

Before Queenstown Lakes District Council

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In the matter of            the Resource Management Act 1991

And

In the matter of            the Queenstown Lakes District Proposed District Plan Topic 09  
Jack's Point Zone

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**Statement of Evidence of Christopher Bruce Ferguson**

Dated 3 February 2017

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 (#762, #856 and #1275)

Jacks Point Residents and Owners Association (#1277)

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## 1. INTRODUCTION

- 1.1 My name is Christopher Bruce Ferguson. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and have been employed by Boffa Miskell since April 2015. I hold the qualification of a Bachelor of Resource and Environmental Planning (Hons) from Massey University and have 20 years' experience as a resource management practitioner.
- 1.2 The full details of my experience and qualifications are set out in my Evidence in Chief, dated 29 February 2016.
- 1.3 In preparing this evidence I have reviewed:
- (a) The reports and statements of evidence of other experts giving evidence relevant to my area of expertise, including:
    - (i) The Landscape Planning evidence of Ms Pfluger; the infrastructure evidence by Mr Gousmett; the economic evidence of Mr Copeland; the urban design evidence of Mr Te Paa and Mr Thomson; the master planning evidence of Mr Darby; the evidence of Mr Coburn on behalf of the JPROA; and the Natural Hazards evidence of Mr Rider.
  - (b) The decisions made by the Otago Regional Council on the proposed Otago Regional Policy Statement (notified on 1 October 2016);
  - (c) The s.42A report prepared by Ms Jones (17 January 2017) and associated expert evidence prepared for the Council by Mr Compton-Moen, Dr Read and Mr Heath; and
  - (d) The submissions made on the Jack's Point Zone, as summarised within **Appendix 2**
- 1.4 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.5 I confirm that I have visited the site on many occasions and am familiar with the area through over ten years of working within and around the zone for Jack's Point as well as for surrounding land owners

## 2. SCOPE OF EVIDENCE

- 2.1 I have been asked to prepare evidence on Chapter 41 Jack's Point Zone ('**JPZ**'), of the Proposed District Plan ('**PDP**') by 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 and Jacks Point Residents and Owners Association ('**Jacks Point**'). For each of these clients I was involved in the initial assessment of the notified provisions, the preparation of submissions and further submissions.

## 3. EXECUTIVE SUMMARY

- 3.1 This evidence has been prepared in respect to the JPZ for Jack's Point.
- 3.2 In this evidence I present a summary of planning background to the evolution to Jacks Point, from its inception under the first generation Queenstown Lakes District Plan. Over this time the Jacks Point Community has emerged as a settlement of some size and gained a level of maturity in terms of the development of high quality residential development set within generous open space and extensively landscaped public open spaces and trails. Jacks Point is now well placed with large areas of greenfield land to accommodate the real pressures on the wider District in terms of housing affordability and the provision of adequate community services.
- 3.3 There is now a much greater emphasis on local authorities to provide sufficient opportunities to meet the feasible housing and business needs of people and communities under the provisions of the National Policy Statement on Urban Development Capacity, which came in force in December 2016.
- 3.4 At the macro level the PDP includes Jacks Point within the Queenstown Area Urban Growth Boundary and establishes a higher order policy regime seeking to consolidate urban areas and to create well integrated and sustainable urban areas. The second area of focus in terms of the higher order provisions is on the protection of the District's landscapes. Jack's Point is unique because of the breadth of landforms within the overall site, incorporating the elevated *roche moutonee* of Peninsula Hill

and its ice sculptured flanks, the high tablelands, a central valley and hummocky terraces nestled below the dramatic landform of the Remarkables Range to the east.

- 3.5 The notified version of the JPZ included a number of key changes from the ODP, including the move towards permitted activity status of building within most activity areas. This has been undertaken off the back of a robust non-regulatory process in operation under the Jack's Point covenants requiring adherence to building Design Guidelines and their administration by the JPROA and Design Review Board. In addition, the PDP also sought to remove the requirements to prepare an Outline Development Plans in favour of an enhanced Structure Plan. The JPZ now also comprises a single structure plan unifying the three previous Structure Plans for Homestead Bay, Jacks Point and Hanley Downs. This is considered particularly important to achieve an integrated community and to satisfy the strategic directions objectives of the PDP.
- 3.6 Further change within the Hanley Downs area has been proposed through PC44 and that process is now close to resolution. The JPZ has been informed by PC44, but includes many critical elements unable to be managed within the terms of this confined change.
- 3.7 The main issues which have continued to drive further changes to the provisions, including:
- (a) The consolidation of community and commercial activity within the Jacks Point Village, to better recognise this area as a vibrant mixed use hub for the community. This has been achieved through the replacement of the former EIC Activity Area with the R(HD-SH) Activity Area, designed to accommodate further opportunities for housing/residential activity.
  - (b) The commercial and community focus of the former EIC is proposed to be consolidated into an expanded area of the Jacks Point Village, incorporating the former E Activity Area. Within the Village, Jack's Point acknowledge the importance of creating high quality urban spaces designed to accommodate mixed use area through the provision of a Comprehensive Development Plan process, similar to the Outline Development Plan process under the operative District Plan.

