</p> <p>43.5.15.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>43.5.15.5 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>43.5.15.6 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours’ notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours’ notice, in order to monitor compliance with rules 43.5.15.1 to 43.5.15.6.</p> <table><tr><th>Rule 43.5.15 and relief sought</th><th>Appellant Court Number</th></tr><tr><td>Rule 43.5.15 Homestay ... 43.5.15.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</td><td>Wayfare Group Ltd ENV-2019-CHC-076</td></tr></table>	Rule 43.5.15 and relief sought	Appellant Court Number	Rule 43.5.15 Homestay ... 43.5.15.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076	<p>a. The location, nature and scale of activities;</p> <p>b. The location, provision, and screening of parking and access;</p> <p>c. The management of noise, rubbish and outdoor activities;</p> <p>d. The keeping of records of Homestay use, and availability of records for Council inspection; and</p> <p>e. Monitoring requirements, including imposition of an annual monitoring charge.</p>
Rule 43.5.15 and relief sought	Appellant Court Number					
Rule 43.5.15 Homestay ... 43.5.15.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076					

APPENDIX 1

Overlay Area	Plant List
Gully Planting Overlay	Carex secta Hebe salicifolia Aristotelia serrata Coprosma lucida Coprosma propingua Fluscopora solandri var. cliffortioides Olearia lineata Cortaderia richardii Phormium tenax
Opening Planting Overlay	Festuca novae-zelandiae Coprosma propingua Leonohebe cupressoides Olearia odorata Melicyrus alpin us Sophora microphylla Olearia avicenniifolia Carmichaelia petriei Poa colensoi Hebe subalpina

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.

43.7 Structure Plans



