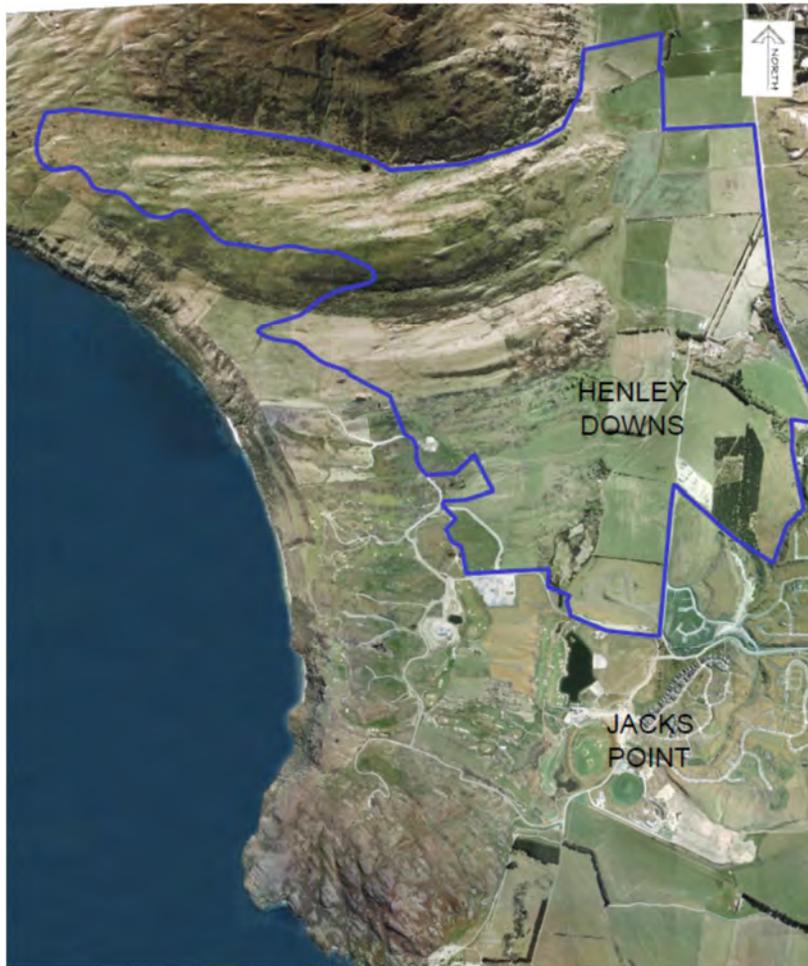




PRIVATE PLAN CHANGE REQUEST

HENLEY DOWNS



February 2013

THE REQUESTER AND PROPERTY DETAILS

REQUESTER:

RCL QUEENSTOWN PTY LTD

ADDRESS FOR SERVICE:

c/- John Edmonds & Associates
PO Box 95
QUEENSTOWN

SITE ADDRESS:

Henley Downs/Jacks Point, State Highway 6, Queenstown

SITE AREA:

Approximately 520 Ha

LEGAL DESCRIPTION:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 DP 398514; and

Lot 1 DP 25597

REQUEST:

Pursuant to Section 73(2) of the Resource Management Act 1991, RCL Group Limited seeks a change to the Queenstown Lakes District Plan.

This Plan Change request seeks to amend the Queenstown Lakes District Plan as it applies to the area known as Henley Downs to create a new Henley Downs Special Zone which will enable a range of urban uses while protecting important natural and landscape values. In addition, to enable the rezoning, changes are proposed to Section 12 (Special Zones - Resort Zone), Section 15 (Subdivision) and Section 18 (Signs) of the District Plan.

REASON FOR REQUEST:

The rezoning is considered appropriate as it is timely for the existing rezoning to be reviewed and a number of resource management issues have been identified with the current zoning as it applies to Henley Downs.

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Appendix A:	Geological Assessment Reports	Royden Thomson Geologist	Arith Ltd (Ltd (preparatory work for 2006 Outline Development Plan) and RCL Queenstown Pty Ltd (2013)
Appendix B:	Liquefaction Hazard maps	Queenstown Lakes District Council	Public use
Appendix C:	Geotechnical Assessment Report	Tonkin and Taylor Ltd	Arith Ltd
Appendix D:	Landscape Assessment	Vivian and Espie	RCL Queenstown Pty Ltd (2013)
Appendix E:	Coneburn Study	Darby Partners Ltd and other consultants	Jacks Point Variation (2002)
Appendix F:	Ecological Assessment	Natural Solutions for Nature Ltd	RCL Queenstown Pty Ltd (2013)
Appendix G:	Water Supply Information	John Edmonds and Associates Ltd	RCL Queenstown Pty Ltd (2013)
Appendix H:	Wastewater	Ian Gunn Engineering Consultant	RCL Queenstown Pty Ltd (2012)
Appendix I:	Transportation Assessment	Traffic Design Group	RCL Queenstown Pty Ltd (2012)
Appendix J:	Dwelling Capacity Model	Queenstown Lakes District Council	Public use (2010)
Appendix K:	Urban Design Panel presentation and report	John Edmonds and Associates Ltd and Queenstown Lakes District Council	RCL Queenstown Pty Ltd (2012)
Appendix L:	Extracts from Outline Development Plan approved for Henley Downs (2006)	John Edmonds and Associates Ltd and Darby Partners Ltd	Arith Ltd (for 2006 Outline Development Plan)
Appendix M:	Advice Regarding Property Titles	Burton & Co Lawyers	John Edmonds and Associates Ltd / RCL Queenstown Pty Ltd (2013)
Appendix N:	Examples of Development Densities	John Edmonds and Associates Ltd	RCL Queenstown Pty Ltd (2013)
Appendix O:	Consultation Information (examples of letters sent, copy of presentation to the Jacks Point Residents and Owners Association and copy of response from Otago Regional Council)	John Edmonds and Associates Ltd and Otago Regional Council	RCL Queenstown Pty Ltd (2012 and 2013)
Appendix P:	Council Decision on Variation 16 to the	Queenstown Lakes District	Public use (2003)

	Proposed Queenstown Lakes District Plan	Council	
Appendix Q	Proposed Amended District Plan Zoning Map	Queenstown Lakes District Council	John Edmonds and Associates Ltd / RCL Queenstown Pty Ltd

1.0 INTRODUCTION

1.1 Executive Summary

This document has been prepared to support a private plan change request to re-zone part of the land currently identified as Henley Downs within the Jacks Point Resort Zone (Part 12) of the Queenstown Lakes District Plan (the Plan). The proposal has been prepared by John Edmonds and Associates ('the project team') on behalf of RCL Queenstown Pty Ltd.

Adjoining the emerging Jacks Point settlement, on the eastern side of State Highway 6 at the base of the Remarkables Range, Henley Downs comprises approximately 520 hectares. The zoning as it exists in the current District Plan provides for similar outcomes to the areas already being developed in Jacks Point, including a second village and residential neighbourhoods with a high standard of design.

The Resort Zone became operative in 2003. With the passing of time and the progress made in developing Greater Jacks Pointⁱ, it is timely to review the zoning of the currently undeveloped Henley Downs area. This presents an opportunity to consider the distinct site characteristics of Henley Downs, the type of housing and other uses that will meet community needs and reflect market conditions, and how Henley Downs integrates with Greater Jacks Point and other settlements in the Wakatipu.

Accordingly, some of the key features this plan change request proposes are:

- An increased range of permissible residential densities
- The expansion of the urban footprint into some areas assessed to have the ability to absorb change
- The removal of the requirement for commercial activity within the Henley Downs Zone
- Flexibility for commercial and other non-residential activities to establish when carefully planned for
- Enabling a road entrance/exit into the settlement from State Highway 6 via Woolshed Road

ⁱ For the purposes of this plan change, the combined areas of Jacks Point, Henley Downs and Homestead Bay are referred to as 'Greater Jacks Point'

- A more comprehensive assessment during the early stages of planning and subdivision (via the Outline Development Plan) to support best practice in integrated resource management and place making.
- A reduction, for some areas, in compliance costs through removing some resource consent requirements for individual house builders and owners

This report is structured in the following manner:

- Identification of the site and an assessment of its context within the Wakatipu Basin;
- Assessment of the site constraints and opportunities;
- Explanation of the consultation that has occurred in preparing the change;
- An outline of the statutory framework, providing a thorough assessment of all of the relevant issues and documents, including statutory documents, Council policies, Council strategies, and community workshop outcomes;
- An assessment of the effects of the proposed changes on the environment;
- Identification of the key issues and options considered in preparation of this plan change; and
- Identification and assessment of the most appropriate objectives, policies and methods, to apply to the special zone.

An assessment of environmental effects is included in this report and is accompanied by a series of technical reports (as included in the appendices to this report). These assess the impact of the proposed development upon landscape, infrastructure, transport etc. These technical reports help support the proposed changes to the zoning for Henley Downs by confirming there are no significant impediments to the development proposed and informing the provisions proposed for the District Plan.

The following table compares some of the notable rules under the existing zoning (Resort – Jacks Point) and the proposed Henley Downs Zone:

Comparison of Existing and Proposed District Plan Rules in Henley Downs

	Existing (Jacks Point – Resort Zone)	Proposed (Henley Downs Zone)
Controls on density	Requirement to lodge a density master plan prior to the lodgement of an Outline	Maximum residential density for each development area set in table in zone

	Development Plan.	.standards.
Activity status of buildings	Controlled Activity Status	Permitted (subject to standards) for residential development up to 3 residential units. Restricted discretionary for residential development more than 3 units.
Commercial activities	Controlled Activity status for commercial buildings, restricted discretionary if net floor area larger than 200m ² . Minimum 1/6 of Village Floor Area to be used for commercial purposes.	Restricted discretionary activity status for non-residential buildings. Retail buildings restricted discretionary if net floor area larger than 200m ² . No minimum provision of commercial uses.
Buildings in non-urban part of zone	Discretionary if directly related to services (as defined), otherwise non-complying (due to being inconsistent with the Structure Plan).	Discretionary with assessment matters indicating limited occasions where they may be appropriate.
Buildings that do not comply with an ODP	Restricted Discretionary (Site Standard).	Discretionary (with ability to notify). Includes assessment matters.
Outline Development Plan	Controlled Activity Status	Restricted Discretionary Status
Service activities	Discretionary	Discretionary
Industrial Activities	Non-complying	Non-complying
Earthworks	No change proposed	
Building Height	8 m in residential neighbourhoods, 10 m in Village	8 metres except in Commercial and Community and Medium Density Housing precincts, where the limit is 10 m.
Location of Garages	No control (but buildings	Must be set back at the

	controlled activity status).	same level as the façade of the house in some sub-zones
Fences	Up to 2 m.	Up to 2 m except within the set back from the road, where they shall be no higher than 1.2 m
Colours	No standards (but assessment matters given buildings are controlled).	Standards to control reflectance for permitted buildings, assessment matters for restricted discretionary buildings.
Noise	Standards in line with other residential zones in the district.	Standards in line with other residential zones in the district, except within Commercial and Community Precincts, where standards are in line with town centre zones.
Minimum lot size	None	None
Maximum number of houses that could be built in Henley Downs.	Estimated to be 1364	2426

This report concludes that the objectives of the District Plan and the purpose of the Resource management act would be best served through changing the current provisions of the District Plan with respect to Henley Downs so as to create a new Henley Downs Special Zone, as proposed by this plan change request.

1.2 The First Schedule of the Resource Management Act 1991

Section 73(2) of the Resource Management Act 1991 (RMA) states that:

Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 1

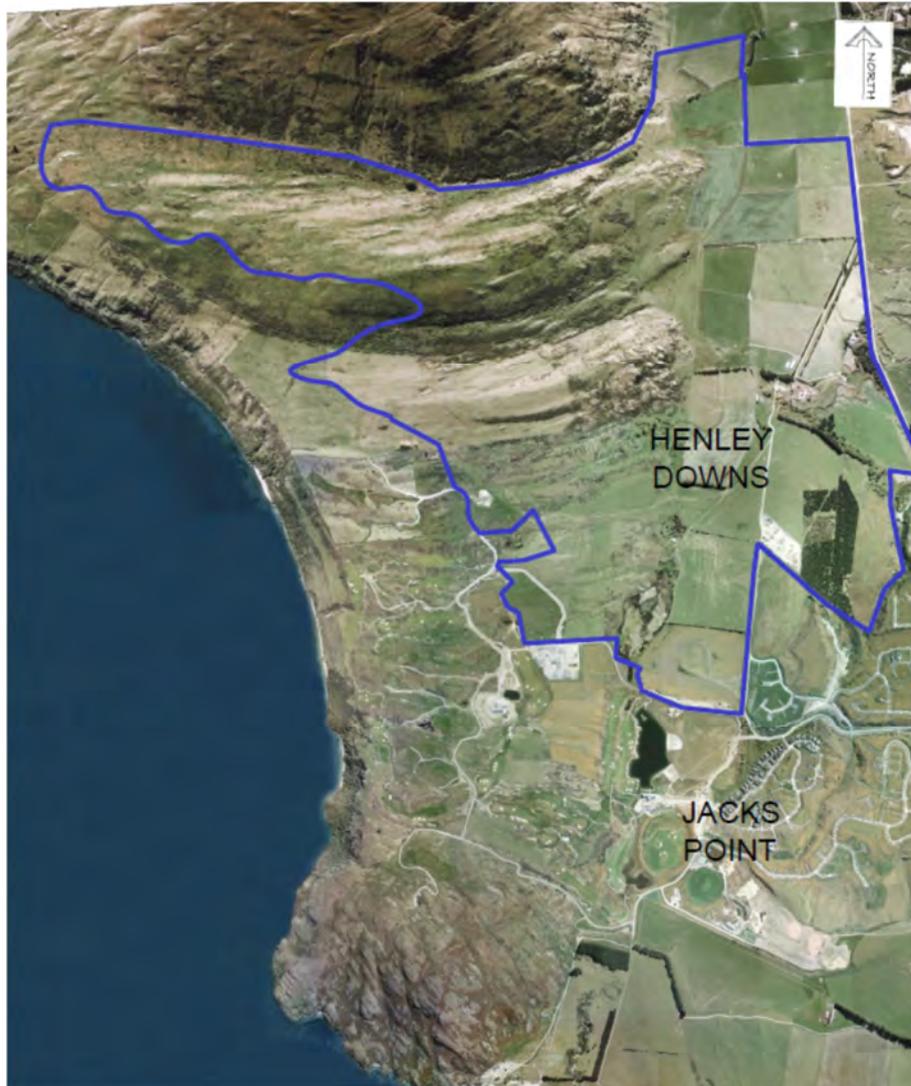
The Schedule 1 to the RMA sets out the procedure for changes to a District Plan. Part 2 of that Schedule (clauses 21 – 29) outlines the process for a privately requested change.

This request is made in accordance with those requirements, and the assessment required by Section 32 of the RMA.

1.3 Scope of the Plan Change

This Plan Change applies to that land identified on Figure 1 below.

Figure 1 – Plan Change Boundaries



Consequential changes are also made to the Resort Zone (which applies to Jacks Point, Homestead Bay, Millbrook and Waterfall Park) so as to remove Henley Downs from that zone.

1.4 Purpose of the Plan Change

This Plan Change Request seeks to amend the Queenstown Lakes District Plan as it applies to the area known as Henley Downs to create a new Henley Downs Special Zone which will enable a range of urban uses while protecting important natural and landscape values. In addition, to enable the rezoning, changes are proposed to Section 12 (Special Zones - Resort Zone), Section 15 (Subdivision) and Section 18 (Signs) of the District Plan.

2.0 SITE AND CONTEXT

2.1 Location

The following map shows the location of Henley Downs in relation to Jacks Point and the wider Wakatipu Basin.

Figure 2 – Location of Plan Change Area

2.2 Land Owners and Legal Descriptions

The land includes following legal titles:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 DP 398514

This land, which covers almost the entire site, is controlled by RCL Queenstown Pty Ltd. This control is exercised through a mortgage, development agreement and / or sale and purchase agreements. In all circumstances RCL Queenstown Pty Ltd holds the authority and approval to

pursue the plan change for the land that is affected by the plan change.

Lot 1 DP 25597

This land is owned by John and Dale Troon of Southern Trustees 2010 Ltd. The lot is relatively small and surrounded by Lot 9 DP 398514.

A review of the legal titles for the affected land has not identified any covenants, encumbrances or consent notices that would hinder the ability to process or implement this plan change request (see the advice in Appendix M). There are covenants on several of the titles that require membership of the Jacks Point Residents and Owners Association Incorporated. There are also covenants requiring that buildings comply with the building controls and design guidelines for development, as administered by a design review board. These covenants are designed to promote high standards of harmoniously designed buildings. Therefore the requirements of the covenants compliment the outcomes sought in this plan change request.

