

Vicki Jones for QLDC – Summary of Evidence, 13 February 2017

Chapter 41 Jacks Point Zone – Hearing Stream 09

1. I have been engaged by Queenstown Lakes District Council (**QLDC**) to provide planning evidence on Chapter 41 - Jacks Point Zone (**JPZ**) of the Proposed District Plan (**PDP**).
2. Having considered all the submissions, the memorandum of counsel filed on behalf of the Jacks Point entities¹ and pre-circulated evidence, I have recommended a significant number of amendments to the notified chapter.

Key recommended amendments in S42A report

3. In summary, in my S42A report I recommend:
 - (a) amending the single JPZ objective to better reflect the intended outcome for the village area and the importance of the open space and recreational amenity of the zone;
 - (b) amending and adding various policies to implement the district-wide objectives and the JPZ objective and to align with the changes I have recommended to the rules and Structure Plan;
 - (c) amending the Structure Plan (and therefore related rules) by removing the FP-1, FP-2, and Education Innovation Campus (**EIC**) areas from the notified Structure Plan; extending the Peninsula Hill Landscape Protection Area (**LPA**); adding the Tablelands LPA; adding a new Lodge (Parking) Activity Area; replacing area R(HD)-G with 8 Homesites; removing that part of R(HD)-F that sits within the ONL; replacing the indicative open space with an Open Space Residential Amenity (**OSA**) Activity Area; and adding a third connection to the state highway;
 - (d) amending the rules to acknowledge the existence of the third connection to the state highway;
 - (e) amending many of the rules relating to the open space activity areas and LPAs in order to provide greater clarity and protection of the landscape values;
 - (f) simplifying the rules relating to medium density residential (**MDR**) development and subdivision;

¹ Dated 15 December 2016.

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- (g) making all buildings in the Homesites and the Village Activity Areas controlled (rather than permitted) and adding a comprehensive development plan (**CDP**) requirement in the village;
 - (h) making all buildings in the Lodge Activity Area a RD activity (rather than controlled) and slightly tightening the rules relating to tennis courts;
 - (i) amending the height restriction to enable higher buildings in the Jacks Point village in order to achieve better urban design and potentially minor intensification; to restrict building height (other than farm buildings) to 4m in the open space areas; and to relax the recession plane rules that apply to the Hanley Downs residential areas;
 - (j) amending the coverage rules to make them less restrictive and more effective in the Village Activity Areas and to make them more restrictive in regard to MDR development in the Hanley Downs residential areas; and
 - (k) adding a cap on commercial activity (area) in the village areas, albeit these are considerably more generous than Mr Heath recommends due to there being limited scope.

Key recommended amendments in response to submitter evidence²

- 4. I recommend amending the notified Structure Plan as follows:
 - (a) replacing notified R(HD)-F with the R(HD)-Fa Area proposed by Mr Te Paa but excluding the land within the ONL and incorporating the balance of the notified R(HD)-F area (referred to as R(HD)-Fb Area in the evidence of Mr Te Paa) into the OSG Activity Area (Tablelands LPA) and providing for up to 14 Homesites generally within this area and the notified R(HD)-G area. The exact location of these can be addressed in the Council's right of reply;
 - (b) amending the extent of the Tablelands LPA by removing the easternmost part of the area shown in the "S42A Jacks Point Structure Plan",³ which extends from the wetland adjacent to R(HD)-E to the OSF Activity Area and extending it over the notified areas R(HD)-G and R(HD)-F and to the

2 Additional minor changes are also recommended in relation to amending Policy 41.2.1.14 to guide the appropriate location of medium density residential development; amending Rule 41.6.2 to make buildings within the L area non-notified; adding a state highway vegetation mitigation rule (Mr Ferguson's Rule 4.4.4); slightly amending Rule 41.5.2.9 regarding revegetation; amending Rule 41.4.6 to add discretion in relation to the range of residential densities proposed and the location of medium density residential; and adding a new rule (41.5.20) relating to acoustic insulation from state highway noise as outlined in paragraph 14.1 of Mr Ferguson's evidence.

3 Attached as Appendix D to the Memorandum of Counsel on behalf of the Queenstown Lakes District Council providing information requested in Panel Minute of 25 January 2017, dated 1 February 2017.

western margin of the main wetland. The relevance of the Tablelands LPA is limited to the application of certain policies;

- (c) adding Homesites HS37 - HS56 within the OSG as proposed by Ms Pfluger, but with the exception of proposed Homesites 51, 52, and 53;
- (d) extending the notified Education Activity Area (E) adjacent to the Jacks Point village in the manner outlined in Mr Thomson's evidence, but retaining this area as a specific E Activity Area (with the notified 45% coverage and 10m height limits) rather than absorbing it into an enlarged Jacks Point Village;⁴ and
- (e) adding the R(HD-SH)-3 Activity Area in place of the notified EIC and retaining the vegetation mitigation requirement in relation to this.