(c) A refinement of the proposals to create opportunities for rural lifestyle development on the lower slopes of Peninsula Hill and the Tableland through the identification of a number of Preserve Homesites and related provisions that seek to realise conservation benefits through significant areas of indigenous re-vegetation. Within the higher parts of Peninsula Hill two further Homesites are identified and also proposed to enable residential or visitor accommodation within parts of the landscape considered to have a higher capacity to absorb development. Associated with these areas are a range of further restrictions proposed on the Landscape Protection Area to ensure a higher level of protection for the more exposed areas of this landform.

3.8 In preparing this evidence I have evaluated these proposals against the higher order objectives and policies of the PDP as they have been modified by staff recommendations through prior hearings on the District Plan review process. The relative effectiveness and efficiency of any new or modifications to the JPZ have also been assessed against to requirements of s.32AA.

#### **4. BACKGROUND**

##### **The Operative Regime, prior to PC44**

4.1 Within the operative District Plan, Jack's Point is a part of the Resort Zone, which also includes Waterfall Park and Millbrook. This zone was made operative in 2003. The Jack's Point area of the Resort Zone is comprised of three distinct components, being Jack's Point, Homestead Bay and Hanley Downs.

##### Planning history of the Jack's Point Zone

4.2 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. Having reached agreement with the Council, the referrers attempted to resolve the references by establishing objectives and policies in the Plan that recognise the potential for future urban development in the Coneburn Downs area. The parties proposed that any future rezoning of land in the Coneburn Downs area be subject to a detailed assessment in terms of landscape values, amenity values, views from rural scenic roads, protection of the Lake Wakatipu margin, transportation, particularly in relation to safety, servicing and integrated development and design.

- 4.3 On 6 October 2001 the Queenstown Lakes District Council notified Variation 16 – Jack's Point Resort Zone. In March 2002 the Council placed the Variation on hold, pending advice from the community with respect to its appropriateness. In July 2002 the Council held a number of Public Workshops to assist in the formulation of a Strategic Plan (Tomorrow's Queenstown) for Queenstown. The Council found that the Coneburn Downs area was accepted by the community as a landscape that could successfully absorb future urban development if it was carried out in an environmentally sensitive manner. Having had regard to the outcomes of the strategic planning process, the Council resumed with the variation process for Jack's Point Resort Zone.
- 4.4 Queenstown Lakes District Council issued its decision on the Variation in August 2003. That decision reflected a vision for the greater Jack's Point area being a settlement of significant scale, as opposed to a comparatively small 'resort' development. Several references were lodged seeking amendments to the Council's decision. These references were resolved through the issue of a decision from the Environment Court (C141/2004) on 1 October 2004 when the Zone became operative.

#### Operative Provisions

- 4.5 The only current objective for the Jack's Point Resort Zone is Objective 3, and this states the following:

*Enable the development of an integrated community, incorporating residential activities, visitor accommodation, small-scale commercial activities and outdoor recreation – with appropriate regard for landscape and visual amenity values, servicing and public access issues*

- 4.6 The operative zone relies on a combination of Structure Plans for each of the three areas of the Zone (Jack's Point, Hanley Downs and Homestead Bay), reflecting the three main land owner entities and the process by which the zone was originally created. Adherence to the Structure Plan is required to achieve comprehensive and integrated development within the Jack's Point Zone.
- 4.7 The operative Zone requires all vehicle access to the Zone to be from a single intersection onto State Highway 6 at Maori Jack Road.
- 4.8 An Outline Development Plan approval process manages the spatial layout of activities. The Outline Development Plan approval process for the Residential and Village Activity Areas s determines a range of spatial planning outcomes, including roading, pedestrian links, indicative subdivision design, density and design guidelines.
- 4.9 The ODP is created by resource consent and thereafter subdivision and development is required to comply with the approved ODP, in respect of all of the residential and Village Activity Areas. In addition, because the ODP is approved through resource consent, it has a range of conditions that must also be complied with. To use the example of the Jack's Point Residential Areas ODP<sup>1</sup>, this resource consent includes a range of plans, including:
- (a) Appendix E - Indicative Subdivision Layout
  - (b) Appendix F - Density Master Plan
  - (c) Appendix G - State Highway Mitigation (Sheets 1 & 2) Post Mitigation, Conceptual Site Plan for R(SH) Lots Fronting the State Highway
  - (d) Appendix H - Typical Lot Side Yard Setback
  - (e) Appendix L - Public Access and Recreation
  - (f) Appendix N - Landscape Management Plan
  - (g) Appendix O – Jack's Point Design Guidelines
- 4.10 The ODP is a key document for the allocation and control of residential density within the Jack's Point neighbours and the means by which

