

2012

# Monitoring Report for the Resort Special Zones

Millbrook, Jacks Point and Waterfall Park



Policy and Planning

Queenstown Lakes District Council

January 2012

# Executive Summary

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This report assesses the effectiveness and efficiency of the Resort Special Zones of the Queenstown Lakes District Plan in terms of section 35 of the Resource Management Act.

The Resort Special Zone relates to three distinct areas being Millbrook (196 hectares), Jacks Point (1284 hectares) and Waterfall Park (12 hectares). The three zones were created through separate processes and became operative at different dates. Each area has its own objectives, policies and rules, although there are many similarities between the zones.

The Millbrook and Jacks Point resort zones have established infrastructure and residential development is well established. Both have substantial capacity for further development under the zone provisions. Waterfall Park remains undeveloped.

Monitoring has shown that most of the Millbrook Resort Zone objectives and policies are effective, however a number of minor amendments should be considered as part of the District Plan review to improve the effectiveness of the objectives, policies and rules. The Structure Plan should be updated to reflect consented development that currently does not comply with the activity area boundaries.

Monitoring has shown that the majority of the Jacks Point Resort Zone objectives and policies are effective. Minor changes to the Structure Plan and several rules should be considered as part of the District Plan review to improve the effectiveness of the objectives, policies and rules.

The objectives, policies and rules for the Waterfall Park Resort Zone have not been tested as no new development has been undertaken on the site since the zone was created. However the majority of the objectives and policies are similar to those of the Millbrook zone, and are likely to be effective subject to similar minor amendments to improve their effectiveness. The land subject to the Waterfall Park zoning is currently for sale, and a new owner may pursue some form of development on the site.

Both Millbrook and Jacks Point zones delivered consents at a cost comparable to other Special Zones. The vast majority of consents were also processed on a non-notified basis, suggesting the zones are comparably efficient at delivering consents compared to other District Plan zones.

# 1. Introduction

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Section 35 of the Resource Management Act states that:

***Every local authority shall monitor-  
...[(b)] the efficiency and effectiveness of policies, rules, or other methods....***

***and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.***

This monitoring report assesses the efficiency and effectiveness of the Resort Special Zone objectives, policies and rules.

Findings in this report will assist in informing the review of the Queenstown Lakes District Plan, due to be publicly notified in October 2013.

This report is not an urban design review of the development that has occurred.

## 2. What are the Resort Special Zones?

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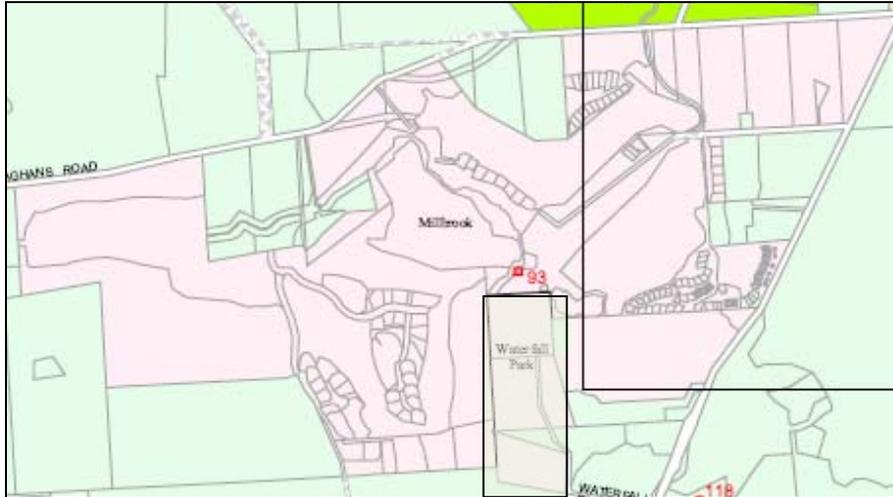
The Resort Special Zone relates to three distinct areas:

- |                   |                |
|-------------------|----------------|
| 1. Millbrook      | 195.7 hectares |
| 2. Jacks Point    | 1284 hectares  |
| 3. Waterfall Park | 12.3 hectares  |

The purpose of the Millbrook Resort Zone is to provide for a visitor resort of high quality covering approximately 200 hectares of land near Arrowtown. Millbrook provides for recreational, commercial, residential and visitor activities, and the general amenity of the Millbrook Resort Zone is one of higher density development enclaves located in the open rural countryside within landscaped grounds. The zone provides for golf courses and a range of other outdoor and indoor sporting and recreational activities. Hotel and residential accommodation are provided for, together with support facilities and services.

The extent of the Millbrook Resort Zone can be seen in the pink shading in Figure 1 below:

**Figure 1: Millbrook Resort Zone**



The purpose of the Waterfall Park Resort Zone is to provide for open space and passive recreational activities in conjunction with residential, visitor accommodation and commercial activities in a high amenity environment. The extent of the Waterfall Park Resort Zone can be seen in Figure 2 below:

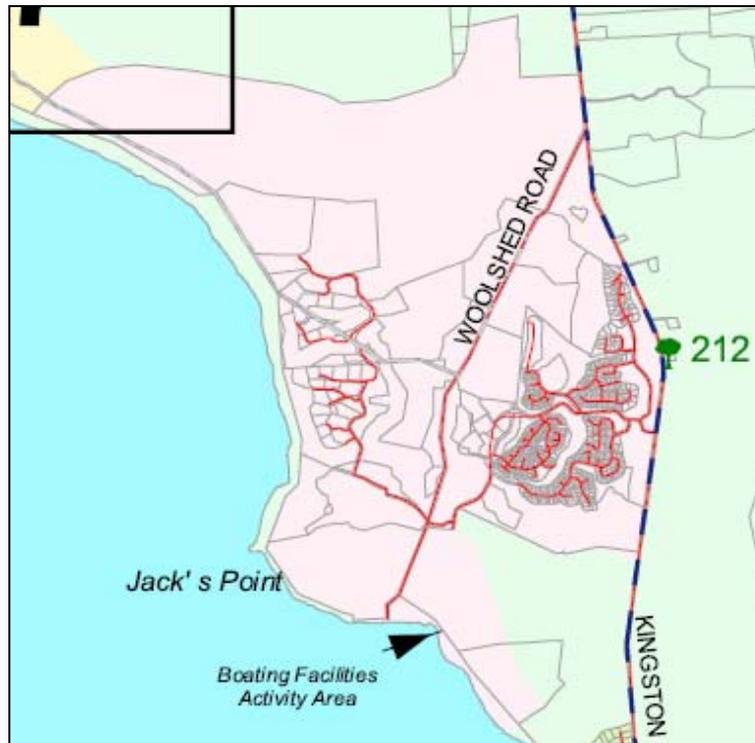
**Figure 2: Waterfall Park Resort Zone directly adjoins the Millbrook Zone**



The purpose of the Jacks Point Zone is to provide for residential and visitor accommodation in a sustainable environment comprising two villages, a variety of recreation opportunities and community benefits, including access to public open space and amenities.

The extent of the Jacks Point Resort Zone can be seen in pink shading in Figure 3 below:

Figure 3: Jacks Point Resort Zone



### 3. How were the Resort zones created?

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The Millbrook Resort Zone had a precursor under the Transitional Plan, where Millbrook Resort was zoned Tourist Development 3 following Plan Change 88. The zone was retained when the Proposed District Plan was notified in 1995, and changes made through the submission and appeal process. The zone was made fully operative in 2003.

