

**In the Environment Court
Christchurch Registry**

**I Te Kōti Taiao
Ōtautahi Rohe**

In the matter of the Resource Management Act 1991 (Act)

And

In the matter of appeals under clause 14(1) of the First Schedule of the Act

Between **Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited**

(ENV-2018-CHC-137)

Appellants

And **Queenstown Lakes District Council**

Respondent

Joint Witness Statement (Planning)

28 August 2020

Joint Witness Statement (Planning)

1 Introduction

- 1.1 At the direction of the Court, expert witness conferencing took place in Queenstown between 24 and 28 August 2020. This occurred without involvement of the Court or an independent facilitator.
- 1.2 The following expert witnesses attended the conferencing session:
 - (a) Chris Ferguson (Planner) for Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (**Jacks Point**); and
 - (b) Vicki Jones (Planner) for the Queenstown Lakes District Council.
- 1.3 All witnesses attending were aware that the session was to be conducted in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014.

2 Issues Discussed

- 2.1 The issues discussed are set out in the following Agenda:
 - (a) The provisions relating to the Vegetation Management Strategy framework
 - (b) The Structure Plan policy
 - (c) The provisions relating to the Peninsula Hill Outstanding Natural Landscape (**ONL**), including Homesite 58
 - (d) Policy 41.2.1.22 – Open Space Golf and Open Space Amenity
 - (e) The provision of Visitor Accommodation (or not) within Homesite HS58
 - (f) The provisions relating to Homesites HS38 – HS56, including colour rule in relation to HSs 38 - 58
 - (g) Jacks Point Village – Comprehensive Development Plan
 - (h) Scale of commercial activity within the JP(V)
 - (i) 3 storey maximum rule in the village

3 Vegetation Management Strategy framework

- 3.1 We agree in principle that there should be rules that enable the council to require that a holistic approach is taken to the planting of new vegetation and the preservation of existing vegetation within Homesites HS₃₈ - HS₅₆ and that this should be provided for at the subdivision stage. In principle, we agree that new

rules and a new policy regarding the provision of a Vegetation Management Strategy (VMS) are appropriate to be added to Chapter 27 to achieve a comprehensive approach to vegetation across these homesites and the intervening area of Tablelands.

- 3.2 The respective evidence proposes slightly different wording for a new policy 27.3.7.8 and we have agreed that the following wording is appropriate:

Policy 27.3.7.8 Ensure that any subdivision of land containing Homesite Activity Areas HS₃₈ to HS₅₆, including the area of intervening OSG, maintains or enhances the indigenous biodiversity and ecological values, landscape character and visual amenity values of these Homesite Activity Areas and this part of the Tablelands Landscape Protection Area, through the preparation and implementation of a comprehensive Vegetation Management Strategy.

- 3.3 We agree that the rules within Chapter 41 addressing the implementation of the VMS at the land use stage also require appropriate policy support within Chapter 41. The respective evidence proposes slightly different wording for the policy, and the following wording is now agreed:

Policy 41.2.1.29 Ensure that use and development within Homesites HS₃₈ to HS₅₆ and any adjoining area of OSG, maintains and enhances the indigenous biodiversity, ecological values, landscape character, and visual amenity values of these Homesites and this part of the Tablelands Landscape Protection Area through the implementation of a vegetation management strategy.

- 3.4 The evidence of Mr Ferguson proposes the introduction of a new Standard 41.5.4.8 that seeks to ensure that planting within the lot containing the Homesites carries through the planting obligations established by the VMS (through subdivision). We agree that this rule is useful and appropriate, subject to a minor edit to reflect that it should relate to planting within the 'Site within which the homesite is located' and any renumbering of the rule referred to therein that may be necessary once the numbering in Chapter 27 is confirmed. Amended Rule 41.5.4.8 is below.

