

## QUEENSTOWN LAKES DISTRICT COUNCIL

**DECISION FOR:** Variation 16  
**ISSUE:** Jacks Point Zone  
**DATED:** 15 August 2003

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## 1.0 INTRODUCTION

This decision sets out considerations and decisions on submissions lodged to Variation 16 – *Jacks Point Resort Zone* of the Proposed District Plan.

The provisions of the Queenstown Lakes District Council's Proposed District Plan affected by this decision are:

<b>Plan Section</b>	<b>Provisions</b>
12.1 Special Zones	Issues, Objectives, Policies, Methods and Anticipated Outcomes
12.2 Special Zones	Resort Zone Rules
12.5 Special Zones	Resource Consent Assessment Matters – Resort Zones
15.2.3 Subdivision	Discretionary Activities
15.2.7 Subdivision	Assessment Matters
18.2 Signs	Rules
18.3 Signs	Assessment Matters

Submissions are assessed either individually or grouped where the content of the submissions is the same or similar.

In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within square brackets. In summarising further submissions, the name of the further submitter is shown in ***bold italics***, with their submission number shown in *italics* within square brackets.

In making decisions the Hearings Panel has:

- (i) been assisted by a report prepared by it's planning staff. This report was circulated to those persons and bodies seeking to be heard at the hearing, prior to the hearing taking place;
- (ii) had regard to all those matters raised by submitters and further submitters in their submissions and further submissions and at the hearing; and
- (iii) had regard to the provisions of Section 32 of the Resource Management Act 1991.

All decisions on submissions are included within a box headed 'Decision'. Where there are changes to be made to the Proposed District Plan these are shown as underlined text. This indicates where specific text is to be included in the Proposed District Plan. Text that is shown as struck out (ie with a line through it) indicates where text is to be removed from the Proposed District Plan.

Unless stated otherwise, each decision in this report is made independently in respect to that submission to which it relates, based on the Variation as notified. Appendix 1 to this report represents a collaboration of all the decisions within this report. Consequently, minor amendments to the wording and numbering of the amendments may occur within Appendix 1 to achieve the intent of the entire decision.

Where any inconsistency exists between amendments contained in the body of this decision and Appendix 1, those amendments contained in Appendix 1 shall take precedence.

Where District Plan provisions for Jacks Point are referred to (eg Site Standard 12.2.5.2), that reference is to the numbering of the provision in Variation 16, as notified (refer Appendix 2).

## 2.0 BACKGROUND

### 2.1 Brief Planning History

In 1993 the Queenstown Lakes District Council commissioned the preparation of a Settlement Strategy to assist in decision making related to urban growth issues. The Settlement Strategy identified two areas outside the Queenstown urban boundaries as having 'considerable potential' for future residential development. One of those areas was the Coneburn Downs area.

The Queenstown Lakes District Proposed District Plan, as notified in 1995, identified areas suitable for 'new town' development by introducing a 'New Residential Development Zone'. Upon notification of the Plan submissions were lodged by Henley Downs Holdings Limited and the Jardine's seeking that the Coneburn Downs area also be identified as an area suitable for future residential development. However, the Council's decision was to delete all references to the 'New Residential Development Zone' from the Plan and the Coneburn Downs area retained its rural zoning.

Following the Council's decisions on submissions, Henley Downs Holdings Limited and the Jardine's lodged appeals in regard to their respective submissions. Having reached agreement with the Council, the referrers are now attempting to resolve the references by establishing objectives and policies in the Plan that recognise the potential for future urban development in the Coneburn Downs area. The relevant consent order proposes that any future rezoning of land in the Coneburn Downs area be subject to a detailed assessment in terms of the following issues:

- Landscape values
- Amenity values
- Views from rural scenic roads
- Protection of the Lake Wakatipu margin
- Transportation, particularly in relation to safety
- Servicing
- Integrated development and design

On the 6 October 2001 the Queenstown Lakes District Council notified Variation 16 – *Jacks Point Resort Zone*. Following notification, the Council called for submissions on the proposed Zone, followed by further submissions. In March 2002 the Council placed the Variation on hold, pending advice from the community with respect to its appropriateness.

In July 2002 the Council held a number of Public Workshops to assist in the formulation of a Strategic Plan (*Tomorrow's Queenstown*) for Queenstown. The Council found that the Coneburn Downs area was accepted by the community as a landscape that could successfully absorb future urban development if it was carried out in an environmentally sensitive manner. Having had regard to the outcomes of the strategic planning process, the Council resumed with the variation process for Jacks Point Resort Zone.

### 2.2 The Site – As Notified

The Jacks Point land is located south of Frankton and below The Remarkables, approximately 10 minutes drive from Queenstown Airport and 5 minutes past the turnoff to the Remarkables Ski Area towards Kingston. The site is bounded on the east by State Highway 6 / Kingston Road and Lake Wakatipu to the west. The site, as notified, is 420 hectares in area and currently forms part of Remarkables Station.

Remarkables Station is a working station in excellent condition, running a combination of sheep, cattle and deer. It is intended that Remarkables Station will continue to be run as a viable working farm and the development of Jack Point Zone will enhance the viability and productivity of the balance land of the farm.

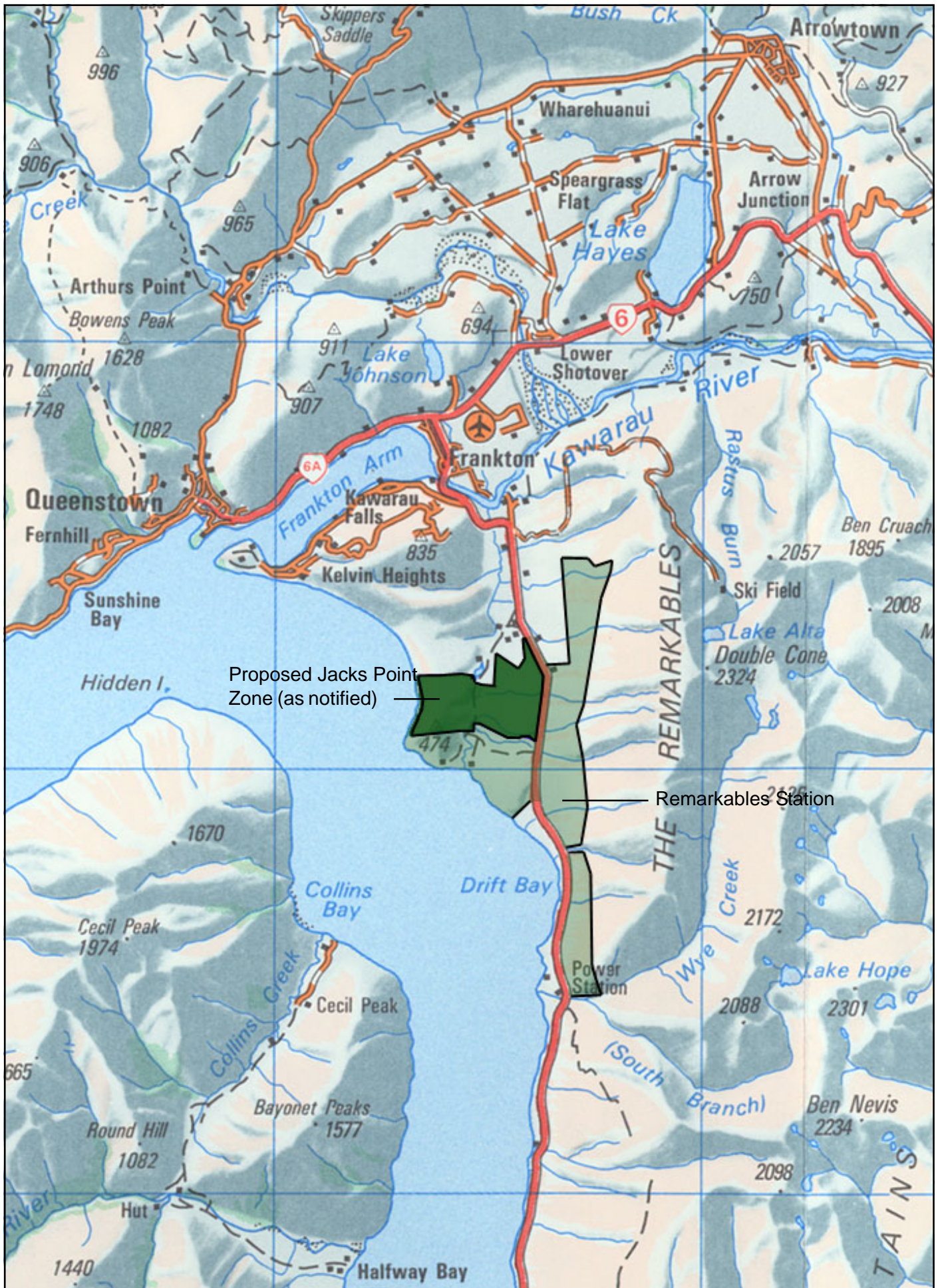


Figure 1 - The Jacks Point Zone, as notified

### 2.3 The Purpose of Variation 16

The purpose of the Jacks Point Variation, as notified, was to enable the development of land in the Coneburn Downs area for a high quality golf resort with associated housing, visitor accommodation and outdoor recreation opportunities. The key features of the Zone included:

- Retaining 95% of the Zone in open space, in the form of golf courses, planting, landscaping, access, parking and gardens;
- Only 5% building coverage within the Zone;
- Strong emphasis on landscape protection in the form of management sub-zones aimed at protecting the landscape and natural character;
- Strong emphasis on creating and regenerating native vegetation, wetlands and native riparian areas;
- Strict adherence to building design guidelines, both through the District Plan and through a Design Control Committee;
- High quality accommodation, golf courses and recreation amenities;
- Improved public access to and along Lake Wakatipu;
- Controlled light levels to reduce glare and lighting levels;
- On-site sewerage treatment and use of renovated water for irrigation of landscape planting areas.

