

## 42 Waterfall Park

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 <b>Chapter 42</b>
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"> <li>• <del>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.</del></li> <li>• <del>Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</del></li> <li>• <del>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</del></li> </ul>
Airbnb Australia Pty Ltd ENV-2019-CHC-061	<ol style="list-style-type: none"> <li>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.</li> <li>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: <ul style="list-style-type: none"> <li><u>Control is reserved to:</u></li> <li>a. <u>The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u></li> <li>b. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u></li> <li>c. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></li> </ul> </li> <li>3. Amend Rules 21.9.6 and 24.5.22 as follows (in the 'non-compliance status' column): <ul style="list-style-type: none"> <li><u>Control is reserved to:</u></li> <li>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></li> <li>b. <u>The management of noise, rubbish and outdoor activities;</u></li> <li>a. <u>The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u></li> <li><u>and re-number (b) and (c) to (c) and (d).</u></li> </ul> </li> <li>4. Amend the 'non-compliance status' columns of rules 16.5.13, 42.5.10 and 43.5.15 as follows: <ul style="list-style-type: none"> <li><u>Control is reserved to:</u></li> <li>a. <u>The potential impact of the number of paying guests on site per night on the amenity values of the neighbourhood;</u></li> <li>a. <u>The location, nature and scale of activities;</u></li> <li>b. <u>The location, and provision, and screening of parking and access;</u></li> <li>c. <u>The management of noise, rubbish and outdoor activities;</u></li> <li><u>and re-number (d) and (e) to (b) and (c).</u></li> </ul> </li> </ol>

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<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"> <li>• <del>Must be limited to one residential unit or residential flat per site—</del>not exceeding a cumulative total of 179 nights occupation by paying guests on a site per 12 month period.</li> <li>• <del>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</del></li> <li>• <del>Must comply with the noise limits for the relevant zone in Rules 36.5.1 to 36.5.4 in Chapter 36 Noise.</del></li> <li>• <del>Where the RVA involves construction of a new residential dwelling, the RVA m</del>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.</li> </ul> <p>...</p> <ul style="list-style-type: none"> <li>• <del>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</del></li> </ul>
<p>Airbnb Australia Pty Ltd ENV-2019-CHC-061</p>	<p>1. For Rules 7.5.18; 8.5.17; 9.5.14; 10.5.9; 11.5.13:</p> <p>a. delete all text within the 'non-compliance status' column except for the following two matters (which have different numbering for each rule): <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"> <li>- 'C' (to indicate controlled activity status).</li> <li>- the statement "<u>Control is reserved to:</u>"</li> <li>- 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>"</li> </ul> <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): <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"> <li>a. <u>The location and provision of parking and access for the construction of new residential dwellings to be used for RVA;</u></li> <li>b. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u></li> <li>c. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></li> </ul>

## 42.1 Purpose

The purpose of the Waterfall Park Zone is to provide for the development of a visitor resort comprising a range of visitor, residential and recreational facilities, sympathetic to the natural setting. The site lies within a high quality scenic environment adjacent to the Millbrook Resort Zone.

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In terms of natural features the focus of the site is the waterfall located towards the centre of the site. The existing recreational areas and amphitheatre are located adjacent to the waterfall and continue along part of Mill Creek. Development limits are imposed in the zone given its scenic and environmental qualities. Development shall conserve and enhance the natural and scenic values contained within the property and its setting.

## 42.2 Objectives and Policies

**42.2.1 Objective – Visitor, residential and recreation facilities and activities developed in an integrated manner with particular regard for the natural and scenic values of the setting.**

### Policies

42.2.1.1 Ensure that the external appearance of buildings and other structures are appropriate to the location with particular regard to the site’s natural and scenic values.

42.2.1.2 Require all development to be located in accordance with the Structure Plan.

42.2.1.3 Protect and enhance the important natural features on the site.

**42.2.2 Objective – Development avoids adverse effects on Mill Creek and ecological values.**

### Policies

42.2.2.1 Ensure sewage disposal, water supply and refuse disposal services are provided so as not to adversely impact on water or other environmental qualities on or off the site.

42.2.2.2 Protect and enhance Mill creek as an important brown trout spawning habitat.

## 42.3 Other Provisions and Rules

### 42.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

### 42.3.2 Interpreting and Applying the Rules

42.3.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

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42.3.2.2 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.