With regard to the Jacks Point Resort Zone, landowners for the Jacks Point area sought a 'New Residential Development' zoning under the 1995 Proposed District Plan. However, the Council's decision was to delete all references to the 'New Residential Development Zone', and the Coneburn Downs area retained a Rural zoning. Following the Council's decisions on submissions, Henley Downs Holdings Limited and the Jardine's lodged appeals. Having reached agreement with the Council, the appellants sought to resolve the references by establishing objectives and policies in the Plan through Variation 16. On the 6 October 2001 the Queenstown Lakes District Council notified Variation 16 – Jacks Point Resort Zone. Following decisions on submissions and appeals to the Environment Court, the majority of the Jacks Point Resort zone was made operative in October 2004, and was made completely operative in 2006.

The Waterfall Park Resort Zone is located on land that was zoned Tourist Development 2 under the Transitional District Plan. Under the 1995 Proposed District Plan, the land was zoned Rural Downlands. Pan Tai Holdings Ltd, who operated a tourist venture on the site, sought a Resort zoning. In its decision on submissions, the Hearings Committee considered that given there was already a zoning for this development within the Transitional District Plan, this was a strong reason to include similar provision for it in the Proposed District Plan as a Resort Zone. There were no appeals to the creation of the Waterfall Park Resort Zone and it became operative in 2003.

## 4. How much development does the Resort Zone enable?

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The Millbrook Resort Zone has a zone standard providing for a maximum of 450 residential units. The zone also provides for an unspecified amount of recreational, commercial and visitor activities.

The Jacks Point Resort Zone does not have a specific zone standard capping the amount of residential development, however a requirement exists for 10-12 dwellings per hectare across the Residential activity areas, with a maximum site coverage of 5% for the zone (excluding Homestead Bay). Three village areas for commercial activities are also provided for. Jacks Point estimate that the zone enables a realistic yield of 4513 residential units, based on 1269 units in the Residential Activity Areas plus 3244 in the Village Activity Areas (based on multi storey development).

The Waterfall Park Resort Zone, a discretionary activity rule states the maximum number of residential units within the zone shall not exceed 100. A small village area is also provided for.

## 5. How much development has occurred?

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Figure 4 below shows the Millbrook Structure Plan boundaries overlaid on an aerial photograph. Millbrook have advised that approximately 175 residential units have been constructed, meaning that a further 275 residential units can be accommodated within the zone.

**Figure 4: Millbrook Structure Plan with aerial photograph taken in 2007**



Figure 5 below shows the Waterfall Park Structure Plan boundaries overlaid on an aerial photograph. As the photograph shows, no development has been undertaken in the zone. The A-frame building that was constructed in 1975 is the only residential unit located on the property. Therefore another 99 residential units could potentially be constructed in the zone.

**Figure 5: Waterfall Park Structure Plan with aerial photograph taken in 2007**

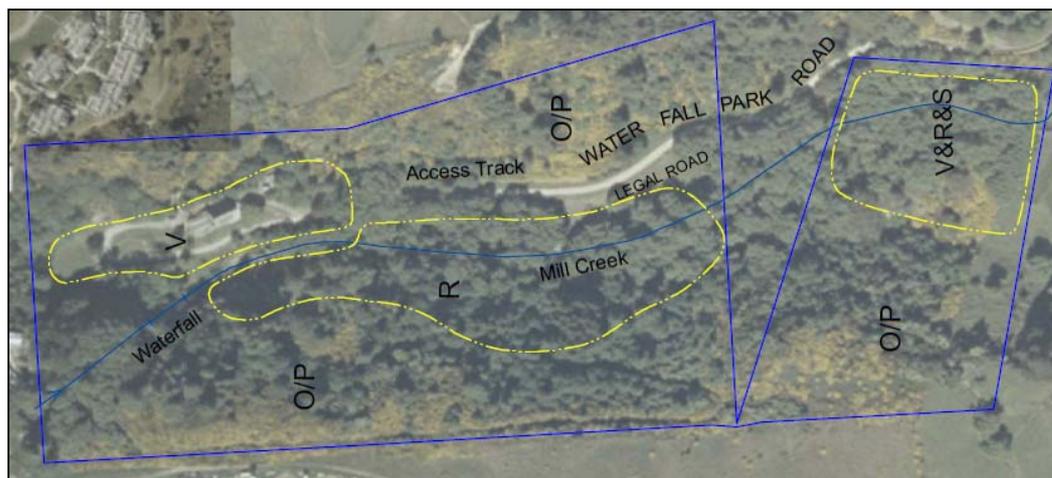


Figure 6 below shows the Jacks Point Structure Plan boundaries overlaid on an aerial photograph. Approximately 70 residential units have been built at Jacks Point. Approximately 660 residential lots have been created.

Figure 6: Jacks Point Structure Plan with aerial photograph taken in 2007



## 6. How effective are the Resort Zone Objectives, Policies and Rules?

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The provisions of each part of the Resort Zone are considered individually below.

### 6.1 Millbrook

#### 6.1.1 Effectiveness of the Millbrook Objective

The single objective for the Millbrook Resort Zone is considered below:

**Objective - Millbrook Resort Zone**

***Visitor, residential and recreation activities developed in an integrated manner with regard for landscape, heritage, ecological, water and air quality values and minimal impact on adjoining neighbours and roads.***

This objective has been broken down into its separate components which are examined below. The first component is:

**Visitor, residential and recreation activities developed in an integrated manner**

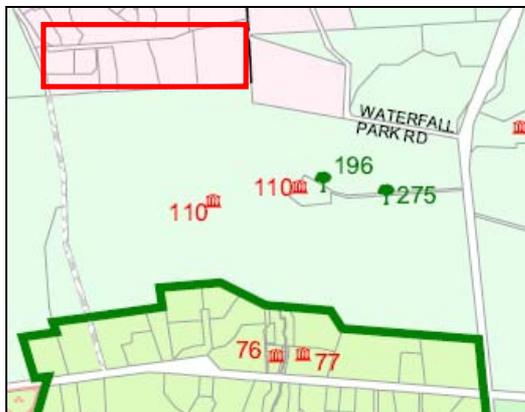
This part of the objective is considered to be effective. The development at Millbrook does effectively integrate visitor, residential and recreational activities. The various parts of the Millbrook resort are effectively linked and coordinated. The activities are integrated in a geographical sense, and in a visual sense.

**with regard for landscape..... values**

This part of the objective is considered to be effective. The external appearance of buildings generally do have regard to landscape values. Buildings have generally been located and placed so that they are not especially dominant when viewed from surrounding public roads. This is apparent on entering the zone, where visitors are frequently surprised at the number of houses present, given how difficult they are to see from surrounding locations. Colours are also recessive, and extensive landscaping has been implemented with all buildings.

One area of difference was with regard to a small part of the Millbrook zone that provides for residential activity at the top of a ridgeline. This part of the zone is shown in Figure 7 below, and is not actually owned by Millbrook, being occupied by private residential dwellings. It is not clear exactly how it came to be part of the Millbrook zone, but the structure plan does enable residential dwellings to break a ridgeline which is generally sought to be avoided when having 'regard' for landscape values. This area has now largely been built out, but providing a Residential activity area on it as part of the Resort Zone did not appear to have 'regard' to landscape values.

**Figure 7: Location of part of the Millbrook zone that has resulted in dwellings being built on a ridgeline**



**with regard for....heritage.....values**

This part of the objective is considered to be effective. In terms of heritage values, buildings feature a range of materials and finishes that are similar to the original materials used on farm buildings, i.e. schist, plaster and timber. Heritage buildings have also been retained and integrated into the development. For example the Hole in One café is the former granary building, the Stonebarn Kitchen was the Stables, and the Millhouse Café was the flour mill. Historic farming equipment is also on display around the resort.

**with regard for.....ecological.....values**

This part of the objective is considered to be effective. Extensive riparian planting has been undertaken within the waterways within the zone, as well as habitat in the form of ponds and wetlands. Water quality has also been recorded as improving as it travels through the Millbrook zone.