- 3.5 The following wording for a new Rule 41.5.4.8 is now agreed:

41.5.4.8 Within the area of the Site containing Homesite Activity Areas HS₃₈ to HS₅₆, development shall provide for implementation of the vegetation management strategy established through Rule 27.7.5.4, prior to the occupation of any residential unit.

- 3.6 We agree that in order to enable the Council to require a VMS to be submitted and for it to be able to be fully considered and conditions imposed on its design and implementation, a new controlled activity subdivision rule relating to Homesites HS₃₈ to HS₅₆, is necessary. We also agree that this new rule should set out the information that is required to be included in any such VMS.

- 3.7 We have agreed the following wording for new controlled activity Rule 27.7.5.4:

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| 27.7.5 | <p><u>Jacks Point</u></p> <p><u>27.7.5.4 Subdivision of land comprising any of Homesite Activity Areas HS₃₈ – HS₅₆</u></p> <p><u>Control is reserved to:</u></p> <p>a. <u>Those matters listed under Rule 27.7.1;</u></p> <p>b. <u>The content of the Vegetation Management Strategy;</u></p> <p>c. <u>Indigenous biodiversity values;</u></p> <p>d. <u>Ecological values;</u></p> <p>e. <u>Landscape character and visual amenity values;</u></p> <p>f. <u>The measures to ensure implementation of the Vegetation Management strategy; and</u></p> <p>g. <u>The appropriateness of a legal instrument(s) registered on the titles to secure implementation of the Vegetation Management Strategy.</u></p> | C |
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- 3.8 We agree that the structure of the VMS framework needs to incorporate three broad matters, including: the spatial layout of the actual planting through what we have termed the ‘vegetation plan’; the measures that relate to implementation of the vegetation plan; and a further landscape assessment component, which is considered necessary to evaluate the appropriateness of the VMS to provide a holistic approach to the revegetation and subdivision outcomes.
- 3.9 We agree that the information requirements for the VMS should be included in Rule 27.7.5.4 as detailed below.

Information requirements:

The Vegetation Management Strategy submitted as part of this Rule shall be prepared by a suitably qualified and experienced person to provide a holistic approach to revegetation of the homesites and the surrounding area of the tablelands. The Vegetation Management Strategy shall include the following information:

- (a) A Vegetation Plan, which includes:
- (i) A schedule of plant species numbers, and spacing, using locally appropriate eco-sourced native species;
 - (ii) The boundaries of the area subject to the Vegetation Management Strategy and the location of Homesites HS₃₈ to HS₅₆;
 - (iii) Identification of existing indigenous vegetation communities, including grey shrubland and wetland species, and provides a coherent pattern of new planting, which integrates with the existing indigenous vegetation and reinforces the existing landform patterning;

- (iv) Any earthworks associated with the Vegetation Management Strategy; and
 - (v) The location and alignment of access, roading, sites for future dwellings and any associated earthworks, and integration of these built elements into the landscape when viewed from neighbouring homesites, public walkways, the Lodge Activity Area, Lake Wakatipu and Jacks Point Zone residential activity areas.
- (b) Measures relating to the implementation of the vegetation plan, including:
- (i) Protection of indigenous vegetation from grazing stock, weeds and other pests;
 - (ii) Irrigation methods, if required; and
 - (iii) Staging and timing of planting.
- (c) A landscape assessment, which:
- (i) Includes the rationale for the boundaries for the proposed vegetation plan;
 - (ii) Demonstrates that the vegetation plan will result a coherent pattern of new planting, which integrates with the existing indigenous vegetation; establishes indigenous vegetation links within and between Homesites; and reinforces the existing landform patterning;
 - (iii) Demonstrates that the proposed planting will result in an improvement in indigenous biodiversity values across these Homesites and the surrounding Tablelands Landscape Protection Area;
 - (iv) Demonstrates that subdivision design elements, including vehicle access, have been integrated into the design of the proposed planting, taking into account views from:
 - neighbouring homesites;
 - public walkways;
 - the Lodge Activity Area;
 - Lake Wakatipu; and
 - Jacks Point Zone residential activity areas.