2.3 Zoning

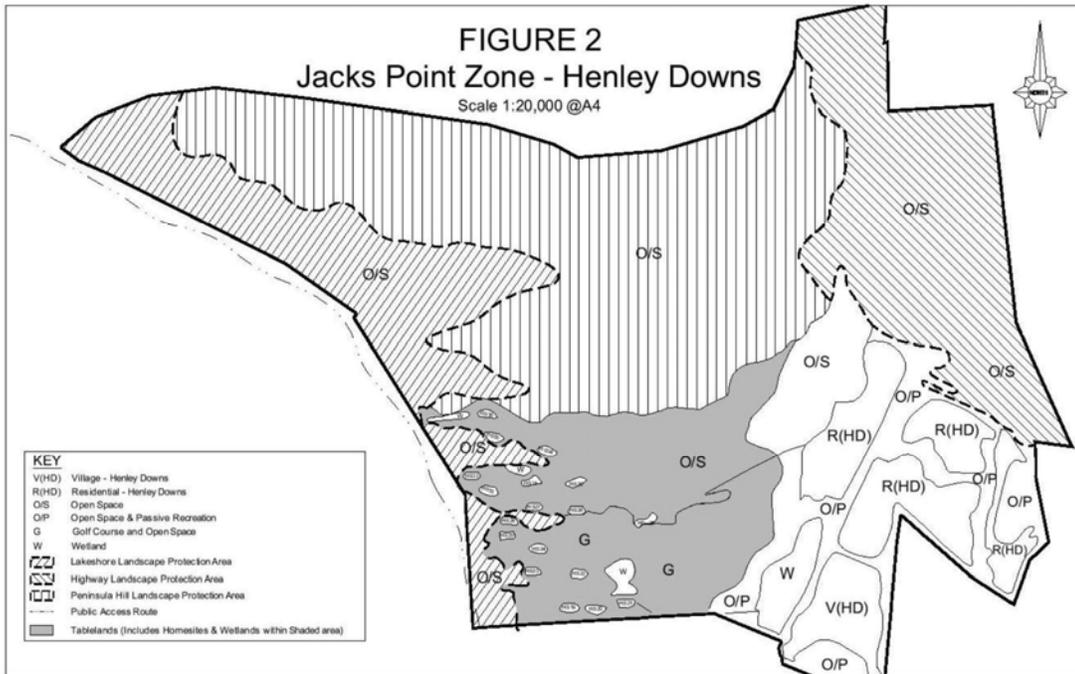
The site is currently zoned Resort Zone. The extent of the existing zoning is shown below:

Figure 3 – Existing Zoning in Greater Jacks Point



The Resort Zone includes the following Structure Plan:

Figure 4 - Existing Structure Plan for Henley Downs in the Resort Zone of the Queenstown Lakes District Plan



It is proposed that this structure plan for Henley Downs be deleted from the Queenstown Lakes District with the western part of the plan incorporated within the Structure Plan for Jacks Point.

It is noted that as a result of changes proposed by this plan change, there will also be consequential amendments made to other parts of the District Plan. The list of affected sections is listed below:

Section 12 (Special Zones - Resort Zone)

Section 15 (Subdivision)

Section 18 (Signs)

2.4 History to the Current Zoning

Queenstown Lakes District's decision on Variation 16 to the Proposed District Plan which can be viewed in Appendix P) provided a useful overview of the history of the site:

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

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

Following the Council's decisions on submissions, Henley Downs Holdings Limited and the Jardine's lodged appeals in regard to their respective submissions.

In resolving the appeals Council agreed to include objectives and policies in the District Plan which anticipated future urban use for the Coneburn Valley (the area in which Greater Jacks Point is located). Meanwhile, the Jacks Point Variation to the Proposed Queenstown Lakes District Plan was prepared and lodged in 2001 (Variation 16 – Jacks Point Resort Zone). The intent of the variation was to enable a championship golf course with associated housing and visitor accommodation to be built. The application as lodged did not apply to either Homestead Bay (the Jardine's land) or Henley Downs.

Henley Downs Land Holdings Ltd and the Jardines lodged submissions to the notified variation seeking that their land be included in the proposed zone. Those submissions found support through further technical work looking at the wider area's ability to absorb change (the Coneburn Study as included in Appendix E of this report) and by the fact that Council had undertaken a comprehensive growth planning exercise ("Tomorrow's Queenstown"). Tomorrow's Queenstown identified the Greater Jacks Point area as being appropriate to accommodate further growth, including the Henley Downs area.

The submission by Henley Downs Holdings Ltd was prepared relatively quickly, in keeping with the timeframes of the Variation. A proposed Structure Plan was submitted, based on the areas identified as appropriate to absorb at least some change in the Coneburn Resource Study. The proposed Structure Plan proposed a much larger area of residential and visitor accommodation

than resulted in the eventual decision on the Variation (the proposed Structure Plan can be seen as Appendix 7 of the Decision on Variation 16, which is included in Appendix P to this Plan).

Further submissions in opposition were received and by the time of the hearing on the Variation, the landowner (Henley Downs Holdings Ltd) was proposing a lesser extent of urban zoning, including the removal of urban development from 'the tablelands' in favour of a limited number of identified home sites in that part of the siteⁱⁱ.

Henley Downs Holdings Ltd had not proposed any particular limit on the amount of development that could occur within the urban zoning in Henley Downs. At the hearing for Variation 16, Henley Downs Holdings Ltd (like Jacks Point Ltd) opposed the imposition of a density cap, but indicated they were 'relaxed'ⁱⁱⁱ about this being included in the rules (as it subsequently was).

Having considered submissions, the hearings panel indicated that they were persuaded by the concerns raised in the submission of Jacks Point Ltd (see page 83 of the Council Decision on variation 16 in Appendix P). In particular, the hearings panel indicated their concern at how development would integrate with the landscape and with the adjacent development in Jacks Point. Accordingly, the Decision issued an alternative Structure Plan for Henley Downs. That Structure Plan appeared, when viewed on a map at least, quite similar to the Jacks Point part of the site, including a number of segregated 'pods' of residential development with identical density ranges as well as a similar sized village.

Queenstown Lakes District Council issued its decision on the Variation in August 2003 (included in Appendix P). That decision now reflected a vision of the Greater Jacks Point area being a settlement of significant scale, as opposed to a comparatively small 'resort' development. Several references were received seeking amendments to the Council's decision, but these matters were resolved without the need for a Court hearing. In the consent order C150/2004, the Environment Court noted that there were no outstanding references relating to the Jacks Point and Henley Downs parts of the proposed Jacks Point – Resort Zone, and consented that those parts of the Zone become operative. A subsequent Environment Court decision (C90/2005) addressed the overarching landscape classifications of the area.

ⁱⁱ See page 82 of the Council Decision on Variation 16 (in Appendix [])

ⁱⁱⁱ See page 91 of the Council Decision on Variation 16 (in Appendix [])

2.5 Existing Nature of the Site, Land Use, and the Surrounding Area

As can be seen on the map Figure 2, the site is bordered by Peninsula Hill to the North West, by the State Highway to the east and by the existing Jacks Point community to the east, west and south. Further afield, Lake Wakatipu is beyond the site to the west and the Remarkables mountain range is a dominant landscape feature to the east. For a more details on the site, refer to the landscape report prepared by Vivian and Espie (in Appendix D).

The topography of the site is a mix of a relatively flat valley floor, undulating hills and the much larger and steeper foothills to Peninsula Hill. The site is currently farmed with some native vegetation (predominantly in the hills). A small pine forest accommodates a commercial paintball operation and a service yard run by Delta also operates from the site.

A comprehensive area wide study of the Coneburn Area (see Appendix E) was completed in 2002 to provide greater depth to the Section 32 analysis undertaken for the Jacks Point Variation to the Queenstown Lakes District Plan (notified 6 October 2001 and adopted in 2003).

The Coneburn study applied to the entire subject site and the surrounding area stretching from Deer Park Heights in the north to Wye Creek in the south, and from the Remarkables in the east to the shore of Lake Wakatipu in the west.

The information contained in the Coneburn study provides a baseline of information for much of the site evaluation. In particular, the findings on the following matters remain to a large extent relevant:

- Geology
- Soils
- Hydrology
- Ecological Patterns and Processes
- Slope Analysis
- Visibility Mapping
- Landscape Character

Henley Downs continues to be operated as a working farm.

2.6 Infrastructure

There is little urban infrastructure within the Henley Downs site at present due to it being undeveloped. However, legal agreements provide for the use of infrastructure in Jacks Point

including water supply (see Appendix G). A discussion on how future infrastructure will be provided is included as part of the Assessment of Environmental Effects in Section 8.4.6.

2.7 Rooding

Public access into the site is currently restricted to the entrance into Jacks Point at Maori Jack Road. There is also a public unsealed road entrance at Woolshed Road, but this only travels toward the edge of the proposed urban area before deviating off the designated road. At that point the road becomes private and signage and gates makes it clear that it is not a public entrance into Jacks Point.

Currently, the District Plan restricts access to the State Highway for the Greater Jacks Point area to the single entrance at Maori Jack Road. A report prepared by Traffic Design Group (Appendix I) concludes that with current anticipated levels of development in Greater Jacks Point, significant congestion issues can be expected to arise if an additional entrance is not made available. This plan change seeks to address this matter by enabling access via Woolshed Road.

2.8 Public Transport

There is no public transport service at present in Henley Downs or the Greater Jacks Point area. However, given the scale of development envisaged in the area and the areas proximity to existing bus services in Frankton and beyond, future public transport links are thought to be viable. This plan change therefore seeks to facilitate those links.

2.9 Pedestrians/Cyclists

A network of walkways surrounds and intersects Greater Jacks Point, including a well used tracks linking to Kelvin Heights. Visitors enjoy access to the open space around Lake Tewa and toward Lake Wakatipu. There is little dedicated cycle infrastructure in Greater Jacks Point, although the area is frequented by recreational mountain bikers.

While trails are proposed in Henley Downs, these are yet to be formed, meaning there is limited public access to the site at the moment.

2.10 Ecology

A report prepared by Natural Solutions for Nature Ltd explains the ecological features of the site (see Appendix F). Some valuable remnant habitats exist on the site, including grey shrubland habitat and wetlands. As is discussed in the Assessment of Environmental Effects

(Section 8.4.1) the plan change seeks to avoid urban development in these areas, protect them from further vegetation clearance and incentivise their enhancement.

2.11 Geology

Reports (dated 2006 and 2013) prepared by Royden Thomson Geologist, outline the main geological features as they relate to the proposal (see Appendix A). The site's geology reflects a history of glacial activity and a higher level of Lake Wakatipu which once covered a substantial portion of the site.

Discussion on the implications of Mr Thomson's findings is contained in the discussion on natural hazards as part of the Assessment of Environmental Effects (Section 8.4.3).

2.12 Heritage

There are no heritage features identified in the District Plan for the site and no features of significance are understood to exist.

No sites of significance are known to have been found prior or since the hearings into the Jacks Point variation. There are some broader heritage values attached to the landscape and vegetation present on the site. Opportunities to retain or reinstate native vegetation and non-invasive introduced species representative of the historical use of the site are promoted in the plan change.

An archaeological assessment was carried out for the Jacks Point hearings in 2001 and concluded that it was unlikely that the area was ever intensively used by Maori prior to European settlement. There are not known to be any archaeological assessments on the site.

Consultation with Te Ao Marama for this proposal did raise the possibility that a settlement may have been located on the site (the settlement location is unknown). It is unlikely that this settlement was located within Henley Downs, but the possibility of discovering a site during earthworks is addressed in this plan change.

3.0 SITE CONSTRAINTS AND OPPORTUNITIES

3.1 Site Constraints

The landscape report prepared by Vivian and Espie (in Appendix D) outlines some of the landscape constraints that exist on the site.

Much of the west and north falls within the Outstanding Natural Landscape which covers Peninsula Hill, or the foreground to that feature.

The original variation to the Proposed Queenstown Lakes District Plan was to a large extent proposed on basis that the area could be urbanised in a manner which would result in limited visibility when viewed from public places. This approach finds support in the overarching objectives and policies of the Plan (as discussed in Section 6.8 of this report).

The Resort Zone, as it applies to Jacks Point places an emphasis on avoiding development that is readily visible from State Highway 6 and Lake Wakatipu. 'Readily visible' is perhaps a term open to varying interpretations, but it is nonetheless clear that a degree of visibility was anticipated. Houses are visible when viewed from the State Highway and Lake at present, although over time as landscape planting becomes more established the visibility of those houses may be reduced.

For the purposes of this plan change, the test of 'highly visible' from public places was applied. This wording is used because it is consistent with Part 4.2.5 Policy 4^{iv} of the District Plan.

While most urban areas in the Wakatipu are highly visible from public places, it is not proposed to alter this strategic direction as it applied to Henley Downs. Rather, landscape assessment was undertaken to inform those opportunities to increase the urban footprint provided for the by the District Plan zoning without creating development that would be highly visible from public places when viewed from public places.

The ecology report by Natural Solutions for Nature (Appendix F) indicates that there are biodiversity values worthy of protection and enhancement in the wetland toward the southwest of the site and in parts of the hillsides, particularly in grey shrubland habitat. Development is unlikely to be appropriate in these locations unless it can be shown to support the restoration or enjoyment of those values.

There are some sloping sites, rocky outcrops and deep gullies where development is impractical.

^{iv} This policy discusses the need to avoid, remedy the adverse effects of development and subdivision that will be visible from roads (as opposed to 'highly visible' from public places etc). However the test of ensuring development in Henley Downs is not 'highly visible' when viewed from State Highway 6 is designed to ensure effects are satisfactorily mitigated. The fact that the test of 'highly visible' is used in a similar policy should help with the interpretation of this policy as it applies to Henley Downs.

3.2 Site Opportunities

There are limitations to the amount of residential development that can occur in the Wakatipu area without offending the central landscape protection provisions of Part 4 of the District Plan. It is therefore important to ensure efficient use of those sites that are appropriate for development.

Henley Downs presents opportunities as one of the largest undeveloped areas suitable for urban development in the Wakatipu Basin. It is considered that there are opportunities to increase the amount of development enabled in Henley Downs.

A conclusion of this report is that Henley Downs, due to its terrain, its location close to Queenstown and the ability of the landscape to absorb change offers opportunities to accommodate a greater amount of residential development than the current zoning allows for. This can be achieved through a combination of greater density and the rationalisation of urban edges. These same factors also offer the opportunity to offer a range of housing types, contributing to greater housing choice for the district.

Espie (Appendix D) identifies those areas with an ability to absorb change without being highly visible from public places. In some areas, the retention of existing landscaping or the creation of new landscaping are preconditions to development occurring. Overall, this process identified several areas where development could be enabled without offending the settled objectives and policies of Section 4 of the District Plan. For more discussion on this matter refer to the Assessment of Environmental Effects in Section 8.4.1 of this report.

A greater density of development, combined with an opportunity to open up a new entrance to Greater Jacks Point at Woolshed Road is also expected to assist with making frequent public transport viable for Greater Jacks Point.

The striking landscape setting and the location of Henley Downs very close to Queenstown and an international airport, may attract investment opportunities that could contribute to the growth and diversification of the District's economy. For example, private education providers have expressed interest in establishing in the area in the past. It is difficult to anticipate the nature and scale of such potential activities, but it is considered that enabling them to locate within Henley Downs, so long as they meet reasonable tests of protecting surrounding amenity, affords an opportunity for the wider economy.

The Ecology Report by Natural Solutions for Nature Ltd (Appendix F) identifies opportunities to enhance biodiversity values of valuable remnant habitats, including the wetlands and grey shrubland habitat. The plan change offers opportunities to incentivise this restoration.

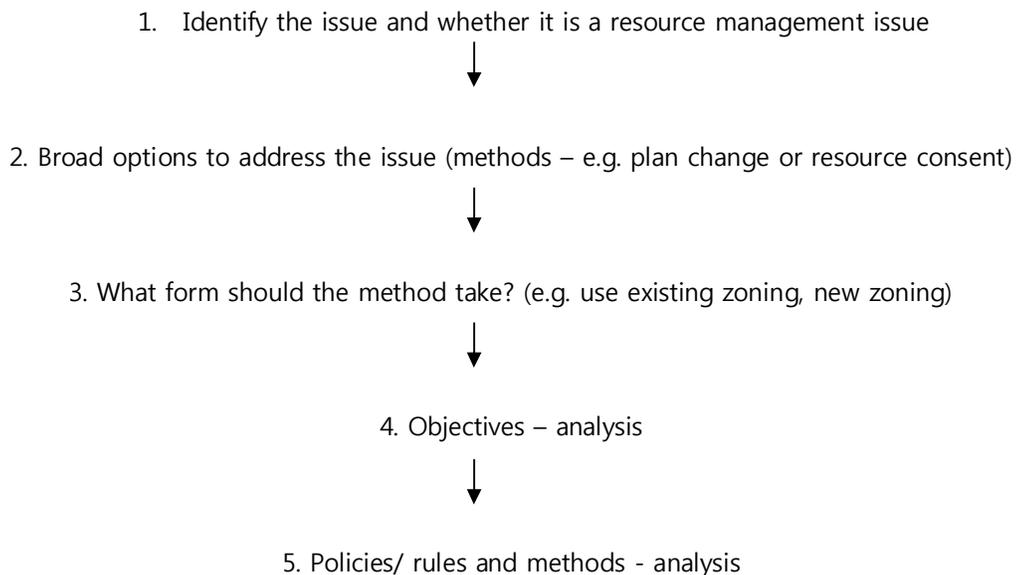
3.3 Conclusions

There is potential to expand the urban footprint and enable greater density within Henley Downs, and there are considered to be social and economic benefits in allowing this to occur. The boundaries of development ought however to be carefully set so as to avoid development being highly visible from public places and so as to avoid detracting from the biodiversity values of the site.

4.0 THE ISSUES THAT THE PLAN CHANGE SEEKS TO ADDRESS

4.1 Introduction

In order to undertake the evaluation required by section 32 of the Resource Management Act 1991 (“the Act”) (in which the focus is on the objectives, policies, rules or other methods of the plan change) it is necessary first to understand the context of the plan change - the issues that it seeks to address. As an overview, this process involves six steps:



The last two steps of this process are those required by section 32 of the Act. Those steps are addressed in Section 9 of this report. This part addresses the first four steps, and in so doing seeks to provide an appropriate understanding of the context of this proposed plan change.

4.2 Identification of Issues

Overarching issue: Whether the zoning for Henley Downs remains appropriate

The overarching issue that needs to be assessed relates to whether the current zoning for Henley Downs remains appropriate.