**with regard for.....water ....quality values**

This part of the objective is considered to be effective. However as noted under the discussion with regard to Policy 1.1, this is not necessarily due to strong District Plan provisions but rather because fortunately Millbrook have adopted a pro-active approach to managing water quality values. The water quality improves from when it enters Millbrook land to when it leaves. There are no *specific* District Plan rules to control the most likely activities to affect water quality, being the golf course and earthworks.

**with regard for.....air quality values**

This part of the objective is considered to be effective. Reticulated gas is available to avoid the poor winter air quality frequently experienced over Arrowtown. A zone standard relating to atmospheric emissions requires the 'best practicable method' to be adopted to minimise the emission of smoke. A small number of open fires are allowed in the clubhouse and other communal buildings including bars and restaurants, for amenity rather than heating purposes.

**and minimal impact on adjoining neighbours and roads.**

This part of the objective is considered to be effective. Millbrook activities generally do not have significant impacts on adjoining neighbours and roads. A review of the noise complaints register revealed no complaints from residents outside of the zone have been received in relation to events such as weddings and concerts held within the zone. Controls were imposed as part of RM970384 with regard to the approach taken by helicopters to the Millbrook helipad, in order to avoid overflying of adjoining residents.

## 6.1.2 Effectiveness of the Millbrook Policies

Objective 1 has eight supporting policies. These are set out below with a comment on each.

### **1.1 To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.**

This policy is considered to be moderately effective. While the District Plan does not specifically require it, Millbrook has undertaken a considerable amount of riparian planting, which will assist in reducing nutrient flows into waterways. A number of ponds have also been created throughout the resort. These ponds provide an amenity feature and habitat, as well as an opportunity for any suspended solids to fall out of the water before it flows out again and on towards Lake Hayes.

Farming, which can cause nutrients to reach waterways, also requires a resource consent in the Millbrook zone. A further zone standard also states that:

*In the Millbrook Resort and Waterfall Park Resort Zones, activities shall be assessed as to their potential effects on the water quality of Mill Creek and Lake Hayes in terms of siltation and nutrient loading. No activity shall compromise the existing water quality or vegetation.*

Millbrook are also enrolled in the Audubon Cooperative Sanctuary Program for Golf Courses, which is an international education and certification program that helps golf courses protect the environment and preserve the natural heritage of the game of golf.

Millbrook are working towards certification under this programme, which can take several years. As part of that certification process, Millbrook take six monthly water tests, and they have advised that these have consistently shown that water quality improves as it moves through Millbrook.

Millbrook have opted to voluntarily undertake the Audubon programme, and consideration could potentially be given to making it, or other certification programmes, a non-regulatory "Other Method" in the Resort Zones, as this would give recognition to the positives undertaking such a programme can have on water quality.

The policy is only considered to be 'moderately' effective because other than the general zone standard quoted above, the rules do not specifically target the activities most likely to lead to nutrient run-off into Mill Creek and Lake Hayes, which is fertiliser use on the golf course and earthworks.

### **1.2 To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.**

This policy is effective. The zone is connected to the Council's reticulated wastewater treatment system, and potable water is also obtained from the Council supply. Refuse is collected and disposed of to an approved facility.

**1.3 To require the external appearance of buildings to have regard to landscape and heritage values of the site.**

This policy is considered to be largely effective. The policy is relatively weak, in that only 'regard' has to be given to heritage and landscape values. However fortunately due to the design controls imposed by Millbrook Resort, the external appearance of buildings generally does have regard to landscape and heritage values. In terms of landscape values, buildings have generally been located and placed so that they are not especially dominant when viewed from surrounding public roads. Colours are also recessive, and extensive landscaping has been implemented with all buildings. As was noted in the discussion under Objective 1, there is one part of a 'Residential' Activity Area that is prominently located on a ridgeline above Speargrass Flat Road.

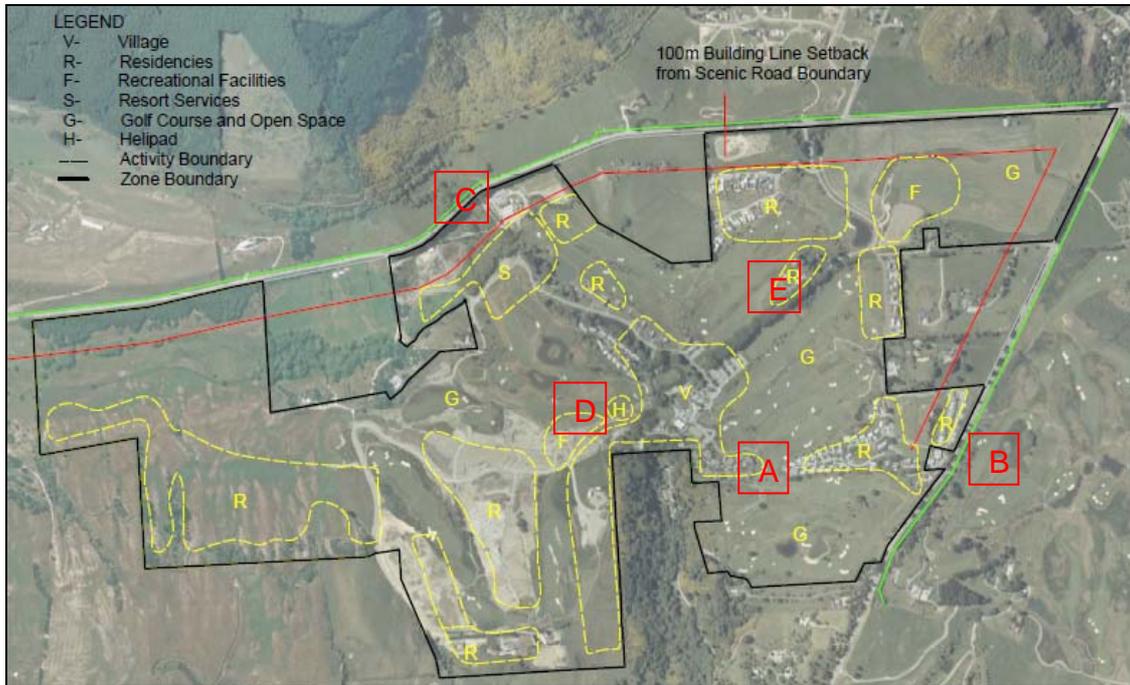
In terms of heritage values, 'regard' is given to the sites heritage values. Buildings feature a range of materials and finishes that are similar to the original materials used on farm buildings, i.e. schist, plaster and timber.

**1.4 To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to minimise the impact on neighbouring activities, the road network and the landscape amenity of the Basin.**

This policy is effective. There are several instances where development has not been located strictly in accordance with the Structure Plan, however this has normally occurred due to the somewhat arbitrary location of some of the activity area boundaries, (e.g. they cross legal roads) and where it made better sense on the ground to follow topography rather than the activity area boundaries. Consent has been granted where development is not in accordance with the Structure Plan. However effects were considered less than minor.

Specific examples of where development does not follow the activity area boundaries can be seen in Figure 4 and are identified below:

**Figure 8: Areas where activities do not coincide with Activity Area boundaries**



- A. A small part of the Residential Activity Area extends beyond the activity area boundary.
- B. Millbrook have acquired the 'notch' beside B and this is used for residential activity.
- C. The service area has not been located where the Structure Plan suggests, it is located closer to Malaghan Road.
- D. The helipad is consented to be in a different location to that shown on the Structure Plan.
- E. Part of this activity area extends over the road and has not been fully developed.