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<sup>1</sup> RM041269

compliance is achieved with the density rules, required to be 10 – 12 lots per hectare. In practice, the process of subdivision and development that has evolved over the 11 years since the ODP was granted, has involved a number of changes to the indicative subdivision plan and density master plans to cater for changes to the original design consents. This has proved to be administratively costly. Although the Environment Court has ruled on matters of *vires* with ODP rules, where the status is determined through resource consent, these rules have not been challenged at Jack's Point.

#### Current Development within Jack's Point

- 4.11 Since the Jack's Point Resort Zone was made operative, Jack's Point has completed the following:
- (a) Development of a range of important recreation facilities, including:
    - the Jack's Point 18-hole championship golf course,
    - a sports area located 5 minutes' walk to the south of the Village comprises a cricket oval for summer use which converts to rugby and soccer fields in the winter months.
    - Located nearby are two tennis courts that provide a quality all weather surface and add to the variety of the overall recreational amenity available at Jack's Point.
    - Development of a 35km network of hiking / biking trails linking Jack's Point to the lakeside track network which connects to Kelvin Heights and into Queenstown.
  - (b) Planting of over 150,000 plants, 4 hectares of wetland have been built or reclaimed, along with the construction of approximately 5km of stone wall constructed using stone from the Jack's Point quarry. Planting is now well established and forms an ecological and visual framework within the settlement.
  - (c) Construction of Lake Tewa, formed in 2006, defining the western edge to the village.
  - (d) Construction of the intersection of SH 6 with Maori Jack Road, construction of a range of internal roads, construction of a wastewater treatment and disposal plant, and provision of all services to residential allotments.

- (e) Currently within the Jack's Point residential neighbourhoods there are 238 homes built, 100 under construction and 121 with Design Board Approval.
- (f) The Jack's Point Residents and Home Owners Association Inc (JPROA) was established to play an administrative role. It is an organisation that every lot owner is required to belong and which administers all of the private infrastructural assets, roads, water supply, wastewater disposal and stormwater management. It also oversees the important process of establishing the Jack's Point Design Guidelines and their implementation through the Design Review Board for each new building within Jack's Point.
- (g) Development of the golf clubhouse, located at the southern end of the lake, was completed March 2008. It is approximately 1,200 m<sup>2</sup> (9,000 sq.ft) and consists of a pro shop, locker facilities, bar & restaurant, Jack's Point Discovery Centre, offices and extensive north facing courtyard which runs along the lake edge. The clubhouse connects to the lake edge via a large jetty.

4.12 With the focus being on realising residential development at Jack's Point, commercial development within the Village has been limited to the Golf clubhouse. In addition, all of the Hanley Downs and Homestead Bays areas as well as the Lodge Activity Area are undeveloped.

#### **PC 44**

4.13 Inclusion of the Jack's Point Zone into the PDP was related to a parallel planning process, which commenced on 27 March 2013 through notification of a privately initiated plan change request made by RCL Queenstown Pty Ltd ('RCL') to create a new Hanley Downs Zone, known as Plan Change 44: Hanley Downs Zone ('PC44'). PC44 sought to re-zone approximately 520 hectares of the northern-most (currently undeveloped) part of the 'Resort Zone' at Jack's Point as a new 'Hanley Downs Zone'. Jack's Point were a submitter to this plan change and were not involved in the formulation of that request. The first hearing for PC44 resulted in an adjournment, at the request of the requestor to address concerns expressed by Henley Downs Farms Holdings Ltd about integration of the plan change with the Jack's Point land included within the scope of the request.

- 4.14 Triggered by initial discussions with the Council on the District Plan Review, Jack's Point entered into a process of informal conferencing with RCL from about February 2015. In collaboration with the Planning witness for RCL (Daniel Wells), a set of provisions for inclusion with the District Plan review was formulated, so as to achieve the date set for notification of the District Plan. In continuation of the process on the District Plan Review, a set of plan provisions was formulated that sought to integrate the interests of the primary landowners within PC 44 (RCL and Jack's Point) over the management, use and development of the natural and physical resources of the land within Hanley Downs. That collaboration resulted in the formulation of a new structure plan together with plan provisions integrating the outcomes for the Hanley Downs area back into the Resort Zone. As part of the changes to the Hanley Downs area, the concept of a village in that part of the land was dispensed with in favour of primarily residential activity.
- 4.15 The Council's decision on PC 44 was notified on 10 March 2016. The decision approved most of the areas of proposed residential development within the RCL land, its integration into the Resort Zone, including the formulation of a new Structure Plan creating a new vehicle access onto State Highway 6 at Woolshed Road, the provision of open space, trail connections and the mitigation of hazards. However, the decision refused the relief sought by Jack's Point to create new areas of development within the EIC, FP-1 and FP-2 Activity Areas. In particular, the decision expressed some concern with the jurisdiction of the Council to make these changes within the scope of the submissions. The Commissioners preferred the process available through the District Plan Review as being the most appropriate to considered these changes.
- 4.16 The Council's decision on PC44 remains under appeal, as it relates to land outside of the RCL residential land, and at the time of writing this evidence has not been resolved.