42.3.2.3 The following abbreviations are used within this Chapter.

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

## 42.4 Rules - Activities

	Activities located in the Waterfall Park Zone	Activity status
<b>42.4.1</b>	Activities which are not listed in this table, except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.	NC
<b>42.4.2</b>	<b>In the Residences Area (R) of the Structure Plan</b> <b>Dwelling, Residential Unit</b>	P
<b>42.4.3</b>	<b>Dwelling, Residential Unit, Residential Flat</b> not otherwise identified	D
<b>42.4.4</b>	<p><b>In all Structure Plan Activity Areas</b></p> <p><b>Recreation Facilities</b> (noting that in areas shown as O/P on the Structure Plan recreation facilities shall not include buildings or structures)</p> <p><b>Administration activities</b> for administering and servicing of other facilities within the zone, including storage, maintenance and depot facilities</p> <p><b>Structures for the retention of water (not located within a waterbody)</b></p> <p>Control is reserved:</p> <p>a. general:</p> <ul style="list-style-type: none"> <li>i. location and external appearance of buildings;</li> <li>ii. setback from roads;</li> <li>iii. setback from internal boundaries;</li> <li>iv. vehicle access and street layout;</li> <li>v. outdoor living space;</li> <li>vi. street scene including landscaping;</li> <li>vii. enhancement of ecological and natural values;</li> <li>viii. provision for internal walkways, cycle ways and pedestrian linkages; and</li> </ul>	C

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	Activities located in the Waterfall Park Zone	Activity status
	<ul style="list-style-type: none"> <li>ix. noise.</li> <li>b. natural hazards where the proposal results in an increase in gross floor area:               <ul style="list-style-type: none"> <li>i. the nature and degree of risk the hazard(s) pose to people and property;</li> <li>ii. whether the proposal will alter the risk to any site; and</li> <li>iii. the extent to which such risk can be avoided or sufficiently mitigated.</li> </ul> </li> </ul>	
42.4.5	<p><b>In all Structure Plan Activity Areas (except for the Open Space, Landscaping and Passive Recreation Activity Area O/P)</b></p> <p>Buildings</p> <p>Control is reserved:</p> <ul style="list-style-type: none"> <li>a. the external appearance of the building and coherence with surrounding buildings;</li> <li>b. natural hazards where the proposal results in an increase in gross floor area:               <ul style="list-style-type: none"> <li>i. the nature and degree of risk the hazard(s) pose to people and property;</li> <li>ii. whether the proposal will alter the risk to any site; and</li> <li>iii. the extent to which such risk can be avoided or sufficiently mitigated.</li> </ul> </li> </ul>	C
42.4.6	<p><b>In the Village Area (V) of the Structure Plan:</b></p> <p><b>Visitor Accommodation</b></p> <p><b>Licensed Premises integrated with Visitor Accommodation</b></p> <p><b>Theatres, conference, cultural and resort facilities and office and administration activities that are ancillary to Visitor Accommodation</b></p> <p><b>Community Activities</b> (limited to creches and other child care facilities integrated with Visitor Accommodation)</p> <p><b>Educational Facilities</b></p> <p>Control is reserved to all:</p> <ul style="list-style-type: none"> <li>a. general:               <ul style="list-style-type: none"> <li>x. location and external appearance of buildings;</li> <li>xi. setback from roads;</li> <li>xii. setback from internal boundaries;</li> <li>xiii. vehicle access and street layout;</li> <li>xiv. outdoor living space;</li> </ul> </li> </ul>	C

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	Activities located in the Waterfall Park Zone	Activity status
	<ul style="list-style-type: none"> <li>xv. street scene including landscaping;</li> <li>xvi. enhancement of ecological and natural values;</li> <li>xvii. provision for internal walkways, cycle ways and pedestrian linkages; and</li> <li>xviii. noise.</li> </ul> <p>b. natural hazards where the proposal results in an increase in gross floor area:</p> <ul style="list-style-type: none"> <li>i. the nature and degree of risk the hazard(s) pose to people and property;</li> <li>ii. whether the proposal will alter the risk to any site; and</li> <li>iii. the extent to which such risk can be avoided or sufficiently mitigated.</li> </ul>	
<b>42.4.7</b>	<b>Licensed Premises not otherwise identified</b>	PR
<b>42.4.8</b>	<b>Manufacturing and/or product assembling activities</b>	PR
<b>42.4.9</b>	<b>Fish or meat processing</b>	PR
<b>42.4.10</b>	<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
<b>42.4.11</b>	<b>Factory Farming</b>	PR
<b>42.4.12</b>	<b>Any activity requiring an Offensive Trade Licence under the Health Act 1956</b>	PR
<b>42.4.13</b>	<b>In the Residences Area (R) of the Structure Plan</b>  <b>Residential Visitor Accommodation and Homestays</b>	P

## 42.5 Rules - Standards

	Standards for activities located in the Waterfall Park Zone	Non-compliance Status
<b>42.5.1</b>	<p><b>Setbacks</b></p> <p>No building or structure shall be located closer than 6m to the Zone boundary, and in addition:</p> <p>No building shall be located closer than 7m to Mill Creek.</p>	D