The Resort Zone that currently applies to Henley Downs has been operative for 10 years. Section 79 of the Resource Management Act states:

Review of policy statements and plans

(1) A local authority must commence a review of a provision of any of the following documents it has, if the provision has not been a subject of a proposed policy statement or plan, a review, or a change by the local authority during the previous 10 years:

(a) a regional policy statement:

(b) a regional plan:

(c) a district plan

It is therefore timely for the zoning to be reviewed. This private plan change request provides an opportunity for Council to do this.

In reviewing the zoning for Henley Downs, Council could conclude that the current zoning remains appropriate. That is not the conclusion of this report due to the presence of a number of other resource management issues that need to be addressed (as discussed below).

A review carried out by the project team for this plan change request has identified the following key issues that are considered to be in need of addressing, which are discussed in turn below:

1. The extent to which the current zoning provides for the efficient use of land
2. The appropriateness of the landuse activities provided for in Henley Downs
3. Potential congestion issues arising at the intersection of Maori Jack Road and State Highway 6

A discussion on the most appropriate form of the plan change follows in Section 4.4.

1. The extent to which the current zoning provides for the efficient use of land

The project team consider that the current zoning does not provide for as efficient use of land as it may.

In accordance with the section 7 of the RMA, particular regard is to be given to the efficient use of natural and physical resources. This includes the efficient use of land.

Land that can be developed without significantly degrading the landscape qualities of the Wakatipu Basin is a relatively scarce resource. Council's strategic policy direction in the Wakatipu Basin has for many years been informed by an awareness of limits to land that can be developed without significant landscape effects. Council has also however been aware of the potential risks of constraining housing supply as a result of growth management (as acknowledged in Plan Change 24).

The Productivity Commission concluded in its report on the affordability of housing in 2012^v that large vacant sites tend to offer the greatest opportunities for housing to be delivered on a large and comprehensive scale to meet the needs of rapidly growing communities. That same report also urged Councils to provide a healthy level of supply, noting that land supply constraints (and associated negative outcomes such as housing affordability problems) become apparent well before land supply is exhausted.

The Council's Dwelling Capacity Model provides an opportunity to assess how much zoning capacity is in the District, and the nature of that zoning capacity. The Model results (in Appendix J) show that there are large greenfield areas in Remarkables Park, Kelvin Heights, Shotover Park and Jacks Point. There are other moderately sized areas in places such as Arthurs Point and above Frankton Road as well as capacity achievable via smaller undeveloped sites and through redevelopment.

Analysis of the Dwelling Capacity Model does not necessarily support an argument that there are yet acute shortages of residentially zoned land in the Wakatipu Basin (although it is possible that there is a shortage of competition due to much land being held by a limited number of landowners). But given the rapid pace of growth in Queenstown, it is foreseeable that shortages of residentially zoned land will become apparent in the future if there are no

^v The New Zealand Productivity Commission: *Housing Affordability Inquiry, Final Report* March 2012

other significant urban rezonings. In the future, the District may face more difficult choices between zoning land in more landscape sensitive places and not rezoning new greenfield land. Both options come with considerable risks and costs, and it is not guaranteed that either would be defensible through resource management processes. Rezoning land in more landscape sensitive areas may undermine the landscape and visual which help support the economic and social wellbeing of the District's communities. Not rezoning land risks contributing toward house price inflation with significant flow on effects on the economic and social wellbeing of the District's residents.

These difficult choices can be delayed and possibly avoided by making more efficient use of urban development opportunities that do not offend the overarching provisions of the Plan (particularly those relating to landscape and visual amenity). Henley Downs offers an opportunity to apply such prudent planning. The following inefficiencies in land use zoning are identified in Henley Downs:

- a. The Structure Plan divides the area into what would appear to be arbitrary neighbourhood boundaries, precluding the development of land suitable for development between those neighbourhoods
- b. The outer boundaries of the proposed urban area could be extended without offending important values such as the visibility of development from the State Highway and Lake Wakatipu
- c. Rules prescribe an upper density limit of 12 dwellings per hectare

The plan change seeks to address each of these constraints so as to allow for the more efficient use of land in Henley Downs.

2. *The appropriateness of the land use activities provided for in Henley Downs*

The landuse activities that are enabled in the Henley Downs Zone need reviewing as part of a review of the zoning that applies to the site.

There would appear to be little doubt that residential development should continue to be enabled in Henley Downs. As discussed above, there is considered to be a strong case for enabling more residential development than is currently the case.

As discussed in Section 3.2 "Site Opportunities", Henley Downs' location offers opportunities to attract businesses to take advantage of parts of the undeveloped zone. Given the potential for

such businesses to contribute to the District's economy, there is a need to consider whether, to what extent and how to enable such activities.

The range of non-residential activities also needs to be considered. Service and industrial activities can support the functioning of Greater Jacks Point, but it is questionable whether they should be enabled given that they can undermine residential amenity.

At present, the provisions that apply to the Henley Downs Village prescribe that a minimum of 1/6 of the floor area of buildings should be for commercial (primarily retail and office) purposes. This could amount to a considerable amount of commercial floorspace – perhaps as much as 13,500 m². There are questions as to whether this is either feasible or appropriate given Henley Downs' location close to other centres.

3. Potential congestion issues arising at the intersection of Maori Jack Road and State Highway 6

At present there is a provision in the Resort Zone limiting access to the State Highway to 1 intersection (rule 12.2.5.1(iii)). Modelling carried out by Traffic Design Group (Appendix I) projects that should Jacks Point and Henley Downs be developed to the extent that current zoning rules allow, there would be significant congestion problems both internally within Jacks Point and on the State Highway.

There is therefore a need to consider the merit of this rule and consider whether an additional entrance/exit to the settlement is needed.

4.3 Consideration of Options to Address the Issues

For each of the identified key issues, options have been identified. These are summarised below.

Overarching issue: Whether the zoning for Henley Downs remains appropriate

Due to the identification of resource management issues in need of addressing, the option of retaining the current zoning is not considered appropriate. Alternative options relating to the form of the proposed district plan provisions are discussed in Section 3.2 below.

1. The extent to which the current zoning provides for the efficient use of land

Option 1 - Extend boundaries to appropriate limits as dictated by ecological and landscape constraints, realise all appropriate development opportunities within those boundaries and raise upper density limits

- Advantages: As discussed above, this option will:
 - o provide for increased housing supply in the Wakatipu market,
 - o reduce long-term pressure to expand the Wakatipu's urban footprint into more landscape sensitive places
 - o enable diversity in housing choice

- Disadvantages:
 - o A larger part of the site, when viewed from within Greater Jacks Point, may appear urbanised, which some may consider provides for a less desirable outlook
 - o An increased urban footprint and density may give rise to more impervious surfaces which in turn may result in adverse effects such as increased stormwater runoff

Option 2 – No change – retain conservative boundaries and comparatively low density in many neighbourhoods

- Advantages: Maintains urban footprint at same level with the same level of effects

- Disadvantages: Provides for the sub-optimal utilisation of land and fails to realise opportunities to increase housing supply in the district

Option 1 is the assessed as being the preferred option in addressing this issue.

2. *The appropriateness of land use activities required and enabled*

This overarching issue is split into sub-issues:

a. Appropriateness of non-residential activities

Option 1 – do not enable non-residential activities

Advantages:

- provides certainty that residential amenity will be maintained
- may support the agglomeration of non-residential activities in Jacks Point Village

Disadvantages:

- may preclude opportunities for employment generating businesses and activities servicing the local community to establish, as well as making it difficult for community facilities such as schools to locate in Henley Downs

Option 2 – enable non-residential activities with few restrictions

Advantages:

- would be relatively efficient in terms of compliance costs and delays

Disadvantages:

- risks undermining residential amenity and providing for poorly coordinated, sporadic development
- risks unintended consequences such as large retail operators locating in the zone rather than areas intended for that purpose in other parts of the Wakatipu
- Could see service and industrial activities establish without sufficient mitigation to maintain amenity

Option 3 – Enable non-residential activities of a limited scale and intensity and ensure they are well planned for

Advantages:

- An emphasis on planning for the location of commercial activities should support a high quality urban environment, reduce reverse sensitivity effects and encourage co-location of non-residential activities
- Would ensure that commercial activities are relatively small in scale and unlikely to undermine the role and function of other areas in the district
- Should avoid the establishment of unpleasant activities and help provide certainty around the future nature of the community

Disadvantages:

- Compliance costs can emerge from an emphasis on planning

- Opportunities for service and industrial businesses to establish in a well located site that is not highly visible from public places may not be realised
- Residents may need to travel further for some daily needs

Option 3 is the assessed as being the preferred option in addressing this issue.

3. Potential congestion issues arising at the intersection of Maori Jack Road and State Highway 6

Option 1 – maintain restriction on number of entrances into Greater Jacks Point at 1

Advantages:

- The amenity enjoyed by existing users of Woolshed Road will be largely unaffected

Disadvantages:

- Significant congestion issues will arise within Greater Jacks Point
- The State Highway may become unsafe with queuing of traffic seeking to enter Greater Jacks Point

Option 2 – enable a second entrance at Woolshed Road

Advantages:

- Can address congestion issues
- Will allow for a more direct route into Greater Jacks Point, reducing vehicle distance travelled by many residents
- Would allow for the safe operation of a southbound passing lane on State Highway 6

Disadvantages:

- The entrance may eventually need to be converted to a roundabout (when Greater Jacks Point is nearly fully built) which may slow traffic movements along State Highway 6

Option 2 is the assessed as being the preferred option in addressing this issue.

4.4 Assessment of the Form of the Plan Change

The option of retaining the current zoning is dismissed as not appropriate. Three alternative options are considered with regards to the form of the plan change:

Option 1 – revise the resort zone as it applies to Greater Jacks Point

Option 2 – apply standard zones such as the low and high density residential and rural zones to the site

Option 3 – Create a new special zone: the Henley Downs Zone

The merit of these is discussed below.

Option 1 – revise the resort zone as it applies to Greater Jacks Point

Advantages:

- Would avoid the proliferation of more area specific 'special zones' which add to the length of the District Plan
- May help ensure that the wider settlement of 'Greater Jacks Point' is planned for in an integrated manner

Disadvantages:

- Would add to the complexity of the plan change, bringing in many more landowners and issues
- May fail to recognise and provide for the different opportunities afforded by the different characteristics of the Henley Downs Zone, including the fact that it is undeveloped and that there are some distinct site characteristics

Option 2 – apply standard zones such as the low and high density residential and rural zones to the site

Advantages

- Would help support a briefer District Plan
- May assist in the understanding and interpretation of provisions
- May provide for greater certainty of outcomes

Disadvantages

- May fail to take account of the site specific circumstances of the site
- May enable limited diversity in the urban form
- Provides little flexibility for changing market conditions as detailed site conditions become better understood through the development process

Option 3 – Create a new special zone – the Henley Downs Zone

Advantages

- Allows for the site specific objectives, policies, rules and assessment matters
- Allows for certainty that provisions will require high standards of urban design (as opposed to relying on the outcomes of the revision of existing zones through the upcoming District Plan review)
- Enables flexibility (through the application of an Outline Development Plan) to adapt outcomes to changing market conditions, emerging issues and greater knowledge of the site conditions which emerge through the development process
- Disadvantages
- May add to the length of the District Plan

Based on the above assessment of the advantages and disadvantages of different options, the best option is considered to be Option 3 – Create a new special zone – the Henley Downs Zone.

5.0 CONSULTATION

5.1 Landowners

This request has been prepared in close consultation with RCL Queenstown Pty Ltd.

In addition a meeting was held between Darby Partners (who maintain interests in parts of the site) and members of the project team in December 2012.

Lot 1 DP 25597 is owned by John and Dale Troon of Southern Trustees 2010 Ltd. Representatives of RCL Queenstown Pty Ltd and the project team met with Mr Troon in December 2012 to discuss the proposal. Effort has been made to accommodate the issues raised in that meeting in this plan change, including provisions to protect the amenity and rural outlook enjoyed from that property.

The project team met Mr Troon again on 21 February 2013 to discuss the proposed plan change. Mr Troon expressed his preference that the existing residential areas in Jacks Point not have access via Woolshed Road. He also pointed out an interest in ensuring he has ongoing water supply. Discussions were also had around the nature of recreational activities that may occur in Henley Downs.

5.2 Neighbours

Letters, outlining in broad terms the intent of the private plan change request, were sent to the following adjoining neighbours in November and December 2012:

- FS Mee Development Company Ltd
- Brian, John, Ryan and Colleen Savage (Remarkables Lodge)
- Scope Resources Ltd
- Delta Resources Ltd

The letter invited these landowners to make contact to discuss the proposal should they wish. An example of a letter sent is included in Appendix O.

Phone calls were also made with the owners of Remarkables Station Dick and Jillian Jardine in January 2013. The project team met with the Jardines to discuss the proposal on 21 February 2013. Amongst the matters discussed were infrastructure access and cost sharing.

5.3 The Jacks Point Residents and Owners Association

All of those who buy land in Jacks Point become a member of the Jacks Point Owners and residents Association (the JPROA). The JPROA is charged with a number of responsibilities including in relation to the management of communal land and infrastructure and the enforcement of the design review process. Among the many points listed in the JPROA's constitution relating to the object of the organisation is:

To engage in community discussion and/or actions on local issues with Queenstown Lakes District Council, other local or regional authorities, community groups, developers and/or individuals in circumstances where the issues have (or have the potential to) affect or impact on Society, its members, Communal Facilities and/or Jacks Point as a whole.

Given the large number of landowners in Jacks Point, it was decided that the JPROA represented an appropriate means in which to make contact to carry out pre-lodgement

consultation for this plan change request. In December 2012 an email was sent to all JPROA members inviting them to attend a meeting held at the Jacks Point clubrooms. RCL Queenstown Pty Ltd representatives attended and discussed with the approximately 30 attendees RCL Queenstown Pty Ltd's intended involvement in the development of Greater Jacks Point. Among the issues discussed was the intention to carry out a plan change on the Henley Downs land. Attendees were invited to mingle with representatives of RCL Queenstown Pty Ltd and the project team to discuss any concerns or ideas they may have for the plan change or the development of Greater Jacks Point. A commitment was made to return to discuss the plan change in another meeting as part of a subsequent meeting.

A further meeting was held on January 31 2013. Some of the details of the Plan Change were explained via a digital presentation to around 40 people (a copy of the presentation is included in Appendix O). No points of concern were raised. As the plan change request was about to be lodged with Council, it would have been impractical to expect substantial changes to emerge as a result of that meeting. However, the project team expressed their openness to considering any opportunities or concerns that may arise as part of further consultation with the possibility of seeking any desired amendments to the plan change later in the process.

5.4 Kai Tahu ki Otago and Te Ao Marama

Kai Tahu ki Otago and Te Ao Marama represent hapu with customary interests in the Wakatipu area. Letters were sent to both organisations in November 2012, setting out in broad terms the intent of the plan change and inviting them to comment or to meet to discuss should they wish. An example of a letter is included in Appendix O.

Follow up phone calls were made to both organisations in January 2013. Kai Tahu ki Otago noted their particular interest in wastewater management, with regard to avoiding if possible human effluent entering waterways. As discussed in the Wastewater Report in Appendix H, a system can be developed that avoids the disposal of effluent to water. This will in due course require consent from Otago Regional Council.

Te Ao Marama expressed interest in seeing indigenous vegetation reinstated on the site where possible. In an email response in 18 February, Te Ao Marama outlined the interest of Ngāi Tahu ki Murihiku in:

- The protection and enhancement of environmental and landscape qualities
- Sewage treatment and the protection of waterways
- Site protection in terms of unknown sites

Discussion with Te Ao Marama raised the possibility that the site may have been occupied by a Maori settlement in historical times (the location, south of the Kawarau river, is no longer known).

Both Te Ao Marama and Kai Tahu ki Otago indicated they may wish to consider the issues in more detail in due course. Both Kai Tahu ki Otago and Te Ao Marama confirmed they were happy for the proposal to be lodged.

5.5 Queenstown Lakes District Council

Several meetings have been held with the planning and policy team at Queenstown Lakes District Council to discuss the proposed plan change. This included providing a draft of the plan change provisions for feedback in January 2013. Following feedback by Council officers, amendments were made to the draft plan change by the project team.

5.6 Urban Design Panel

In September 2012 a presentation outlining the intention of the plan change was made to Queenstown Lakes District Urban Design Panel. The presentation, and the report by the Urban Design Panel, are included in Appendix K.

The Panel were supportive of the intent of the plan change and made some recommendations for consideration by the project team.

5.7 Otago Regional Council

A letter was sent to Otago Regional Council in November 2012 outlining in broad terms the intent of the plan change and discussing some issues that may be of interest to the Regional Council. Otago regional Council replied via email in December 2012, stating that it appeared that the main issues of concern to the Regional Council had been satisfactorily identified. The response discussed some issues it would like to see considered with respect to natural hazard identification and mitigation, and supported the use of the Outline Development Plan process in order to assist with that process. A copy of the response from Otago Regional Council is included in Appendix O.

5.8 Queenstown Airport Corporation

A letter outlining the intent of the plan change was sent to Queenstown Airport Corporation in November 2012. QAC staff telephoned to discuss some of the issues and expressed interest in how the development may relate to the operation of Queenstown Airport. The project team

do not consider that the proposed zoning should in anyway affect the operation of Queenstown Airport.

5.9 The New Zealand Transport Agency

There has been ongoing consultation with New Zealand Transport Agency (NZTA).

Members of the project team met to discuss a potential new entrance/exit to Henley Downs at Woolshed Road twice in 2012.

NZTA have indicated that they accept that a further entrance/exit point onto State Highway is likely to be needed at some point. Their concern is that it be appropriately located. In particular they have discussed the likely future need for a southbound passing lane adjacent to Jacks Point and their wish to ensure that an entry/exit point does not compromise that opportunity.