#### **The Jack's Point Zone (as amended post notification)**

- 4.17 The JPZ was included within the first stage of the District Plan Review by the Council. As outlined above, its inclusion within the District Plan Review was as a result of a collaboration with Jack's Point, who undertook the preparation of the new Chapter 41 provisions, including the new Structure Plan, formulated changes to Chapter 27 (Subdivision) and prepared the associated Section 32 Report. This work involved an update to the

Coneburn Resource Study and an Assessment of Landscape and Visual Effects, also commissioned by Jack's Point. Following a period of consultation, review and editing from the Council, the final package was incorporated into the PDP by the Council when it was notified on 26 August 2015.

4.18 Following notification two submissions were lodged by Jacks Point (#762 and #856) and one submission from the JPROA (#765). The submissions by Jack's Point sought to make a number of refinements to the notified provisions, broadly involving the following:

- (a) Amendments to the provisions to improve clarity of language
- (b) Amendments to the earthworks rules, including changes to the thresholds for earthworks volumes within the Village, recognising earthworks within proximity to man-made water bodies,
- (c) Amending the State Highway access rule to align with the equivalent rule agreed through PC 44.
- (d) Amending the average density rule and table to correct calculation errors made in the notified rule
- (e) Amending the height rule to enable building up to 12m within the Village Activity Area (10m proposed in the notified chapter) to enable up to four levels of building
- (f) Amending the notification rule to address internal inconsistencies in dealing with affected parties
- (g) Replace 41.7 Structure Plan with the revised Structure Plan appended to the submission. The revised structure Plan proposed two small changes to modify the boundaries of Activity Area R(JP)-2A to better relate to the adjoining R(HD)-E area and the Jack's Point Village to better relate to land tenure.

4.19 The submission made by the JPROA sought more general relief, as follows:

- (a) To retain permitted activity status for all buildings within the residential activity areas at Jack's Point.
- (b) Commercial/intensive farming or Factory Farming, with the exception of low intensity grazing and other non-intensive farming,

should not be allowed within Jack's Point Zone open space areas managed by the JPROA.

- (c) To retain the open space activity areas generally in accordance within the Jack's Point Structure Plan and ensure the zone is subject to the type of design matters that currently exist for Jack's Point to secure the vision already achieved for the long term. including

4.20 As a result of further consultation with submitters following notification of the District Plan, Jack's Point proposed a number of changes to the notified provisions. These changes were contained within a Memorandum lodged with the Council and circulated to each of the submitters to Chapter 41 on 15 December 2016. The purpose of the Memorandum was to update the Council and the submitters to the nature of the forthcoming changes that would be included within the evidence for Jack's Point at this hearing and avoid parties preparing evidence in respect to matters not being pursued or that are proposed to change.

4.21 A summary of the further changes proposed within the 15 December Memorandum, and as amended slightly to recognise changes since that memorandum, include:

- (a) Deletion of Activity Area FP-1 and its replacement 20 Preserve Homesites areas (shown as HS<sub>37</sub> – HS<sub>56</sub>) with Open Space Golf (OSG) identified for the area around each
- (b) Deletion of Activity Area FP-2 and its replacement with 2 Preserve Homesites areas (shown as HS<sub>57</sub> – HS<sub>58</sub>) with Open Space Landscape (OSL) identified for the area around each.
- (c) Deletion of the EIC Activity Area and its replacement with a Residential Hanley Downs Activity Area R(HD-SH)-3, which would operate in the same way as the R(HD-SH)-1 Activity Area.
- (d) Deletion of the Education Precinct from the Structure Plan and incorporation of that area and surrounds into the Jack's Point Village Activity Area.

4.22 The following section of my evidence provides a more detailed summary of the provisions, as amended by Jack's Point through the 15 December 2016 Memorandum, as refined through further consultation with Council experts, and as sought through its submissions. The revised Chapter 41 provisions are contained within **Appendix 1**.