Where activities have not been located in accordance with the structure plan, it has generally been because a better solution is available that does not fit neatly within an activity area boundary. Developments outside of activity area boundaries have not affected the compatibility of activities or impacted on neighbouring activities or landscape amenity of the Basin.

It is noted that red line on the Structure Plan showing a setback of 100m from the roads around the perimeter of the Millbrook zone is not supported by any rules in the District Plan, so this line has no legal status.

**1.5 To protect and enhance the important heritage features on the site, particularly the original farm buildings and tree plantings.**

This policy has two components, protection and enhancement.

With regard to protection, this part of the policy is considered to only be moderately effective. While no demolition of historic buildings has occurred, the District Plan only provides legal protection for one building in the Millbrook Special Zone. The protected building is the Butel's Flour mill (original foundations and stone wall - Ref: 93). Many heritage buildings and features identified in the values of the zone in the District Plan, could in fact be demolished as a permitted activity. For example, section 12.1.2 of the District Plan identifies the 'values' for the area, noting that *"the original stone buildings housing the mill, stables, implement shed and blacksmith shop still remain, and many of the original implements and machinery are still on the property"*.

Fortunately the owners of the land within the Millbrook Resort Zone have adopted a very positive approach to the sites heritage values and have sought to celebrate these values, and make them visible, rather than remove them. The policy seeking protection of heritage features has therefore been successful in a practical sense but not necessarily in a legal sense. The loss of heritage features could occur despite the policy.

With regard to enhancement, as noted, the owners of the land within the Millbrook Resort Zone have adopted a very positive approach to the sites heritage values and have sought to enhance these values. Heritage values have been enhanced by providing for their ongoing use and maintenance as part of the Millbrook Resort, for example the Hole in One café is the former granary building, the Stonebarn Kitchen was the Stables, and the Millhouse Café was the flour mill. Historic farming equipment is also on display around the resort.

#### **1.6 To require adequate on-site car parking.**

This policy is considered to be effective. No consents appear to have been sought for a shortage of car parking. There was no shortage of car parking observed on site.

#### **1.7 To control air emissions for visual amenity purposes.**

This policy is considered to be effective. Reticulated gas is available to avoid the poor winter air quality frequently experienced over Arrowtown. A zone standard relating to atmospheric emissions requires the 'best practicable method' to be adopted to minimise the emission of smoke. Open fires are only allowed in the clubhouse and other communal buildings including bars and restaurants, for amenity reasons.

#### **1.8 To control the take-off and landing of aircraft.**

This policy is considered to be effective. A single helicopter landing area is provided for under the Millbrook Structure Plan, and Rule 12.2.3.4iii permits landings into this area.

Resource consent RM970384 (which was granted before the Proposed District Plan provisions became operative) also granted consent to helicopter movements (where a movement is defined as 1 take off or 1 landing) not exceeding 8 movements per day.

The total number of helicopter movements per week shall not exceed 14 movements per week.

### 6.1.3 Effectiveness of the Millbrook Rules & Structure Plan

At an overall level, the rules are considered to have been effective at delivering an attractive resort environment. However this assessment has not been able to determine the role that private covenants have played in achieving outcomes.

All new buildings in the Millbrook Resort Zone must be approved by the Millbrook Design Review Committee, which is made up of two external design consultants and a Millbrook representative. It is possible that the private covenants that trigger the Homeowners Association process have a greater influence on achieving appropriate outcomes than the requirement for a controlled activity consent.

The following 8 matters have been identified in relation to the effectiveness of the rules:

1. 100m setback from Malaghan Road

The Structure Plan shows a dashed line set back 100m from Malaghan Road. There is no rule to support this line, and Millbrook have received written confirmation from Lakes Environmental that given the lack of a rule, the line in the Structure Plan has no status. This dashed line in the Structure Plan should therefore be removed.

2. Adjustments to Activity Area boundaries

Rule 12.2.3.4i requires that buildings which do not comply with the Structure Plan require a discretionary activity consent. Where such consents have been granted, the Structure Plan should be updated to reflect consented deviations. This will ensure the Structure Plan remains up to date and relevant.

3. Setback from internal boundaries rule

The rule specifying setbacks from internal boundaries is the same as that which has caused problems in the Rural Visitor zone because it refers to a setback from a “zone boundary”, despite the heading of the rule relating to internal boundaries. This makes it unclear whether there is an internal boundary setback. The relevant setback rule is set out below (underlining added):

- ii                    **Setback from Roads and Internal Boundaries**
  - (a)                *No building or structure shall be located closer than 6m to the Zone boundary,  
except:.....*

4. Events

At least nine resource consents have been granted for various events at Millbrook. Consideration could be given to providing for a small number of events each year as a permitted activity, given that the zone is well suited to such a purpose. This would lower compliance costs, and additional site and zone standard conditions could ensure events would not cause adverse effects in terms of noise or traffic.

## 5. Lack of earthworks rules

Given the prominence of Objective 1 and Policy 1.1 relating to maintaining the water quality of Mill Creek, consideration could be given to inserting site standards that require silt barriers to be installed during construction when that construction occurs within a certain distance of a watercourse. If the site standards were complied with, no resource consent would be required.

## 6. Visitor accommodation rules in Millbrook

Many home owners in Millbrook have identified their property as a Registered Holiday Home in accordance with Part 2.1.13 of the District Plan. However the definition of a Registered Holiday Home only applies to a “stand alone or duplex residential unit”. At Millbrook, one area of housing features three residential units joined together. i.e. it does not qualify for a Registered Holiday Home. Given the somewhat unique nature of Millbrook, where visitor accommodation is an anticipated part of the environment, a case could be made to provide an exception for the triplex units at Millbrook, such that they could identify their property as a Registered Holiday Home.

Alternatively, consideration could be given to allowing houses within the 'R' Activity Areas to be permitted to carry out a limited amount of visitor activity as of right without requiring a resource consent, provided that such rental activity was controlled and recorded through Millbrook. This would allow single night lets, compared to the Registered Holiday Home status which has a minimum 3 night stay.

## 7. Assessment matters

The assessment matters for the Resort Zones are located with the Rural Visitor Special Zone. They should be relocated to the Resort Zone chapter, or there needs to be a clearer reference to this in the text of the Resort zones, otherwise they will be missed.

## 8. Wilding Species

There is inconsistent treatment of wilding species between the three Resort zones, and when compared with the Rural General zone, which surrounds all three Resort zones. Controls on three kinds of wilding pine are apparent in the Jacks Point zone, however there are no controls for Millbrook. The list of wilding trees that should not be planted in the Rural General zone could also be applied to Millbrook and Jacks Point, as both areas are surrounded by Rural General zoned land, and seed can easily spread.

# 6.2 Jacks Point

## 6.2.1 Effectiveness of the Jacks Point Objective

### **Objective – Jacks Point Resort Zone**

***To enable development of an integrated community, incorporating residential activities, visitor accommodation, small-scale commercial activities and outdoor recreation - with appropriate regard for landscape and visual amenity values, servicing and public access issues.***

This objective has several components which are addressed individually below:

***To enable development of an integrated community, incorporating residential activities, visitor accommodation, small-scale commercial activities and outdoor recreation***

This part of the objective is likely to be effective. The zone does indeed enable an integrated community. At the present time, the objective has not been fully realised as the zone is still being developed, with mainly residential and outdoor recreational activity being constructed. However further development is proposed that will provide visitor accommodation (a lodge) as well as further small scale commercial activities.

***Figure 9: Example of outdoor recreational facilities, Jacks Point.***



***with appropriate regard for landscape and visual amenity values***

This part of the objective is considered to be effective, the way the zone has been developed, and the zone rules, do have 'appropriate regard' for landscape and visual amenity values.