### 2.4 General Intent of Submissions

The intent of submissions received for Variation 16 can be 'generally' summarised as follows:

- General support for the Variation;
- Residential density proposed by the Variation is too high;
- The cap on residential density is unnecessary;
- Existing vegetation needs to be retained;
- Extension of zone boundaries to include land to the north, owned by Henley Downs Holdings Limited;
- Extension of zone boundaries to include land to the south (Homestead Bay), owned by the Jardine's;
- Addition of access performance standards and other mechanisms to ensure road safety;
- Miscellaneous amendments to various rules and other provisions; and
- Opposition to the Variation, based on specific resource management, landscape, and other issues.

### 2.5 Information Resources

In considering submissions (including evidence) and making decisions, the following information (inter alia) has been considered by the Hearings Panel:

<b>Report Title</b>	<b>Author</b>	<b>Date of Release</b>
Coneburn Area Resource Study	Darby and Partners	October 2002
Remarkables Station Property Report	M F Moore, Moore and Associates	August 2001
Geological Appraisal of the Jacks Point Development Area	R Thomson	August 2001
Botanical Values of the Proposed Jacks Point Golf Course Resort	N C Simpson, Conservation Consultancy Limited	August 2001
Soils of the Jacks Point Development, Queenstown	A E Hewitt, Landcare Research	September 2001
Kai Tahu ki Otago Ltd Report for Jacks Point Golf Resort	Edward Ellison	August 2001
Jacks Point Development Archaeological Assessment	P G Petchey	August 2001

Economic Analysis of the Jacks Point Resort Zone Variation	Philip Donnelly and Associates Limited	September 2001
Traffic Report for Jacks Point Limited	Traffic Design Group	August 2001
Jacks Point Development Infrastructural Services	Construction Management Services	September 2001
Soil Survey and Site Suitability for Discharge of Domestic Wastewater at Jacks Point	Glasson Potts Fowler	January 2003
Landscape Assessment for Jacks Point Variation (S32 Report)	Darby and Partners	September 2001
Landscape Assessment for Jacks Point Variation	L Kidson, CivicCorp	March 2003

### 3.0 LIST OF SUBMITTERS

Refer Appendix 3 - List of Original Submitters and Further Submitters.

### 4.0 THE HEARING

The hearing to consider submissions and further submissions to Variation 16 – *Jacks Point Resort Zone* of the Queenstown Lakes District Plan commenced at 9am on 26 March 2003 at the Queenstown Lakes District Council Chambers, Gorge Road, Queenstown. The Hearings Panel consisted of Councillor W McKeague (Chairperson), Councillor K Neal, Councillor C Kelly and Councillor G Macleod. In attendance at the Hearing was C Lucca (Policy Planner), L Kidson (Landscape Architect) and J Macmillan (Panel Secretary).

The Hearings Panel heard evidence from the submitters on 26, 27, and 28 March 2003, before entering into committee to deliberate on the submissions. While hearing evidence the Panel questioned the submitting landowners (Jacks Point Limited, Henley Downs Holdings Limited and D and J Jardine) on several important issues and sought clarification as to how those issues would be addressed. In reply to those concerns raised, the submitting landowners prepared further evidence for the Panel's consideration (refer section 5.2 of this decision). On 1 August 2003 the Panel reconvened the hearing to allow the submitting landowners to present the further evidence to the Panel. While all submitters to Variation 16 were advised of the reconvened hearing and were invited to comment on the further evidence which had been pre-circulated to all submitters, it is noted that the Wakatipu Environmental Society was the only submitter who responded.

The parties listed hereafter presented written and oral evidence to the Panel. For the purposes of understanding this decision, their evidence is noted and considered in conjunction with the relevant submissions.

It is noted that while Naturally Best New Zealand Limited and Shotover Park Limited made substantial and significant submissions and further submissions to Variation 16, neither party was represented or appeared at the hearing or provided evidence in support of their submissions.

- 4.1 **Jacks Point Limited** [16/26/1-7] [322/16/10/1] [322/16/19/1-4] [322/16/35/1-10, 12, 13, 15, 17-20, 22, 25 & 27] [322/16/38/1] [322/16/40/1-3 & 5-12] [322/16/41/1-10, 12, 15, 17-20, 22, 25 & 27] [322/16/43/1] [322/16/49/2] [322/16/49/3] [322/16/52/1] [322/16/55/1] presented written, visual, and oral evidence to the Hearings Panel in support of their submissions and further submissions.

Mr Warwick Goldsmith was legal counsel to Jacks Point Limited during the hearing. The following experts provided evidence and were questioned by the Hearings Panel:

Mr John Darby

Director, Darby Partners Limited

Mr John Edmonds	Planner, Edmonds and Associates
Mr Brett Thomson	Landscape Architect, Darby Partners Limited
Mr Ken Gousmett	Engineer, Construction Management Services
Mr Don McKenzie	Traffic Design Group Limited
Mr Robert Potts	Engineer, Glasson Potts Fowler Limited

- 4.2 **DS & JF Jardine and GB Boock** [16/27/1 – 21] [341/16/27/1] presented written, visual, and oral evidence to the Hearings Panel in support of their submissions and further submissions.

Mr Phil Page was legal counsel to DS & JF Jardine and G B Boock during the hearing. The following experts provided evidence and were questioned by the Hearings Panel:

Mr James Lunday	Urban Designer / Planner, Common Ground
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- 4.3 **Henley Downs Holdings Limited** [16/19/1 – 4] [343/16/10/1] [343/16/35/1] [343/16/35/3] [343/16/35/22] [343/16/35/6] [343/16/38/1] [343/16/41/1] [343/16/41/22] [343/16/41/3] [343/16/41/6] presented written and oral evidence to the Hearings Panel in support of their submissions and further submissions.

Mr Graeme Todd was legal counsel to Henley Downs Holdings Limited during the hearing. The following experts provided evidence and were questioned by the Hearings Panel:

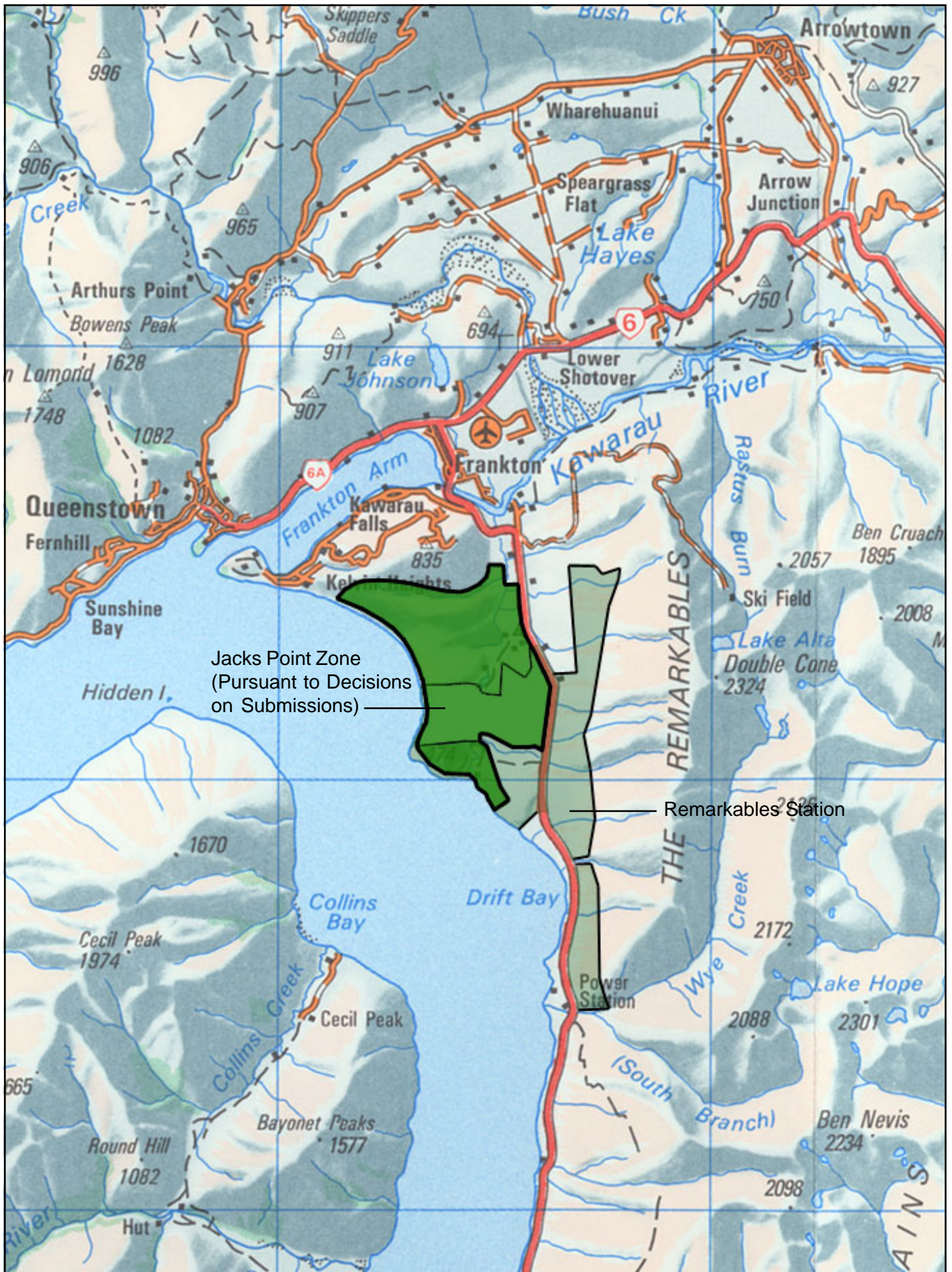
Mr Donald Miskell	Landscape Architect, Boffa Miskell Limited
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- 4.4 **Don Spary** [16/45/1] presented oral evidence to the Hearings Panel in support of his submission.
- 4.5 **Jay Cassells** [16/5/1] presented written and oral evidence to the Hearings Panel in support of his submission.
- 4.6 **Wakatipu Environmental Society** [16/52/1] was represented by Executive Board member, Ms Karen Swaine. Ms Swaine presented written and oral evidence to the Hearings Panel in support of their submissions and, in addition, raised additional concerns, particularly in regard to the potential environmental impacts of the proposed golf course associated with the development. Ms Swaine also raised the matter of community housing and questioned whether the proposed Zone would assist in addressing issues related to the community housing in the Wakatipu basin.
- 4.7 **Justin Prain** [16/37/1] and **Clearwater Resort Limited** [16/6/1] were represented by Mr Justin Prain, Development Director for Clearwater Resort Limited. Mr Prain provided written, visual and oral evidence to the Hearings Panel in support of the submissions.