### The Scope of the Proposed Jack's Point Zone Provisions

- 4.23 The purpose of the proposed changes is to re-focus and update the policies and rules to specifically recognise and respond to changes at Jack's Point, particularly in relation to projected urban growth requirements and need for affordable housing, and to identify opportunities to remove unnecessary regulatory controls. It also seeks to unify the three separate Structure Plans and associated provisions for Homestead Bay, Jack's Point and Hanley Downs into one set of combined provisions that manage the natural and physical resources of this area on an integrated basis.
- 4.24 It is proposed that the objective for the zone be streamlined to comprehensively focus on the integrated activities proposed at Jack's Point. The following objective is proposed as the most appropriate means of achieving the purpose of the Act:

*Development of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities within a framework of open space and recreation amenities*

- 4.25 In order to implement these key change for the Jack's Point Zone, amendments are proposed to create a new Jack's Point Zone within Part 12 (Special Zones), together with an objective, policies, rules and a Structure Plan. Additional changes are also proposed to Part 15 (Subdivision). A summary of the key amendments relating to Jack's Point is outlined below.

#### Structure Plan

- 4.26 The amendments to the Jack's Point Zone Structure Plan (from the operative District Plan), include the following:
- (a) The addition of a new Residential Activity Area located on a pocket of land between the northern end of the Hanley Downs residential areas and farm land on the northern side of Woolshed Road (formerly the EIC Activity Area).
  - (b) The consolidation of the Jack's Point Village into the area of the current practice range (formerly the E Activity Area).
  - (c) The addition of new areas of residential development, as follows:

- (i) R(HD-SH) 1 – an area located to the north of Jack’s Point Neighbourhood 7 and the existing farm homestead, to provide opportunities for low density living opportunities with appropriate mitigation of visual impacts from State Highway 6 (12 – 22 dwellings per hectare);
  - (ii) R(HD-SH) 2 - to provide opportunities for rural lifestyle living (2 –12 dwellings per hectare)
  - (iii) Location of 22 Preserve Homesites in part of the open space area managed as farm and located alongside Woolshed Road and on Peninsula Hill. Within these areas the 22 homesites are proposed within locations considered able to absorb further development with detracting from landscape values.
- (d) Modifications to the existing Structure Plan Activity Areas, overlays and elements are as follows:
- (i) The consolidation of the former open space, golf, passive recreation and recreation facilities (from the areas described in the operative District Plan) into four main open space activities, comprising:
    - *Open Space Golf (OSG)* – to recognise and provide for the development and operation of golf courses;
    - *Open Space Landscape Protection (OSL)* – This area incorporates areas of highly valued landscapes within the zone, including interfaces alongside State Highway 6, parts of Peninsula Hill and the margins of Lake Wakatipu;
    - *Open Space Amenity (OSA)* – this area is designed to provide for residential amenity between residential neighbourhoods and to encourage a well-connected community through pedestrian and cycle connections;
    - *Wetland (W)* – to protect and enhance the ecological values of wetlands and to avoid inappropriate development along the margins.
  - (ii) Extension of the R(JP)-1 Activity Area boundary to include recently consented, additional, residential development within Lot 400;
  - (iii) Amendments to the boundaries of the R(JP)-2A Activity Area

- (iv) Amendments to the boundaries of the R(JP-SH) - 4 Activity
- (v) Amendments to the Village Activity Area boundary to better integrate with the surrounding areas;
- (vi) Identification of critical design elements in the Structure Plan, including new areas of Open Space, new Public Access Routes, the addition of Primary Road and Secondary Road connections and provision for additional access onto State Highway 6 at Woolshed Road.
- (vii) Amendments to the Landscape Protections Areas (Overlays) following the update to the Coneburn Area Wide Resource Study

#### Objectives and Policies

- 4.27 The provisions of the Jack's Point Zone include the following.
- (a) A new policy provides for the role of the Structure Plan as being the primary mechanism to provide for the spatial layout of development within the zone<sup>2</sup>. The role of the Structure Plan is to manage the integration of activities, landscape and amenity values, road, open space and trail networks, the state highway and Lake Wakatipu. This also signals a key change from the operative provisions in eliminating the need for Outline Development Plans within this area.
  - (b) A range of new policies that seek to provide for the particular outcomes sought within each of the proposed new Activity Areas (outlined above)<sup>3</sup>.
  - (c) A new policy to manage the potential effects of non-residential activities within residential Activity Areas<sup>4</sup>.
  - (d) To emphasise the importance of achieving a high standard of amenity and design for medium density and small lot housing.

#### Outline Development Plans

- 4.28 The JPZ proposes to remove the requirements to prepare and implement Outline Development Plans. These changes are necessary in response

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<sup>2</sup> Policy 41.2.1.1, Page 41-1, Chapter 41 Jacks Point Zone, PDP

<sup>3</sup> Policies 41.2.1.13, 41.2.1.15, 41.2.1.17, Ibid

<sup>4</sup> Policy 41.2.1.19, Ibid

to the Environment Court's third interim decision on Plan Change 19 [2014] NZEnvC93. This decision identified jurisdictional problems with the use of "Outline Development Plans" as a planning method.