In part because of the need to address the concerns raised by NZTA, a traffic report was commissioned. That report, prepared by Traffic Design Group (in Appendix I), considered the suitable location for a southbound passing lane and an entrance/exit into Henley Downs. It modelled likely traffic volumes. The findings of that report are discussed in Section 8.4.9.

The project team sent the report to NZTA to consider in December 2012 and further telephone discussions were also had. At the time of writing, no formal response had been received from NZTA.

5.10 New Zealand Historic Places Trust

In February 2013 phone conversations were held with NZHPT archaeology staff and information on the plan change proposal was sent to them. No known archaeological sites within the plan change area were identified through this consultation. However, accidental discoveries of archaeological sites are possible, and should they occur law requires they be appropriately managed in accordance with the Historic Places Act.

5.11 Other Organisations

Letters, outlining the intent of the plan change and inviting comment were also sent to:

- Ministry for the Environment
- Wakatipu Trails Trust (phone messages also left)
- Ministry of Education (phone conversation also had)

6.0 THE STATUTORY FRAMEWORK

6.1 Resource Management Act

This Plan Change has been prepared under and in accordance with the Resource Management Act 1991 (the Act). The following sections of the Act are relevant to the preparation of a privately requested Plan Change.

Part 2 of the Act:

Section 5 -The Purpose of the Act

Section 6 - Matters of National Importance

Section 7 - Other Matters

Section 8 – Treaty of Waitangi

The purpose and principles of the Act are set out in sections 5-8. All matters identified in these sections need to be recognised and provided for in a District Plan.

Part 5 of the Act:

Section 32 - Consideration of alternatives, benefits, and costs

Section 74 - Matters to be included in a District Plan

Section 75 - Contents of District Plans

In preparing a change to a District Plan the Council is required to have regard to (and take into account) other matters such as Regional Plans, iwi management plans, heritage items, management plans, and plans of other territorial authorities. These matters are addressed below.

The District Plan must also give effect to any National Policy Statement and Regional Policy Statement, and cannot be inconsistent with any Regional Plan.

6.2 Assessment

The Act enables requests for a private Plan Change under section 73 (2), Schedule 1 (Preparation, change, and review of policy statements and plans). Part II of the First Schedule to the Act sets out the process for private Plan Change requests (clauses 21 – 29). Section 32 requires a consideration of alternatives, benefits, and costs. Other relevant sections of the Act include section 31 (Functions of territorial authorities under this Act), section 72 (Purpose of District Plans), section 74 (Matters to be included in a District Plan), section 75 (Contents of District Plans) and section 76 (District Rules). These sections are relevant to this Plan Change

as they relate to the functions of the Local Authority and provide the requirements for the District Plan in order to meet the purpose and principles of the Act.

6.3 Regional Policy Statement and Plans

The following regional documents are relevant to this Plan Change request:

Otago Regional Policy Statement 1998

Regional Plan: Air 2009

Regional Plan: Waste 2007

Regional Plan: Water 2004

6.4 Otago Regional Policy Statement

The purpose of a Regional Policy Statement (RPS) is to promote the sustainable management of natural and physical resources. This RPS became operative on 1 October 1998, and establishes the framework for planning documents and plans such as Air, Waste, Water and Coast. The RPS considers individual resources within the Otago Region in 15 sections and provides objectives, policies and methods of implementation to address each of those issues and anticipated environmental results.

The Act states that the plans of Territorial Authorities cannot be inconsistent with a Regional Policy Statement. Account has been taken to ensure that this plan change request is not inconsistent with the Otago RPS. In particular, Section 9 is of particular relevance.

Section 9 (Built Environment) seeks to enable development in a sustainable manner to meet the needs of future generations. The objectives and policies of particular relevance to the Plan Change are detailed below:

Objective 9.4.1

To promote the sustainable management of Otago's built environment in order to:

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and*
- (b) Provide for amenity values, and*
- (c) Conserve and enhance environmental and landscape quality; and*
- (d) Recognise and protect heritage values.*

Objective 9.4.2

To promote the sustainable management of Otago’s infrastructure to meet the present and reasonably foreseeable needs of Otago’s communities.

Objective 9.4.3

To avoid, remedy or mitigate the adverse effects of Otago’s built environment on Otago’s natural and physical resources.

Policy 9.5.3

To promote and encourage the sustainable management of Otago’s transport network through:

- (a) Promoting the use of fuel efficient modes of transport; and*
- (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*
- (c) Promoting a safer transport system; and*
- (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.*

Policy 9.5.5

To maintain and, where practicable, enhance the quality of life for people and communities within Otago’s built environment through:

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago’s natural and physical resources; and*
- (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

Policy 12.5.3

To promote improved energy efficiency within Otago through:

- (a) Encouraging the use of energy efficient technology and architecture; and*
- (b) Educating the public about energy efficiency; and*
- (d) Encouraging energy efficient transport modes in Otago.*

Section 4 has also been considered. Section 4 (Manawhenua Perspective) was prepared in conjunction with Kai Tahu. Of particular relevance to the Plan Change are issues relating to water (wai) quality and quantity.

6.5 Regional Plan: Air for Otago

Relevant Objectives and Policies contained in the Air Plan include:

Objective 6.1.1

To maintain ambient air quality in parts of Otago that have high air quality and enhance ambient air quality in places where it has been degraded.

Objective 6.1.2

To avoid adverse localised effects of contaminant discharges into air on:

- (a) Human health;*
- (b) Cultural, heritage and amenity values;*
- (c) Ecosystems and the plants and animals within them; and*
- (d) The life-supporting capacity of air.*

Policy 8.2.3

In the consideration of any application to discharge contaminants into air, Council will have:

- (a) Particular regard to avoiding adverse effects including cumulative effects on:*
 - (i) Values of significance to Kai Tahu;*
 - (ii) The health and functioning of ecosystems, plants and animals;*
 - (iii) Cultural, heritage and amenity values;*
 - (iv) Human health;*
 - (v) Ambient air quality of any airshed; and*
- (b) Regard to any existing discharge from the site, into air, and its effects.*

The Air Plan contains objectives, policies and rules that allow the Regional Council to independently manage the air quality of settlements throughout the region. No additional matters relating to air quality need to be included within this Plan Change.

6.6 Regional Plan Water

The purpose of the Water Plan is to promote the sustainable management of Otago's water resources. This Plan Change site includes an un-named creek running through the north of the site. The normal flow for the un-named stream is relatively small but the geological assessment carried out by Royden Thomson (in Appendix A) did identify the possibility of this stream flooding in high rainfall events. Further catchment investigations will be completed at a later date when detailed design works commence for the special zone. Such investigations are

not necessary at this zoning stage, but there is scope for natural hazard matters such as this to be dealt with in an Outline Development Plan.

Water and storm and wastewater infrastructure issues are addressed elsewhere in this report.

6.7 Regional Plan: Waste

The purpose of the Waste Plan is to provide an integrated approach to waste issues. The regional plan is relevant to this plan change request in respect of the disposal of domestic waste. Waste Plan objectives are outlined in section 4.3 and policies are detailed in section 4.4.2 which seek to minimise the amount of waste generated at source and to maximise the opportunities for the reuse, recycling and recovery of materials from the waste stream as detailed below:

Objective 4.3.2

To maximise the opportunities for the reuse, recycling and recovery of materials from the waste stream.

Policy 4.4.2

To encourage, support and facilitate integrated waste management by (in order of priority):

- (a) Minimising the effects on the environment by reducing the quantity and / or toxicity of material entering the waste stream;*
- (b) Reusing materials;*
- (c) Recycling materials, where practicable, that cannot be reused;*
- (d) Recovering resources from materials in the waste stream; and*
- (e) Disposing of the residual waste in an environmentally safe manner.*

Waste is collected by Queenstown Lakes District Council and this service is based upon a user pays system. The Henley Downs Zone would be covered by this managed waste collection.

6.8 Kai Tahu ki Otago Natural Resource Management Plan 2005

The Act requires that when preparing a change to a District Plan a local authority must take into account any relevant planning document recognised by an iwi authority, to the extent that its content has a bearing on resource management issues of the district.

The Kai Tahu ki Otago Natural Resource Management Plan (NRMP) was adopted in 2005 and contains a series of objectives and policies which are relevant to this Plan Change:

The NRMP is primarily concerned with protection of:

- waterways
- areas of wahi tapu
- food resources
- biodiversity
- cultural landscapes
- air quality
- the coastal environment
- Pounamu

The Clutha/ Mata-au catchments include the territorial boundaries of the Queenstown-Lakes District.

The particular objectives and policies of the NRMP that are relevant to this Plan Change are detailed below:

5.6.4 Cultural Landscapes General Policies- Subdivisions

25. To discourage subdivisions and buildings in culturally significant and highly visible landscapes.

26. To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:

- i. All consents related to the subdivision to be sought at the same time.*
- ii. Protection of Kāi Tahu ki Otago cultural values.*
- iii. Visual amenity.*
- iv. Water requirements.*
- v. Wastewater and storm water treatment and disposal.*
- vi. Landscaping.*
- vii. Location of building platforms.*

27. To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company.

28. *To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.*

29. *To require public foot access along lakeshores and riverbanks within subdivisions.*

5.7.3 Air and Atmosphere - Policies

1. *To require earthworks and discharges to air consider the impact of dust and other air-borne contaminants on health, mahika kai, cultural landscapes, indigenous flora and fauna, wāhi tapu and taoka.*

4. *To encourage reduced vehicle emissions.*

5. *To promote the planting of indigenous of plants to offset carbon emissions.*

7. *To promote clean forms of domestic heating.*

Earthworks provisions in the proposed plan change require adherence to the accidental discovery protocol. The other matters set out above have been taken account of in the preparation of this plan change request.

6.9 Queenstown Lakes District Plan

The District Plan contains a number of relevant sections that need to be considered as part of the plan change process. The following part of this report makes an assessment of this plan change against the current District Plan provisions. First there is an assessment against the District Wide objectives and policies that are considered to be of particular relevance to this plan change request:

- 4.1 Natural Environment
- 4.2 Landscape and Visual Amenity
- 4.4 Open Space and Recreation
- 4.5 Energy
- 4.8 Natural Hazards
- 4.9 Urban Growth
- 4.10 Earthworks

Secondly, there is an assessment against the Residential objectives and policies. Consideration is also given Affordable Housing (Plan Change 24) that is not yet operative. Assessment against the transport objectives is included in Appendix I.

The relevant objectives and policies are set out below:

6.8.1 Part 4.1 of the District Plan – Natural Environment

Objective 1 - Nature Conservation Values

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

Policies:

1.1 To encourage the long-term protection of indigenous ecosystems and geological features.

1.2 To promote the long term protection of sites and areas with significant nature conservation values.

1.4 To encourage the protection of sites having indigenous plants or animals or geological or geomorphological features of significant value.

1.5 To avoid the establishment of, or ensure the appropriate location, design and management of, introduced vegetation with the potential to spread and naturalise; and to encourage the removal or management of existing vegetation with this potential and prevent its further spread.

1.12 To maintain the site-specific, geological and geomorphological features that are of scientific importance.

The proposed plan change is considered to be consistent with these objectives and policies, affording opportunities for an enhancement of the natural values of the site.

Areas of Biodiversity Value are identified in the Henley Downs Structure Plan, based on recommendations made in the Ecological Assessment which can be viewed in Appendix F. Rules limit the clearance of vegetation in these Areas of Biodiversity Value (based on the rules that apply to significant vegetation in Rural Areas) and prevent the planting of wilding species.

Urban development has been defined so as to avoid areas of valuable remnant indigenous vegetation. The Outline Development Plan process requires a biodiversity management and restoration plan to be enacted for the wetland that lies within Development Area J in order for development in that Activity Area to proceed.

Policies and assessment matters encourage linkages to be restored between remnants of indigenous vegetation and biodiversity corridors along streams and overland flow paths used for stormwater management.

Lastly, the plan change incentivises contributions toward the protection and enhancement of indigenous vegetation by listing it as an assessment matter to be given regard to in the consideration of applications for buildings within the Agriculture, Conservation and Recreation Activity Area.

6.8.2 Part 4.2 of the District Plan – Landscape and Visual Amenity

Objective: Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Policies:

1. Future Development

(a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.

(b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.

(c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

6. Urban Development

(b) To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.

(c) To avoid remedy and mitigate the adverse effects of urban subdivision and development where it does occur in the other outstanding natural landscapes of the district by:

- maintaining the open character of those outstanding natural landscapes which are open at the date this plan becomes operative;*
- ensuring that the subdivision and development does not sprawl along roads.*

(d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.

7. Urban Edges

To identify clearly the edges of:

- (a) Existing urban areas;*
- (b) Any extensions to them; and*
- (c) Any new urban areas*
 - by design solutions and to avoid sprawling development along the roads of the district.*

Effects on landscape and natural values have been thoroughly considered as part of this plan change. Refer also to the landscape report in Appendix D.

A focus of the work undertaken for this plan change has been to ensure that development is located in areas with the potential to absorb change and that it harmonises with the site's topography, ecological systems and other natural values.

No urban development is proposed within an outstanding natural landscape. While the plan discourages urban development within visual amenity landscapes (which the landscape report in Appendix D concludes is the landscape category in which the urban area falls) there is an

existing baseline of development that has in the past been approved through planning processes. The development that would be enabled through this plan change request over and above existing development is not considered to detract from the visual amenity landscape values of the Coneburn Valley in any significant way.

It is not considered that the urban development that would be enabled by this plan change request would result in sprawl along roads. Urban edges have been clearly defined.

6.8.3 Part 4.4 of the District Plan – Open Space and Recreation

Objective 1 – Provision of Reserves

Avoid, remedy or mitigate the adverse effects on public open spaces and recreational areas from residential growth and expansion, and from the development of visitor facilities.

Policies:

1.1 To require provision of public open space and recreation reserves through subdivision and development by the imposition of development contributions via the Council's Long Term Community Plan Development Contributions Policy.

(i) additional neighbourhood parks, District sportsfields and active recreation areas (including waterfront areas, walkways and cycle ways) needed as a result of additional household, visitor accommodation and business growth across the District.

The proposed plan provisions require areas of open space and recreation, and public cycling and walking trails to be identified through the Outline Development Plan process. These will be secured for public use as the subdivision process proceeds. The proposal is consistent with the objective and policies for open space and recreation.

6.8.4 Part 4.5 of the District Plan – Energy

Objective 1 - Efficiency

The conservation and efficient use of energy and the use of renewable energy sources.

Policies:

1.1 To promote compact urban forms, which reduce the length of and need for vehicle trips and increase the use of public or shared transport.

1.2 To promote the compact location of community, commercial, service and industrial activities within urban areas, which reduce the length of and need for vehicle trips.

1.3 To encourage residential sites to be large enough to enable buildings to be constructed to take the greatest advantage of solar energy for heating, both active and passive.

1.4 To control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.

1.5 To encourage and support investigations into alternative and further public transport options both within the urban areas and throughout the District.

1.6 To promote increased awareness of the need for energy conservation and efficient use of energy resources, particularly solar energy, active and passive.

1.7 To encourage the use of energy efficient and non-air polluting heat sources in existing and new dwellings and workplaces (e.g. solar energy, effluent enclosed fireboxes).

1.8 To promote "carbon sinks" by encouraging the retention of remaining areas of indigenous forest vegetation and minimising the restrictions on the plantings of exotic trees to those necessary to avoid any significant adverse visual effects on the environment.

The proposal is considered to be consistent with all of the above objectives and policies.

The urban form enabled would be more compact than that already provided for by the District Plan in Henley Downs. Controls on built form have been boosted over what applies under the Resort Zone. Provisions encourage the retention and reestablishment of indigenous vegetation.

There is a potential conflict between policy 1.1 and 1.3 in that larger section sizes may promote a less compact urban form. However, the plan change enables a range of housing typologies and site sizes which, with careful planning via an Outline Development Plan, should help support the implementation of both policies.

6.8.5 Part 4.8 of the District Plan – Natural Hazards

Objective 1

Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.

Policies:

1.4 To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.

1.5 To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard risk.

1.6 To discourage subdivision in areas where there is a high probability that a natural hazard may destroy or damage human life, property or other aspects of the environment.

1.7 To avoid or mitigate the likelihood of destruction or damage to residential units and other buildings constructed or relocated into flood risk areas.

For a discussion on the natural hazard risks that exist for the site, refer to the Assessment of Environmental Effects in Section 8.4.3

Subdivision processes require the consideration of natural hazard risks. In addition, the Outline Development Plan process requires the consideration of natural hazard risks as they are known at the time so that a comprehensive approach to planning can be taken which ensures that development mitigates the risks of natural hazards. The proposal is therefore considered to be consistent with these objectives and policies.

6.8.6 Part 4.9 of the District Plan – Urban Growth

Objective 1 - Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

Policies

1.1 To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.

Objective 2 - Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.

Policies:

2.1 To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.

Objective 3 - Residential Growth

Provision for residential growth sufficient to meet the District's needs.

Policies

3.1 To enable urban consolidation to occur where appropriate.

3.2 To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.

3.3 To provide for high density residential development in appropriate areas.

3.4 To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.

Again, the proposal is considered to be consistent with these objectives and policies.

There is a degree of overlap between those objectives and policies discussed earlier in this section and Objective 1 and Policy 1.1. The proposal is considered to be consistent with the outcome sought in those objectives and policies.

Having not been developed, Henley Downs is not in itself an existing urban area. This means that there is not existing residential character to maintain on the site, and it affords opportunities for high density development. There is however a need to take account of how the development relates to those parts of Greater Jacks Point that have already been developed. The proposed provisions of the plan change request encourage integration with the character of Greater Jacks Point, including through promoting development that is visually coherent with the wider settlement.

Principles of urban design have been integral to the planning undertaken as part of this proposal and the provisions are intended to promote the type of outcomes set out in policy 3.2.