5. I recommend further amending the JPZ text provisions as follows:

- (a) adding a new policy to avoid recreational buildings in OSL and OSG that are not ancillary to outdoor recreational activity and to ensure such buildings are low scale in order to ensure they are sympathetic to the open space/ landscape context and are not of a nature and scale that would be better located within an urban activity area;⁵
- (b) adding policies that recognise the different characters of the established and unestablished residential areas⁶ albeit with clearer reference to the R(JP) and reference to achieving a range of densities within each separately identified residential activity area;
- (c) adding new policies similar to those proposed as new Policies 41.2.1.17 and 41.2.1.18 attached to Mr Ferguson's evidence;
- (d) amending Rule 41.4.3.12 (Mr Ferguson's Rule 41.4.8) regarding the controlled status of buildings and the requirement for a CPD in the village areas by expanding its scope to require such consent for "any commercial, community, residential, or visitor accommodation activity including... buildings" as suggested by Mr Ferguson but retaining the matters of control proposed in the S42A version of the rule in addition to those additional matters promoted by Mr Ferguson;
- (e) amending Rule 41.4.7 and expanding matters of discretion such that only visitor accommodation in the R(HD)-E area is RD, while visitor

4 For the reasons outlined in my S42A report and also for reasons relating to landscape effects, efficiency, and certainty of outcome.

5 This aligns with the rules relating to building height and the express purpose of buildings and more effectively implements the relevant objectives.

6 As proposed in Mr Ferguson's evidence Paragraph 7.16.

accommodation in other parts of the Hanley Downs residential area will be full discretionary;

- (f) adding new Rule 41.5.1.3 proposed by Mr Ferguson, which triggers a resource consent if a covenant is not registered on titles requiring buildings within Homesites to adhere to design guidelines (outside the District Plan) provided such building continues to require a controlled consent under the District Plan. If only one rule is deemed more efficient then I favour the controlled consent for buildings over relying on the covenant and guidelines; and
- (g) amending Rule 41.5.9.2 (scale of commercial activity) to cap commercial activity to a total maximum floor space of no more than 550m² across all the R(HD) and R(HD-SH) areas (not only areas R(HD) A-E).

6. I recommend further amending the Chapter 27 (subdivision) provisions as follows:

- (a) amending Rule 27.6.1 by deleting the reference to 'all other activity areas' in recognition that this part of the rule refers to Rule 41.5.8 which only relates to the Residential Activity Areas and so the reference to other activity areas is nonsensical;
- (b) amending the second part of Rule 27.6.1 to read:

"~~All other activity areas:~~ Subdivision shall comply with the average density requirements set out in Rule 41.5.8 and in order to assess this, all subdivision applications shall identify those proposed lots that are intended to be subdivided through subsequent subdivision consents and provide an overall density as part of the application".

The intention of this amendment is to ensure that where a parent subdivision creates large comprehensive/ unit capable development sites that will result in site sizes of less than 380m², a restricted discretionary activity consent will be triggered. This is considered critical to ensuring that the good intentions of Rules 27.5.15 and 27.7.11.3 (which trigger the need for a restricted discretionary activity consent where lot sizes less than 380m² are proposed) are not circumvented by undertaking a large lot subdivision as stage 1, which may result in the poor layout of streets and open space that is not suitable to the eventual density and which is likely to be irreversible at later stages. I am aware that there are issues with the workability of the above proposed wording of the rule and would value the opportunity to further consider this in conjunction with other experts to ensure the desired end outcome is achieved;

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- (c) amending Rule 27.7.1 to include control over the diversity of lot sizes (in addition to lot size, averages, and dimensions) in order to assist in achieving the recommended revised policy, relating to achieving a diversity of lot sizes and typologies within each of the residential areas. Due to scope limitations, this amendment may need to be limited in its application to the JPZ;
 - (d) amending Rule 27.7.11.3 to add matters of discretion relating to the range of residential densities proposed within a subdivision and the location of MDR development sites identified at the time of subdivision in terms of their proximity to open space and potential public transport routes;
 - (e) adding a new rule 27.7.11.4 as proposed by Mr Ferguson, which triggers a resource consent if a covenant is not registered on titles requiring buildings within Homesites to adhere to design guidelines (outside the District Plan). Also see my comments in paragraph 5(f) above.