- 4.29 It was considered in the preparation of these provisions that the main elements of the previously proposed Outline Development Plan were best moved into other provisions, including:
- (a) A more detailed Structure Plan that includes primary and secondary road connections, open space corridors, with associated rules prescribing the level of variance acceptable when making a resource consent application, the locations of access to the state Highway and additional areas for state highway mitigation;
  - (b) Amendments to the subdivision chapter to ensure many matters that were previously required to be addressed via an ODP are addressed through that process.

#### Density

- 4.30 Related to the removal of the ODP provisions, is the proposal to manage residential density through the creation of a conventional density rules for each activity area. In the case of the Jack's Point Residential Areas, this has involving capturing the density of the existing development, making an allowance for potential development approved through the most recent ODP, including the Density Master Plan and in some cases to create more density.

#### Status of Dwellings within the Residential Jack's Point Areas

- 4.31 A key change promoted within the JPZ is permitted activity status for buildings within the main residential and village areas. This change is accompanied by the introduction of a range of new standards to be met, including:
- (a) Rule 41.5.2.6 Vegetation - On any site within a Residential Jack's Point Activity Area there shall be no shrub and tree planting with less than 75% of the species identified on the Jack's Point plant list contained within Part 41.8;
  - (b) Rule 41.5.5.2 Setbacks - Buildings shall be subject to the following internal setback rules:
    - (i) Two setbacks of 4.5m, with all remaining setbacks of 2m; or

- (ii) One setback of 6m, one setback of 3.5m and all other setbacks of 2m;
- (c) Rule 41.5.10 Building Colours - Any building shall result in:
  - (i) At least 70% of the total painted or galvanised external surface of buildings (excluding roofs and windows) with a reflectance value of between 0 and 35%
  - (ii) Roof colours with a light reflectance value of 20% or less, and in the range of browns, greys and black
- (d) Rule 41.5.14 Servicing, whereby:
  - (i) All dwellings shall connect to reticulated infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications, except this rule does not apply to dwellings located within Activity Areas FP-1 and FP-2.
  - (ii) All services, with the exception of stormwater systems, shall be reticulated underground.
- (e) Rule 41.5.15 Building Coverage, on any site within the R(JP) and R(JP-SH) Activity Areas, building shall not exceed a maximum site coverage of 45%<sup>5</sup>. Within the R(HD-SH)-3 Activity Area it is proposed to restrict building coverage across this area to 30%. A similar approach is also proposed for the Jack's Point Village to apply the 60% building coverage rule to the whole of the activity area, rather than to each site.

4.32 These standards are in addition to the height standards carried over from the ODP, which remain unchanged in respect to the Jack's Point Residential Activity Areas.

4.33 The basis for this change has been in part the effectiveness of the non-regulatory process in operation under the Jack's Point covenants and in part the high overall costs for residents to undertake both JPROA approval and to gain resource consent. The evidence of Mr Coburn explains in further detail the nature of the Jack's Point covenants that require owners to seek Design Review Board approval for any building plans. That process requires residents to seek both approval of the Design Review

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<sup>5</sup> With and exception for medium density residential housing under rule 41.4.6 to enable up to 55% coverage.

Board, followed by Resource Consent from Council, before a building consent can be lodged.

- 4.34 In January 2012, the Council published a Monitoring Report for the Resort Special Zones, comprising Millbrook, Jack's Point and Waterfall Park. That report listed a total of 61 resource consents as having been sought to erect a dwelling / more than one dwelling, with an average Council processing cost of \$1,465. Relevantly, the report also notes that because this report is monitoring the efficiency of the District Plan provisions, it does not accurately capture the inefficiency that arises from the doubling up of approval processes under the Jack's Point Design Review Board approval process, and the District Plan consent requirements<sup>6</sup>.

#### Preserve Homesites

- 4.35 It is proposed to locate the Preserve Homesites north and east to include part of Peninsula Hill and its lower slopes. Within these areas the aim is to provide for continued rural land management together with a greater diversity of lot sizes and some limited opportunities for residential and/or visitor accommodation (22 identified homesites).
- 4.36 The proposed regime that would apply to land use activities within Preserve Homesites HS<sub>37</sub> to HS<sub>56</sub> is as follows:
- (a) All buildings are a permitted activity, subject to the established JPROA Design Review Board process and compliance with Preserve Design Guidelines (outside the District Plan).
  - (b) 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
  - (c) Permitted building height is limited to 5m above existing ground level (based on a site specific datum).
  - (d) Buildings are limited to a footprint of 1,000m<sup>2</sup>.
  - (e) There are limits on earthworks and fencing.