Objective 7 - Sustainable Management of Development

The scale and distribution of urban development is effectively managed.

Policies

7.1 To enable urban development to be maintained in a way and at a rate that meets the identified needs of the community at the same time as maintaining the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects on the environment.

7.2 To provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka.

7.3 To enable the use of Urban Growth Boundaries to establish distinct and defensible urban edges in order to maintain a long term distinct division between urban and rural areas.

7.4 To include land within an Urban Growth Boundary where appropriate to provide for and contain existing and future urban development, recognising that an Urban Growth Boundary has a different function from a zone boundary.

7.5 To avoid sporadic and/or ad hoc urban development in the rural area generally. To strongly discourage urban extensions in the rural areas beyond the Urban Growth Boundaries.

7.6 To take account of the following matters when defining an Urban Growth Boundary through a plan change:

7.6.1 Part 4 district – wide objectives and policies.

7.6.2 The avoidance or mitigation where appropriate of any natural hazard, contaminated land or the disruption of existing infrastructure.

7.6.3 The avoidance of significant adverse effects on the landscape, the lakes and the rivers of the district.

7.6.4 The efficient use of infrastructure, including transport infrastructure, and its capacity to accommodate growth.

7.6.5 Any potential reverse sensitivity issues, particularly those relating to established activities in the rural area.

7.7 To ensure that any rural land within an urban growth boundary is used efficiently and that any interim, partial or piecemeal development of that land does not compromise its eventual integration into that settlement.

7.8 To recognise existing land use patterns, natural features, the landscape and heritage values of the District and the receiving environment to inform the location of Urban Growth Boundaries.

This plan change is considered to be in keeping with policy 7.1. With regards to 7.2, it is a moot point as to whether Henley Downs should be considered part of Queenstown, regardless it is not considered that this proposal will be at odds with that policy.

Policies 7.3 to 7.8 are designed to enable the use of urban growth boundaries as a tool to manage growth in the District Plan. This plan change request has not proposed an urban growth boundary. An urban growth boundary could follow at a later date should the Council wish, including as part of the upcoming review of the District Plan.

6.8.7 Part 4.10 of the District Plan – Earthworks

Objectives:

To avoid, remedy or mitigate the adverse effects from earthworks on:

- (a) Water bodies*
- (b) The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.*
- (c) Land stability and flood potential of the site and neighbouring properties.*
- (d) The amenity values of neighbourhoods*
- (e) Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites*
- (f) The water quality of the aquifers.*

The plan change proposes to continue with the existing earthworks rules that apply to the Resort Zone, with the exception that reference to the need to comply with Kai Tahu's accidental discovery protocol are added. The provisions are considered to be consistent with this objective.

6.8.8 Part 7 of the District Plan – Residential

Objective 1 - Availability of Land

Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.

Policies:

1.1 To zone sufficient land to satisfy both anticipated residential and visitor accommodation demand.

1.2 To enable new residential and visitor accommodation areas in the District.

1.3 To promote compact residential and visitor accommodation development.

1.4 To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.

1.5 To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.

A discussion on how the rezoning of this land contributes toward meeting demand for residential land is included earlier in this report (see the discussion around the issue entitled 'The extent to which the current zoning provides for the efficient use of land' in Section 4.2).

It is considered that the policies 1.2 to 1.5 are also met through this application.

Objective 2 - Residential Form

A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.

Policies:

2.1 To contain the outward spread of residential areas and to limit peripheral residential or urban expansion.

2.2 To limit the geographical spread and extent of rural living and township areas. Where expansion occurs, it should be managed having regard to the important District-wide objectives.

2.3 To provide for rural living activity in identified localities.

2.4 In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.

2.5 To encourage and provide for high density development in appropriately located areas close to the urban centres and adjacent to transport routes.

The proposed plan provisions for an Outline Development Plan process will ensure that the site will be used efficiently and effectively to provide for residential development that is distinct from the rural environment.

There is a modest expansion of the outward extent of the urban area which is justified through the application of other objectives and policies. The density of development in Development Areas A, H, I and K might be described as akin to rural living. This is a managed expansion in line with District-wide objectives and policies.

The proposal would provide for increased residential density with some medium to high density housing provided for. Henley Downs is considered to be an appropriate location for such high density development, with the Outline Development Plan identifying appropriate locations within the settlement.

The proposal is consistent with the objectives and policies for residential form.

Objective 3 - Residential Amenity.

Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.

Policies:

3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.

3.4 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.

3.5 To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.

3.6 To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.

3.7 To ensure residential developments are not unduly shaded by structures on surrounding properties.

3.8 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.

3.9 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.

3.10 To provide for and encourage new and imaginative residential development forms within the major new residential areas.

3.13 To require an urban design review to ensure that new developments satisfy the principles of good design.

The proposed plan provisions include site and zone standards to control external appearance, outdoor living, and other aspects of residential amenity. Controls on external appearance of buildings are designed to reflect the significant landscape values and enhance a coherent urban character and form as it relates to the landscape. Higher density residential development will be subject to a restricted discretionary resource consent approval in which external appearance will be assessed. The Outline Development Plan process will include consideration of urban design principles to ensure a well-planned and imaginative residential form that provides for pleasant living environments.

The plan change request meets the objectives and policies for residential amenity.

Objective 4 - Non-Residential Activities

Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.

Policies:

4.1 To enable non-residential activities in residential areas, subject to compatibility with residential amenity.

4.2 To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic well being while protecting the surrounding residential environment.

The intention is that Henley Downs will be a predominantly residential area with non-residential activities enabled where they are compatible with residential amenity. The plan change request is therefore consistent with these objectives and policies.

6.8.9 Part 14 of the District Plan – Transport

A discussion on the effect of the proposal on the objectives and policies in Part 14 – Transport is included in the Transport report (Appendix I). The proposal is considered to be consistent with the objectives and policies of the Plan. In particular it is noted that the plan change request will address a looming congestion issue at Maori Jack Road by enabling an additional entry / exit at Woolshed Bay Road.

6.8.10 Plan Change 24 – Affordable and Community Housing

The Council issued its decision on plan change 24 in January 2009. The plan change remains under appeal and its outcome is uncertain. The Council decision proposed the following objectives and policies:

Objective 1 Access to Affordable and Community Housing

To provide a range of opportunities for low and moderate income Resident Households and Temporary Worker Households to live in the district in accommodation appropriate for their needs.

Policies

1.1 To assess the impact of the development and/or subdivision on the supply of and demand for Affordable and Community Housing, and whether a contribution towards Affordable and Community Housing is necessary to mitigate any adverse effects and/or impact of the development and/or subdivision.

1.2 To ensure that the Affordable Housing demand generated by the development and/or subdivision is met.

Objective 2 Quality of Affordable and Community Housing

To ensure the provision of high quality Affordable and Community Housing in proximity to places of work, transport and community services.

Policies

2.1 To ensure that Affordable and Community Housing is located within the urban settlements of the District.

2.2 To ensure Affordable and Community Housing is well designed and energy efficient.

2.3 To avoid the concentration of Affordable and Community Housing with provisions for its spread throughout a development and the urban settlements of the District.

Plan change 24 prescribes the need for development to provide Affordable Housing and Community Housing. Affordable Housing is housing that by its form should be affordable to those on low to moderate incomes. This plan change request seeks to enable a range of housing types of varying form and density in line with these objectives and policies.

Community Housing requires 'retention mechanisms' whereby housing can be guaranteed to remain affordable. The most common 'retention mechanism' is envisaged to be through making a contribution to the Council of land or money for the use by the Queenstown Lakes Community Housing Trust.

An agreement exists between the developers of Greater Jacks Point and Council to make a contribution to the Council for Community Housing. This plan change request does not propose to amend that agreement which is to be governed outside of the District Plan.

7.0 COUNCIL STRATEGIES AND REPORTS

7.1 Long Term Council Community Plan

The Council's Long Term Community Plan is prepared under the Local Government Act 2002 for the period 2012 to 2022. This provides the community with a 10 year plan that allows a coordinated response to growth issues, including articulation of the goals for community, social, infrastructure, traffic and asset management.

The community outcomes and the way in which the proposed Henley Downs Zone achieves these are

Sustainable growth management:

This is the overarching community outcome. The proposal is considered to provide for managed growth in a sustainable manner.

Quality landscapes and natural environment and enhanced public access.

Particular attention has been paid to protecting the landscape values of the site as part of this proposal. The development of the site will open up new areas for public access.

A safe and healthy community that is strong, diverse and inclusive for people of all age groups and incomes.

The zone has been designed to provide a range of housing densities and styles ranging from a low rural edge density through to pockets of medium to high density housing at certain locations. There will also be opportunities, if well planned for, for commercial and community activities to locate in the zone which can assist in creating an inclusive and sustainable settlement.

Effective and efficient infrastructure that meets the needs of growth.

Infrastructure requirements are to be privately managed and can be built to a scale to service the development. An additional entrance/exit to the state highway should assist in the efficient and effective functioning of that road.

High quality urban environments respectful of the character of individual communities.

The proposed plan change has been developed so as to support the creation of a high quality urban environment. An emphasis on integrating with the character of Greater Jacks Point is included within the plan change.

A strong and diverse economy.

In increasing housing supply the proposal should help support the district's economy. In enabling non-residential activities to establish in Henley Downs the District's economic growth and diversity can be supported.

Preservation and celebration of the district's local cultural heritage.

While no specific heritage sites are believed to exist on the site, account has been taken of the cultural heritage of Henley Downs in preparing the proposal.

7.2 Tomorrow's Queenstown

The 'Tomorrow's Queenstown' document resulted from a series of community workshops in 2002. The purpose of this non-statutory plan is to provide a community vision, strategic goals and priorities for the next ten to twenty years.

The key strategic goals developed to achieve the vision of Tomorrow's Queenstown are:

- Managing growth in a way which is sustainable
- Respecting our landscape and natural environments
- Building our community
- Improving access and transport networks
- Creating quality urban environments
- Providing infrastructure for a growing population
- Growing the strength of our economy

As addressed through the discussion elsewhere in this report, this plan change request is considered to be in line with these goals.

Tomorrow's Queenstown directed the Council to produce further policy and reports such as the Growth Management Strategy, Dwelling Capacity Model and Urban Growth Boundaries Plan Change.

Conclusion

This Plan Change is consistent with the principles and strategies of the Tomorrow's Queenstown Strategy.

7.3 Growth Management Strategy 2007

The Growth Management Strategy 2007 ("GMS") draws together a number of the findings in the earlier reports referred to above, and sets out how Council intends to manage growth. The key principles of the GMS are derived from the Community Outcomes identified in the Long Term Council Community Plan. The GMS reaffirms that growth should be located in appropriate places and that it should provide a range of opportunities to meet current and future needs.

Significantly the GMS considers that limited or managed growth is what is intended for the district (rather than no growth or unlimited growth).

Principle One of the GMS requires that growth is located in appropriate places so that the natural environment is protected and that growth supports the economic and social wellbeing of the District and its settlements. Of particular relevance the GMS notes:

All settlements are to be compact with distinct urban edges and defined urban growth boundaries.

This Plan Change Request proposes to define the urban edges in a manner that is an improvement on the current development pattern.

The GMS notes that:

Settlements in the Wakatipu Basin (Arthurs Point, Arrowtown, Lakes Hayes Estate and Jacks Point) are not to expand beyond their current boundaries. Further development and redevelopment within current boundaries is encouraged where this adds to housing choices and helps support additional local services in these settlements.

There is a relatively modest expansion of the boundaries of the Henley Downs urban area as part of this plan change request, while remaining well within the existing boundaries of the Resort Zone (which will change to a new Henley Downs Zone). The change is therefore not considered to be at odds with the intent of the GMS.

Conclusion

The proposal is considered to be consistent with the principles and strategies of the GMS.

7.4 Urban Design Strategy 2009

The Urban Design Strategy (2009) is intended to provide guidance for the future of Council's urban design practice and 'will contribute towards achieving urban environments that complement our superb natural setting in acting as an enticement for people to want to live here, work here and come and visit.' The UDS has been developed as a result of Council becoming a signatory to The New Zealand Urban Design Protocol (2005). The Protocol reflects the growing importance of Urban Design at a national level. It identifies seven qualities that

are used as an assessment tool in creating quality urban places; these being context, character, choice, connections, creativity, custodianship and collaboration ('the seven C's').

The UDS proposes six goals and objectives which are:

DISTINCTIVE BUILT FORM creating neighbourhoods that reflect their people, culture and history.

HIGH QUALITY PUBLIC PLACES that complement the appeal of the natural setting and foster economic vitality and community wellbeing.

CONSOLIDATED GROWTH within urban boundaries with walkable, mixed use neighbourhoods that help reduce travel time and urban sprawl.

CONNECTED URBAN FORM ensuring people have clear options of transport mode that are convenient, efficient and affordable.

SUSTAINABLE URBAN ENVIRONMENTS where the natural environment, land uses and transport network combine towards a healthier environment for everyone.

COHESIVE COMMUNITIES where the urban environment promotes a stronger sense of local community by encouraging participation in public life.

These six goals and objectives in addition to the 'seven C's' can be met by the Henley Downs Zone. Policies, rules and assessment matters are designed to promote best practice in urban design and achieve the six goals and objectives. Further discussion on how the built form reflects these desired outcomes is set out in the Assessment of Environmental Effects later in this report.

Conclusion

The proposal is consistent with the principles and strategies of the Urban Design Strategy (2009).

7.5 Social Wellbeing Strategy 2006

The Social Wellbeing Strategy 2006 ("SWS") is relevant to the Queenstown Lakes District Council's Council Community Plan (CCP). The report states 'Social Wellbeing refers to those aspects of life that we care about as a society and which contribute to our individual

happiness, quality of life, and welfare, and goes on to say it is 'applicable to the outcome of achieving a safe and healthy community that is strong, diverse and inclusive for people of all age groups and incomes'.

The SWS provides an action plan to guide the district towards improving the social wellbeing of the community. The strategy identifies five key social welfare issues.

Conclusion

The proposal is consistent with the principles and strategies of the Social Wellbeing Strategy. The potential range of housing options within the special zone will promote diversity and inclusiveness for people of all age groups and incomes.

7.6 HOPE strategy

Adopted by Council in June 2005, the HOPE Strategy (September 2007) relates to increasing the supply of affordable and community housing. The HOPE Strategy was revised as a result of Plan Change 24: Affordable and Community Housing to incorporate a set of Guidelines. With these additions, the HOPE Strategy continues to function as the primary guidance with regard to Affordable and Community Housing.

The overall goal of this strategy is 'to increase access to quality, affordable housing that is integrated into the community so as to support the community's outcomes related to the sustainable economic, social and environmental development of the QLDC area'.

Conclusion

Through provision of a range of quality housing options, and an agreement outside of the plan to provide Community Housing (see Section 6.8.10 above), this plan change request is consistent with the principles and strategies of the HOPE Strategy.

7.7 Wakatipu Transportation Strategy 2007

The Wakatipu Transportation Strategy ("WTS") was established to respond to the sustained growth in land-use development and in the number of domestic and international tourists visiting the area. The WTS seeks to deliver a fully integrated transport system that meets the growth in travel demand.

Conclusion

Overall this Plan Change is consistent with the principles and strategies of the WTS. The proposed additional housing will enhance the economics of providing public transport in Greater Jacks Point.

7.8 Wakatipu Trails Strategy 2004

The purpose of the Wakatipu Trails Strategy (2004) ("Trails Strategy") is to guide development of an integrated network of walking and cycling trails and cycle-ways within the Wakatipu Basin.

An 'Arterial Route' is proposed as part of the Strategy which would traverse Henley Downs land. The route is only indicative and would no doubt be refined should it be implemented. Nothing in this proposal is considered to preclude the possibility of this trail being formed in the future.

One of the priorities identified is that:

'within residential areas, Council will also undertake ongoing improvements for utility walking and cycling to enable ease of access to local parks, shops, schools and other local amenities.'

The plan change promotes an urban layout specifically designed to achieve these types of outcomes.

Conclusion

The plan change request is consistent with the Wakatipu Trails Strategy.

7.9 Summary

This plan change request sits comfortably in line with the suite of relevant Council plans and strategies that have been assessed.

8.0 ASSESSMENT OF EFFECTS OF THE PROPOSED CHANGES ON THE ENVIRONMENT

8.1 Overview

This chapter provides an assessment of effects on the environment in accordance Clause 22 (2) of the First Schedule of the Resource Management Act 1991. This assessment relates to the effects anticipated from the implementation of the proposed change.

8.2 Resource Management Act Requirements

Clause 22(2) of Schedule 1 of the Resource Management Act states:

(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

Clause 2 of Schedule 4 of the Act sets out the matters which should be considered when preparing an assessment of effects on the environment as follows:

(2) Matters that should be considered when preparing an assessment of effects on the environment

Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:

(a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socioeconomic and cultural effects:

(b) Any physical effect on the locality, including any landscape and visual effects:

(c) Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

(d) Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations:

(e) Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants:

(f) Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

8.3 Context

To avoid unnecessary repetition this chapter needs to be read in conjunction with the technical reports in the appendices to this plan change request, and other parts of this report.

This assessment considers the effects of the development enabled by the rezoning when compared to the existing zoning. It is therefore important to bear in mind that a significant

amount of development is enabled in Henley Downs under existing zoning. A currently approved Outline Development Plan for Henley Downs (included in Appendix L) provides for 460 dwellings in the residential neighbourhoods of Henley Downs. In addition, it is estimated that as much as 820 dwellings could be built in the Village area. This means that around 1364 dwellings could be built in Henley Downs under current zoning. By comparison, the proposed zoning in this request would limit the maximum number of dwellings at 2426. In addition, it is estimated that in the range of 13,000 m² of commercial space would be required in the Village area were it built out under current zoning, a requirement which would be removed under the plan change request.