Noting that the purpose of the proposed planting is to mitigate views and not screen from the above locations; and
 - (v) Demonstrates that the vegetation plan will accommodate views from homesites to the surrounding mountains and lake.

3.10 A key fact and assumption that we make in the formulation of the above information requirements in respect of the integration of planting with views (refer (iv) above), is that the purpose of this planting is to integrate development into the landscape in a holistic manner (and improve biodiversity), but not to screen development from the listed viewer points. We agree that, subject to the input from the landscape architects, that if this assumption is incorrect the wording of this information requirement should be amended.

- 3.11 We agree that the controlled activity subdivision rule supporting the formulation of the Vegetation Management Strategy needs to be supported by further non-complying activity rules that seek to:
- (a) Ensure subdivision provides for the establishment of a VMS;
 - (b) Ensure that the VMS incorporates all of the land within Homesites HS₃₈ to HS₅₆ together with the intervening areas of Activity Area OSG between;
 - (c) Ensure that the VMS is implemented as part of the subdivision for that part of the VMS located within Activity Area OSG; and
 - (d) Ensure the registration of a legal instrument on the new titles created for Homesites HS₃₈ to HS₅₆ requiring implementation of the vegetation management strategy at the time of future building development.
- 3.12 In relation to Mr Ferguson’s proposed Rule 27.7.5.6, we have discussed the practicalities of formulating and implementing a VMS for the Tablelands area, in the context that the affected land is all owned by various Jacks Point entities, who will be responsible for the creation of the VMS and that any subsequent changes to a VMS would require approval as a discretionary activity under the Act, assuming that the legal instrument referred to in the rule is a consent notice. Given these facts and the other safeguards provided by the rules (e.g. Rule 27.7.5.5 triggers a non complying status if a VMS is applied for that does not include all the Homesites) we agree that there does not need to be any further rules to protect against either having more one than one VMS in existence¹ or to prevent changes to an established VMS². We note that such a rule could inadvertently restrict changes that result in biodiversity enhancements within each homesite.
- 3.13 In addition to agreed Rule 27.7.5.4 above, the wording of new location-specific rules have been agreed, as detailed below, with the exception of the text highlighted in yellow, where we have a difference of opinion. That difference of opinion is briefly outlined beneath the rules.

| <u>Subdivision of any land containing Homesite Activity Areas HS₃₈ – HS₅₆</u> | | |
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| <u>27.7.5.5</u> | <u>Subdivision of any land containing Homesite Activity Areas HS₃₈ – HS₅₆ that does not:</u> <ul style="list-style-type: none"> a) <u>Include a vegetation management strategy that satisfies the information requirements in Rule 27.7.5.4; or</u> b) <u>Include all of Homesite Activity Areas HS₃₈ to HS₅₆ and any land within the OSG Activity Area that is located between these Homesites.</u> | <u>NC</u> |
| <u>27.7.5.6</u> | <u>Subdivision of any part of the OSG Activity Area located outside of the lot containing Homesite Activity Areas HS₃₈ – HS₅₆ that does not provide for the implementation of the Vegetation Management Strategy provided in accordance within Rule 27.7.5.4,</u> | <u>NC</u> |

¹ Proposed Rule 27.7.5.6, Appendix 1 Evidence in Chief of Chris Ferguson (8 July 2020)

² Proposed Rule 27.7.5.7, Appendix 1, Evidence in Chief of Vicki Jones (7 August 2020)