## 5.0 SUMMARY OF THE DECISIONS ON SUBMISSIONS

### 5.1 The Site – Pursuant to Decisions on Submissions

Following decisions on submissions (set out below), the Jacks Point Zone has been extended to include land to the north and south of its boundaries as notified (refer section 2.2) and now constitutes an area of 1253 hectares.



Jacks Point Zone  
(Pursuant to Decisions  
on Submissions)

Remarkables Station

Figure 2 - The Jacks Point Zone Pursuant to Decisions on Submissions



The Zone is located south of Frankton and below The Remarkables, approximately 5 minutes drive from Queenstown Airport and a few minutes past the turnoff to the Remarkables Ski Area towards Kingston. The site is bounded to the north by Peninsula Hill (and includes the southern escarpment of the Hill) and by Lake Wakatipu to the south (at Homestead Bay). To the east the site is bounded on by State Highway 6 / Kingston Road and to the west the site is bounded by Lake Wakatipu.

## 5.2 The Purpose of the Zone – Pursuant to Decisions on Submissions

The purpose of Variation 16, as notified, is described in section 2.3 above. While the key features of the Zone remain the same following this decision, the variation process (including the hearing) has added significantly to the purpose of the Jacks Point Zone. While the Zone still anticipates a high quality golf course (which reflects local character and utilises nature features and native vegetation), and associated visitor accommodation activities and resort homes, emphasis has been placed on the communities aspirations for the area, as identified through the various strategic planning processes that have occurred over the last 10 years. In particular, the Zone now seeks to:

- Enable residential and visitor accommodation in a high quality sustainable environment including two villages;
- Ensure that development results in sustainable communities constituting mixed density development, best practice methods of waste disposal and longevity in quality and built form; and
- Provide mechanisms that will ensure that urban development contributes to providing for the social, economic and cultural wellbeing of the wider community while assisting in ecological enhancement and seamless integration of built and natural environment.

Section 12 of the Proposed District Plan identifies the issues associated with the Jacks Point Zone and through objectives, policies, methods, rules and assessment matters, seeks to avoid, remedy and mitigate any potential adverse effects on the environment.

It is intended that the Jacks Point Zone be developed in a number of stages. It is anticipated that the first stage will include the development of an 18-hole championship golf course, a number of resort homes, a luxury lodge, the creation of public walkways and beach reserve access, and car parking. It is also intended to undertake selective native revegetation during this stage.

The second stage onwards will see the development of residential homes, a village centre and public domain, equestrian facilities, a health spa and associated facilities. Selective native revegetation, ecological enhancement, and the construction of walking, bike and horse trails will continue to be carried out during the development of the Zone.

The key planning mechanisms of the of the Zone include:

- The implementation of a structure plan (including the identification of activity areas suitable for various types of land use activities) and District Plan provisions to ensure quality environmental outcomes;
- The use of development controls and design guidelines in conjunction with a 'Design Review Board' to ensure quality environmental outcomes;
- An upper limit (in terms of percentage) on the area of land that may be developed within the Zone;
- The requirement to stage urban, open space and recreational development; and
- The establishment of a 'Stakeholders Deed' between the primary landowners and Council, to ensure certainty in regard to the quality environmental outcomes sought by the community.

## 5.3 Stakeholders Deed and Other Matters

In considering submissions to Variation 16 and making their decisions, the Hearings Panel noted that there were a number of matters that needed to be addressed (to ensure sound

resource management and community benefit from the proposed Zone) but were not raised by submission or appropriately dealt with in the Proposed District Plan. These matters included:

- The provision of public access and public space, including a 'public domain';
- The establishment of development controls and design guidelines;
- The provision of affordable community housing;
- The provision and management of infrastructure (ie for the provision of potable water, irrigation, sewage disposal, power, telecommunications and roading); and
- The construction and maintenance of golf courses.

The parties to the Stakeholders Deed, being the Queenstown Lakes District Council, Jacks Point Limited, Henley Downs Holdings Limited, and Dick and Jillian Jardine and Gerard Boock, have agreed that issues relating to the above matters can be appropriately and adequately addressed through a legal deed. The Deed, which embodies the agreement reached between the parties in relation to those matters, is legally enforceable by each and all of the parties.

The essence of the Deed is described in paragraph F of the same, as:

*"...that Jacks Point, Henley Downs and Jardine as submitters to the Variation and landowners of the Coneburn Land and the Council wish to ensure that... the land within the Zone will be developed in a coordinated and harmonious manner and that the environmental and community outcomes envisaged by this Deed will be achieved."*

It is worthwhile noting that paragraph 28 of the Deed states:

*"As far as the Council is concerned, this Deed has been negotiated and finalised by the executive arm of the Council. The regulatory arm of the Council has not been involved in any way, and in particular the members of the Hearings Panel who are determining the Variation have not been involved. This Deed does not bind, restrict or in any way fetter the Council's regulatory powers and obligations under the Resource Management Act or any other relevant legislation."*

In addition to the Stakeholders Deed, the Council has entered into a legal agreement with Dick and Jillian Jardine and Gerard Boock (refer Appendix 5 – Legal Agreement). That agreement records the parties' commitment to their shared vision for the future management and development of the Remarkables Station, which in essence, is to be undertaken in accordance with the land use and landscape management principles set out in the Coneburn Area Resource Study.