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	Standards for activities located in the Waterfall Park Zone	Non-compliance Status
42.5.2	<p><b>Residential Capacity</b></p> <p>In the Waterfall Park Zone the maximum number of residential units shall be limited to 100.</p>	NC
42.5.3	<p><b>Building Height</b></p> <p>The maximum height of buildings shall be:</p> <p>a. visitor accommodation, (including facilities integrated with and ancillary to Visitor Accommodation) – 8 m;</p> <p>b. residential buildings - 8m;</p> <p>c. all other buildings and structures - 4m.</p>	NC
42.5.4	<p><b>Glare</b> shall comply with all of the following:</p> <p>42.5.4.1 All fixed lighting shall be directed away from adjacent roads and properties, and so as to limit effects on the night sky.</p> <p>42.5.4.2 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>42.5.4.3 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>	NC
42.5.5	<p><b>Maximum Total Site Coverage</b></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 excludes bridges and roads and parking areas.</p>	NC
42.5.6	<p><b>Fire Fighting</b></p> <p>A fire fighting reserve of water shall be maintained of a capacity sufficient to service the Zone. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.</p>	NC

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	Standards for activities located in the Waterfall Park Zone	Non-compliance Status
42.5.7	<p><b>Atmospheric Emissions</b></p> <p>There shall be no indoor solid fuel fires, except for:</p> <ul style="list-style-type: none"> <li>a. feature open fireplaces in the clubhouse and other communal buildings including bars and restaurants.</li> </ul> <p>Note – Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.</p>	NC
42.5.8	<p><b>Retail sales</b></p> <p>No goods shall be displayed, sold or offered for sale from a site except:</p> <ul style="list-style-type: none"> <li>a. goods grown, reared or produced on the site;</li> <li>b. within those areas of the Structure Plan identified as the Village Centre.</li> </ul>	NC



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	Standards for activities located in the Waterfall Park Zone	Non-compliance Status				
<b>42.5.9</b>	<p><b>Residential Visitor Accommodation</b></p> <p>42.5.9.1 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.</p> <p>42.5.9.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>42.5.9.3 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>42.5.9.4 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>42.5.9.5 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>42.5.9.6 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p><b>Note:</b> 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 42.5.9.1 to 42.5.9.6.</p> <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 70%;">Rule 42.5.9 and relief sought</th> <th style="width: 30%;">Appellant Court Number</th> </tr> </thead> <tbody> <tr> <td>Rule 42.5.9 Residential Visitor Accommodation ... 42.5.9.2 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.</td> <td>Wayfare Group Ltd ENV-2019-CHC-076</td> </tr> </tbody> </table>	Rule 42.5.9 and relief sought	Appellant Court Number	Rule 42.5.9 Residential Visitor Accommodation ... 42.5.9.2 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>a. The location, nature and scale of activities;</li> <li>b. The location, provision, and screening of parking and access;</li> <li>c. The management of noise, rubbish and outdoor activities;</li> <li>d. The compliance of the residential unit with the Building Code as at the date of the consent;</li> <li>e. Health and safety provisions in relation to guests;</li> <li>f. Guest management and complaints procedures;</li> <li>g. The keeping of records of RVA use, and availability of records for Council inspection; and</li> <li>h. Monitoring requirements, including imposition of an annual monitoring charge.</li> </ol>
Rule 42.5.9 and relief sought	Appellant Court Number					
Rule 42.5.9 Residential Visitor Accommodation ... 42.5.9.2 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076					

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	Standards for activities located in the Waterfall Park Zone	Non-compliance Status				
<b>42.5.10</b>	<p><b>Homestay</b></p> <p>42.5.10.1 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.</p> <p>42.5.10.2 Must not exceed 5 paying guests on a site per night.</p> <p>42.5.10.3 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</p> <p>42.5.10.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>42.5.10.5 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>42.5.10.6 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 42.5.10.1 to 42.5.10.6.</p> <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr style="background-color: #d3d3d3;"> <th style="width: 70%;">Rule <b>42.5.10</b> and relief sought</th> <th style="width: 30%;">Appellant Court Number</th> </tr> </thead> <tbody> <tr> <td>Rule 42.5.10 Homestay ... 42.5.10.4 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.</td> <td>Wayfare Group Ltd ENV-2019-CHC-076</td> </tr> </tbody> </table>	Rule <b>42.5.10</b> and relief sought	Appellant Court Number	Rule 42.5.10 Homestay ... 42.5.10.4 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>a. The location, nature and scale of activities;</li> <li>b. The location, provision, and screening of parking and access;</li> <li>c. The management of noise, rubbish and outdoor activities;</li> <li>d. The keeping of records of Homestay use, and availability of records for Council inspection; and</li> <li>e. Monitoring requirements, including imposition of an annual monitoring charge.</li> </ol>
Rule <b>42.5.10</b> and relief sought	Appellant Court Number					
Rule 42.5.10 Homestay ... 42.5.10.4 Must not generate any vehicle movements by heavy vehicles, <del>coaches or buses</del> to and from the site.	Wayfare Group Ltd ENV-2019-CHC-076					

## 42.6 Rules - Non-Notification of Applications

**42.6.1 All applications for Controlled activities and Restricted Discretionary shall not require the written consent of other persons and shall not be notified or limited-notified.**

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## 42.7 Structure Plan