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<sup>6</sup> Page 33, QLDC "Monitoring Report for the Resort Special Zones" (January 2012)

- (f) 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.
- 4.37 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.
- 4.38 The proposed regime that would apply within Preserve Homesites HS<sub>57</sub> – HS<sub>58</sub>, is as follows:
- (a) 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 (outside the District Plan).
- (b) 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.
- (c) Building height is limited to 5m above existing ground level
- (d) 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.
- (e) Building coverage is restricted to 25% of each homesite area.
- 4.39 Outside of the proposed 22 identified homesites the Open Space Activity Areas will provide the framework for protection of landscape and amenity values, including through the Peninsula Hill and Lake Shore Protection Area overlays. OSG is proposed to apply to the areas located around the lower slopes of Peninsula Hill and parts of the Tablelands. The related provisions for OSG aim to restrict the use of land within this area to the operation of golf courses and the provisions of access and utilities, which may be require to service each of the proposed new Preserve home sites. Within the upper slopes of Peninsula Hill, it is proposed to apply the OSL Activity Area, where land use activities are restricted to farming, recreation and the provision of access and utilities that may be required to service the home sites. Within the OSL and outside of any Landscape Protection Area, farm buildings would require resource consent as a controlled activity.

Summary of provisions and anticipated yield

- 4.40 A more detailed summary of the outcomes anticipated, including yield and the key development controls, for each of the Activity Areas is detailed in the table contained in **Appendix 5**.
- 4.41 The expected yield and development capacity of residential units and commercial land created as a result of the PDP within the Jack's Point Zone is contained within the table contained within **Appendix 6** and summarised below;
- (a) The R(JP) Activity areas have the capacity to provide a maximum of 624<sup>7</sup> more dwellings than currently built<sup>8</sup>, with up to 87 more than ODP.
  - (b) The Preserve area has the capacity to provide up to 58 dwellings in total (approximately 6 are built), 22 more than allowed under the ODP
  - (c) The R(HD-SH)-3 Activity Area can provide for up to 188 residential units.
  - (d) Adopting a scenario for development of the Village with one-third proportion of residential activity, one-third visitor accommodation and one-third commercial, community and other activities, the consolidated Village now proposed has the potential to supply:
    - (i) Up to 1,072 residential units
    - (ii) An area of 134,000 m<sup>2</sup> of GFA (or 1072 units) for Visitor Accommodation Activities
    - (iii) 134,000 m<sup>2</sup> of GFA for Mixed Use and Commercial, Community and other Activities
- 4.42 Each of the estimates of yield above contained within **Appendix 6** are based on the size of the Activity Areas calculated from the revised Structure Plan. These figures are also expressed as maximum theoretical yields, calculated from the size of the activity area, less a percentage of land for open space and reserves (normally 30-35%), multiplied by the maximum possible residential density or GFA possible under the

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<sup>7</sup> The total capacity across all of the R(JP) areas is 882 dwellings.

<sup>8</sup> Assumed to be 258 built or under construction

permitted height and site coverage. In this respect the yields are to be considered as a theoretic maximum.

4.43 I have informally caucused with Ms Jones for the Council (2 February 2017) to compare our yield summaries and to present as close as possible common figures. The yield tables contained within Appendix 6 represent the outcome of that conferencing. Although we have approached our yield analysis from a slightly different perspective the overall differences on the yields are not significant and arise from the following differences:

- (a) Ms Jones has calculated yield on the basis of the notified Structure Plan, whereas mine is based on the updated JP Structure Plan
- (b) Ms Jones includes Visitor Accommodation with residential. I prefer to aggregate Visitor Accommodation with commercial because it is expressed in terms of GFA and may not be developed as units and could be as a motel and include associated communal restaurant and other facilities
- (c) The underlying assumptions on the estimate of GFA for the Village are the same, being 60% coverage over an average of 2.5 floors of building. I have adopted a scenario of yield based on 1/3 residential, 1/3 visitor accommodation and 1/3 commercial /other.
- (d) Ms Jones has adopted an approach that seeks to refine the composition of commercial, apartments and visitor accommodation. When we interrogated the yields they were not significantly different.
- (e) Ms Jones' predicted yield in the HD Village under the ODP appears to include yield figures from PC44, which we agreed is incorrect.

### **Integration with other Chapters of the Proposed District Plan**

#### Chapter 36 Noise

4.44 Jack's Point has presented evidence on the hearing for Chapter 36 Noise on 2 September 2016. That evidence sought to amend the noise rules within the Jack's Point Zone so that different standards are applied within the residential activity areas from the Village (and the EIC). The revised provisions proposed by the Council as part of its closing submissions accepted the proposed changes, as follows:

- (a) Amending Rule 36.5.4 (Rule 36.5.2 Revised proposal) to include the Jack's Point Zone Residential Activity Areas within the group of

other largely residential zones retaining the same daytime and night-time noise limits and hours. The daytime (0800 to 2000hrs) is proposed to be 50 dB  $L_{Aeq}$  and the night time (2000 to 0800hrs) noise limits proposed to be 40 dB  $L_{Aeq(15 mins)}$  and 75 dB  $L_{AFmax}$ .