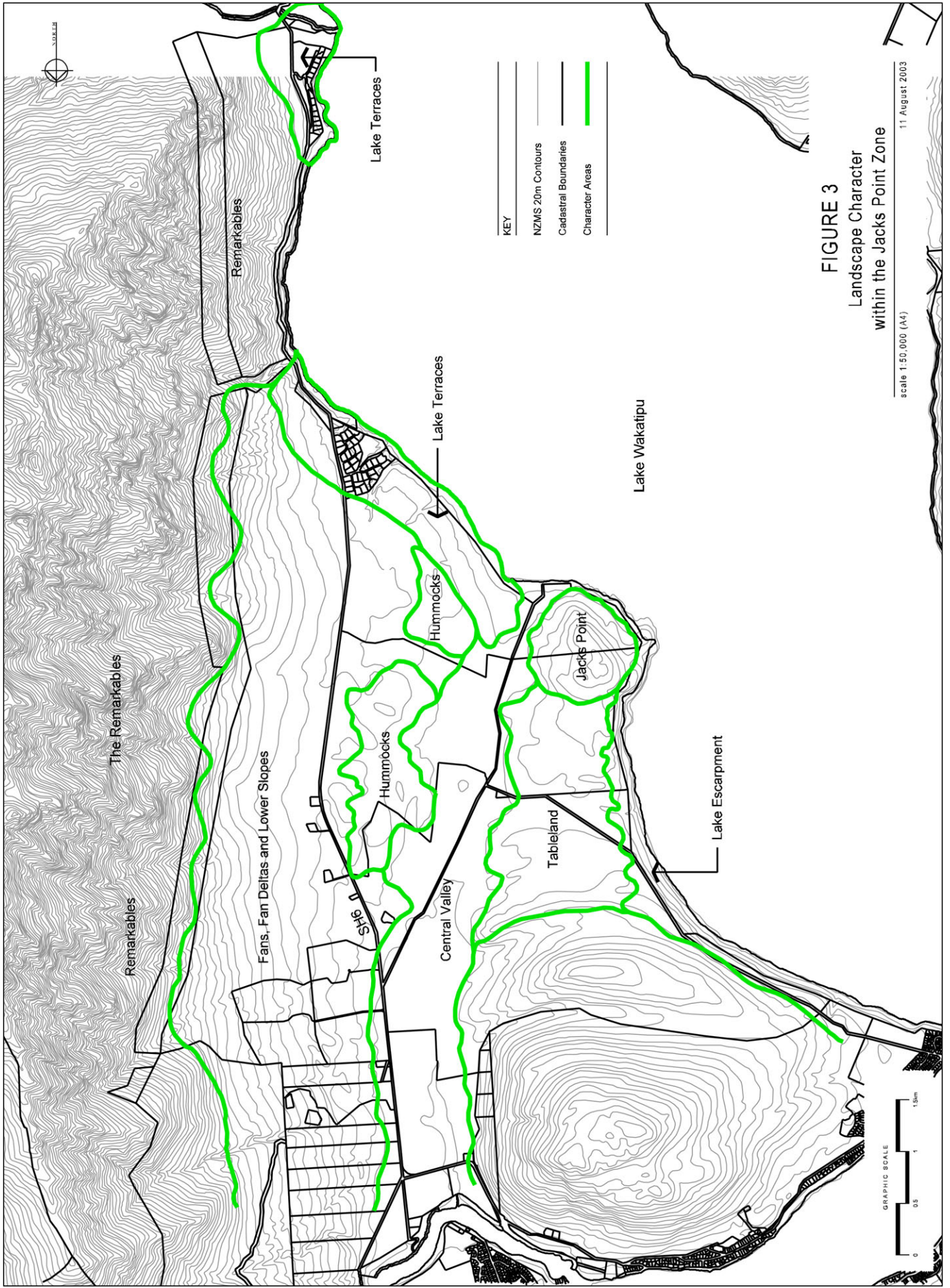
#### 5.4 Activities within the Zone

The Jacks Point Zone, pursuant to decisions on submissions, constitutes 1253 hectares of land over a mixed topography, including tablelands, hummocks, lake and hill escarpments, lake terraces, a central valley area and Jacks Point. It is envisaged that development at Jacks Point will result in 10% - 15% of the land appearing as domesticated or with intense human modification, while the balance of the land will appear largely as open space.

##### *The Tablelands*

Due to their high ecological, landscape and visual amenity values, the tablelands are a sensitive area that will require a suitably subservient response in terms of design and controls if development is to be successfully absorbed. And even then development must be limited and assist in protecting and enhancing those values associated with the tablelands.

A Homesite Activity Area is a predesignated area within an allotment. Within the allotment, all built improvements, except access, underground services and waste water disposal systems, must be located entirely within the Homesite boundaries. Within the Jacks Point Zone 36 Homesite Activity Areas, each between 2,400m<sup>2</sup> and 2,900m<sup>2</sup>, have been identified on the tablelands.



**FIGURE 3**  
 Landscape Character  
 within the Jacks Point Zone

Each Homesite Activity Area allows for one residential unit and associated residential activities as a controlled activity. The Council's control extends to a range of matters to ensure that the resulting development remains subservient to the landscape within which it is located. In addition to District Plan controls, development on the tablelands must also be carried out in accordance with Council approved development controls and design guidelines, which are covenanted to titles and form part of the Council's assessment matters for resource consent applications.

To avoid the cumulative visual effects of domestication associated with development, emphasis is placed on residential activities being confined to and screened within the Homesite Activity Area. Fences, lighting, materials, and other activities, which have the potential to result in adverse visual effects, are controlled, and the storage of vehicles and materials is limited to screened areas.

While development has been enabled on the tablelands, significant ecological enhancement is sought in return. The tablelands contain a system of wetlands that are locally and nationally important. Wetlands are among the most threatened habitat types in Queenstown, as well as throughout New Zealand, and accordingly, it is appropriate to protect and enhance them where possible. With the requirement for extensive revegetation prior to development legislated into the District Plan, and a number of other ecological management principles in place, development on the tablelands will result in a net environmental gain.

#### *Jacks Point*

On Jacks Point an area has been designated as being suitable for a luxury lodge, subject to an appropriate design response to the landscape. Any design of a lodge and associated activities is subject to development controls and design guidelines and, in addition, the Council retains the discretion to decline a resource consent application for a lodge if the proposed design does not respond appropriately to the environment.

#### *Lake and Peninsula Hill Escarpments*

The lake escarpment on the western boundary of the Jacks Point Zone is predominantly covered in native shrubland. The Peninsula Hill escarpment, on the northern boundary of the Zone, is sparsely covered in matagouri stands and other native fauna, amongst schist rock outcrops and ridges. Both areas have significant ecological, landscape and visual amenity values to the Zone and the District.

The lake and Peninsula Hill escarpments are designated as Landscape Protection Areas and must be landscaped and managed in accordance with a Council approved management plan. Development at Jacks Point will result in the enhancement of these areas, along with the establishment of ecological corridors. The Council has agreed with the landowners a network of public walkways across these areas, which are intended to form part of the wider network of Wakatipu trails.

#### *Central Valley*

Visibility analysis of the site has identified those areas that have the ability to absorb development. The Central Valley, which is essentially a basin, has the ability to absorb dense development with minimal visual impact beyond the Zone boundaries. In addition, those areas sited as being appropriate for development are located in areas that are, in relation to amenity values, the most desirable.

The Central Valley has been designated for the development of a village (comprising commercial, recreational, resident and visitor activities) and residential nodes (with the capacity to absorb approximately 1,400 dwellings). Provision has been made for significant public space within and around the village and residential areas, with an emphasis on providing a planning framework that will foster community growth in the long term.

While all subdivision and development within the village and residential areas is a controlled activity, and as within any other area of the Zone, must be carried out in accordance with Council approved development controls and design guidelines, it must also be master planned. Prior to development occurring, the developer must submit to Council, for their

approval, a density master plan showing staging, and an outline plan addressing the following issues:

- Roading Pattern;
- Subdivision design and lot sizes;
- Mitigation measures to ensure that no building will be readily visible from State Highway 6;
- Proposed Setbacks from roads and internal boundaries and/or building platforms;
- Pedestrian links through the Residential Activity Areas to connect with surrounding or adjoining Golf Course and Open Space Activity Areas and Open Space, Landscaping and Passive Recreation Activity Areas;
- The identification of areas for visitor parking, having regard to amenity values of the Zone;
- Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public;
- The maintenance of view shafts;
- The relationship and preservation of public use of and access to public open spaces; and
- Design Guidelines for future development

#### *The Hummocks*

The hummocks, located on the eastern boundary of the Zone and adjacent to the State Highway, have been designated for residential development and the provision of open space. For all intensive purposes, those areas within the hummocks that have been designated for residential development are subject to the same controls as the Central Valley area, except that subdivision is a restricted discretionary activity. Due to the sensitive nature of this landscape, and the potential adverse effects inappropriate development could have on the entire Zone, the Council has retained the discretion to decline applications for subdivision that do not respond appropriately to the landscape and visual amenity values associated with the site.

#### *State Highway 6 Corridor*

Like the lake and Peninsula Hill escarpments, the hummocky land running adjacent to the State Highway on the eastern boundary of the Jacks Point Zone has significant landscape and visual amenity value. For this reason, the land that is clearly visible from the State Highway has been designated as a Landscape Protection Area and must be landscaped and managed in accordance with a Council approved management plan.

#### *Golf Course and Open Space*

Approximately 85% to 90% of the Zone will appear to be in open space (including farm land) or golf course. Open space will predominantly be that land outside of the village and residential activity areas, and will be accessible to the wider public, with trails marked for walking, cycling or riding. An area for a public domain has also been identified, incorporating approximately 26 hectares of land suitable for a range of activities. The landowners have agreed to produce and agree with Council a Public Access and Recreation Plan prior to development within the Zone (refer Stakeholders Deed).

The proposed championship golf course, which is located both in the Central Valley and on the tablelands, shall be:

- Constructed and maintained in accordance with international integrated pest management procedures applicable to golf courses;
- Constructed and maintained as a target golf course which minimises mown areas of fairway and green and maximises retention of natural character and landscape; and
- Constructed and maintained to a "Best Practice" standard to minimise application of chemical fertilisers, pesticides and herbicides and to maximise natural and/or organic procedures as far as is reasonable and practically possible with respect to local climatic and natural conditions.

The Council shall be entitled to require an annual independent audit by appropriate expert(s) in golf course management at the cost of the golf course operator to ensure that the above standards are being met.

*Lake Terraces (Homestead Bay)*

While development at Jacks Point is predominantly confined to the central valley, the Zone has also enabled a village development at Homestead Bay on the terraces facing south over Lake Wakatipu. While it is acknowledged that this area is highly visible from Lake Wakatipu, the benefits associated with development in this part of the site are substantial, and it is envisaged that the proposed development will become a destination for both locals and visitors to the District.

Essentially, Homestead Bay has already been master planned. The village is designed to mimic a traditional lakefront high country settlement bound by the landscape within which it is located. As with all other areas within the Jacks Point Zone, the Council retains control over development at Homestead Bay (under the provisions of the District Plan), and all development must be undertaken in accordance with Council approved development controls and design guidelines.

