

Before Queenstown Lakes District Council

In the matter of            the Resource Management Act 1991

And

In the matter of            The Queenstown Lakes Proposed District Plan

And

In the matter of            Jacks Point Resort Zone Chapter 41, Topic 09

---

**Memorandum of Counsel in respect of Jacks Point Zone Chapter 41**

Dated 15 December 2016

---

**Solicitors**

Anderson Lloyd  
M A Baker-Galloway | R E Hill  
Level 2, 13 Camp Street, Queenstown 9300  
PO Box 201, Queenstown 9348  
DX Box ZP95010 Queenstown  
p + 64 3 450 0700 | f + 64 3 450 0799  
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson  
lloyd.**

## **Introduction – Jacks Point Zone**

- 1 This Memorandum of Counsel is lodged on behalf of Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Limited, Henley Downs Farm Holdings Limited, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (submitters #762, #856 and #1275) ("**Jacks Point**") in respect of chapter 41 in the proposed District Plan, Jacks Point Zone ("**JPZ**").
- 2 Jacks Point is one of the two primary landowner developers of the JPZ.

### **Purpose of this memorandum**

- 3 From the outset Jacks Point has endeavoured to ensure the provisions in chapter 41 in respect of the JPZ, to the greatest extent possible, reflect a common ground between Jacks Point, QLDC and affected residents and landowners. This memorandum updates submitters, QLDC and the Panel of the result of efforts to reduce points of contention and address concerns raised through the process to date, in respect of certain activity areas of the JPZ as notified:
  - (a) Education Innovation Campus (EIC)
  - (b) Farm Preserve 1 and Farm Preserve 2 (FP 1 and 2)
  - (c) Village Area (V)
  - (d) Education Precinct (E)
- 4 As parties will be in the process of preparing for the hearing on 13 February, it was considered fair and efficient to formally advise submitters, QLDC and the panel of the nature of the proposed amendments to chapter 41 Structure Plan and provisions that are presently being contemplated, that will be tabled in detail and in final form in Jacks Point's evidence on 3 February. By advising parties of the nature of these draft amendments now (rather than simply on 3 February), it is intended that:
  - (a) Parties have sufficient time to consider the implications of the proposed draft amendments, as they relate to issues raised in submissions, and for evidence preparation;
  - (b) Parties take up the open invitation to work directly with Jacks Point, whether in the form of informal caucusing or otherwise, to work through issues or queries in respect of the proposed draft amendments so that any

points of clarification or difference can be further addressed, narrowed and hopefully resolved through further changes to the draft amendments.

- (c) In particular, Jacks Point will make its witnesses available to the section 42A report writers, in an effort to ensure matters relevant to the 42A report (due on 20 January) are resolved to the greatest extent possible prior to 20 January.
  - (d) By the commencement of the hearing on 13 February, to the greatest extent practicable points of difference and matters of detail are resolved between Jacks Point, submitters and the QLDC section 42A experts.
- 5 By tabling a draft set of amendments now, Jacks Point is endeavouring to assist the Panel, in an attempt to narrow points of difference or contention between Jacks Point, the submitters, and the section 42A experts.

### **Narrowing of the issues**

- 6 Prior to notification of chapter 41 (Jacks Point) in the District Plan Review ("DPR") Jacks Point worked alongside QLDC, as part of QLDC's consultation pursuant to clause 3 of Schedule 1 of the RMA, assisting QLDC in getting the provisions of chapter 41 ready for notification.
- 7 Subsequent to notification of the DPR, Jacks Point has continued to refine its position in respect of the optimum provisions for the management and development of the JPZ, for the benefit of the JPZ residents and the wider Queenstown community. This process of refinement and optimisation of the appropriate and efficient use of land was initially reflected in the submissions and further submissions lodged by Jacks Point.
- 8 Chapter 41 was also the subject of submissions by several residents and landowners in and adjacent to JPZ which Jacks Point has been carefully evaluating.
- 9 After submissions on the DPR closed, QLDC's decision on private Plan Change 44 to the operative plan in respect of the Henley Downs part of the JPZ was issued, in March 2016. This decision contained helpful evaluation of some issues relevant to the wider zone.
- 10 The submissions and further submissions on the DPR, and the commissioners' recommendations on PC 44, all provide information, feedback on and evaluation of some of the issues facing the ongoing management and development of the JPZ. Jacks Point has subsequently been consulting further with some of the submitters, in an attempt to clarify key issues, and how these

might be able to be addressed. Jacks Point has also been taking advice from experts on how to address issues raised.