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| <p><u>27.7.5.7</u></p> | <p>prior to the issue of s224 c) certification.</p> <p><u>Subdivision of any land containing Homesite Activity Areas HS₃₈ – HS₅₆ that does not provide for the registration of a legal instrument on the relevant Record of Title, that:</u></p> <p><u>For the lot containing the Homesite Activity Area:</u></p> <ul style="list-style-type: none"> (i) <u>requires implementation of the Vegetation Management Strategy in accordance with Rule 27.7.5.4;</u> (ii) <u>requires implementation of the vegetation plan, as relevant to each lot containing a homesite, including areas of existing vegetation prior to the occupation of the residential unit;</u> (iii) <u>requires implementation of the measures detailed within provision 27.7.5.4 b), [Wording not agreed: for an appropriate timeframe/ in perpetuity]; and</u> (iv) [Wording not agreed: Includes the registration of enforcement and penalty provisions in favour of the Council.] <p><u>For those lot/s containing any part of the OSG Activity Area located outside of the lot containing Homesite Activity Areas HS₃₈ – HS₅₆</u></p> <ul style="list-style-type: none"> (v) <u>requires implementation of the measures detailed within provision 27.7.5.4 b), [Wording not agreed: for an appropriate timeframe/ in perpetuity.]</u> (vi) <u>[Wording not agreed: Includes the registration of enforcement and penalty provisions in favour of the Council.]</u> | <p><u>NC</u></p> |
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3.14 We have reproduced the amended VMS framework within **Appendix 1**.

3.15 In relation to the alternative wording of parts (iii) and (v) of Rule 27.7.5.7 highlighted above, Mr Ferguson considers it is most appropriate to leave the determination of what timeframe should be imposed on the implementation measures to be determined through the consent process. He notes, in particular, that some measures such as irrigation and replacement planting might be time bound and that others, such as fencing, might not be. While Ms Jones agrees that some measures such as irrigation may only be required for, say, 5-10 years and others might be required to be enforceable in perpetuity, she considers that, in order to be sufficiently certain, the rule needs to state such timeframes. Therefore, she considers that parts (iii) and (v) of Rule 27.7.5.7 should specify the duration for those particular measures where they need only be enforced for a period of time and that the landscape experts should be asked to advise on this.

- 3.16 In relation to whether highlighted parts (iv) and (vi) of Rule 27.7.5.7 are necessary, Mr Ferguson considers that this additional provision is unnecessary because building within these Homesites will trigger consent as a controlled or restricted discretionary activity, where the “implementation and maintenance of a vegetation management strategy” is a matter of control/discretion and would be addressed through conditions of consent. To the contrary, Ms Jones considers that inclusion of parts (iv) and (vi) of the rule provide an effective and efficient way of ensuring the long term, comprehensive execution of the vegetation management strategy.

4 Homesites HS39 and HS40

- 4.1 We agree that it is appropriate for development of residential units with Homesite Activity Areas HS₃₉ and HS₄₀ to be a restricted discretionary activity and is supported by a new policy. The respective evidence proposes slightly different wording for a new Policy 41.2.1.32 (Vicki) and 41.2.1.X2 (Chris) and we have now agreed the following wording that incorporates a consideration of the values of the adjacent ONL, as being more appropriate:

41.2.1.32 Ensure that use and development within Homesite Activity Areas HS₃₉ and HS₄₀ maintains or enhances the landscape character and visual amenity values of the Tablelands Landscape Protection Area, and protects the values of the adjoining Outstanding Natural Landscape, by:

- a) ensuring building development is not visually prominent when viewed from State Highway 6, other Homesites within the Tablelands Landscape Protection Area, the access road to the Homesites, the Lodge Activity Areas, the Queenstown Trail, and the Jacks Point residential activity areas, recognising that buildings will be visible from these areas;
- b) ensuring vehicle access harmonises with the landform, including by establishing native tree and shrub planting to mitigate visibility and utilising shared accessways as much practical;
- c) avoiding light spill beyond the Homesite;
- d) requiring the planting of predominantly indigenous vegetation species to enhance indigenous biological diversity and build on existing ecological patterns, including wetland and grey shrubland habitats in accordance with a Vegetation Management Strategy; and
- e) requiring that buildings do not detract from the landscape values of the adjacent Peninsula Hill Outstanding Natural Landscape.