It is anticipated that development in accordance with the master plan for Homestead Bay will result in:

- A vineyard and residential area containing 15 building platforms and winery activities. The vineyard introduces a soft buffer between the urban village area and the surrounding rural area.
- Open space on the foreshore and adjacent to ephemeral streams, where land use is limited to regenerating native vegetation and public walkways.
- A residential preserve limited to 12 building platforms in a regenerating native shrubland.
- A farm buildings activity area for the primary purpose of providing for the ongoing operation of the Remarkable's Station farming operations.
- A boating facilities area, comprising a double boat ramp, jetty, boat sheds, parking and public facilities, available for use by the wider community.
- A high density, high quality village area with a diversity of housing types (from studio apartments to villas), mixed in with hotels, inns, small scale retail activities, and recreation and entertainment facilities. The density of the village is constrained by the controls on heights and site coverage (ie the building footprint), which is limited to 2.5% of the entire Homestead Bay area. It is envisaged that the density will be between 140 and 200 residential units in the village.

## 6.0 DECISIONS

### 6.1 Supporting Submissions

The following submissions were made in general support to the Jacks Point Variation and were grouped together to assist the Hearings Panel in their decision making.

#### 6.1.1 Submissions

**Tony Bezett** [16/1/1], **John Borwick** [16/2/1], **Paulette Caldwell** [16/4/1], **Darryn Collins** [16/7/1], **Lyell Collins** [16/8/1], **S Collins** [16/9/1], **Blair Crowe** [16/11/1], **David Grieve** [16/12/1], **R Holmes and M Scott-Malcolm** [16/21/1], **Doreen Hood** [16/22/1], **Kerry Hood** [16/23/1], **Geoff Hunt** [16/24/1], **Andrew Kitto** [16/28/1], **Peter Lawrence** [16/29/1], **John Mansfield** [16/31/1], **Peter McNally** [16/33/1], **G J Murphy** [16/34/1], **Zana Perry** [16/36/1], **Jeffrey Rae** [16/39/1], **Johan Small-Smith** [16/44/1], **Murray Wallace** [16/53/1], **Shane Wild** [16/56/1], **Gary Michael Withers** [16/57/1] and **Craig Muir** [16/58/1] support Variation 16, and accordingly, seek that the Variation be accepted/approved/granted.

**Andrew Brinsley** [16/3/1] supports the Variation as it proposes development that will be carried out in an environmentally conscious manner, and the style and nature of the resort will add significantly to the tourism portfolio of Queenstown and the Southern Lakes. Accordingly, the submitter seeks that Council accept the Variation.

**Jay Cassells** [16/5/1] supports the Variation for the reason that it is an exceptional proposal which appears, based on the material prepared, to be of a character and to have been appropriately considered such as to justify acceptance. Accordingly, the submitter seeks that Council accept the Variation.

Within his written and oral evidence presented at the hearing, Mr Cassells reiterated to the Panel the qualities of the Jacks Point proposal, the reliability of those developers involved, and his support for the Variation.

**Clearwater Resort Limited** [16/6/1], **Chris Herbert** [16/20/1] and **Justin Prain** [16/37/1] submit that a 5 star development at Jacks Point will add tremendous synergy and economic benefit to the South Island. The Variation will impact favourably on visitor numbers and increase the average nights stay. Accordingly, the submitters seek that Council accept the Variation.

On behalf of Clearwater Resort and himself, Mr Prain presented evidence to the Hearings Panel supporting their original submissions and, in particular, noting:

- The excellent track record of Darby Partners as developers;
- The success of previous resorts developed by Darby Partners;
- The community and national benefits that resorts such as Clearwater have provided; and
- The benefits of master planning, such as that proposed by Variation 16.

**John Guthrie** [16/13/1] supports the Variation as it will add to the facilities of the Southern Lakes Region. Accordingly, the submitter seeks that Council accept the Variation.

**John Hanson** [16/14/1] and **Peter Hanson** [16/15/1] support the Variation, as it is controlled sustainable development in the Queenstown area ensuring a good balance between development and preserving the natural amenity and special environmental characteristics that are so vital to the Queenstown area. More golf courses also will ensure more tourists who will visit for longer periods. Accordingly, the submitters seek that Council accept the Variation.

**Richard Hanson** [16/16/1] supports the Variation, as it is good long term use for the land and is appropriate to the scenic qualities of the area. Accordingly, the submitter seeks that Council accept the Variation.

**Robert Hay** [16/17/1] and **Kim Stewart** [16/47/1] support the Variation as it can only impact positively on the greater community. Accordingly, the submitters seek that Council accept the Variation.

**Heliworks Queenstown Helicopters Limited** [16/18/1] supports the Variation because the area is suitable for resort development, the development (if well carried out) will not cause harm to the environment, and a resort development of the proposed nature will be very beneficial for Queenstown's industry and economy. Accordingly, the submitter seeks that Council approve the Variation.

**N Ishida** [16/25/1], **Jackie Leat** [16/30/1] and **Fergus Spary** [16/46/1] support the Variation as Queenstown will benefit from another high class resort and it will bring further jobs to the area and a large amount of overseas money into the local industry. Accordingly, the submitters seek that Council accept the Variation.

**Martin McDonald** [16/32/1] supports the Variation as it will provide practical and legal public access from the State Highway through to Woolshed Bay foreshore for recreational access to the lake – for windsurfing and other such activities. Accordingly, the submitter seeks that Council approve the Variation.

**Jeff Sinnott** [16/42/1] and **W Vaega** [16/51/1] support the Variation as it will add amenity value to an otherwise unproductive area, and will provide further focus to Queenstown as New Zealand's premiere resort location. Accordingly, the submitters seek that Council accept the Variation.

**Don Spary** [16/45/1] supports Variation 16 and seeks that the Variation be confirmed. Within his oral evidence presented at the hearing, Mr Spary referred to the living example of Millbrook which has been a huge success, and benefit to the Arrowtown community. Mr Spary stated that he felt it an appropriate time for the Council to be considering the Variation proposed.

**Richard Thomson** [16/48/1] agrees with the development approach adopted for the resort zone and the proportion of open space to potential development area. Accordingly, the submitter seeks that Council accept the Variation.

**Jeff Turner** [16/50/1] supports the rezoning of land, but would wish for further opportunity to submit once housing density and design parameters are forthcoming. Accordingly, the submitter seeks that Council accept the Variation.

**Angus Watson** [16/54/1] supports the Variation, as it is not too intensive and not too visible from the road. It will be an asset to the area. Accordingly, the submitter seeks that Council accept the Variation.

#### 6.1.2 Consideration

With regard to the above submissions, all submitters seek that the Council approve Variation 16, therefore confirming the Jacks Point Zone.

The submitters in support of Variation 16 consider that the proposed Jacks Point Zone will:

- Be carried out in an environmentally friendly manner;
- Add significantly to the portfolio of Queenstown and New Zealand;
- Benefit the economy of Queenstown and New Zealand;
- Increase visitor numbers to Queenstown;
- Add to the facilities of the Southern Lakes Region;
- Ensure a good balance between development and preserving the natural amenity and special environmental characteristics of the Queenstown area;
- Be good long term use of the land resource;
- Be appropriate to the scenic qualities of the area;
- Impact positively on the community;



- Create further employment;
- Provide practical and legal access to Woolshed Bay foreshore area for recreational purposes; and
- Will not be too intensive or visible from SH6.

The submitters consider that an appropriate development approach has been adopted for the Zone and that the subject site is suitable for such a proposal.

It is considered that, subject to the amendments within this decision, the proposed Zone will be carried out in an appropriate manner and will eventuate in those positive outcomes summarised above.

The purpose of the RMA 1991 is:

*“... to promote the sustainable management of natural and physical resources.”*

As defined in the RMA 1991, sustainable management means:

*“... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being...”*

With regard to the above discussion, it is considered that, subject to the amendments within this decision, Variation 16 is an appropriate means of assisting in the promotion of sustainable management of natural and physical resources.

### 6.1.3 Decision

That the submissions by **Tony Bezett** [16/1/1], **John Borwick** [16/2/1], **Andrew Brinsley** [16/3/1], **Paulette Caldwell** [16/4/1], **Jay Cassells** [16/5/1], **Clearwater Resort Limited** [16/6/1], **Darryn Collins** [16/7/1], **Lyell Collins** [16/8/1], **S Collins** [16/9/1], **Blair Crowe** [16/11/1], **David Grieve** [16/12/1], **John Guthrie** [16/13/1], **John Hanson** [16/14/1], **Peter Hanson** [16/15/1], **Richard Hanson** [16/16/1], **Robert Hay** [16/17/1], **Heliworks Queenstown Helicopters Limited** [16/18/1], **Chris Herbert** [16/20/1], **R Holmes and M Scott-Malcolm** [16/21/1], **Doreen Hood** [16/22/1], **Kerry Hood** [16/23/1], **Geoff Hunt** [16/24/1], **N Ishida** [16/25/1], **Andrew Kitto** [16/28/1], **Peter Lawrence** [16/29/1], **Jackie Leat** [16/30/1], **John Mansfield** [16/31/1], **Martin McDonald** [16/32/1], **Peter McNally** [16/33/1], **G J Murphy** [16/34/1], **Zana Perry** [16/36/1], **Justin Prain** [16/37/1], **Jeffrey Rae** [16/39/1], **Jeff Sinnott** [16/42/1], **Johan Small-Smith** [16/44/1], **Don Spary** [16/45/1], **Fergus Spary** [16/46/1], **Kim Stewart** [16/47/1], **Richard Thomson** [16/48/1], **Jeff Turner** [16/50/1], **W Vaega** [16/51/1], **Murray Wallace** [16/53/1], **Angus Watson** [16/54/1], **Shane Wild** [16/56/1], **Gary Michael Withers** [16/57/1] and **Craig Muir** [16/58/1] are **accepted** to the extent that the Jacks Point Zone is confirmed, as amended herein.