- 11 These draft changes to date primarily relate to the following activity areas in Chapter 41 and the JPZ Structure Plan:
- (a) The Education Innovation Campus (EIC)
  - (b) Farm Preserve 1 and Farm Preserve 2 (FP 1 and 2)
  - (c) Village Area (V)
  - (d) Education Precinct (E)
- 12 The consideration of how issues raised by submitters and others can be addressed is a work in progress, but in respect of these activities areas in particular is sufficiently advanced that it is considered helpful to share the proposals formally. This update therefore does not relate to the full zone but if and when further possible solutions are determined in respect of key issues, they will be shared also.

#### **Proposed draft amendments to chapter 41**

- 13 On approximately 3 February 2017 (or as otherwise directed by the Panel), Jacks Point will circulate expert evidence setting out a final suite of the proposed changes to chapter 41 in detail. Included within that package will be the detailed explanation of the changes to the activity areas identified in the notified version of chapter 41 as the EIC, FP 1 and 2, V and E. (For the avoidance of doubt, Jacks Point will address in a comprehensive fashion the full zone provisions and integration between all the activity areas as well).
- 14 The **attached** appendix 1 summarises the proposed draft changes to the activity areas, intended to address issues raised by some submitters, taking into account relevant recommendations from the PC 44 decision and expert advice.
- 15 The **attached** appendix 2 is a draft amended Structure Plan, showing proposed changes to the activity areas in light blue, as part of giving effect to the changes summarised in Appendix 1.

#### **Scope**

- 16 Jacks Point has assessed jurisdiction for the proposed draft amendments. For the hearing, Jacks Point will provide legal submissions identifying the submissions and relief that give scope for the proposed amendments.

- 17 In summary, the proposed draft changes attached to this memorandum effectively either reduce or maintain the scale and intensity of activities and built form in the EIC, FP 1 and 2, V and E activity areas, and provide more certainty in respect of the same, compared to that as notified.
- 18 Given that the range of relief sought in submissions ranges from expansion of the zone at its northern and southern ends, through to reversion to the operative district plan provisions, there is generally broad scope for the decision makers. This will be confirmed in detail at the hearing.

**Consultation and caucusing**

- 19 Jacks Point will be encouraging consultation and expert caucusing with QLDC, the 42A experts, submitters, and any experts submitters may be calling, prior to finalising evidence and before the commencement of the hearing. The intention is to address issues raised in a way that resolves to the greatest extent practicable points of difference.

Dated this 15th day of December 2016



---

Maree Baker-Galloway

Counsel for Jacks Point

## Appendix 1

### DRAFT JPZ REVISED PROVISIONS

For distribution to submitters and the Council on 15 December 2016

#### FP – 1

- (a) Activity Area FP-1 has been deleted from the Structure Plan and is to be replaced by 22 Preserve Homesites areas (shown as HS<sub>37</sub> – H<sub>56</sub>) with Open Space Golf (OSG) identified for the area around each.
- (b) Within the expanded area of OSG, the former open space corridors have been deleted and the alignment of trails have been refined, including to connect to the existing lakeside trail that runs through to Kelvin Heights.
- (c) The proposed regime that would apply to land use activities within Preserve Homesites HS<sub>37</sub> to H<sub>56</sub>) is as follows:
  - (i) All buildings are a permitted activity, subject to the established JPROA Design Review Board process and compliance with Preserve Design Guidelines.
  - (ii) Land use activities are restricted to residential units (one per site) and visitor accommodation. Visitor accommodation activities are subject to resource consent as a restricted discretionary activity
  - (iii) Permitted building height is limited to 5m above existing ground level
  - (iv) There would remain the obligation carried through from the operative District Plan for native revegetation of 3,000m<sup>2</sup> or 20% of the area of each homesite lot/title, whichever is the greater.
- (d) Within both the HS and OSG Activity Areas, subdivision is a controlled activity with no minimum lot size, subject to the separate subdivision rules contained within Chapter 27.
- (e) The land uses provided for in the OSG are amended to recognise the need for utilities, infrastructure and vehicle access through this land associated with other activities anticipated within the Zone, such as those necessary to service golf and other activities.

## FP – 2

- (a) Activity Area FP-2 has been deleted from the Structure Plan and is to be replaced by 2 Preserve Homesites areas (shown as HS<sub>57</sub> – H<sub>58</sub>) with Open Space Landscape (OSL) identified for the area around each.
- (b) The proposed regime that would apply within Preserve Homesites HS<sub>57</sub> – H<sub>58</sub>, is as follows:
  - (i) All buildings are a restricted discretionary activity, subject to an assessment of landscape and amenity values and of external appearance and design as well as the established JPROA Design Review Board process and compliance with Preserve Design Guidelines.
  - (ii) Land use activities are restricted to residential units (one per site) and visitor accommodation. Visitor Accommodation is subject to resource consent as a restricted discretionary activity
  - (iii) Building height is limited to 5m above existing ground level
  - (iv) There would remain the obligation carried through from the operative District Plan for native revegetation of 3,000m<sup>2</sup> or 20% of the area of the homesite lot/title, whichever is the greater.
  - (v) Building coverage is restricted to 25% of each homesite area
- (c) The land use controls within the OSL would be largely retained as notified, with the exception that:
  - (i) Farm buildings would require resource consent as a controlled activity within the areas outside of any Landscape Protection Area; and
  - (ii) The land uses provided for with the OSL are amended to recognise the need for utilities, infrastructure and vehicle access through this land associated with other activities anticipated within the Zone, such as those necessary to service dwellings located within HS<sub>57</sub> and HS<sub>58</sub>.
- (d) Within both the HS and OSL Activity Areas, subdivision is a controlled activity with no minimum lot size, subject to the existing subdivision rules contained within Chapter 27