8.4 Assessment of Landscape Effects

Landscape effects have been thoroughly assessed as part of this proposal as can be seen in the report by Vivian and Espie (Appendix D).

In terms of visibility of development from public places, the location of proposed development and mitigation requirements set out in the plan change request, mean that development would not be highly visible from the State Highway. The experience from Woolshed Road would also not be significantly different.

Since the creation of the Jacks Point, a number of places frequented by the public have been created, as well as a number of private residences. The report by Vivian and Espie (Appendix D) assesses the impact on views from these places.

Nearly all of the recommendations from the report by Vivian Espie are adopted in this private plan change request. The only point of deviation from the recommendations of the Landscape Assessment by Vivian and Espie Landscape report relates to the density of development enabled in Development Area J as shown on the proposed Structure Plan for Henley Downs. While Espie preferred a lower density in this area in order to maintain an outcome more akin to rural-residential density, the plan change proposes that a more suburban density be achieved here (albeit with lower density toward the higher more visible slopes). It is the view of the project team that this would be a reasonable outcome that would not be at odds with the thrust of the overarching objectives and policies of the Plan, retaining a high standard of visual amenity, providing for clearly defined urban edges and limiting the amount of rural living-style development provided for the by the proposal.

In the view of the project team that prepared the plan change, Greater Jacks Point is an emerging settlement and a degree of change is to be anticipated beyond what the current

zoning provides for. This is evidenced by the fact that all purchasers of property in the Jacks Point development have agreed to covenants which limit their right to object to planning proposals which are in line with the Coneburn Area Resource Study of 2002 (Appendix E). This plan change request is considered to be in line with the Coneburn Area Resource Study.

In order to ensure that a net benefit emerges out of a higher density in Development Area J than was recommended in the landscape report, a requirement that a Biodiversity Management and Restoration Plan for the wetland as part of an Outline Development Plan for this area is included within the proposed provisions. As discussed below, there are some important ecological values attached to that wetland area and an incentive to enhance those values is needed to ensure they do not become degraded.

Conclusion

The plan change request is considered to result in minor effects on the landscape when viewed from public places, private residences and places frequented by the public.

8.5 Assessment of Ecological Effects

The report by Natural Solutions for Nature in Appendix F identifies a number of sites of ecological value within Henley Downs. Within the proposed Henley Downs Zone there is a wetland of notable value and areas of grey shrubland of moderate to high biodiversity value.

The boundaries of urban development have been set so as to avoid encroaching upon the biodiversity values of the site. New rules apply that limit vegetation clearance in Areas of Biodiversity Value (as identified on the Structure Plan) to the same rate as Significant Natural Areas identified in the rural section of the Queenstown Lakes District Plan.

Development generally is discouraged in Agriculture, Recreation and Conservation Activity Area (where the biodiversity values have been identified) but should development occur, assessment matters signal the potential for effects to be offset by contributions or work that would enhance biodiversity values on the site. The retention, creation and enhancement of biodiversity corridors through urban development is encouraged, particularly through making use of land set aside for stormwater management.

A wetland area is identified in the report by Natural Solutions for Nature (Appendix F) as having particular value. It would however benefit from weed control, restoration and appropriate management in order to ensure that those values are retained and, preferably, enhanced. Again, the plan change request seeks to incentivise such action through requiring a

Biodiversity Management and Restoration Plan be lodged as part of an Outline Development Plan for Development Area J.

Conclusion

The proposed zoning would actively seek to protect existing biodiversity values, incentivise enhancement of those values and mitigate any effects on biodiversity arising from urban development. It is considered that the proposal can result in a net benefit for ecological values in Henley Downs.

8.6 Assessment of Effects on Natural Hazards

Appendix A contains discussion on the natural hazard risks that exist or may exist in Henley Downs.

The QLDC hazard map issued in January 2013 (shown in Appendix B) shows the approximate extent of the known liquefaction hazard. A significant part of the site is assessed as LICP(1) while the majority of the proposed urban area is assessed as LICP(2).

Mr Thomson's report identified the potential of liquefaction being a hazard on part of the site, but did not assess that hazard in detail. Extensive site investigations were carried out by Tonkin and Taylor into sub-surface conditions with respect to liquefaction in 2008. This investigation was commissioned to assist in the preparation of an Outline Development Plan in accordance with the applicable Resort (Jacks Point) Zoning, and is included in Appendix C of this report. It therefore does not cover the entire developable area that is proposed to be rezoned as part of this plan change request and the work has not been updated or reassessed for the purpose of this plan change request. The findings of the investigation nevertheless shed light on the extent of the liquefaction risk as it has been assessed to date.

An area corresponding with Council's LICP(2) classification has been assessed by Tonkin and Taylor as having some risk of liquefaction. The predicted settlement in the areas assessed in shown in Appendix E of the Tonkin and Taylor Report (in Appendix C of this report)). The findings on predicted settlement lead to the land being classified according to Department of Building and Housing guidelines as Technical Category 2 (TC2). Consider the following table:

Expected future land performance^{vi}

Foundation Technical Category		Expected SLS Land Settlement (mm)	Expected ULS Land Settlement (mm)
TC1	Negligible land deformations expected in a future small to medium sized earthquake, and up to minor land deformations in a future moderate to large earthquake.	0 – 15	0 - 25
TC2	Minor land deformations possible in a future small to medium sized earthquake, and up to moderate land deformations in a future moderate to large earthquake.	0 – 50	0 - 100
TC3	Moderate land deformations possible in a future small to medium sized earthquake, and significant land deformations in a future moderate to large earthquake.	> 50	> 100

TC2 means that liquefaction hazards need to be taken account of in the development of the land. Engineering solutions may be needed, including improvements to the soil conditions through earthworks or the use of strengthened foundations for buildings.

As a result of the Canterbury earthquakes, the Canterbury Earthquake Recovery Authority (CERA) have published information for homeowners in TC2 affected land. The following is retrieved from <http://cera.govt.nz/faq/green-tc2-yellow> on 30 January 2012, and helps explain in simple terms the implications for building on TC2 land:

^{vi} from the report *Revised guidance on repairing and rebuilding houses affected by the Canterbury earthquake sequence*, Department of Building and Housing, November 2011

Technical category 2 (TC2) - yellow

Minor to moderate land damage from liquefaction is possible in future significant earthquakes.

- *You can use standard timber piled foundations for houses with lightweight cladding and roofing and suspended timber floors*
- *Or enhanced concrete foundations – i.e. more robust floor slabs that better tie the structure together as outlined in the Department of Building and Housing 2010 Guidance on house repairs and reconstruction following the Canterbury earthquake www.dbh.govt.nz/canterbury-earthquake-residential-building*

....

What do I need to do to ensure my repairs meet Building Code requirements?

Homeowners whose land is in TC2 can get on with rebuilding their homes with confidence. The only further site-specific geotechnical investigation required is the simple shallow soil strength testing which is standard for all homes.

....

New foundations

If your home is in TC2 and you are rebuilding foundations the Department of Building and Housing recommends that you use:

- *Standard (NZS3604) piled foundations for houses that:*
- *Are built of lightweight materials (not masonry or brick veneer). For example tin, not tiled, roofs and lightweight cladding such as weatherboards; and*
- *Have timber floors instead of concrete floors*
- *Or enhanced slabs (more robust foundations) such as those outlined in the Department of Building and Housing's December 2010 Guidance on house repairs and reconstruction following the Canterbury earthquake.*

....

2.9 How much are repairs to foundations likely to cost?

The average additional cost for homeowners in Technical Category 2 with foundations that need to be repaired or rebuilt due to earthquake damage is expected to be around \$5,000. However, depending on site circumstances costs may range from no additional cost to around \$10,000.

Evidently, liquefaction risk of a TC2 category can be mitigated.

More comprehensive assessments of the hazards will be necessary at the time subdivision is carried out. The Outline Development Plan also provides an opportunity to consider this matter in more detail. These processes will afford the opportunity to assess all sites, including those beyond the area that has been assessed by Tonkin and Taylor in the past. In the unlikely event that isolated areas are assessed as having a high liquefaction risk, there will be options to rehabilitate those parts of the site or leave them free of development. There is however no reason to believe that the expansion of the urban area as proposed by this plan change is inappropriate for reasons of liquefaction risk.

Mr Thomson's work also identified a potential flood hazard emerging out of the creek running across the north of the site. While this hazard is expected to be manageable, it is noted that solutions could affect the urban layout that results in parts of the site. It is therefore intended that how this hazard is proposed to be addressed should be taken account of as part of an Outline Development Plan.

Alluvial fan hazards have also been identified in the past for parts of Henley Downs. Again, these risks will need to be assessed in more detail in future planning applications, including as part of an Outline Development Plan (an approach Otago Regional Council indicated they supported in consultation undertaken for this plan change request). A potential alluvial fan hazard was investigated for a recent resource consent application in Henley Downs (RM100222). Expert assessments resolved that the hazard could be satisfactorily mitigated.

Conclusion

Natural Hazard risks will continue to be assessed as part of future outline development plans, subdivisions and some resource consents. On the basis of assessments carried out prior to and for this plan change, it is concluded that risks can be satisfactorily mitigated and that there is no exacerbation of natural hazard effects emerging out of this plan change proposal.

8.7 Assessment of Contaminated Land Effects

Contaminated land is not understood to have been an issue of concern in the 2007 Outline Development Plan approved for Henley Downs. However, the proposed plan change would see a larger area developed than what was approved in the 2007 Outline Development Plan. In addition, there is now more rigorous attention applied to the issue of land contamination since the release of the National Environmental Standard (NES) for soil contaminants which came into force on 1 January 2012 (Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011). That NES applies to (as paraphrased from Section 5 Application):

- removing or replacing a fuel storage system
- sampling soil to determine whether or not it is contaminated
- disturbing soil
- subdividing land
- changing the use of the piece of land which is suspected of having soil that is reasonably likely to harm human health.

With respect to a plan change, the only one of these circumstances that may be applicable is the last of the bullet points, as the plan change does propose to change the use of land in some parts of the site. Other parts of the development process, notably the Outline Development Plan stage and the subdivision stage could also be seen as the point in which the use of a land is changed. It is considered that, so long as the issue is appropriately considered at either plan change, outline development plan or subdivision stage, the NES can be appropriately given effect to.

The NES requires an assessment as to whether land may be contaminated. There are no parts of the site that are known to be contaminated, but as there has been a long farming history of the site, there are some sites that may need further investigation.

It is considered that the NES would be applicable at the time of subdivision regardless of whether provisions are included in the District Plan. However, there may be merit in identifying such sites earlier in the process, allowing for comprehensive planning to take account of any soil contamination. It is therefore proposed that compliance with the contaminated land NES be included as matter to be considered through an Outline Development Plan.

In summary, this plan change request is not considered to have any effect of note with respect to the issue of soil contamination. However, by including relevant rules requiring an assessment be carried out early in the development process (at the time of an Outline Development Plan) there is assurance that compliance with the contaminated land NES will be achieved.

8.8 Assessment of Urban Design Effects

There are at least three major issues with respect to urban design outcomes in the current Henley Downs Zone that this plan change seeks to address:

- A lack of certainty of high quality design outcomes
- A fragmented structure plan that has little relation to its landscape
- A density cap that promotes a lack of housing choice

These are discussed in turn below.

A lack of certainty of high quality design outcomes

If there were no change to the current zoning, Henley Downs would be developed under the same zoning regime that has applied to development in Jacks Point to date. It is therefore useful to assess the outcomes that have occurred there.

By most assessments those parts of Jacks Point that have been developed have created a high aesthetic standard (in terms of buildings, landscapes and roads etc). There are some means in which the development may have been carried out better, for example the level of connectivity between roads is perhaps not as great as it may be, but in many respects Jacks Point is an exemplar in high standards of design.

It is not yet possible to assess the outcomes in the higher density Village area.

The quality of outcomes in the parts of Jacks Point to date has been aided by a number of factors, including:

- Sloping terrain which reduces the risk of poor visual connections between houses and the street
- Relatively low density which tends to mitigate many potentially poor urban outcomes (although most neighbourhoods have yet to be fully built out)

- A comprehensive approach to development aided by the fact that the development was commenced by one developer with a vision for a high standard of design
- Private design controls on buildings

Not all of these matters are guaranteed to apply to Henley Downs. Much of the site is flat and this plan change request proposes enabling higher density than much of the suburban areas of Jacks Point. The site is likely to be controlled by one developer, but given the scale of the site and the timeframes anticipated for development, it is possible that more than one developer would carry out the development.

The current Resort – Jacks Point Zone includes comparatively little discretion regarding urban design and detail on how such matters should be assessed. A parallel non-RMA design process controls built form outcomes to a large extent, while an Outline Development Plan does provide via a controlled activity status the ability to assess and control some matters relating to the likes of roading pattern and lot layout. On balance however, it is considered that under the current zoning, the quality of urban design outcomes in Henley Downs would be uncertain.

A high standard of urban design is integral to the objectives and policies of the proposed Zone and is promoted through the rules and assessment matters of this plan change request. This includes considerably more direction on how applications should be assessed in order to achieve high standards of urban design in a Henley Downs context. It also lifts the activity status of non-residential development, high density residential development and Outline Development Plans to restricted discretionary status, affording more opportunities for consent authorities to prevent poor urban design outcomes.

A fragmented structure plan that has little relation to its landscape

As discussed in Section 2.4, the current zoning for Henley Downs was created through a submission to the Jacks Point Variation to the Proposed Queenstown Lakes District Plan. The Hearings Panel created the current Structure Plan as a response to concerns raised in submissions, particularly with respects to how the Structure Plan that had been proposed by Henley Downs Holdings Ltd integrated with the landscape and the built form proposed in Jacks Point (see page 86 of Appendix P).

Assessment carried out in preparation of this plan change request has concluded that the current Henley Downs Structure Plan is sub-optimal from an urban design perspective.

If assessed on a map, there may appear to be some synergies in the urban layout prescribed in the current Henley Downs Structure Plan and that of Jacks Point. However, with a closer assessment of the nature of the Henley Downs site, it is apparent the layout has little logic when applied to Henley Downs. The 'pods' of residential development in Jacks Point were a response to the terrain and visibility issues faced there. These issues do not apply in the same way to Henley Downs, where the topography of the site is quite different. The result is that the segregation of neighbourhoods appears arbitrary.

As well as creating inefficient use of land, this risks leading to poor urban design outcomes such as a disconnected urban form. Connectivity is one of the "seven C's" promoted by the New Zealand Urban Design Protocol. Poor connectivity results due to the separation between the various residential neighbourhoods and from the Village area. This poor connectivity reduces the number of logical direct routes in which to travel around, to and from Henley Downs. This is likely to discourage walking, cycling and public transport use and lead to more and longer car journeys.

The requirement to have open space between residential neighbourhoods also may be impractical. Continuing farming in these areas may be difficult given adjacent urban uses, while maintaining the open space (mowing etc) is likely to be quite an expense for a body corporate charged with this responsibility. This may flow onto costs for house owners in Henley Downs and wider Jacks Point.

It is the view of the project team that the Henley Downs site is largely distinct from Jacks Point. Accordingly, while the plan change does promote via objectives, policies, rules and assessment matters attention to integrating built form outcomes with Jacks Point, it is considered that this can be achieved via attention to the design of the edges of development and to building designs, without the need to repeat the clustered urban seen in Jacks Point across Henley Downs.

Removing the 'pod' urban form is considered to be advantageous for urban design outcomes in Henley Downs. The Queenstown Urban Design Panel indicated they were comfortable with this change in the meeting held in September 2012 (see Appendix K).

A density cap that promotes a lack of housing choice

"Choice: Ensuring diversity and choice for people" is one of the seven essential design qualities promoted by the New Zealand Urban Design Protocol. In the context of Henley Downs, opportunities to provide choice and diversity are presented through diverse housing options.

The Outline Development Plan approved for Henley Downs (see Appendix L) does show a mix of larger lots and 'comprehensive development' sites (which are understood to be unit-capable sites). In addition, the Village area would provide more high density housing. However, the density range for of 10-12 dwellings per hectare (currently prescribed in the Jacks Point – Resort Zone) constitutes relatively low, suburban density.

Ten to twelve dwellings per hectare can be expected to achieve an average lot size of between 585 and 700 m². While this may be typical of much of the current demand in the Wakatipu market, the upper limit of 12 dwellings per hectare is considered to be a relatively conservative density. As shown in Appendix N, there are many new examples of greenfield development in places such as Auckland and the Wakatipu where much higher densities are being achieved.

The effect of the density cap of 12 dwellings per hectare may be to limit opportunities to achieve more efficient use of land if the market would otherwise support such outcomes in the future. This in turn may limit opportunities for more intensive housing development, which can also be more affordable housing. More intensive housing can also promote other desirable urban design outcomes, such as 'walkable neighbourhoods' where people can access conveniences such as grocery stores, cafes and frequent public transport without the need to use private motor vehicles.

The following table summarises the amount and density of development anticipated in the different 'development areas' shown on the Henley Downs Structure Plan:

Summary of Maximum Densities Provided for by Proposed Henley Down Zone

Development Area	Approximate Size	Maximum Number of Residential Units	Dwellings per hectare	Notes on form
A	5.5 ha	4	0.7	
B	5.5 ha	85	15.5	450 m ² Average lot size (assuming 30% is used for roads, reserves etc)
C	17 ha	255	15	466 m ² Average lot size (assuming 30% is used for roads, reserves etc)

D	18 ha	325	18	387 m ² Average lot size (assuming 30% is used for roads, reserves etc)
E	25 ha	450	18	389 m ² Average lot size (assuming 30% is used for roads, reserves etc)
F	30 ha	540	18	389 m ² Average lot size (assuming 30% is used for roads, reserves etc)
G	23 ha	800	35	201 m ² of land per unit (assuming 30% is used for roads, reserves etc). Note, this is calculated to be similar to what the District Plan currently enables in the Village in Henley Downs (albeit at a lower density due to Activity Area G covering a larger area than the current Village area).
H	1 ha	1	1	
I	3 ha	7	2.3	
J	9 ha	100	11	630 m ² Average lot size (assuming 30% is used for roads, reserves etc)
K	4 ha	4	1	
Agriculture, Conservation and Recreation	Balance of zone	-	-	

The table provides a maximum density per hectare in the different development areas and an indication of what an average section size would be. The assumption that in suburban and urban areas that around 30% of land area will be used for the likes of roads and reserves is considered to be a fairly accurate reflection of what is typical in the Wakatipu.