#### Reasons for Decision

1. Subject to the amendments made within this decision, the Jacks Point Zone will be developed in an appropriate manner and will eventuate in positive outcomes; and
2. Subject to the amendments made within this decision, Variation 16 is an appropriate means of assisting in the promotion of sustainable management of natural and physical resources.

### 6.1.4 Submission – Conditional Support

**Jacks Point Limited** [16/26/1] submits that subject to the issues raised in the submitter's submission, the submitter supports Variation 16.

Accordingly, the submitter seeks that:

- (a) Variation 16 be amended as set out in the submitter's submission;

- (b) Council make any other amendments to the Proposed District Plan and/or Variation 16 necessary to give effect to the overall intent of the matters set out in the submitter's submission; and
- (c) Variation 16 be confirmed.

***Naturally Best New Zealand Limited [344/16/26/1] and Shotover Park Limited [345/16/26/1]*** oppose the submission in its entirety for all the reasons set out in NBNZL's submission number 16/35 and SPL's submission number 16/41.

Submission number 16/26 and the relief sought, insofar as it seeks to include any additional land in the proposed Variation and/or anything different from the proposed Variation as notified, is outside the jurisdiction of the Queenstown Lakes District Council.

#### 6.1.5 Consideration

With regard to the submission by Jacks Point it is considered that this decision provides for much of the relief sought in regard to the issues raised, primarily to ensure efficient management of resources whilst avoiding, remedying or mitigating any potential adverse effects on the environment. On the other hand, the Panel has also made decisions that are contrary to the relief sought by the submitter, albeit to achieve the same outcome as described above.

With regard to the submissions by Naturally Best New Zealand Limited and Shotover Park Limited, it is considered that it is within the Council's jurisdiction to consider including any additional land in the proposed Variation and/or anything different from the proposed Variation if an original submission was made to that effect.

#### 6.1.6 Decision

That the submission by **Jacks Point Limited [16/26/1]** is **accepted in part** and that the further submissions by ***Naturally Best New Zealand Limited [344/16/26/1] and Shotover Park Limited [345/16/26/1]*** are **rejected**.

The submission by Jacks Point Limited is accepted to the extent that the Variation is confirmed and that the amendments sought by the submitter have been provided for in part. That part of the submission by Jacks Point Limited which is not accepted relates to the relief sought which has not been granted throughout this decision.

#### Reasons for Decision

1. This decision provides for relief sought by submitters where that relief sought is appropriate and will result in positive environmental outcomes; and
2. It is within the Council's jurisdiction to consider including any additional land in the proposed Variation and/or anything different from the proposed Variation if an original submission was made to that effect.

## 6.2 **Opposing Submissions**

The following submissions and further submissions relate to objections to the Jacks Point Zone. Where the subject of submissions is the same or similar, they have been grouped together under a common heading to assist the Hearings Panel in their decision making.

### 6.2.1 Submissions – Purpose and Principles of the Resource Management Act

**Naturally Best New Zealand Limited [16/35/1]** and **Shotover Park Limited [16/41/1]** submit that the proposed Variation is contrary to the purpose and principles of the Act. The submitters seek that Variation 16 be rejected.

**Jacks Point Limited [322/16/35/1] [322/16/41/1]** oppose the submissions on the basis that the proposed Variation is not contrary to the purpose and principles of the Act.

**Henley Downs Holdings Limited** [343/16/35/1] [343/16/41/1] submit that the submissions are motivated by trade competition rather than any genuine resource management concerns or issues and that the Variation is consistent with the purpose and principles of the Act.

### 6.2.2 Consideration

The RMA 1991 provides the basis for sound resource management planning in New Zealand. The purpose of the RMA 1991 is:

*“... to promote the sustainable management of natural and physical resources.”*

As defined in the RMA 1991, sustainable management means:

*“... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

It is considered that, subject to the amendments in this decision, the Jacks Point Zone is in accordance with the purpose and principles of the RMA 1991 for the following reasons (inter alia):

- The use of the subject land for residential and resort development is an efficient use of the land resource when considering social, economic and cultural gains for the wider community;
- The proposed development is subject to District Plan provisions (and other methods) that will ensure that the adverse effects on the environment are no more than minor;
- The manner in which the proposed development will be carried out will ensure that natural and physical resources are able to meet the foreseeable needs of future generations (eg living environments, recreational facilities and employment opportunities).
- The proposed development is considered to be sustainable in nature and accordingly, will not adversely affect the life-supporting capacity of air, water, soil, and ecosystems. Moreover, the proposed development is expected to assist in protecting and enhancing native flora and fauna.

### 6.2.3 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/1] and **Shotover Park Limited** [16/41/1] are **accepted in part**, and that the further submissions by **Jacks Point Limited** [322/16/35/1] [322/16/41/1] and **Henley Downs Holdings Limited** [343/16/35/1] [343/16/41/1] are **accepted in part**.

The above submissions and further submissions are accepted in part to the extent that this decision makes amendments to Variation 16 to ensure that it is consistent with the purpose and principles of the RMA 1991. Those parts of the submissions that are not accepted relate to rejecting the Variation in its entirety.

#### Reasons for Decision

1. Subject to the amendments within this decision, the Variation does achieve the purpose and principles of the Act.

#### 6.2.4 Submissions – The Protection of Landscape and Visual Amenity Values

**Naturally Best New Zealand Limited** [16/35/2] and **Shotover Park Limited** [16/41/2] submit that the subject land has been identified as forming part of an Outstanding Natural Landscape (refer Variation background reports). However, the proposed Variation does not recognise and provide for the protection of that landscape and is contrary to Section 6b of the Act. The submitters seek that Variation 16 be rejected.

**Jacks Point Limited** [322/16/35/2] [322/16/41/2] oppose the submissions on the basis that the land subject to the Variation does not form part of an Outstanding Natural Landscape.

Within the evidence presented to the Hearings Panel by Jacks Point Limited, the following matters (inter alia) were raised:

- The importance of the Coneburn Area Resource Study as a resource for land use planning, particularly with regard to the landscape's ability to absorb change;
- Whether an 'ONL Line' should apply within a zone such as proposed by Variation 16;
- If an 'ONL Line' is to apply, where that line lies is up for significant debate, particularly given the Environment Court's decision in regard to the same; and
- That sensitive landscapes can absorb appropriate development.

In response to the relevant Planner's Report for Variation 16, Jacks Point Limited have modified their proposal for development in that part of the Jacks Point Zone known as the tablelands. Jacks Point Limited propose the following constraints on development of the tablelands:

- Deletion of all Residential Activity Areas from the 'Category 3' lands (refer Coneburn Area Resource Study) that are more highly visible when viewed from State Highway 6;
- A significant reduction in potential development within the Tablelands Residential Activity Areas;
- Two additional site standards providing for a maximum 18 residential units as a controlled activity within the Tablelands Residential Activity Areas and requiring houses to be built within identified 'homesites';
- An additional restricted discretionary activity area for any buildings within a Tableland Residential Activity Area above that maximum number of 18 or outside a specified homesite;
- Introduction of the 'homesite' concept which requires all domestic curtilage activities to take place within a defined homesite area no greater than 2,900m<sup>2</sup>;
- An additional zone standard which largely prevents erection of buildings within the highly sensitive 'Category 5' lands comprising the Lakeshore Protection Landscape Area and the Peninsula Hill Landscape Protection Area; and
- That development of the proposed lodge in the Lodge Activity Area be assessed as a restricted discretionary activity, in respect to height, external materials, colours and landscaping.

In addition to the above perimeters for development that would largely be carried through by the Proposed District Plan, Jacks Point Limited have offered to enter into an agreement (the Stakeholder's Agreement) with Queenstown Lakes District Council providing for:

- Development Guidelines in a form acceptable to Council;
- Design Guidelines in a form acceptable to Council; and
- Best Practice management principles for the development of a golf course that minimises mown areas of fairway and green and maximises retention of natural character and landscape.

Jacks Point Limited submit that, with the submission of the proposed master planning for the tablelands, combined with the development and design guidelines for the same, the Variation will:

- Address and fulfil the District Wide Issues contained within the Proposed District Plan;

- Result in a net environmental gain over and above the current baseline land use of farming; and
- The effects of the Variation will be no more than minor.

**Naturally Best New Zealand Limited** [16/35/3] and **Shotover Park Limited** [16/41/3] submit that the adverse landscape and visual effects of the proposed development on the environment will be significant. The proposed development will be highly visible from several locations such as Ski Field Road and Peninsula Hill and visible from the Remarkables Park Shopping Centre and proposed amenities. The submitters seek that Variation 16 be rejected.

**Jacks Point Limited** [322/16/35/3] [322/16/41/3] oppose the submissions on the basis that any adverse landscape and visual effects resulting from activities anticipated in the Zone would be no more than minor.

**Henley Downs Holdings Limited** [343/16/35/3] [343/16/41/3] submit that the development of that part of Henley Downs land pursuant to the Variation will not be visible from the Remarkables Park development. Peninsula Hill and the Remarkables Ski Field access road, cited in the submission as 'public' places from which the development would be visible is 'private' land.