- 4.2 The respective evidence proposes slightly different wording for a new restricted discretionary activity rule for development within Homesite Activity Areas HS₃₉ and HS₄₀, Rule 41.4.4.18 (Vicki) and 41.4.4.22 (Chris) and we have now agreed the following wording.

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| <u>44.4.4.X</u> | <u>No more than one residential unit located within Homesite Activity Areas HS₃₉ and HS₄₀.</u> | <u>RD</u> |
| | <u>Discretion is restricted to:</u> | |
| | <ul style="list-style-type: none"> • <u>The external appearance of buildings with respect to the effect on visual amenity and</u> | |

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| <p><u>landscape values of the area.</u></p> <ul style="list-style-type: none"> • <u>Infrastructure and servicing.</u> • <u>Associated earthworks and landscaping.</u> • <u>The visual effects of building and associated lighting and access</u> • <u>Light spill beyond the homesite activity area</u> • <u>Nature conservation values, consistent with any vegetation management strategy.</u> • <u>Implementation and maintenance of any vegetation management strategy established through Rule 27.7.5.4</u> | |
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- 4.3 A key assumption we make in relation to Sections 3 and 4 of the JWS is that the locations of each Homesite Activity Areas HS₃₈ to HS₅₆ are appropriate from a landscape perspective.

5 The Structure Plan policy

- 5.1 No agreement has been reached with respect to the changes proposed to this policy in the evidence of Mr Ferguson.

6 The provisions relating to the Peninsula Hill ONL, including Homesite HS₅₈

- 6.1 We discussed the drafting of the necessary policy/s that would be required to support development within Homesite Activity Area HS₅₈ where one residential unit is proposed through new Rule 41.4.4.19 (EIC Vicki Jones) or Rule 41.4.4.20 (EIC Chris Ferguson) to be a restricted discretionary activity, subject to compliance with standards. We understand that the final version of the Exception Zone framework has yet to be finalised through the Environment Court. We are, however, mindful of the likely strategic direction which has been proposed through the interim decision on Topic 2.
- 6.2 In the context of SO3.2.5.1A (from the interim decision on Topic 2; NZEnvC 205 relating to activities within an ONL), we understand that listing a residential unit within Homesite HS₅₈ as a restricted discretionary activity would be interpreted to mean that this activity is “provided for” by this Exception Zone and that such an activity would not engage with chapter 3 and therefore must be supported by policy within chapter 41 that appropriately protects the ONL. We are, however, unclear how a residential unit on Homesite HS₅₈ that breaches a standard such as height or building coverage would be treated in terms of the Exception Zone framework. We consider this a material factor to how the policies supporting Homesite HS₅₈ are drafted.
- 6.3 We agree that, irrespective of the uncertainty identified above, any policy relating to development within Homesite HS₅₈ should seek to protect the values of the Peninsula Hill ONL.

- 6.4 We do not agree on a suitable policy construction for the Peninsula Hill ONL as whole. This is mainly because of the divergence in the opinions of the landscape architects on the extent of the Peninsula Hill LPA and therefore how the outcomes for these areas should be treated.

Vehicle Access to Homesite HS₅₈

- 6.5 The evidence of Ms Jones raises an issue with the potential movements available to the access to Homesite HS₅₈ through the structure plan rule that provides considerable scope for secondary roads to move. Mr Ferguson agrees that the degree of latitude available within the rule could result in this access not following the existing farm track through the central and eastern part of the Peninsula Hill ONL.
- 6.6 The evidence of Ms Jones proposes that new standard 41.5.4.6A (Vicki Jones version) relating to the formation of the vehicle access to Homesite HS₅₈ shall also prevent passing bays or lighting, in addition to the matters addressed within the version of the standard proposed by Mr Ferguson. Mr Ferguson does not entirely agree that for the entire length of this access such criteria are necessary, including for example alongside Activity Area R(HD – SH) – 3 and the western end of the access where it extends past the existing farm track.
- 6.7 We agree that it would be useful to have more detailed advice from the landscape architects in relation to whether there are some parts of the accessway where the alignment could be more flexible or where a passing bay, for example, may be possible.
- 6.8 Subject to this input, we consider that there may be possible solutions available to amend the Structure Plan and/or the related Structure Plan rule in a way that ensures that the access to Homesite HS₅₈ follows the specific alignment shown on the Structure Plan where this is necessary for landscape reasons but provides for a greater level of flexibility from the alignment shown in the structure plan in relation to other parts of the access. This would be subject to an appropriate margin that could be specified through input from the landscape architects.