Additional information to assist the Panel

- 7. Attached to this summary as **Appendix 1** is an updated yield analysis which resulted from informal caucusing with Mr Ferguson; the intention of which was to ensure as much consistency as possible in the figures that are being presented to the Panel. The attached Appendix 1 supersedes Appendix 6 of my S42A report. I generally concur with Mr Ferguson's explanation of the key differences between our methodologies and final figures, as stated in his evidence.
- 8. I wish to highlight to the Panel that the estimated yields achievable under the ODP and notified PDP have changed in Appendix 1 from those that were attached to my S42A report. That said, the only change that I consider to be significant is that the s42A version over-estimated the number of visitor accommodation/residential units achievable in the R(HD) areas under the ODP (without PC44). This and other more minor errors, omissions and inconsistencies with Mr Ferguson's analysis have been rectified in Appendix 1. More detail can be provided on the changes between these two versions if necessary.
- 9. I amend paragraph 16.38 of my S42A report as follows to reflect Appendix 1:

"It is estimated that a maximum of ~~5,277~~ 5,221 residential unit equivalents (including visitor accommodation) are enabled by the notified PDP, comprising ~~3,426~~ 3,254 units in the residential areas, 36 residential units in

the Homesites, ~~27~~ 28 residential units in the Homestead Bay residential areas, ~~47~~ 34 units comprising a mix of residential units and ~~17~~ visitor accommodation units in the Farm Preserve areas, and ~~1,788~~ 1,757 units (comprising a mix of residential and ~~or~~ visitor accommodation) units in the two village areas and the EIC Areas, and 112 visitor accommodation units in the Lodge Area."

10. Compared to the notified PDP, my current recommendations will increase the estimated potential maximum residential and visitor accommodation yield by 219 units (from 5,221 to 5,441 units). This is largely due to a higher number of visitor accommodation and residential units estimated to eventuate in the Jacks Point Village (as a result of increasing the allowable building coverage and capping commercial and community uses) and slightly more in the Hanley Downs residential areas (due to the addition of R(HD-SH)-3). These increases are, in turn, partly offset by the removal of the EIC area. I also note that there is a considerable margin of error as to what might actually eventuate in the villages due to the flexibility of the mixed use controls.
11. Compared to the notified PDP, my current recommendations reduce the estimated potential maximum GFA of commercial and community activity by 109,775m² (from 198,127m² to 88,352m²). This is largely due to the removal of the EIC, which is only partly offset by the increase in building coverage enabled in the village areas.
12. Compared to the notified PDP, my current recommendations include expanding the notified E Activity Area, which will increase the estimated potential maximum GFA of educational activity by 20,925m² (from 33,750m² to 54,675m²). I note that any education activity that was to occur in the EIC was factored into the estimated GFA for community activity, as outlined above.
13. I note for completeness that Mr Thomson and Mr Copeland are likely to be correct that the ODP enables more commercial activity (GFA) than is now proposed under the s42A Structure Plan.⁷ However, as I understand it, PC44 absorbs the Hanley Downs Village into a wider medium density R(HD)-E area and this part of the Council's decision on PC44 is beyond challenge. While I realise this matter

⁷ Based on Mr Ferguson's landuse mix assumptions for the Jacks Point Village, he estimates a reduction in commercial GFA of 21,500m² (including GFA used for visitor accommodation) between the ODP (including the Hanley Downs village) and the estimated GFA of the Jacks Point Village under the Jacks Point entities' 15 December 2016 proposal. Based on the landuse mix assumptions I have used for the village areas, I estimate a reduction in commercial GFA of 9.675m² (excluding GFA used for visitor accommodation) between the ODP (including the Hanley Downs village) and the estimated GFA in the Jacks Point Village under the Jacks Point entities' 15 December 2016 proposal.

may be of some relevance when establishing scope, I do not consider it to be a particularly relevant factor in determining the appropriateness of the provisions.

Administrative issues

14. A further submission by BSTGT Limited (FS1122) was accidentally and incorrectly allocated to original submissions by Joanna and Simon Taverner (131), JPROA (765), and RCL (632). This further submission relates solely to ONL mapping issues on the Crown Terrace and has also been correctly allocated to the appropriate submission in this regard and, as such, will be appropriately considered in the mapping hearing.
15. The submission by Fiordland Tablelands (770) has been withdrawn (20 Jan 2017).
16. I understand, from Mr Geddes' evidence and the Memorandum of Counsel lodged on the submitter's behalf dated 8 February 2017, that points 715.1 and 715.5 of the submission by Jardine Family Trust and Remarkables Station Limited (715) have been withdrawn.