#### 6.2.5 Consideration

With regard to the above submissions, the Panel has identified two significant areas of concern within the Jacks Point Zone, as notified:

- The Residential and Lodge Activity Areas on the tablelands and Jacks Point; and
- The Residential Activity Areas adjacent to State Highway 6.

The above areas are dealt with respectively in this decision. The Panel's consideration and decision has given particular regard to the values and resource management issues of each area, objectives and policies required to ensure that resource management issues are addressed, and methods for achieving those objectives and policies.

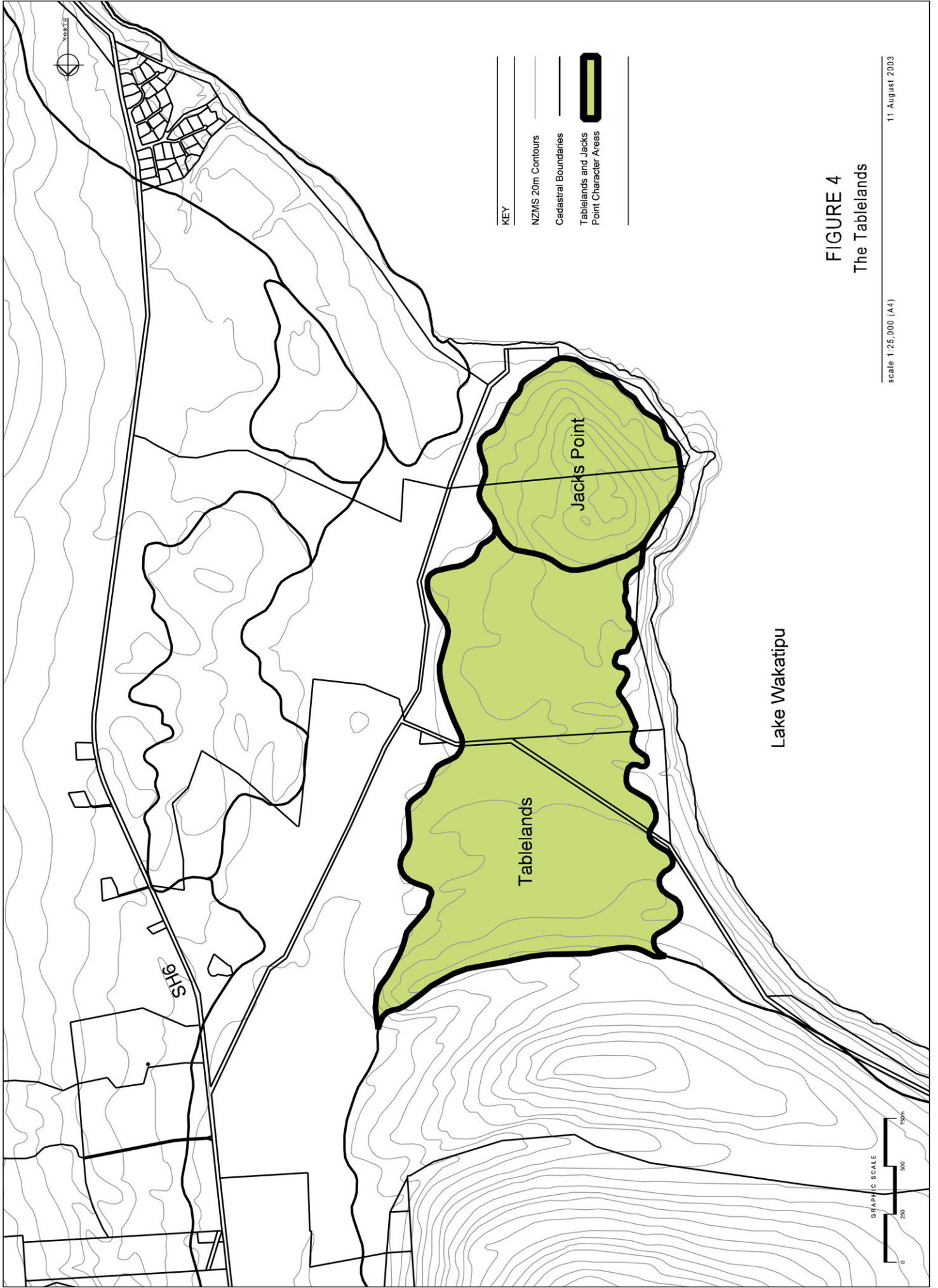
##### *Proposed Development on the Tablelands*

For the Purposes of the Panel's consideration and this decision, the tablelands and Jacks Point shall be deemed to include that area referred to as the tablelands and Jacks Point in Figure 11 of the Coneburn Area Resource Study.

As notified, the Jacks Point Zone allowed for large scale development to occur on the tablelands and Jacks Point as a controlled activity. Submissions to the Variation, along with the relevant Planner's Report, raised significant concerns in regard to development on the tablelands and Jacks Point, which have been categorised by the Environment Court as forming part of the Outstanding Natural Landscape – Wakatipu Basin (ONL-WB) and Visual Amenity Landscape (VAL). In response to those submissions and the Planner's Report, Jacks Point Limited presented to the Panel amendments to the Jacks Point Zone Structure Plan and Zone provisions, showing significantly less development than originally proposed (refer submissions above).

In considering submissions and proposed development related to the tablelands and Jacks Point, the Panel had regard to:

- The Resource Management Act 1991;
- The District Wide Objectives and Policies of the Proposed District Plan;
- The Environment Court's decisions as they relate to landscape categorisation (i.e. C180/99);
- The Coneburn Area Resource Study;
- The Section 32 Analysis undertaken as part of the preparation of Variation 16;
- Landscape assessment's undertaken by their staff;
- Best practice principles for development in the rural landscape;
- Evidence of the submitters; and



**FIGURE 4**  
The Tablelands

scale 1:25,000 (A4)

11 August 2003

- Their own assessment of the site

Part 6b of the RMA requires that local authorities protect outstanding natural landscapes from inappropriate subdivision, development and use. It is the Panel's position that the tablelands and Jacks Point form part of the ONL-WB and accordingly, only subdivision and development that is subservient to and enhances the landscape will be considered appropriate.

The District Wide Objectives and Policies of the Proposed District Plan place emphasis on the protection of rural landscapes from inappropriate subdivision and development, regardless of their landscape classification. That protection extends over landscape, visual amenity and nature conservation values.

With regard to the tablelands and Jacks Point, the Panel was particularly concerned that inappropriate development could potentially compromise:

- the geological, topographical and ecological values of the area;
- the visually coherent form of the tablelands, Peninsula Hill and Jacks Point;
- the landscape and visual amenity values of the landscape surrounding the Zone;
- the integrity of the Proposed District Plan, particularly when considering the District Wide Objectives and Policies; and
- the integrity of the Zone, particularly as it relates to landscape and visual amenity values.

In response to the amended Structure Plan and Zone provisions tabled by Jacks Point Limited at the hearing, the Panel made the following comments:

Proposed Amendments / Methods	Appropriateness
Deletion of all Residential Activity Areas from the 'Category 3' lands (refer Figure 12, Coneburn Area Resource Study).	This approach is appropriate, as it ensures that there will be no development in an area visible from State Highway 6.
Introduction of the 'homesite' concept which requires all domestic curtilage activities to take place within a defined Homesite Activity Area between 2,400m <sup>2</sup> and 2,900m <sup>2</sup>	The Homesite Activity Area is a pre-designated area within an allotment. All built improvements, except the access driveway, underground services and wastewater disposal systems, must be located within the Homesite Activity Area. As such, the effects of residential development are contained within the Homesite Activity Area, which is considered appropriate.
A significant reduction in potential development within the Tablelands Residential Activity Areas. Essentially the relevant Structure Plan has been amended to identify 18 Homesite Activity Areas on the land owned by Jacks Point Limited.	This approach is appropriate, as it will reduce the impact of residential development on the tablelands.
Two additional site standards providing for a maximum 18 residential units as a controlled activity within the Homesite Activity Areas and requiring houses to be built within identified Homesite Activity Area.	Subject to adequate control, the identification of 18 appropriate Homesite Activity Areas (i.e. in areas that will absorb the effects of residential development) on the tablelands will assist in ensuring that development on the tablelands does not result in effects that are more than minor. Bulk, location and exterior lighting require control to ensure that any proposed development results in appropriate environmental outcomes. Each Homesite Activity Area is limited to one residential dwelling.
An additional restricted discretionary activity area for any buildings within a Tableland Residential Activity Area above that maximum number of 18 or outside a specified homesite.	Such a provision is considered inappropriate, as development in excess of 18 residential units will potentially lead to the degradation of the landscape and amenity values associated with the tablelands. It is the intention of the Panel that, other than 18 residential units, any future development on the tablelands will be avoided.
An additional zone standard which largely prevents erection of buildings within the highly	Such a rule is considered appropriate, provided that exceptions are only made in exceptional

sensitive 'Category 5' lands comprising the Lakeshore Protection Landscape Area and the Peninsula Hill Landscape Protection Area.	circumstances. Furthermore, it is considered that development on the tablelands is to be limited to those 18 Homesite Activity Areas that have been identified, and therefore, the proposed rule is appropriately applied to the entire tablelands.
That development of the proposed lodge in the Lodge Activity Areas be assessed as a restricted discretionary activity, in respect to height, external materials, colours and landscaping.	Such an approach is appropriate as it provides the Council with an opportunity to assess any proposal for a lodge, based primarily on its effects on landscape and visual amenity. Notwithstanding this, it is considered necessary to retain control over bulk, location, height and exterior lighting, in addition to those other matters identified.
Development Guidelines in a form acceptable to Council.	Provided that the requirement to comply with Council approved development controls is covenanted onto title's, such guidelines will assist in ensuring outcomes that do not have more than minor adverse effect on the environment.
Design Guidelines in a form acceptable to Council.	Provided that the requirement to comply with Council approved design guidelines is covenanted onto title's following subdivision, such guidelines will assist in ensuring outcomes that do not have more than minor adverse effect on the environment.
Best practice management principles for the development of a golf course that minimises mown areas of fairway and green and maximises retention of natural character and landscape	Such an approach to golf course development will assist in ensuring that the environmental impacts of the proposed golf course are minimal, and will also assist with the provision of activities that provide for social and cultural wellbeing of the local community and visitors.