***with appropriate regard for servicing***

This part of the objective is considered to be effective, the zone is fully serviced.

***with appropriate regard for public access issues***

This part of the objective is considered to be effective. The zone does provide for public access to a wide area through walking trails and legal roads. Five different loop trails

are identified on the Jacks Point trails map. When the Henley Downs and Homestead Bay areas are developed, access to the lake will be significantly enhanced.

## 6.2.2 Effectiveness of the Jacks Point Policies

### **Policies:**

- 3.1 To maintain and protect views into the site when viewed from the lake, and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway.**

This policy has two components:

1. maintain and protect views into the site from the lake, and
2. maintain and protect views across the site from the State Highway to the mountain peaks beyond.

With regard to Component 1, it was not possible to view the site from the lake as part of this monitoring report. However given the relatively low density of development provided for in proximity to the lake (18 home sites and the Lodge activity areas), it is considered likely that views up into the zone from the lower point of the lake will be maintained and protected. The Structure Plan also identifies a Lakeshore Landscape Protection Area', which must be kept as open space, which assists in achieving this objective.

With regard to Component 2, some development is visible from the State Highway, however it was well set back and views across the site to the mountain peaks beyond were still available. The second component is therefore considered to be effective.

- 3.2 To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental values on or off the site.**

This policy is effective. Reticulated services are available, and sewage disposal is not affecting water or environmental values on or off the site. Refuse is collected as part of the normal council collection service.

- 3.3 To require the external appearance, bulk and location of buildings to have regard to the landscape values of the site.**

This policy is considered to be effective, although it cannot be fully assessed as many sections remain undeveloped. The external appearance bulk and location of the buildings observed at Jacks Point did have regard to landscape values. They were constructed from materials that are recessive in the landscape, particularly with regard to roof materials. Residential development is within the appropriate activity areas where residential development can be accommodated without detracting from the landscape values of the wider Jacks Point area.

This monitoring is not able to determine the role that the Jacks Point Design Review Board has played in relation to achieving the policy. The design review process has a significant influence before consents are processed against this policy. However this can lead to inefficiencies as both the Design Review Board and Lakes Environmental undertake similar assessments and both charge for the work undertaken. This has caused frustration for consent applicants at the costs associated with the two similar processes.

**Figure 10: Residential Activity Area, Jacks Point.**



**3.4 To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to mitigate the impact on neighbouring activities, the road network and landscape values.**

This policy is considered to only be moderately effective because a number of subdivisions have created allotments that cross activity area boundaries. However the areas where residential allotments creep into open space areas are relatively small, and overall development has generally been located in accordance with the Structure Plan. When resource consent application RM090252 proposed to locate houses on the G/F part of the Structure Plan, which is for 'Golf Course, Open Space and recreational Facilities', consent was refused by independent commissioners.

**3.5 To control the take-off and landing of aircraft within the zone.**

The relevant rule that supports this policy is limited to *helicopter* landing areas in the Jacks Point zone. Resource consent RM081425 was granted in October 2009 for five helicopter landing areas within Jacks Point.

Also located within the Jacks Point zone is a private airstrip used by NZONE for commercial recreational activities, namely sky diving. This airstrip is located on land owned by the DS & JF Jardine Trust which leases buildings and land to NZONE within the Jacks Point zone. The use of the private airstrip was granted resource consent prior

to the Jacks Point zone coming into existence. It was recently determined by an independent commissioner that a variation application to remove the limit on the number of flights, and replace it with a noise limit needed to be processed on a publicly notified basis.

**3.6 To provide public access from the State Highway to the lake foreshore and to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu.**

This policy is effective but has not been fully achieved at this time. Pedestrian access through Jacks Point to the foreshore is available from the State Highway. To fully achieve this policy requires the Homestead Bay part of the Structure Plan to be developed where the public jetty and boat launching facilities are proposed to be located. No development has been undertaken in this part of the Structure Plan. An existing paper road is proposed for relocation, which will provide for public access to Homestead Bay.

**3.7 To ensure that subdivision, development and ancillary activities on the Tablelands and Jacks Point are subservient to the landscape.**

This policy is considered to be moderately effective. It refers to the 18 identified homesites on the Tablelands area located closest to Lake Wakatipu. Many of the homesites have been developed with substantial dwellings, and generally these dwellings are subservient to the landscape. The policy could be improved by clarifying that the 'subservience' relates to the local landscape, because otherwise all development is subservient to the landscape, which is totally dominated by The Remarkables mountain range.

**3.8 To provide for local biodiversity through:**

- **The protection and enhancement of existing ecological values, in a holistic manner;**
- **Reduction in grazing around wetland areas; and**
- **The provision of links between grey shrublands, wetlands and the lakeshore escarpment.**

This policy has three distinct components:

1. Protecting and enhancing existing ecological values

This part of the policy is considered to be effective. A large amount of native planting has already occurred, for example along the main access (Maori Jack Road) into the zone, and a number of rules require extensive planting of native vegetation which will enhance the existing ecological values present on the site. For example, no building can occur within the Homesite Activity Area unless revegetation has taken place. The three existing wetlands are also specifically identified and protected through the Structure Plan process, requiring a non-complying activity consent for any development, landscaping and/or earthworks within 7 metres of any wetland area. The Residents and Owners Association

also owns the public amenity space, and have a programme of replanting with native species.

2. Reducing grazing around wetlands:

This part of the policy is considered to be effective. Jacks Point have confirmed that all wetland areas are excluded from grazing areas. Wetlands are also specifically identified on the Structure Plan, and require a non-complying activity consent for any development, landscaping and/or earthworks within 7 metres of any wetland area.

3. Provision of links:

This part of the policy is effective. Ecological links between grey shrubland, wetlands and the lakeshore escarpment are provided for.

**3.9 To ensure that development within the sensitive areas of the Zone results in a net environmental gain.**

The effectiveness of this policy is difficult to measure because determining a net environmental gain requires a good knowledge of the existing 'sensitive environment' within the zone *prior* to development, so that an accurate comparison can be made. It is likely that a net environmental gain has occurred, given the substantial amount of native planting that has occurred, as well as the removal of grazing from, and protection of wetland areas.

**3.10 To ensure that residential development is not readily visible from the State Highway.**

This policy is considered to be effective. Some development is visible from the State Highway, however it was well set back and the materials used were recessive, meaning it was not "readily visible". The policy does anticipate residential development being visible to a degree from the State Highway.

**3.11 To ensure that subdivision and development does not compromise those visual amenity values associated with the southern entrance to Queenstown.**

This policy is related to policy 3.10 above which requires that development is not 'readily visible'. The policy is considered to be effective because the Jacks Point development is not 'readily visible' and therefore does not compromise the 'visual amenity values' associated with the southern entrance to Queenstown.

**3.12 To provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.**

This policy has not been tested yet because no development in the Homestead Bay Structure Plan area has occurred.

**3.13 To ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay.**

This policy has not been tested yet because no development in the Homestead Bay Structure Plan area has occurred.

**3.14 To provide for farming and associated activities in appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape.**

This policy is effective but the reference to domestication is confusing. Farming is indeed enabled in appropriate areas. No farming is provided for near the wetland areas. Development associated with farming activities is unlikely to result in over-domestication of the landscape, because farming activities are not domestic in nature. Over-domestication of the landscape occurs from residential, rather than farming activities.

**3.15 To avoid mining activities which do not contribute to the sustainable development of the Jacks Point Zone.**

This policy is effective. Some local quarrying of stone does occur for use in landscaping within the zone, for example the stacked stone fences. This contributes to the sustainable development of the zone. No other mining activity occurs.