### **EIC (E/R(HD) Activity Area)**

- (a) The EIC Activity Area is deleted on the Structure Plan and is replaced with the Residential Education Hanley Downs Activity Areas - R/E(HD).
- (b) The proposed regime that would apply to land use activities within the R/E(HD) Activity Area is:
  - (i) Anticipated land uses are restricted to Residential activities and Education activities, including associated administrative, office, accommodation and recreation activities.
  - (ii) Prior to any use or development within this area, resource consent is required for Residential and Education activities, that will require a Spatial Layout Plan (SLP) for the whole of the R/E(HD) Activity Area. This is to enable a masterplan-led approach to the layout of the residential and education development across the area. An assessment of the SLP is required through a land use consent as a controlled activity (non-notified), which will be required to be designed to address the following matters:
    - The overall layout of residential development and subdivision and education facilities
    - Integration with existing road and open space networks around the activity area, provision for trails and the design of the landscape mitigation along the State Highway
    - The “gateway” function of Woolshed Road as a primary access corridor to Jacks Point
    - The main design elements of any Residential and Education activities
  - (iii) Residential density shall be between 12 – 22 units per hectare
  - (iv) The maximum height of residential buildings is 8m, with any Education facilities up to 10m
  - (v) Building coverage for all activities across the whole activity areas shall not exceed 30%
  - (vi) Future subdivision and development will then need to be carried out in accordance with the land use consent and associated approved SLP.

**Education Precinct (Jacks Point Village)**

- (a) Delete the Education Precinct from the Structure Plan and incorporate that area and surrounds into the Jacks Point Village Activity Area.
- (b) Delete reference to the Education Precinct from the relevant Jacks Point Zone provisions
- (c) Apply the provisions of the Jacks Point Village Activity Area to this expanded area.

**Appendix 2 Draft Structure Plan**

(amendments shown in light blue)



**KEY:**

- Jacks Point Zone
- - - Activity Area
- · - · - Public Access Route (location indicative)
- - - Primary Road (location indicative)
- - - Secondary Road (location indicative)
- ← → Key Road Connection (location indicative)
- - - Landscape Protection line

**Activity Areas:**

- R(JP) Residential (Jacks Point)
- R(JP-SH) Residential (Jacks Point - State Highway)
- V(JP) Village (Jacks Point)
- R(HD) Residential (Hanley Downs)
- R(HD-SH) Residential (Hanley Downs - State Highway)
- E/R(HD) Education / Residential (Hanley Downs)

- L Lodge
- HS Preserve Homesites

- W Wetland
- OSG Open Space Golf
- OSL Open Space Landscape Protection / Farming
- OSA Open Space Residential Amenity

- V(HB) Village (Homestead Bay)
- OSH Open Space Horticulture
- OSR Open Space Residential
- OSF Open Space Foreshore
- FBA Farm Buildings and Craft Activity Area
- BFA Boating Facilities Area

Open Space (location indicative)

**Overlays:**

- Highway Landscape Protection Area
- Lake Shore Landscape Protection Area
- Peninsula Hill Landscape Protection Area



**DRAFT**

V:\P\_Jacks Point\02\_District Plan Review\2\_Concepts\CAD\JP\_29\_2\_MLP-002F.7 (Jacks Point Structure Plan)\_PRE HEARING UPDATES.dgn



**DARBY PARTNERS**  
 Level 1, Steamer Wharf, Lower Beach Street  
 PO Box 1154, Queenstown 9346  
 Tel +64 3 450 2200 Fax +64 3 441 1451  
 info@darbypartners.co.nz  
 www.darbypartners.co.nz

SCALE: 1:10,000 (A1); 1:20,000 (A3)



Homesite locations in blue subject to final survey

PLAN STATUS:

**DRAFT**

**JACKS POINT RESORT ZONE  
STRUCTURE PLAN (NOTIFIED DP)**

DRAWN / REVIEWED: TG/DJ  
 APPROVED: JD  
 DATE: 14.12.16

DRAWING NO:  
**JP\_29\_2\_MLP-002F.7**