In addition to those matters that have been appropriately addressed by the Jacks Point Limited, the Panel considered it appropriate to require the following amendments to address the concerns raised by submitters:

<b>Amendments</b>	<b>Reasons for Amendments</b>
Insert a policy that seeks to ensure subdivision and development on the tablelands and Jacks Point is subservient to the landscape and does not compromise visual amenity values.	Adequate policy is required in the Proposed District Plan to ensure that the intentions of Zone are realised and to provide guidance to Plan users.
Add a discretionary rule to the provisions for the Jacks Point Zone, preventing the planting of exotic vegetation on the tablelands and Jacks Point.	The tablelands and Jacks Point are a sensitive environment. Exotic vegetation has the potential to compromise the landscape, visual amenity and ecological values. The requirement to plant with native species will assist in ensuring environmental gains are associated with development.
Add a rule to the provisions for the Jacks Point Zone, requiring a discretionary consent application to be submitted if and when the proposed building footprint within a Homesite Activity Area is greater than 1000m <sup>2</sup> .	It is the Panel's consideration that if and when the building footprint within a Homesite Activity Area becomes greater than 1000m <sup>2</sup> , proposed development on the site is needs to be assessed to ensure that the potential adverse effects on landscape and visual amenity values are no more than minor. In essence, the Panel considered that mitigation measures are likely to become more artificial as building footprints becomes larger. It is the Panel's decision that the emphasis needs to remain on the building being subservient to the landscape.
Add a rule to the provisions for the Jacks Point Zone, requiring a discretionary consent application to be submitted for any swimming pool located on the tablelands or Jacks Point (excluding spa pools within a Homesite Activity Area less than 9m <sup>2</sup> in surface area).	It is considered that swimming pools on the tablelands and Jacks Point have the potential to have an adverse effect on landscape and visual amenity values. However, appropriate regard for earthworks, landscaping (as a mitigation measure), colour and fencing may result in a

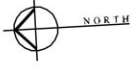


	proposal that is unlikely to result in more than minor effects on the environment.
Add a rule to the provisions for the Jacks Point Zone, requiring a non-complying consent application to be submitted for any tennis court located on the tablelands and Jacks Point.	It is considered that tennis courts have significant potential to detract from the landscape and visual amenity values associated with the tablelands and Jacks Point, and that they are better provided for in other areas, eg the central valley.
Insert a site standard requiring that: Prior to the development of any Homesite Activity Area, a minimum 3000m <sup>2</sup> of land is to be revegetated with appropriate native species. Revegetation may occur on the same allotment as the Homesite Activity Area or, subject to Council approval, within another area.	Each Homesite Activity Area is located in a sensitive landscape and development has the potential to result in environmental losses. The requirement to revegetate at least 3000m <sup>2</sup> will assist in ensuring that development results in a net environmental gain.
For the tablelands and Jacks Point, insert a site standard requiring that no fences or walls be built to demarcate property boundaries, except where it is necessary to manage stock. Permissible fences may only be constructed of post and wire.	The site standard will assist in ensuring development does not dominate the landform and that the landscape and visual amenity values of the site are not compromised.
Insert a zone standard relating to building heights within the Homesite Activity Areas, whereby the maximum height of any buildings or structures within a Homesite Activity Area may not be greater than 5m above a specific datum for that particular Activity Area.	Each Homesite Activity Area has been specifically chosen due to its ability to absorb change. The maximum height from datum reflects the fact that each site is different, and that some will require excavation to achieve appropriate outcomes.
Insert a zone standard preventing the temporary and permanent storage of vehicles and similar objects, containers and similar objects, and construction related materials, on the tablelands and Jacks Point, not within a Homesite or Lodge Activity Area.	In making their decision, the Panel was conscious of the adverse effect that the temporary and permanent storage of objects on the tablelands could have on visual amenity. The Panel considered it inappropriate to allow such activities on the tablelands, particularly taking into account the emphasis on retaining and enhancing the naturalness of that area.
Insert assessment matters as guidance to Plan users as to what the relevant rules for the tablelands and Jacks Point intend to achieve.	Such assessment matters are necessary to ensure appropriate administration of the Plan provisions is achieved.
On the Jacks Point Structure Plan, as notified, remove the four smaller Lodge Activity Areas located closest to the Zone boundary (refer Figure 5 below).	It is the Panel's consideration that it is inappropriate and unnecessary to provide for lodge development enabled by the Variation as notified, for the following reasons: 1. The Lodge Activity Areas highlighted in Figure 5 are moderately visible from Lake Wakatipu – development in these areas has the potential to detract from landscape and visual amenity values. 2. The remaining Lodge Activity Areas, which are of low visibility from Lake Wakatipu, provide adequate and potentially appropriate areas for lodge development.

With regard to the above consideration, and in summary, it is the Panel's decision that the tablelands and Jacks Point can absorb a limited amount of development provided that it is subservient to the landscape in all respects. 18 'homesites' (Homesite Activity Areas), each providing for one residential unit, have been designated on the Jacks Point Structure Plan. Subdivision remains a controlled activity. The construction of any buildings within a Homesite Activity Area in accordance with the site and zone standards is a controlled activity, and the construction of a lodge, in accordance with the site and zone standards, is a restricted discretionary activity.

The provisions as they relate to buildings on the tablelands and Jacks Point are prescriptive (down to the type of materials to be used) and provide the Council with control over a range of matters, thus ensuring that any proposed development will not dominate over the landscape.

To ensure that any development on the tablelands and Jacks Point results in a net environmental gain, a significant amount of native revegetation is required prior to the



KEY

- L Lodge
- V Village
- R Residential
- G/F Golf Course and Facilities
- O/G Open Space and Golf Course
- Lake Shore Protection Area
- Highway - Foreshore access



FIGURE 5

Lodge Activity Areas to be  
Removed from the Jacks Point Structure Plan

scale 1:15,000 (A4)

11 August 2003



construction of any building. Any additional vegetation must be native in species (except for endemic grasses).

Controls over the pools and tennis courts and the storage of vehicles and materials on the tablelands and Jacks Point will assist in ensuring that activities associated with development do not result in the degradation of landscape and visual amenity values.

The introduction of new policies provides Plan users with an understanding of the broad steps that the Council sees necessary to achieve the objective for the Zone. The introduction of assessment matters, deriving from the rules relating to buildings on the tablelands and Jacks Point, provides Plan users with guidance to achieve sound resource management within the Zone.

To ensure that the desired outcomes are realised, the Council has also adopted an 'other method', namely the Stakeholders Deed, which ensures that the following issues are addressed prior to any development occurring:

- Development Controls;
- Design guidelines;
- Infrastructure;
- Open space management; and
- Golf course development and management.

The development controls for the Jacks Point Zone and the design guidelines for development on the tablelands and Jacks Point are attached to this decision as part of the Stakeholders Deed (refer Appendix 4). It is considered that, together with the Proposed District Plan provisions, the development controls and design guidelines will ensure that development on the tablelands will not result in adverse effects that are more than minor.

To assist in the administration of the District Plan provisions, the Jacks Point Structure Plan has also been amended to specify the area referred to in this decision as the tablelands and Jacks Point.

#### *Proposed Development within the Residential Activity Areas*

With regard to those proposed Residential Activity Areas which are located adjacent to State Highway 6 (refer Figure 6), the Panel had the following concerns:

- Inappropriate subdivision and development could potentially be highly visible from State Highway 6, and as such, could result in adverse effects on the visual amenity and landscape values of the State Highway corridor;
- Inappropriate subdivision and development could potentially detract from the visual amenity and landscape values of the Jacks Point Zone, particular as they relate to the tablelands and Jacks Point.
- Inappropriate subdivision and development could potentially compromise the important views of the landscape beyond the Jacks Point Zone, and in particular, views of Cecil Peak, the Bayonet Peaks and other important landscapes.

The Panels concerns were highlighted by the landscape assessment (entitled Landscape Assessment Jacks Point Resort Zone and dated 22 August 2001) carried out as part of the Section 32 analysis prior to the notification of Variation 16. Figure 12 of that assessment illustrates the visibility of areas within the Zone from SH6, without any form of mitigation. Figure 14 of that assessment illustrates the visibility of areas within the Zone from State Highway 6, using planting as a potential mitigation measure. The effect of the mitigation planting shown on Figure 14 is that it provides greater scope for development to occur without being visible from the State Highway.

The Panel considered various options to ensure that development within Residential Activity Areas does not adversely effect visual amenity and landscape values, including:

- Height rules to ensure buildings are not highly visible;