## 6.2.3 Effectiveness of the Jacks Point Rules & Structure Plan

### 1. Setback from internal boundaries rule

As with Millbrook, the rule specifying setbacks from internal boundaries has caused problems because it refers to a setback from a “zone boundary”, despite the heading of the rule relating to setbacks from roads and internal boundaries. This makes it unclear whether there actually is an internal boundary setback. The relevant setback rule is set out below (underlining added):

- ii** **Setback from Roads and Internal Boundaries**
  - (a) *No building or structure shall be located closer than 6m to the Zone boundary, **except:**
    - (i) *In the Jacks Point Zone (excluding the Boating Facilities (BFA) Activities Area) no building or structure shall be located closer than 20m to the zone boundary.**

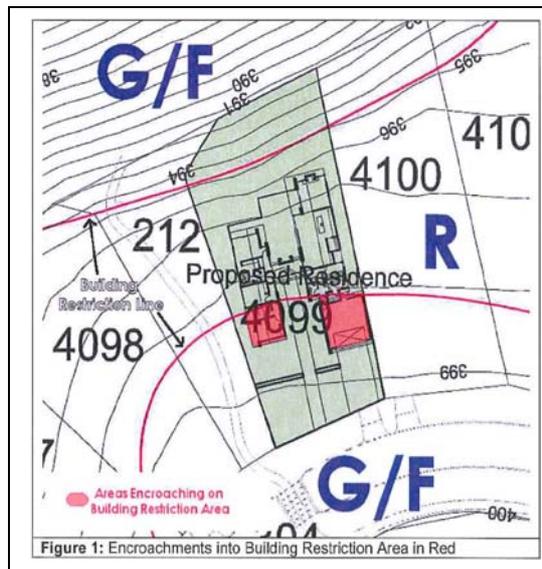
### 2. Reference to Structure Plan

While not a rule as such, there is a reference on page 12-7 of the District Plan uses different terms to refer to the structure plan, referring to both the ‘Jacks Point Plan and then ‘Structure Plan’. This anomaly was noted on page 9 of Commissioner decision on a notified resource consent (RM090252).

### 3. Updates to Structure Plan

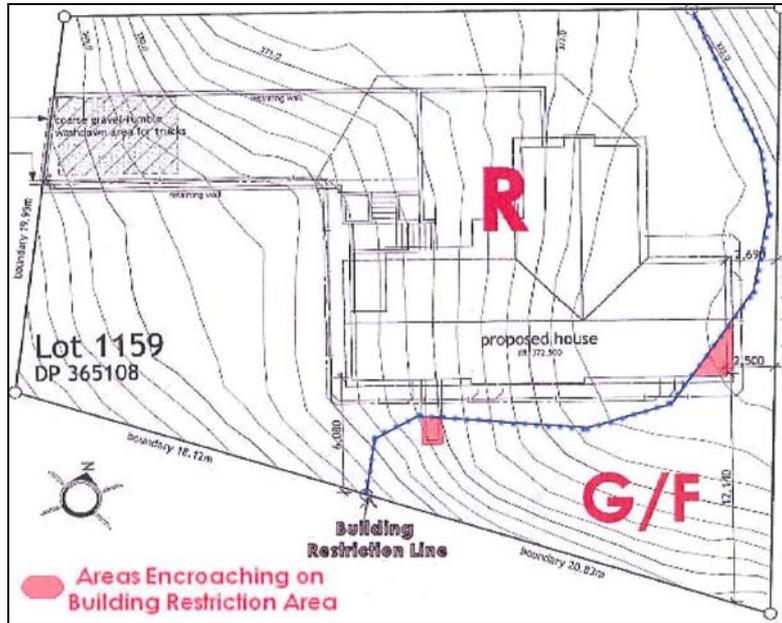
Jacks Point has been subdivided in a way that has resulted in the allotment boundaries not matching the Structure Plan boundaries. This has resulted in a large number of sections that, for example, straddle both the 'Residential;' and 'Golf / Open Space' activity areas. This was approved by Council subject to 'no build' restrictions being placed on those titles to prevent building outside of the appropriate activity area boundaries. An example is provided below, from resource consent RM100361, where the dwelling cannot easily fit within the amount of the 'Residential' activity area that the developer has chosen to include in this particular section.

**Figure 11: Dwelling and allotment boundary shown in relation to the 'Residential' and 'Golf / Open Space' Activity Areas**



As part of the District Plan review, it would be prudent to consider adjusting the activity area boundaries to reflect the subdivided lots. This would avoid the situation shown in Figure 11 above, and Figure 12 below, where the subsequent purchaser of the lot ends up having to apply for a non-complying activity, and to vary a consent notice, because a small corner of their house encroaches into the wrong activity area.

Figure 12: Dwelling shown in relation to the 'Residential' and 'Golf / Open Space' Activity Areas



## 6.3 Waterfall Park Zone

### 6.3.1 Effectiveness of the Waterfall Park Objective

#### Objective - Waterfall Park Resort Zone

***Development of visitor, residential and recreational facilities for permanent residents and visitors. Conserving and enhancing the natural and scenic values contained within the property and its setting. Developing and servicing the property to avoid adverse effects on the landscape, Mill Creek and ecological values.***

This objective has not been tested. No development of visitor, residential and recreational facilities for permanent residents or visitors has occurred other than the brief 'Haka Pa' cultural experience in 2004. No recreational facilities are available for permanent residents or visitors, in that public access to the waterfall is not available. As no development has been undertaken, servicing of the site has not been undertaken.

### 6.3.2 Effectiveness of the Waterfall Park Policies

#### ***2.1 To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.***

At this time, with the land undeveloped and no development in a resort style, this policy has not been tested.

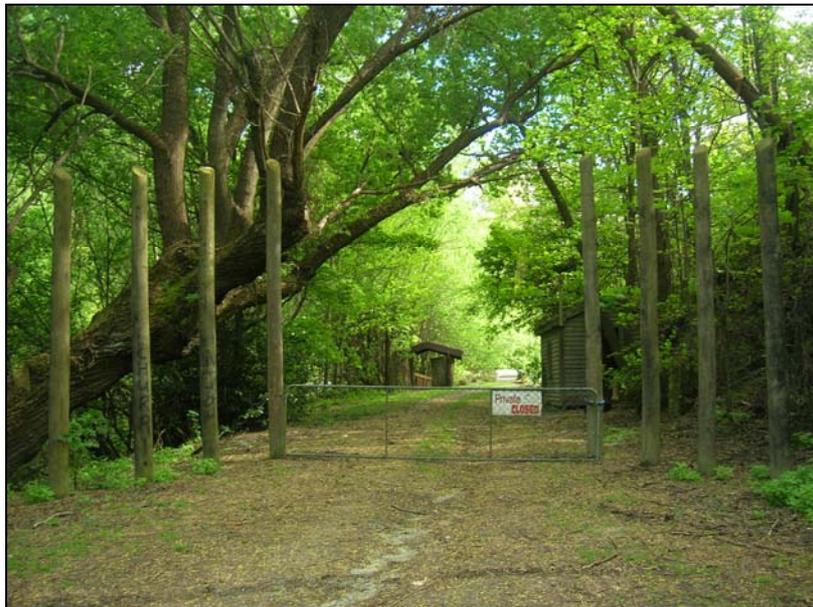
**2.2 To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.**

At this time, a single uninhabited residential dwelling is the only development present on the site. This appears to be serviced by an onsite wastewater treatment system (septic tank). No development of the land in a resort style has been undertaken. Therefore this policy has not been tested.

**2.3 To ensure buildings and other structures erected within the zone are appropriate to the area in which they are located, with regard to external appearance.**

Other than a number of makeshift structures, such as fences and shelters that were constructed in a 'Maori style' as part of the Haka Pa cultural experience, no significant new buildings have been erected. Therefore this policy has not been tested.

