

Before Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District proposed District Plan Topic 09
Resort Zones

**SECOND SUPPLEMENTARY STATEMENT OF EVIDENCE OF CHRISTOPHER
FERGUSON FOR**

Jack's Point Residential No.2 Ltd, Jack's Point Village Holdings Ltd, Jack's Point Developments Limited, Jack's Point Land Limited, Jack's Point Land No. 2 Limited, Jack's Point Management Limited, Henley Downs Land Holdings Limited, Henley Downs Farm Holdings Limited, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (#762, #856 and #1275)

Jack's Point Residents and Owners Association (#765, and #1277)

Dated 20 February 2017

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**anderson
lloyd.**

Post Hearing Edits to Provisions

Chris Ferguson, 20 February 2017

Edits to the provisions are all shown as tracked changes with edits made in response to questions or directions from the panel highlight **blue**, with prior changes from my Supplementary evidence dated 15 February 2017 highlighted as **yellow**.

Chapter 27 Subdivision

- The rules relating to subdivision within Activity Areas R(HD) Fb and G restructured and expanded to provide for:
 - a. Amended matters of discretion to include effects on the “distinctive rocky outcrops”
 - b. The requirement to create a building platform with new Rule 27.7.13
 - c. The requirement to provide for a landscape and ecological management strategy, provision for at least 1.6 ha of native revegetation; designed to be comprehensively applied across the activity area; and coordinated with vehicle access and the building platforms.

The new standard proposed in relation to the landscape and ecological management strategy is in response to the recommendations contained within the Joint Witness Statement from Dr M Read and Ms Y Pfluger dated 14/2/17.

- New rule 27.7.13.7 is proposed, at the suggestion of Commissioner Nugent, to require subdivision of any land within the OSG to contain one Homesite

Chapter 41 Jacks Point Zone

- A new Policy 41.2.1.16 is proposed to protect the character of the Peninsula Hill landscape. This suggested new policy arose in discussions with Commissioner Nugent on the need for the provisions to better link with the district wide landscape policies. The policy seeks to set out how the Peninsula landscape is being protected, including the identification of areas with capacity to absorb change based on the Coneburn Area Resource Study, avoidance of development within the PHLPA; management of effects within the OSL; and enabling the use of land within the two Homesites, subject to visibility measures, the prescription alignment of vehicle access, avoiding light spill and enhancing nature conservation values.
- Rule 41.4.3.3 Building within HS57 or HS58, is proposed to include further matters of discretion to provide a much greater level of certainty in relation to vehicle access and to avoid light spill beyond the site, in order to address the concerns raised by the Panel.

- Rule 41.4.4 Design of State Highway mitigation, amended to be more specific about the mitigation of visual impacts when viewed from State Highway 6 and how this would occur through earth contouring and vegetation (at maturity).
- In response to the issue explained by Commissioner Nixon and reservations expressed by Commissioner about status, I verbally proposed the addition of two further standards to manage multiple CDPs and a CDP applying to part of the JP(V). These two new standards have been included as Rules 41.4.8.3 and 41.4.8.4.
- To assist in the overall interpretation of the CDP rule framework, I suggest the addition of a further new Rule 41.4.8.2, making it clear any activity undertaken in accordance with a CDP approved through resource consent Under Rule 41.4.8.1 is a permitted activity.
- In preparing matters of discretion for a breach of the proposed new standards on multiple and partial CDP's I have undertaken a few further edits to reduce the duplication of matters of control, in particular through the provision of open space and built form. In order to achieve consistency with the related Policy 41.2.1.17, similar edits are proposed, including the addition of a new component relating to the provision of sufficient land for a school.
- In response to comments made from the Panel in relation to the wording of Rule 41.4.11 State Highway Mitigation, being more like a standard, I proposed to delete and insert as a new standard Rule 41.5.5
- Evidence was submitted by other parties on the inconsistency between the content of the structure plan rules for the residential areas in particular, and the further rules that enable education, community and commercial activities to be established within parts of the R(HD) Activity Area. I propose to add further clarification within the introductory wording to Rule 41.4.11 providing that activities subject to specific activity status through the Rules in 41.4 Table 1 are not captured by the listed restrictions.
- Rule 41.4.12.7 OSG Structure Plan – rewording to ensure mining is not just associated with operation of the golf course
- In response to concerns expressed by the Commissioners and submitted, the rules relating to farm buildings have been tightened up to restrict the height of farm buildings to 8m, except within the Peninsula Hill Landscape Protection Area where buildings are restricted to 4m and the OSL structure plan Rule 41.4.12.8 amended to provide for only outdoor recreation activities, rather than recreation activities.
- In response to queries and suggestions by Commissioner Nugent, Rule 41.4.12.11 OSF Structure Plan rule, amended to remove the requirement to achieve 80% cover of native species in reliance on the addition of a proposed new standard Rule 41.5.2.8
- In response to queries and suggestions by Commissioner Nugent, Rule 41.4.12.12 OSR Structure Plan rule, amended to delete the words “low-level, low-

impact” as these subjective qualifiers are achieved through the other standards that apply within this activity area

- In response to comments from Commissioner Nugent on the operation of 41.4.13 Forestry Activities, it is proposed to specify that existing forestry which exists at the date of notified of the PDP is excluded.
- In response to queries from Commissioner Nixon on the interpretation of Rule 41.5.2.1 and the addition of the proposed new State Highway Mitigation Rule 41.4.4, I proposed to delete Rule 41.5.2.1.
- In response to queries and suggestions by Commissioner Nugent, Earthworks Rules 41.5.4.1 and 41.5.4.5 amended to apply these standards to “any” consecutive 12 month period, rather than as a one off.
- In response to queries and suggestions by Commissioner Nugent, I have reviewed the rules within Chapter 35 relating to temporary filming activities and proposed to remove from Height Rule 41.5.12.2 j. The exclusion for filming towers that are otherwise covered through the rules of this chapter.
- In response to queries and suggestions by Commissioner Nugent, I have amended Rule 41.5.16.1 so that this standard only applies to non-residential activities and avoids residential activities inadvertently triggering the requirement for consent to have play equipment (for example)