7 Policy 41.2.1.22 – Open Space Golf and Open Space Amenity

- 7.1 The main difference between the revised policies 41.2.1.22 proposed within the respective evidence is whether it is appropriate to contain the qualifier of building being small scale. We both acknowledge this as being primarily linked to the height standard of 4m but can also influence the matter of control over the bulk of buildings (Rule 41.4.4.2 and 41.4.4.10).
- 7.2 Mr Ferguson agrees that in respect to the nature of building anticipated within the OSA Activity Area, being related to recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention, and underground services³, the scale of associated building would likely to be small. Accordingly, Mr Ferguson agrees that modification to amend Policy 41.2.1.22 could be made to reflect this but does not agree to the wording proposed by Ms Jones that also qualifies OSG Activity Area. The reasons for this are that Mr Ferguson considers that the nature of the building outcomes allowed for with OSG, being associated with “the development and operation of golf courses, associated earthworks, green

³ Rule 41.4.4.10, Chapter 41 Jacks Point Zone (PDP Decision Version)

keeping, driving range, administrative offices associated with golf, sales, and commercial instruction”⁴ would create unnecessary tensions with a “small scale” policy directive.

8 The provision of Visitor Accommodation (or not) within Homesite HS58

- 8.1 We have not reached agreement on whether Visitor Accommodation can be an activity listed as being discretionary within Homesite HS₅₈, as opposed to becoming discretionary through the default activity status Rule 41.3.2.1.

9 The provisions relating to Homesites HS38 – HS56, including Colour rule in relation to HSs 38 – 58

- 9.1 The landscape evidence of Ms Pflüger considers that that it would be appropriate to narrow the range of colours to be provided for buildings on Homesites 38-56 to a range of browns, greens and greys with a reflectance value of less than 30% for building surfaces as proposed. The evidence of Ms Jones proposes amendments to existing standard 41.5.5.5 to reflect this and extend into Homesite HS58.
- 9.2 We agree that it would be appropriate to amend standard 41.5.5.5 in the manner set out below.

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| <p>Building Colours</p> <p>41.5.5.5 Any building shall result in:</p> <ul style="list-style-type: none"> a. at least 70% of the total painted or galvanised external surface of buildings (excluding roofs and windows) with a reflectance value of between 0 and 35% b. roof colours with a light reflectance value of 20% or less, and in the range of browns, greys and black. c. <u>All external surfaces within Homesites HS₃₈ – HS₅₈, shall have a reflectance value of between 0 and 30% and also be in the range of browns, greys, and green.</u> | <p>D</p> |
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10 Jacks Point Village – Comprehensive Development Plan

- 10.1 Mr Ferguson wishes to clarify that the intent of the rule package that he proposes in support of the Comprehensive Development Plan was not that this be revisited at the time of each and every resource consent.
- 10.2 In all other respects we have not reached agreement on an appropriate approach to the formulation of a CDP.