**Figure 13: The Entrance to the former 'Haka Pa' cultural experience**



**2.4 To require all development to be located in accordance with the Structure Plan.**

This policy is considered to be effective. A certificate of compliance was issued in 2004 for the establishment of a commercial activity in the Village Centre activity area. The certificate of compliance was issued because commercial activity in the Village Centre activity area is a permitted activity.

**Figure 14: Development within the 'Village' activity area of the Waterfall Park Resort Zone**



**2.5 To protect and enhance the important natural feature on the site.**

For some reason this policy does not just come out and state that the important natural feature on the site is the waterfall and Mill Creek. This policy has not been tested as no significant new buildings have been constructed in the Waterfall Park zone.

The achievement of this policy is reliant on the fact that the waterfall is located within the 'Open Space & Recreation Passive Recreation' activity area. The use of this area is restricted to outdoor recreational activities and open space (excluding accessory, utility and service buildings less than 40m<sup>2</sup> floor area).

The policy is only considered to be moderately effective because there are no specific rules protecting the waterfall, and where the creek flows into the residential activity area, there is no requirement for buildings to be setback from Mill Creek. Furthermore there are no rules governing earthworks in proximity to Mill Creek.

**Figure 15: Mill Creek waterfall is located within the Waterfall Park Resort Zone**



**2.6 To require adequate on-site vehicle parking and manoeuvring.**

This policy has not been tested. The fact that a certificate of compliance was issued in 2004 for the establishment of a commercial activity in the Village Centre activity area confirms the proposal met the required amount of car parking under the District Plan.

**2.7 To control air emissions for visual amenity purposes.**

This policy has not been tested. No significant new buildings have been erected on the site since the A-frame residential dwelling was constructed in 1975.

**2.8 To protect and enhance Mill Creek as an important brown trout spawning habitat.**

This policy has not been tested. No significant new buildings have been erected on the site since the A-frame residential dwelling was constructed in 1975. However as noted previously, there are no controls relating to earthworks in the Waterfall Park Zone. Buildings must be set back 7m, but earthworks are permitted. A large part of the 'Residential' activity area encompasses Mill Creek, and given the steep terrain, there is potential for the earthworks associated with construction activity affecting Mill Creek as a trout spawning habitat.

### 6.3.3 Effectiveness of the Waterfall Park Rules & Structure Plan

A number of rules for the Waterfall Park zone are replicated from the Millbrook resort. Some of the following items are identical to those for the Millbrook zone.

1. Protection of Mill Creek Waterfall

The protection of the waterfall is relatively weak because ‘structures for the retention of water, ponds, streams, water races, drains, channels and pipes’ only requires a controlled activity consent. An option to consider for the district plan review would be to consider listing the waterfall as a protected ‘landscape feature’ in Appendix A3 of the District Plan, much like Horne Creek is listed.

2. Lack of earthworks rules

Related to (1) above, given the prominence of Objective 2 and Policy 2.1 relating to maintaining the water quality of Mill Creek, consideration could be given to inserting site standards that require silt barriers to be installed during construction when that construction occurs within a certain distance of a watercourse. Buildings in the Waterfall Park zone are required to be set back at least 7m from Mill Creek, however there are no controls on earthworks.

3. 100 residential unit zone standard

The Waterfall Park zone provides for a maximum of 100 residential units. Given the steep terrain, the small size of the residential activity areas, and the requirement for a 7m setback from Mill Creek (which bisects both the residential activity areas); it would appear to be very difficult to accommodate 100 residential units within the land identified.

4. Setback from internal boundaries rule

As with the Millbrook zone, the rule specifying setbacks from internal boundaries is the same as that which has caused problems in the Rural Visitor zone because it refers to a setback from a “zone boundary”, despite the heading of the rule relating to internal boundaries. This makes it unclear whether there is an internal boundary setback. The relevant setback rule is set out below (underlining added):

- ii                    **Setback from Roads and Internal Boundaries**
  - (a)            *No building or structure shall be located closer than 6m to the Zone boundary,  
**except:.....***

5. Wilding Species

A large number of wilding trees were apparent on the Waterfall Park site. As with the Millbrook zone, there are no controls for Waterfall Park, while there are controls on three kinds of wilding pine are apparent in the Jacks Point zone. The list of trees that should not be planted in the Rural General zone could also be applied to Waterfall Park, as the zone is surrounded by Rural General zoned land, and seed can easily spread.

6. Structure Plan shape

As Figure 16 below illustrates, the shape of the Waterfall Park Resort zone is unusual in that it is bisected by a triangular chunk of Rural General zoned land. This area of land is in the same ownership as the remainder of the zone, and there is no obvious reason on the ground why it was not also zoned Resort. Similarly, two isolated pockets of Rural General zoned land have been left sandwiched between the Waterfall Park and Millbrook Resort zones.

**Figure 16: Isolated pockets of Rural General zoned land**



## 7. How efficient are the Resort Special Zones?

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The financial costs of administering the provisions / processing resource consents has been evaluated based on an assessment of:

- Number of resource consents triggered by the rules;
- Average cost of processing resource consents triggered by the rules;
- Notification numbers; and
- Number of Environment Court appeals

### 7.1 Millbrook

#### 7.1.1 How many resource consents have been triggered?

Since 1995 when the Proposed District Plan was issued, the number of resource consents triggered by the rules of the Resort Special Zone for Millbrook is approximately 180. Additional consents are likely to exist but are not easily retrievable or searchable due to how consents have been classified over time in the Lakes Environmental / Council records system.

## 7.1.2 Average cost of processing resource consents

The 180 consent applications were grouped into the following categories:

<i>Type of Consent</i>	<i>Number</i>
Consent to erect a dwelling / more than one dwelling	42
Alterations and additions to residential dwellings	41
Event Related	9
Subdivision	39
Other resort related	30
Variations	18
Extensions of Time	1
TOTAL	180

The focus of the 'cost' component of this monitoring report is on the first three categories, i.e. consents for new dwellings, consents to alter and extend existing dwellings, and event related consents. This is because there are numerous applications for these types of consents, and it is useful to know the cost to applicants of obtaining a resource consent. Other application categories such as 'subdivision' or 'other resort related' are somewhat unique, and comparing cost data across them is not likely to lead to meaningful conclusions.

Costs data from before 2003 is not readily available. Therefore the figures for the Lakes Environmental charges to process consents are limited to those that were approved after 2004.

### Resource consent costs to erect a dwelling

Of the 42 consents identified in the Millbrook Resort zone to erect a dwelling, cost data is available for 18 consents approved between 2004 and 2011. The average Lakes Environmental charge was **\$1328** (including GST).

By way of comparison:

- the average cost to consent a dwelling in the Quail Rise Special Zone between 2008 and 2010 was **\$1686** (including GST).
- the average cost to consent a dwelling in the Penrith Park Special Zone over the 1999 - 2011 time period was **\$1133** (including GST)
- the average cost to consent a new dwelling or for alterations and addition to a dwelling in the Meadow Park zone over the time period 2004 – 2011 was **\$1174.46** (including GST).

For Millbrook, the lowest cost to obtain a consent was in 2004 when consent for a dwelling was processed for **\$418** (RM040281). This consent was to construct a residential dwelling at Malaghan Ridge.

The highest cost to obtain consent for a dwelling was **\$4896** which was a complex application to construct a dwelling and vary a consent notice to build outside of a building platform and breach a height restriction for property located at 2 Millvista Lane, Millbrook.