SUMMARY - YIELD - UPDATED 13 FEBRUARY 2017

Housing & visitor accommodation (units)	Operative District Plan Yield	Notified PDP Yield (units)	Change from Operative District Plan to notified PDP	Final recommended revised Structure Plan and provisions (13/2/17) (units)	Change from notified to final recommended provisions	Comments regarding the change in figures from the S42A version and this updated version
Jacks Point Residential Areas	855	882	27	882	0	Aligns with the figures in Mr Ferguson's evidence
Preserve sites (Jacks Point and Hanley Downs)	36	36	0	36	0	
Jacks Point village (using same assumptions re mix but the different sizes (ha) of the villages and different building coverage rules	1130	1129	-1	1733	604	The PDP yield estimated for the Jacks Point village is low due to the constraining coverage rules in the notified version. The estimates for the ODP and notified PDP are based on assumptions that 0.75 of the allowable ground floor area will be developed for commercial and community purposes, that the upper floors of this will be developed as VA and residential units/ apartments (averaging 100m2 GFA) and the balance 0.25 of the allowable GFA will be developed as larger terrace houses (averaging 200m2 GFA). The assumptions used for the recommended revised estimated yield/ landuse mix differ slightly; assuming commercial and community uses will occupy all the ground floor of a contrained commercial precinct and .25 of the 2nd level of that precinct with the balance of the village used for visitor and residential units.
New Homesites in addition to preserve sites (i.e. in FP 1, FP2, and recommended R(HD)-Fb and R(HD)-G)	0	34	34	31	-3	The recommended revised yield comprises 17 in the OSG, 8 in the notified R(HD)-G and 6 in proposed R(HD)-Fb
Hanley Downs Residential (including the Hanley Downs village in the ODP estimates), using the same assumptions for the village as used for the Jacks Point village).	1596	2372	776	2404	32	The recommended revised estimate has increased due to the addition of R(HD-SH)-3 (188 units), offset slightly by the reduction in area of R(HD)-A, R(HD)-C, and R(HD)-D (due to the new OSA) and R(HD)-F and the removal of R(HD)-G. NB - an additional 14 HS's are recommended in place of Fb and G
EIC	0	413	413	0	-413	Removed in final recommended provisions
Lodge AA	112	112	0	112	0	Activity Area yield not included in Appendix 6 of the S42A
Homestead Bay residential and village areas	243	243	0	243	0	
Total visitor accommodation and res dwellings	3972	5221	1249	5441	219	

Commercial, retail, and community (m2) - based on assumptions that .75 of allowable ground floor GFA will be used for such uses in villages	Operative District Plan Yield (m2)	Notified PDP Yield (m2)		Final recommended revised Structure Plan and provisions (13/2/17) (m2)		
Hanley Downs village	62,460	0	-62460	0	0	
Jacks Point village	67,815	59,900	-7915	74,250	14,350	The final recommended provisions provide for greater building coverage than under the notified PDP and the estimates assume 1.5 levels of the total 9.9 ha where commercial is allowed will developed as commercial and community uses and the balance for visitor accommodation and residential.
Homestead Bay village	10,750	10,750	0	10,750	0	Assumes half the allowable ground floor building coverage (i.e. 21,000m ²) will realistically be developed for commercial and community purposes with the balance being visitor accommodation and residential.
EIC	-	124,125	124,125.00	-	-124,125	Area removed in the final recommended revised provisions
Lodge	2,802	2,802	0	2,802	0	
Hanley Downs residential	-	550	550	550	0	
Total Commercial, retail, and community (m2)	143,827	198,127	54,300.00	88,352	-109,775	Less in the recommended version compared with the notified PDP due to the removal of the EIC and the reduced estimated commercial in HB(V)
Education (m2)	Operative District Plan Yield (m2)	Notified PDP Yield (m2)		Final recommended revised Structure Plan and provisions (13/2/17) (m2)	Change from notified to final recommended provisions	Comments regarding the change in figures from the S42A version and this updated version
Education (E) adjacent to the village	600 pupil Primary school and 2 pre schools anticipated via designations	33,750		54,675		Assumes 45% coverage built at 1.5 levels. Recommended revised provisions include enlarging the area as promoted by Mr Thomson
Total education GFA		33,750		54,675		