It is important to bear in mind that the table above sets out what would be the average density if the maximum residential yield were achieved in the different Development Areas (which may not be reached). Also that there may be quite a lot of variation in section sizes within these development areas (meaning some smaller and some larger than the average). Such variation is promoted in the proposed plan change (an assessment matter for Outline Development Plans).

Appendix N includes some images of the types of development that these densities can result in, to assist readers of this plan change request understand what may result in Henley Downs if the proposed plan change is given effect to. It is considered that the images of Appendix M demonstrate that a high standard of design can be achieved at such densities. In the process, a greater diversity of housing choice may result in the Wakatipu.

Conclusion

The proposed plan change request is considered to have a net benefit in terms of urban design by providing greater certainty that desirable outcomes will be achieved and promoting a wider range of housing choice.

8.9 Assessment of Economic Effects

This plan change request would significantly increase the achievable residential development yield in Henley Downs. This would result in economic benefits for the owners of the land and, through increasing housing supply it should help ease or prevent house price inflation in the district which can be economically damaging for the wider community.

The plan change enables non-residential activities to establish if done so in a planned way that does not undermine residential amenity. Henley Downs unique landscape setting and location could attract businesses and other activities that could bring substantial economic benefits to the District.

Conclusion

The proposal is considered to enable beneficial economic effects.

8.10 Assessment of Infrastructure Effects

Greater Jacks Point is largely self-sufficient in terms of infrastructure, with its own wastewater, stormwater and water supply infrastructure. This situation is expected to continue for Henley Downs.

A wastewater report prepared by Ian Gunn (in Appendix H), establishes that a self sufficient wastewater system is feasible in Henley Downs. It is notable that the report discusses an eventual total number of residential units in Henley Downs of 1750 homes. This total is short of the total now proposed as part of this plan change request (reflecting an earlier estimate). However, the report concludes there is capacity to dispose wastewater on land from up to 2600 dwellings within the area marked as “G” in the report.

Stormwater in those parts of Greater Jacks Point that have been developed to date is managed within the site. The size of the land area in Henley Downs area, including large amounts of land not proposed to be developed, means that on site solutions should be similarly achievable within Henley Downs. As part of an Outline Development Plan there is a requirement to submit a stormwater management plan so as to demonstrate that a feasible and appropriate means of managing stormwater is proposed. The plan change promotes the utilisation of existing watercourses and overland flow paths to manage stormwater flows where possible.

Appendix G discusses water supply capacity for Henley Downs. Water is intended to be sourced from the Coneburn Water Supply Company Limited (WaterCo) operated reservoir in Jacks Point. There are legal agreements that enable Henley Downs to utilise this infrastructure. As concluded in the report in Appendix G, there are not considered to be capacity constraints that limit the ability of the increased amount of development proposed for Henley Downs to connect to this infrastructure. Consents may be needed from Otago Regional Council.

Conclusion

No negative effects in terms of infrastructure are identified as part of this proposal. Infrastructure capacity can be sized to meet the increase in demand proposed.

8.11 Assessment of Effects on Open Space and Recreation

Development to date in Greater Jacks Point has created open spaces of exceptional quality enjoyed by the wider community through informal recreation and organised events. Occasional events (running and cycle races) also use land in Henley Downs. The development area surrounding Henley Downs offers opportunities to open up the large surrounding rural area to public use. This opportunity is implied and enabled in the Agriculture, Recreation and Conservation Activity Area which covers the majority of the site.

Outline Development Plan and subdivision processes will require the identification of parks, walkways and cycleways in the Urban Activity Area.

Conclusion

The plan change request is considered to be neutral in terms of the effect on open space and recreation when compared to the existing zoning. The development of the site should afford considerable community benefits in terms of open space and recreation opportunities.

8.12 Assessment of Effects on Culture and Heritage

As discussed in Section 2.5.6 there are no known sites of cultural or heritage significance on the site. There is a (probably remote) possibility that a Maori settlement was once located on the site, but no evidence of occupation by Maori is known to have been discovered on the site. A requirement to adhere to the Accidental Discovery Protocol, as outlined in Appendix 6 of the Ngai tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 is added to the earthworks provisions as a precautionary approach.

Consultation with Te Ao Marama indicated an interest in seeing native vegetation re-established on the site. The ecological restoration provisions of the proposed Henley Downs Zone can therefore be viewed as having a positive cultural effect.

Conclusion

The cultural and heritage implications of this proposal are not considered to be significant, but on balance the plan change request is considered to offer positive effects in this regard.

8.13 Assessment of Traffic Effects

The report prepared by Traffic Design Group (Appendix I) establishes that under the current Resort Zone (which limits road entries/exits into Greater Jacks Point to one entrance) significant traffic congestion will over time result. This is an issue that the plan change proposes to address.

A new entry/exit point onto State Highway 6 is proposed at Woolshed Road as part of this plan change. The location of this connection would ease congestion and allow for the safe operation of a southbound passing lane on State Highway 6. A road designed to move traffic through Henley Downs from Jacks Point and beyond is also proposed as part of the plan change.

Creating an additional vehicle access at Woolshed Road will require approval from the New Zealand Transport Agency (NZTA). This part of State Highway 6 is understood to be a Limited Access Road indicating that NZTA are likely to have a particular interest in assessing the

impacts of the intersection on traffic flow on the state highway. Note the comments on consultation with NZTA in Section 5.9.

The report by Traffic Design Group (Appendix I) shows an appropriate design for an intersection between Woolshed Road and State Highway 6. This intersection is calculated to be able to accommodate up to 1250 dwellings in Henley Downs on top of the entire development being built out in Jacks Point (including the Jacks Point Village). This does not account for factors that may reduce travel demand such as public transport. (A viable frequent public transport link to Henley Downs and other parts of Greater Jacks Point is considered to be likely with the scale of development anticipated in the area). If and when development leads to congestion on Woolshed Road (which is likely to be many years away) further intersection enhancements are anticipated to be needed. This is likely to involve a roundabout, which will have considerably higher capacity.

Conclusion

The proposal is considered to offer a significant benefit in terms of traffic, helping to ease looming congestion problems. A solution is proposed for an intersection in the medium term. In the long term, further upgrades may be needed, which are considered to be feasible.

8.14 Summary

This Assessment of Environmental Effects has established a broad range of benefits and few costs emerging out of the proposal.

9.0 SECTION 32 ASSESSMENT

9.1 Introduction to Section 32

The format of this section is guided by section 32 of the Resource Management Act 1991 (the Act):

32 Consideration of Alternatives, Benefits, and Costs

(1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified... an evaluation must be carried out by...

(d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.

....

(3) *An evaluation must examine—*

(a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*

(b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

....

(4) *For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—*

(a) *the benefits and costs of policies, rules, or other methods; and*

(b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

(5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*

(6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

9.2 Examining the Appropriateness of Objectives

Section 32 requires that the objectives are the most appropriate means of achieving the purpose of the Resource Management Act (RMA). The purpose of the RMA is as follows:

5 Purpose

(1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

(2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

(a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

-
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems;*
and
(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The following table assesses how the proposed objectives meet the purpose of the RMA.

Assessment of Proposed Objectives

Objective	In what way is the objective the most appropriate way to achieve the purpose of the Act?
<p>The Henley Downs Settlement</p> <p>Development in Henley Downs contributes toward the success of Greater Jacks Point, integrating with the landscape, character and settlement pattern of the surrounding area</p>	<p>This objective is designed to 'set the scene' for Henley Downs as a place. It acknowledges the linkages with other parts of 'Greater Jacks Point' and the need for the site to integrate visually and with the role and function of Jacks Point and Homestead Bay. It is through understanding this wider context that an assessment of how Henley Downs contributes toward achieving the purpose of the Act can be made. The references to landscape and character will assist in achieving Sections 6(b) and (c) of the Act.</p>
<p>Urban Activity Areas</p> <p>The Henley Downs Urban Activity Area develops with a predominantly residential character, incorporating a range of residential densities and compatible non-residential activities in an efficient, safe, healthy, vibrant and attractive urban setting</p>	<p>This objective establishes that the Henley Downs Urban Activity area is designed to be predominantly residential in nature. This is considered to be the use that would most likely support the social and economic wellbeing of the District's people and communities. It also promotes economic and social well being through enabling non-residential activities, providing they are 'compatible' (which is consistent with Section 7(c) the maintenance an enhancement of amenity values.</p> <p>A number of desired attributes of the settlement are listed. These attributes are intended to provide direction on how the settlement would develop in order for the purpose and principles of the Resource Management Act (as set out in sections 5 to 8) to be achieved in Henley Downs.</p>
<p>The Agriculture, Conservation and Recreation Activity Area supports and contains the Henley Downs urban area,</p>	<p>Again, this objective raises issues that relate to landscape (relevant to sections 6(b) and 7(c) of the Act). The maintenance of natural values relates to all of Section 5 and Sections:</p>

maintaining and enhancing the landscape, recreational and natural values that surround it.

6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development

as there is a wetland within the site (see the ecological report in Appendix F); and

6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

as there is evidently a connection between 'natural' features and landscapes and the maintenance and enhancement of natural values as proposed in the objective; and

6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

as this again relates to the maintenance and enhancement of natural values; and

6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

as consultation with takata wehua has indicated an interest in restoring indigenous vegetation to the site; and

7(d) the intrinsic values of ecosystems

in that maintaining and restoring natural values should support the health of the ecosystems present in Henley Downs; and

	<p><i>7(e) maintenance and enhancement of the quality of the environment</i></p> <p>in that the objective is in line with this outcome.</p>
<p>Subdivision, Development and Financial Contributions, Proposed Objective 18:</p> <p>Henley Downs Special Zone – The subdivision layout of Henley Downs supports the development of an efficient, safe, healthy, vibrant and attractive settlement which integrates with the surrounding area.</p>	<p>This objective essentially restates Objective 2 of the proposed Henley Downs Zone, recognising the importance of managing subdivision outcomes in achieving the outcomes sought in that objective.</p>

Conclusion

The objectives of the proposed plan change are considered to support the achievement of the purpose of the Resource Management Act.

9.2 Examining the Appropriateness of Policies

In accordance with Section 32 of the Resource Management Act, policies should be assessed in terms of their effectiveness and efficiency in achieving objectives. Account must be taken of benefits and costs and the risk of acting or not acting when there is insufficient information on the matter.

The table below assesses policies against the objective they most strongly relate to. Some references to other objectives in the plan with which the policies relate are also made.

Assessment of Proposed Policies

Policies primarily intended to achieve Objective 1. Development in Henley Downs contributes toward the success of Greater Jacks Point, integrating with the landscape, character and settlement pattern of the surrounding area	
Policy	Appropriateness of policy in achieving the objective having regard to effectiveness, efficiency
<p>The Henley Downs Structure Plan is adhered to in order for:</p> <ul style="list-style-type: none"> - development to be located within an appropriately defined urban area; - maximum residential densities to not be exceeded in different parts of the zone; - important road connections to be made through, to and from the zone; - Areas of Biodiversity Value to be identified and appropriately managed 	<p>This policy introduces the role of the structure plan and explains its intent. It is considered that ODPs need a context within which to plan and there is a benefit in some details being set within the Plan. It is more efficient for these matters to be set out via the structure plan than to have them re-litigated via future planning processes and this approach can give confidence that the Plan will be effective in ensuring Henley Downs integrates with the surrounding urban area and the natural values of the area.</p>
<p>Development is not highly visible from State Highway 6 and Lake Wakatipu</p>	<p>This test is in order to ensure that development integrates within the landscape and with the approach taken in Jacks Point. The term 'highly visible' is used rather than 'readily visible' as is used in the Resort Zone at present as this is a term that is used in policies in Section 4 of the Plan and therefore should help reduce inefficiencies arising from uncertainty of interpretation.</p>
<p>In Development Areas A, H, I, and K the density of development, its location and landscaping is managed so as to avoid or reduce the visibility of development from the state highway</p>	<p>This policy is intended ensure that the edges of urban development are appropriately treated so that Henley Downs integrates with Greater Jacks Point and the surrounding area. Controlling density, the location of development and landscaping in these defined areas is considered to be effective</p>

	<p>and efficient means in which to achieve the objective. It provides certainty that sensitive areas will be appropriately developed while limiting the effect of this level of management to those parts of the site where there is a particular concern that development could offend objective 1 and the overarching objectives in Section 4 of the Plan.</p>
<p>Development in Henley Downs integrates with Greater Jacks Point to create a visually coherent built form</p>	<p>Visual coherence of built form is seen as important for how the development is perceived to integrate with Greater Jacks Point. This leads to assessing the boundaries of urban development and the design of buildings which are considered to be effective and efficient means in which to implement this policy.</p>
<p>Landscape planting is in keeping with the natural or cultural history of the area</p>	<p>There is an expectation that landscape planting will be undertaken both for the purposes of beautification and so as to reduce the visibility of development in some places. Keeping landscape planting in keeping with the natural and cultural history of the area should aid in integrating the development with the surrounding area. This will also aid in the achievement of a range of other objectives in the Plan including those relating to landscape, rural amenity and biodiversity.</p>

<p>Policies primarily intended to achieve Objective 2. The Henley Downs Urban Activity Area develops with a predominantly residential character, incorporating a range of residential densities and compatible non-residential activities in an efficient, safe, healthy, vibrant and attractive urban setting</p>	
<p>Policy</p>	<p>Appropriateness of policy in achieving the objective having regard to effectiveness, efficiency</p>

<p>The lodgement and approval of an Outline Development Plan is required prior to subdivision and development occurring within the Development Areas of the Urban Activity Area, so as to ensure that Henley Downs benefits from a comprehensive and integrated approach to planning</p>	<p>The benefits of an outline development plan (a plan showing, amongst other matters, the intended layout of the urban area lodged prior to development and subdivision occurring) are to some extent stated within this policy in that it can offer a comprehensive and integrated approach to planning.</p> <p>An Outline Development Plan (ODP) is considered to be an effective and efficient method for use in greenfield development. It enables flexibility within a zone to adapt to the varying aspirations of future owners or changing market conditions without the need to go through a far more resource intensive plan change process. It however does, if sufficient means of discretion are maintained, provide for detailed assessments to ensure that the desired attributes of the settlement set out in Objective 2 can be achieved.</p>
<p>Development in the Urban Activity Area is consistent with an approved Outline Development Plan</p>	<p>This relates to the previous policy in ensuring that an ODP is effectively implemented. Note that a decision was made not to apply the ODP requirement to the Agriculture Recreation and Conservation Activity Area on the basis that relatively little development is intended there and it would therefore be inefficient to require an ODP for that part of the zone.</p>
<p>Residential activities are enabled in Development Areas A to K, as shown on the Henley Downs Structure Plan up to the prescribed maximum number of residential units</p>	<p>This policy paves the way for permitting residential activities in the Urban Activity Area (which consists of Development Areas A to K) which is in line with other urban areas in the District and is considered to be an efficient approach. Setting maximum densities for different parts of the site (as covered by the Development Areas) is seen as an efficient</p>

	and effective means in which to ensure that development can achieve the desired attributes of the settlement set out in Objective 2.
Visitor accommodation, retirement villages, commercial activities and community activities are enabled where residential amenity will not be undermined	This policy sets out in more detail the types of non-residential activities that are envisaged. Service and industrial activities are absent from the list. There may have been some merit in enabling industrial activities but it is thought that there would be insufficient certainty that the desired attributes of the settlement set out in Objective 2 could be achieved if those activities were to establish. It would also be inefficient to encourage applications for these activities if it is not thought likely that they would meet the tests around maintaining residential amenity.
Specific and spatially defined Medium Density Housing Precincts and Commercial and Community Precincts are identified (as needed) through the Outline Development Plan process	These policies encourage activities of a similar nature and scale to col-locate in areas planned for well in advance of development and subdivision occurring (at ODP stage). This approach is effective in achieving the desired attributes of the settlement set out in Objective 2 through reducing the risk of reverse sensitivity issues and enabling vibrant precincts to establish.
Small lot residential, multi-unit residential and visitor accommodation development are encouraged to co-locate within Medium Density Housing Precincts where design controls aimed at promoting high standards of medium and high density development apply	This approach is also efficient as specific rules addressing the issues that apply in different precincts can be applied without the risk of some activities in other areas being 'caught' unnecessarily by rules.
Commercial and community activities are encouraged to co-locate within a Commercial and Community Precinct(s) within which there shall be a greater tolerance of adverse effects on amenity than the rest of the Henley Downs Zone	

Effects arising from the proximity of residential buildings, including shadowing and loss of privacy, are minimised through the use of controls on built form or through applying site specific solutions	This policy is considered important in order to ensure high standards of residential development result that achieve the desired attributes of the settlement set out in Objective 2.
High standards of urban design and individual building design are promoted, particularly for medium and high density residential development and buildings for non-residential activities	This policy is considered important in order to ensure high standards of residential development result that achieve the desired attributes of the settlement set out in Objective 2. This policy recognises that as the density of residential development increases, and in the types non-residential buildings envisaged for Henley Downs, the quality of development becomes increasingly important in achieving neighbourhood amenity. It is therefore in those types of developments where the inefficiencies of extra levels of scrutiny via resource consents is justified on the basis of the increased certainty that high quality outcomes will be secured that can result from expert and public sector involvement.
Hours of operation of non-residential activities do not compromise residential amenity values, social wellbeing, residential cohesion and privacy.	In order for Henley Downs to be a safe, healthy and attractive urban setting it will be necessary to limit the operation of non-residential activities. These policies are judged to be effective and efficient in doing this.
Noise emissions associated with non-residential activities are within limits that maintain amenity values	
<p>The urban structure (including road layout, cycle and walking networks, landuse densities, and block sizes) is well-connected and specifically designed to:</p> <ul style="list-style-type: none"> - Reduce travel distances through well-connected streets 	This policy acknowledges the importance of the 'urban structure' in creating an urban area that reflects the desired attributes set out in Objective 2. Specific outcomes are listed so as to ensure that this policy can be effectively and efficiently interpreted.