⁴ Rule 41.4.4.1, Chapter 41 Jacks Point Zone (PDP Decision Version)

11 Scale of commercial activity within the Jacks Point Village

- 11.1 We agree that there is some ambiguity and potential duplication between the definitions of retail and commercial activities and that this could result in uncertainty in relation to the administration of Mr Ferguson's proposed amended Rule 41.5.5.5.
- 11.2 We therefore agree that it is appropriate to specifically apply a separate, more permissive standard for bars, taverns, or restaurants (including cafes) in the manner proposed by Ms Jones. We have not reached agreement as to whether the area cap should be 250m² or 300m² in relation to bars, taverns, or restaurants (including cafes), or whether the activity status for any of the suggested caps should be restricted discretionary or full discretionary.
- 11.3 An alternative that could be considered would be agreeing a 300m² area cap for bars, taverns, or restaurants (including cafes) for up to a specified number of establishments.
- 11.4 We agree that if the evidence of Mr Brabant is correct and there is scope within appeals to provide for "*one supermarket servicing the retails needs of the Jacks Point Residents*" then inclusion of a separate standard to specify an NFA cap for this specific retail activity would be appropriate.

12 3 storey maximum rule in the village

- 12.1 We have not reached agreement on the changes sought to the height rule within the evidence of Mr Ferguson.

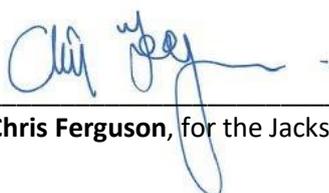
13 Statement

- 13.1 We confirm that this joint witness statement is a true and accurate record of the conferencing session held on 24 – 28 August 2020, and that we have complied with the Code of Conduct for Expert Witnesses.

Date: 28 August 2020



Vicki Jones, for Queenstown Lakes District Council



Chris Ferguson, for the Jacks Point entities

APPENDIX 1

Amended Vegetation Management Strategy Framework

Chapter 41 Jacks Point Zone

Policy 41.2.1.29 Ensure that use and development within Homesites HS₃₈ to HS₅₆ and any adjoining area of OSG, maintains and enhances the indigenous biodiversity, ecological values, landscape character, and visual amenity values of these Homesites and this part of the Tablelands Landscape Protection Area through the implementation of a vegetation management strategy.

Chapter 27 Subdivision

Policy 27.3.7.8 Ensure that any subdivision of land containing Homesite Activity Areas HS₃₈ to HS₅₆, including the area of intervening OSG, maintains or enhances indigenous biodiversity and ecological values, landscape character and visual amenity values of these Homesite Activity Areas and this part of the Tablelands Landscape Protection Area, through the preparation and implementation of a comprehensive Vegetation Management Strategy.