### Resource consent costs to alter or add to a dwelling

Of the 41 consents identified in the Millbrook Resort zone to alter or add to an existing dwelling, cost data is available for 21 consents approved between 2004 and 2011. The average Lakes Environmental charge was **\$881** (including GST). The lowest cost was **\$468** dollars for an application to construct an additional room on to the rear of an existing building at 3 The Mews. The highest cost was **\$2716** for an application to extend an approved building platform, to undertake extensions to an existing dwelling, and to vary the existing consent notice.

### Resource consent costs to hold an event

Of the 9 consents identified in the Millbrook Resort zone to hold an event, cost data is available for 4 consents approved between 2004 and 2011. The average Lakes Environmental charge was **\$908** (including GST). The lowest cost was **\$488** which was for an application to stage a fireworks display at Millbrook Resort on 4 and 31 December 2004 and on the 14 January 2005. The highest cost was **\$1310** which was for consent to locate two marquees in the Village zone at the Millbrook Resort for a period of up to ten years.

## 7.1.3 Notification / Limited Notification / Non-notification

Of the 180 resource consents identified in the Millbrook zone, the vast majority were processed without public notification. Only 2 consents appear to have been publicly notified and continued through to a decision, being RM970050 to establish a casino at Millbrook, and RM970384, to establish a helipad at Millbrook resort. Other consents have been notified but have not proceeded through to a decision.

## 7.1.4 Environment Court appeals

No resource consents have been determined by the Environment Court.

## 7.1.5 Summary with regard to efficiency

The average consent cost for a dwelling was comparable with other Special Zones. The fact that almost all applications were processed on a non-notified basis (usually within 20 working days), suggests that the zone is relatively efficient at delivering timely and cost effective consent decisions when consents are anticipated by the zone.

# 7.2 Jacks Point

## 7.2.1 How many resource consents have been triggered?

Since 2006 when the Jacks Point zone became operative, the number of resource consents triggered by the rules of the Resort Special Zone for Jacks Point is approximately 131. Additional consents are likely to exist but are not easily retrievable or searchable due to how consents have been classified over time in the Lakes Environmental / Council records system.

## 7.2.2 Average cost of processing resource consents for

The 126 consent applications were grouped into the following categories:

<i>Type of Consent</i>	<i>Number</i>
Consent to erect a dwelling / more than one dwelling	56
Subdivision and subdivision related consents	43
Other / Resort related developments	27
<b>TOTAL</b>	<b>126</b>

For Jacks Point, the focus of the 'cost' component of this monitoring report is on the first category, i.e. consents for new dwellings. This is because most dwelling applications are for controlled activities, and it is useful to know the cost to applicants of obtaining a resource consent. Other application categories such as 'subdivision' or 'other resort related' are somewhat unique, and comparing cost data across them is not likely to lead to meaningful conclusions.

### Resource consent costs to erect a dwelling / more than one dwelling

Of the 61 consents identified in the Jacks Point Resort zone to erect a dwelling, the average Lakes Environmental charge was **\$1465** (including GST).

By way of comparison:

- the average cost to consent a dwelling in the Millbrook Resort Zone between 2004 and 2011 was **\$1328**.
- the average cost to consent a dwelling in the Quail Rise Special Zone between 2008 and 2010 was **\$1686** (including GST).
- the average cost to consent a dwelling in the Penrith Park Special Zone over the 1999 - 2011 time period was **\$1133** (including GST)
- the average cost to consent a new dwelling or for alterations and addition to a dwelling in the Meadow Park zone over the time period 2004 – 2011 was **\$1174.46** (including GST).

For Jacks Point, the lowest cost to obtain a consent was in 2007 when a consent for a dwelling was processed for **\$466** (RM070320). This consent was to construct a residential dwelling and garage at 3 Hovingham Court.

The highest cost to obtain consent for a single dwelling was **\$3805** to construct a residential dwelling with a swimming pool within a Homesite Activity Area, located at 8 Back Shed Road, Jacks Point.

It is noted that some consents were for multiple homes, for example RM060670 was to construct 25 homes and cost \$3307, which works out at \$132 per dwelling.

### Subdivision and subdivision related consents

Of the 43 consents identified in the Jacks Point Resort zone relating to subdivision or subsequent variations or approvals, the average Lakes Environmental charge was

**\$5050** (including GST). The cost varied depending on the nature of the subdivision application, so providing the lowest and highest figures is not meaningful.

#### Other / Resort related developments

Of the 27 'other' consents identified in the Jacks Point Resort zone, these covered a diverse range of activities, everything from a commercial paint ball operation to constructing wastewater treatment plants. The average Lakes Environmental charge was **\$2405** (including GST).

### 7.2.3 Notification / Limited Notification / Non-notification

Only one application was publicly notified, which was RM090252 (Zante Holdings Ltd) which has been referred to previously. The subdivision application to create 7 residential allotments was notified because it was not in accordance with the structure plan, and was declined.

One application went to a notification determination hearing, but was subsequently processed on a non-notified basis.

### 7.2.4 Environment Court appeals

The Zante consent was appealed to the Environment Court but the appeal is on hold and has not been determined. No other appeals are recorded.

### 7.2.5 Summary with regard to efficiency

The average cost to obtain a consent for a new dwelling at Jacks Point is comparable with other special zones in the District Plan. The zone delivers the vast majority of consents on a non-notified basis, with no Environment Court appeals. Because this report is monitoring the efficiency of the District Plan provisions, it does not accurately capture the inefficiency that arises from the doubling up of approval processes under the Jacks Point Design Review Board approval process, and the District Plan consent requirements.

## 7.3 Waterfall Park

No resource consents have been granted in the Waterfall Park Resort zone. The only RMA related application in the zone was a certificate of compliance (RM031101), which cost **\$1061**.

It is not possible to draw any conclusions with regard to how efficiently the Waterfall Park zone delivers resource consents.

## 9. Conclusion

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### 8.3 Millbrook

Monitoring has shown that most of the Millbrook Resort Zone objectives and policies are effective, however a number of minor amendments should be considered as part of the District Plan review to improve the effectiveness of the objectives, policies and rules. The Structure Plan should be updated to reflect consented development that currently does not comply with the activity area boundaries.

The average consent cost for a dwelling was comparable with other Special Zones. The fact that almost all applications were processed on a non-notified basis (usually within 20 working days), suggests that the zone is relatively efficient at delivering timely and cost effective consent decisions when consents are anticipated by the zone.

### 8.2 Jacks Point

Monitoring has shown that the majority of the Jacks Point Resort Zone objectives and policies are effective. Minor changes to the Structure Plan and several rules should be considered as part of the District Plan review to improve the effectiveness of the objectives, policies and rules. As with Millbrook, the Structure Plan should be updated to reflect consented development that currently does not comply with the activity area boundaries.

The average cost to obtain a consent for a new dwelling at Jacks Point is comparable with other special zones in the District Plan. The zone does deliver the vast majority of consents on a non-notified basis, with no Environment Court decisions.

This monitoring is not able to determine the role that the Jacks Point Design Review Board process has played in terms of the efficiency with which new dwellings can be constructed at Jacks Point. The design review process has a significant influence before consents are processed by Lakes Environmental. However this can lead to inefficiencies as both the Design Review Board and Lakes Environmental undertake similar assessments and both charge for the work undertaken. This has caused frustration for consent applicants at the costs associated with the two similar processes.

### 8.3 Waterfall Park

The objectives, policies and rules for the Waterfall Park Resort Zone have not been tested as no new development has been undertaken on the site since the zone was created. However the majority of the objectives and policies are similar to those of the Millbrook zone, and are likely to be effective subject to some minor amendments to improve their effectiveness. The land subject to the Waterfall Park zoning is currently for sale, and a new owner may pursue some form of development on the site.

No recent consents have been issued in the Waterfall park zone, so it is not possible to determine the efficiency of the zone provisions at delivering consents.