<ul style="list-style-type: none"> - Provide a logical and legible street layout - Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and local facilities and amenities - Enable public transport to efficiently service Greater Jacks Point, now or in the future 	
<p>Roads, carriageways and walkways are designed and sized to:</p> <ul style="list-style-type: none"> - encourage walking, cycling and (where relevant and practical) public transport use through being safe and pleasant to use for those purposes - accommodate the likely nature and scale of future use, including existing or proposed public transport routes - contribute to amenity and safety - accommodate on-street car parking where needed - integrate with the character of Greater Jacks Point 	<p>This policy acknowledges the importance of the design of roads, carriageways and walkways in creating an urban area that reflects the desired attributes set out in Objective 2. Specific outcomes are listed so as to ensure that this policy can be effectively and efficiently interpreted. It is noted that ensuring attention is paid to this matter through the planning process is preferred as a more effective means in achieving this objective (and others in the District Plan such as those relating to transport) than relying on the use of national or district-wide engineering standards.</p>
<p>In areas of lower density housing, in so far as is practical, the number of rear sites that do not front the street is minimised</p>	<p>Rear sites are acknowledged as contributing to sub-optimal urban outcomes at odds with this objective, including loss of privacy and excessive driveways fronting the street. It is however not considered necessary from an effectiveness perspective to prohibit all rear sites in areas of low density housing as site conditions mean they are often a practical approach and limited numbers of rear lots are considered to have a limited adverse effect on the desired attributes of Henley Downs set out in this objective. From an efficiency perspective, a pragmatic approach to this</p>

	issue is also favoured so as to reduce the need for a large number of resource consents.
Rear sites in areas of medium and high density housing are avoided where possible, with houses fronting the street	In medium and high density housing it is considered that in order to be effective in creating a settlement that achieves the attributes set out in Objective 2, it is necessary to prevent rear sites where possible. Such buildings should be encouraged to front the street. Providing a clear signal of this intent is considered to be efficient in order to dis-incentivise resource consent applications at odds with Objective 2.
Subdivision, built form and landscaping outcomes are managed so as to encourage passive surveillance of streets and open spaces	This policy is considered to be important to encourage streets and open spaces to be designed in such a way as to feel safe and to encourage their utilisation. The most efficient time to assess this matter is considered to be at the time of subdivision, building design and when consents are necessary for landscaping.
Subdivision, landscaping, building and street designs, where practical, enable passive solar heating	This policy is considered to be effective and efficient in supporting a healthy and efficient built form, as promoted in this objective. It also gives effect to some district wide objectives (as identified earlier in this report) relating to solar heating and renewable energy.
Built forms conducive to affordable housing are enabled, including through: a range of lot sizes and housing typologies applying plan provisions in a manner that does not preclude the use of innovative and cost effective building materials and techniques providing for cost effective development	A vibrant and healthy community is one which has access to quality, affordable housing. The means listed are considered to be effective and efficient in supporting the creation of affordable housing. This policy also gives effect to the objectives proposed by Council in Plan Change 24.

<p>Existing watercourses in Henley Downs are used, enhanced and interconnected for the purposes of stormwater management and opportunities for stormwater paths to provide corridors of biodiversity value and public amenity are realised</p>	<p>While this policy falls under the heading of achieving Objective 2, it also relates to Objective 1 and 3 as stormwater management may require the use of land and watercourses outside of the urban activity area and the zone.</p> <p>Utilising existing watercourses in the manner proposed presents opportunities to enhance the quality of the built and natural environment. It can also be an efficient approach in that it can enable the multiple use of land.</p>
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<p>Policies primarily intended to achieve Objective 3. The Agriculture, Conservation and Recreation Activity Area supports and contains the Henley Downs urban area, maintaining and enhancing the landscape, recreational and natural values that surround it.</p>	
<p>Policy</p>	<p>Appropriateness of policy in achieving the objective having regard to effectiveness, efficiency</p>
<p>Use of the Agriculture, Conservation and Recreation Activity Area is enabled where there is minimal adverse effects natural and landscape values</p>	<p>It is considered that it would be unduly onerous and inefficient if the Plan were to preclude the use of land for uses that would not undermine the objective for the Agriculture, Conservation and Recreation Activity Area.</p>
<p>Infrastructure and associated servicing in the Agriculture, Conservation and Recreation Activity Area that is necessary to support Greater Jacks Point is enabled</p>	<p>This policy acknowledges that the Agriculture, Conservation and Recreation Activity Area has an important relationship with the Urban Activity Area in that it is possible that some infrastructure and servicing related to activity there may be appropriate and necessary for the overall success of the settlement. This</p>

	policy therefore may also relate to Objective 1 amongst others in the plan.
The biodiversity values of the Agriculture, Conservation and Recreation Activity Area are protected and enhanced	Protecting and enhancing biodiversity is considered to be central to the maintenance and enhancement of natural values. There are opportunities to enhance biodiversity afforded by development in Henley Downs.
Valuable natural vegetation and habitat in the Agriculture, Recreation and Conservation Activity Area, including grey shrublands, wetlands and the ecological links between them and the lakeshore escarpment, is protected and encouraged to re-establish	The second of these policies sets out in more detail how biodiversity may be enhanced in Henley Downs. This added specificity is considered to aid in the efficient interpretation of provisions and lead to effective results.
Buildings in the Agriculture, Conservation and Recreation Activity Area are limited to those that: <ul style="list-style-type: none"> - support agriculture, conservation or recreation; or - provide infrastructure or servicing for Greater Jacks Point 	This policy acknowledges that buildings may be suitable in some locations when particular criteria relating to the objective for the Agriculture, Conservation and Recreation Activity Area apply and therefore they relate to the effective implementation of the objective. It is considered more efficient to enable some development that meet necessary criteria rather than preclude buildings that in fact would benefit Objective 1 and potentially others in the Plan.

Policies primarily intended to achieve Subdivision, Development and Financial Contributions, Proposed Objective 18: Henley Downs Special Zone – The subdivision layout of Henley Downs supports the development of an efficient, safe, healthy, vibrant and attractive settlement which integrates with the surrounding area.	
Policy	Appropriateness of policy in achieving the objective having regard to effectiveness, efficiency
Ensure subdivision in the Henley Downs Special Zone is carried out in accordance with	This policy is considered necessary to ensure the effective implementation of an ODP.

an Approved Outline Development Plan	
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Conclusion

The policies proposed in this plan change are considered to be the most appropriate way to effectively and efficiently achieve the objectives proposed in by the plan change and the settled objectives of the Plan.

9.3 Examining the Appropriateness of Rules and Other Methods

In order to keep this report brief, it is not considered necessary to record the analysis undertaken for every rule and / or method considered in the plan change. Instead, this section will record some of the key rule / methods that were considered and outline some of the reasons why options were chosen in accordance with Section 32 of the Act.

Rule / approach taken	Alternatives considered	Discussion on effectiveness / efficiency
Requirement of outline Development Plan as a restricted discretionary activity	No ODP ODP as a controlled activity ODP as a discretionary activity	This issue is discussed to some extent earlier in this report, in regard to the enabling policy. An ODP is considered to provide opportunities to undertake a thorough and comprehensive assessment of the proposed urban layout in order to support the achievement of the zone's objectives. A controlled activity consent status is not considered to enable a robust enough assessment and can be inefficient in how amendments to proposals are made. A discretionary activity status is also inefficient as it gives insufficient certainty as to the matters to be considered and therefore the nature of the application to be made.
Enable commercial activity to establish in former village, but remove minimum 1/6 floor space requirement for commercial	Retain village with minimum 1/6 floor space requirement for commercial development	The merit of enabling commercial activities is discussed with regard to broad options considered and the relevant policies above. The 1/6 floor space requirement for commercial development in the former Resort Zone Henley Downs Village activity area is not considered to be in line with either the objectives proposed in this plan change

development		request or the settled objectives of the plan. It would risk enabling too much commercial activity in the zone relative to the scale and role of Henley Downs as well as undermining the Jacks Point Village. More likely, it would stymie development of that part of the zone given the commercial realities of providing large amounts of commercial activity in Henley Downs.
Buildings up to 3 residential units permitted, but with standards controlling external appearance (colour etc)	All residential buildings permitted, with no standards on external appearance All residential buildings controlled activity status	The current Resort Zoning makes all buildings a controlled activity in Jacks Point. This is considered to be inefficient and given the existence of a design review process, it is considered to duplicate process and add little to the effectiveness of the Resort Zone in achieving its objectives. There is however a theme of development that has emerged in Jacks Point around building materials and 'earthy' recessive colours. In the interests of visual coherence and therefore the integration of Henley Downs within Greater Jacks Point (as promoted in Objective 1), standards are proposed to control the external appearance of buildings.
Buildings of more than 3 residential units restricted discretionary activity status (non-notified)	Larger residential buildings permitted but with standards controlling external appearance (colour etc) Larger residential buildings controlled activity status Larger residential buildings discretionary	Generally, it is as buildings become larger with multiple residential units that design effects become more profound. Larger buildings and built cost also make resource consent processes more reasonable as a proportion of the overall cost of a building. It is therefore considered more effective and reasonable in terms of efficiency for buildings of more than 3 residential units to be subject to a restricted discretionary activity status.

	activity status	
Industrial activities non-complying activity status	Industrial activities restricted discretionary (same as other non-residential activities)	It is not envisaged that industrial activities could be accommodated in a manner that meets the zone's objectives without requiring significant parts of the zone to be set aside as mitigation buffers etc. It is also noted that there is a significant amount of industrial land being enabled for development as part of Plan Change 19. It is therefore considered to be more efficient to provide a clear signal that service and industrial activities are not anticipated in Henley Downs in order to discourage applications.
Service Activities discretionary	Service activities restricted discretionary. Service activities non-complying.	There may be a need for some service activities to assist with the operation, maintenance and construction of Henley Downs. It would therefore be inefficient and inappropriate to make them non-complying. However, given the fact that the effects generated could be at odds with the objectives policies around residential amenity, it is considered appropriate that a thorough and broad assessment be carried out in accordance with the requirements of a discretionary activity.
Non-residential buildings restricted discretionary activity status (non-notified) if in an area identified in an ODP.	Non residential buildings discretionary activity status Non residential buildings controlled activity status	The reasons for non-residential buildings carrying a restricted discretionary status are the same as with residential buildings of more than 3 units (see above). Controlled activity status is seen as less effective, while both discretionary and controlled status are seen as less efficient.
Buildings discretionary in the Agriculture, Conservation and recreation activity area.	Buildings non complying	Clearly it is not the intention for the Agriculture, Conservation and Recreation Activity Area to accommodate large amounts of development. It may have been more efficient to provide a clear signal via a non-complying activity status for buildings. It was concluded however that there may be some situations where buildings are

		necessary (for example relating to infrastructure) or desirable (for example if they relate to recreation or conservation activities or enhance conservation values, and the effects on landscape and natural values can be successfully mitigated). The fact that discretionary applications can be notified is believed to disincentivise speculative applications.
Activities inconsistent with an ODP discretionary (with ability to be notified)	Activities inconsistent with an ODP restricted discretionary Activities inconsistent with an ODP non-complying activity status	It is important to the achievement of the objectives of the zone for an ODP to be successfully implemented and not circumvented. However, there is a question as to whether it is more efficient over time, as development proposals adapt and new proposal emerge, to require amendments to an ODP or whether to allow deviations from that ODP. It is considered that a discretionary activity status should apply so as to enable some proposals not in line with an ODP. Those assessing the application will need to decide whether the application is so substantially out of keeping with the ODP that it undermines the intent of that ODP. The fact that discretionary applications can be notified is believed to disincentivise speculative applications. Indeed, if notification is likely the non-notified route of a restricted discretionary variation to an ODP would be more likely to be pursued. Therefore this route is only likely to be used in minor non-contentious situations.
Residential buildings in Development Areas A, H, I and K permitted if within an building platform approved via an ODP	Buildings discretionary – no building platform Buildings within a building platform controlled activity status	The location of buildings and associated landscaping in these areas is considered to be particularly important as discussed earlier with regards to the policy that indicates building platforms should be used in this part of the zone (see above). It is considered that with appropriate controls on colour and building materials (as apply through standards for all

		buildings) it would be unnecessary and inefficient to also require a consent for the design of individual houses.
Building height for residential buildings 8 m with 25 degree recession planes (per QLDP residential zone rules)	Adopt Three Parks zone rules (variable recession planes depending on boundary orientation) Create entirely new set of rules	The recession planes used in the Three Parks Zone (Plan Change 16) were considered. While there is some merit in this approach from a design perspective, and in terms of enabling passive solar heating, the project team were concerned that they may not be easily applied and lead to inefficiencies in administration (for example, distinguishing the north vs east or west boundaries may not be may straight forward without the use of detailed practice notes which may need to be incorporated in the plan).
Standards to avoid garages toward the front of residential buildings in Development areas B, D, E and F	No control on this issue Standards apply to all Development Areas	There are compelling urban design reasons for controlling the location of garages in terms of enabling a vibrant and safe urban environment (as promoted in Objective 2). This does come with some inefficiencies however as larger parts of sites tend to be devoted to driveways and many house designs typical of suburban areas in the district would be in breach of such a standard. The problem with garages fronting the street is considered to be more apparent in flat and higher density sites where a visual connection between habitable parts of a house and the street can be obstructed by garages toward the front of houses. On balance it is therefore decided to apply this rule only to sites in Development Areas B, D, E and F which are predominantly flat or gently sloping.
Standards controlling fences toward the front of residential buildings	No control on this issue	In order to support a visual connection between residential buildings and the street, and therefore promote a safe and vibrant urban environment as promoted by Objective 1, it is considered to be appropriate to control fence locations at the front of houses. The controls applied in the Three Parks Zone were considered appropriate and pragmatic

		as they allow some parts of the front of a site to be fenced while still achieving a visual connection to the entrance of a house.
Earthworks controls the same as existing Resort Zone (Jacks Point) rules (with the addition of need to comply with Kai Tahu Accidental discovery protocol	Create new earthworks provisions	The earthworks provisions are considered to be effective and it would be inefficient for administration to significantly amend these.
Rear sites non-complying in higher density residential areas	Rear sites controlled via controlled activity subdivision status Rear sites discouraged by Restricted discretionary ODP process (assessment matters)	The merit of this provision is discussed through the corresponding policy (above). Non-complying status is considered to be an appropriately strong signal against this form of development.
Rear sites in lower density housing areas discouraged via restricted discretionary ODP process (assessment matters)	All rear sites non-complying activity status Rear sites managed via controlled activity status	Again, the merit of this provision is discussed through the corresponding policy (above). Allowing the matter to be assessed as part of an ODP is considered to be a pragmatic and efficient approach.
Upper Density Limits, no lower density limit and the removal of the requirement to lodge a Density Master Plan	Retain density Master Plan process and also prescribe a minimum amount of development to occur.	The density master plan process is considered to be a largely redundant and therefore inefficient process. It is not an application needing approval as such, but simply a document that needs to be lodged with Council. Given that the proposed Structure Plan now breaks down maximum densities into different 'development areas' it is

		considered that enough certainty as to the likely distribution of growth can be read from the District Plan itself. The need for a minimum level of density is also considered unnecessary. Market realities are likely to prevent unusually low densities, while requiring a minimum density risks perverse outcomes such as preventing the development of the land because of a misalignment between required densities and the market for residential land.
Prescribe no site density or minimum lot sizes but require adherence to an ODP which must show appropriately sized lots, plus limit numbers of residential units on a site	Prescribe minimum lot size and site density rules	Minimum lot sizes can encourage monotonous development at odds with the high standards of design promoted through the objectives of this zone. The approach taken is considered to be effective in that there are enough standards and assessment matters through the various levels of planning approvals required to ensure that perverse outcomes do not result due to not having a minimum lot size.

Conclusion

This assessment of proposed rules and methods has confirmed that those proposed are the most appropriate means in which to effectively and efficiently achieve the objectives proposed by the plan change request, and those of the settled District Plan.

10.0 CONCLUSION

A comprehensive assessment has been carried out as part of this plan change request. The assessment has considered the purpose of the Resource Management Act, the statutory and non-statutory framework and the settled objectives and policies of the District Plan. Objectives are proposed which are considered to be the most appropriate in achieving the purpose of the Act, and similarly proposed policies, rules and other methods are considered to be the most appropriate in achieving the Plan's settled objectives and those proposed by this plan change request.

The conclusion of this report is that a new zone should be create - the Henley Downs Zone.
The proposed provisions are set out in the following sections of this report.

11.0 THE PROPOSED PLAN CHANGE PROVISIONS

The following “Henley Downs Zone” is a proposed new section to be added to the Queenstown Lakes District Plan.

Proposed additions to the following sections:

- Resort Zone
- Subdivision, Development and Financial Contributions
- Signs

are shown in underlined text. Proposed deletions are shown in ~~strikeout~~. Images proposed to be deleted from these sections are crossed out, while those proposed to be added are identified via *italics*.