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| <p><u>27.7.5</u></p> | <p><u>Jacks Point</u></p> <p><u>27.7.5.4 Subdivision of land comprising any of Homesite Activity Areas HS₃₈ – HS₅₆</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>Those matters listed under Rule 27.7.1;</u> b. <u>The content of the Vegetation Management Strategy;</u> c. <u>Indigenous biodiversity values;</u> d. <u>Ecological values;</u> e. <u>Landscape character and visual amenity values;</u> f. <u>The measures to ensure implementation of the Vegetation Management strategy; and</u> g. <u>The appropriateness of a legal instrument(s) registered on the titles to secure implementation of the Vegetation Management Strategy</u> <p><u>Information requirements:</u></p> <p><u>The Vegetation Management Strategy submitted as part of this Rule shall be prepared by a suitably qualified and experienced person to provide a holistic approach to revegetation of the homesites and the surrounding area of the tablelands. The Vegetation Management Strategy shall include the following information:</u></p> <ul style="list-style-type: none"> (a) <u>A Vegetation Plan, which includes:</u> | <p><u>C</u></p> |
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| | <ul style="list-style-type: none"> (i) <u>A schedule of plant species numbers, and spacing, using locally appropriate eco-sourced native species;</u> (ii) <u>The boundaries of the area subject to the Vegetation Management Strategy and the location of Homesites HS₃₈ to HS₅₆;</u> (iii) <u>Identification of existing indigenous vegetation communities, including grey shrubland and wetland species, and provides a coherent pattern of new planting, which integrates with the existing indigenous vegetation and reinforces the existing landform patterning;</u> (iv) <u>Any earthworks associated with the Vegetation Management Strategy; and</u> (v) <u>The location and alignment of access, roading, sites for future dwellings and any associated earthworks, and integration of these built elements into the landscape when viewed from neighbouring homesites, public walkways, the Lodge Activity Area, Lake Wakatipu and Jacks Point Zone residential activity areas.</u> <p>(b) <u>Measures relating to the implementation of the vegetation plan, including:</u></p> <ul style="list-style-type: none"> (i) <u>Protection of indigenous vegetation from grazing stock, weeds and other pests;</u> (ii) <u>Irrigation methods, if required; and</u> (iii) <u>Staging and timing of planting.</u> <p>(c) <u>A landscape assessment, which:</u></p> <ul style="list-style-type: none"> (i) <u>Includes the rationale for the boundaries for the proposed vegetation plan;</u> (ii) <u>Demonstrates that the vegetation plan will result a coherent pattern of new planting, which integrates with the existing indigenous vegetation; establishes indigenous vegetation links within and between Homesites; and reinforces the existing landform patterning;</u> (iii) <u>Demonstrates that the proposed planting will result in an improvement in indigenous biodiversity values across these Homesites and the surrounding Tablelands Landscape Protection Area;</u> (iv) <u>Demonstrates that subdivision design elements, including vehicle access, have been integrated into the design of the proposed planting, taking into account views from:</u> <ul style="list-style-type: none"> – <u>neighbouring homesites;</u> – <u>public walkways;</u> – <u>the Lodge Activity Area;</u> – <u>Lake Wakatipu; and</u> – <u>Jacks Point Zone residential activity areas.</u> | |
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| | <p><u>Noting that the purpose of the proposed planting is to mitigate views and not screen from the above locations; and</u></p> <p>(v) <u>Demonstrates that the vegetation plan will accommodate views from homesites to the surrounding mountains and lake.</u></p> | |
| | <p><u>Subdivision of any land containing Homesite Activity Areas HS₃₈ – HS₅₆</u></p> <p><u>27.7.5.5 Subdivision of any land containing Homesite Activity Areas HS₃₈ – HS₅₆ that does not:</u></p> <p>a) <u>Include a vegetation management strategy that satisfies the information requirements in Rule 27.7.5.4; or</u></p> <p>b) <u>Include all of Homesite Activity Areas HS₃₈ to HS₅₆ and any land within the OSG Activity Area that is located between these Homesites.</u></p> | <u>NC</u> |
| | <p><u>27.7.5.6 Subdivision of any part of the OSG Activity Area located outside of the lot containing Homesite Activity Areas HS₃₈ – HS₅₆ that does not provide for the implementation of the Vegetation Management Strategy provided in accordance within Rule 27.7.5.4, prior to the issue of s224 c) certification.</u></p> | <u>NC</u> |
| | <p><u>27.7.5.7 Subdivision of any land containing Homesite Activity Areas HS₃₈ – HS₅₆ that does not provide for the registration of a legal instrument on the relevant Record of Title, that:</u></p> <p><u><i>For the lot containing the Homesite Activity Area</i></u></p> <p>(i) <u>requires implementation of the Vegetation Management Strategy in accordance with Rule 27.7.5.4;</u></p> <p>(ii) <u>requires implementation of the measures detailed within provision 27.7.5.4 b), [Wording not agreed: for an appropriate timeframe/ in perpetuity]; and</u></p> <p><u>(iii) [Wording not agreed: Includes the registration of enforcement and penalty provisions in favour of the Council.]</u></p> <p><u><i>For those lot/s containing any part of the OSG Activity Area located outside of the lot containing Homesite Activity Areas HS₃₈ – HS₅₆</i></u></p> <p>(iv) <u>requires implementation of the measures detailed within provision 27.7.5.4 b), [Wording not agreed: for an appropriate timeframe/ in perpetuity.]</u></p> <p>(v) <u>[Wording not agreed: Includes the registration of enforcement and penalty provisions in favour of the Council.]</u></p> | <u>NC</u> |