- (b) Amending Rule 36.5.6 (Rule 35.5.4 Revised Proposal) to include the Jack's Point Zone Village and EIC Activity Areas into a grouping of other activity areas from similar zones. In doing so this daytime noise limit becomes 60 dB  $L_{Aeq(15 mins)}$  and the night-time noise limit becomes 50 dB  $L_{Aeq(15 mins)}$  and 75 dB  $L_{AFmax}$ .

- 4.45 As a consequence of the changes proposed to Chapter 41 by Jack's Point, the position reached above on the noise rules will need to be modified to now exclude reference to the EIC Activity Area. As a result of the recommendation made at this hearing and agreed to by Jack's Point, the standard included within Chapter 36 relating to road noise will need to be shifted into the JPZ (refer to further discussion at paragraph 14.1 below).

#### Chapter 27 Subdivision

- 4.46 Jack's Point has also presented evidence at the hearing on Chapter 27 Subdivision, which included the relevant parts of that chapter dealing with the Jack's Point Zone. The notified version of Chapter 27 provided for subdivision undertaken in accordance with a structure plan as a restricted discretionary activity. Through the course of submissions and the hearing process, the Council accepts that the status of subdivision at Jack's Point, where it is also required to be undertaken in accordance with a structure plan, should be a controlled activity. A range of controls are proposed in relating to subdivision generally and in respect to Jack's Point, also includes compliance with the Structure Plan.
- 4.47 A summary of the revised Chapter 27 provisions as they relate to Jack's Point, from the Council's right of reply are detailed below.

- (a) Status of all subdivision at Jack's Point

All subdivision undertaken in accordance with a structure plan is listed as a controlled activity under Rule 27.7.1 (Revised Proposal). Because the JPZ contains a structure plan to implement its spatial planning outcomes, it falls under the ambit of this rule. As a controlled activity, the Councils control is limited to Lot sizes,

averages and dimensions; subdivision design; property access and roading; landscaping and vegetation; heritage; esplanade provision; natural and other hazards; fire-fighting water supply; stormwater design and disposal; sewage treatment and disposal; energy supply and telecommunications; open space and reserves; easements; and ecological and natural values.

(b) Structure Plan

In addition to the general matters of control for all subdivision in zones containing a structure plan, Rule 27.7.4 (revised proposal) requires all subdivision to have regard to the Jack's Point Zone Structure Plan. Failure to comply with this rule is a discretionary activity (unrestricted).

For the purposes of interpreting consistency with the structure plan at Jack's Point, Rule 27.7.11.1 (revised proposal) enables:

- (i) A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;
- (ii) Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;
- (iii) Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;
- (iv) Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process.

(c) Minimum and Average Allotment Sizes

Allotments created by subdivision are required to comply with the density rules under the Jack's Point Zone and, in addition, minimum and average allotment sizes, as follows:

<b>Zone</b>	<b>Minimum Lot Area</b>

<b>Jacks Point</b>	<i>Residential Activity Areas</i>	<i>380m<sup>2</sup></i>
	<i>FP-1 Activity Area</i>	<i>4000m<sup>2</sup>, Average 2ha</i>
	<i>FP-2 Activity Area</i>	<i>2 hectares, Average 40ha</i>
	<i>All other Activity Areas</i>	<i>Subdivision shall comply with the average density requirements set out in Rule 41.5.8.</i>

Failure to comply within the minimum lot size of 380 m<sup>2</sup> is listed as a restricted discretionary activity within the Hanley Downs part of the JPZ<sup>9</sup>. For the remainder of Jack's Point failure to comply with the minimum or average lot sizes becomes a discretionary activity (unrestricted)<sup>10</sup>.

As a consequence of the proposed changes to remove Activity Areas FP-1 and 2 and the location of identified Preserve Home sites, the above minimum lot area table will need to be amended to remove these two Activity Areas. In addition, the reference back to Rule 41.5.8 raises ambiguity around how this rule is to be applied where there is no average density requirement within that rule. An amendment should be made to clarify that where there is no average density requirement, there is also no minimum lot area.

(d) Farm Preserve 1 Activity Area

Rule 27.7.11.2 (revised proposal) establish the standards to be met for subdivision within the Farm Preserve 1 Activity Area, which shall:

- (i) Provide for the creation and management of open space, which may include native re-vegetation, within the "open space" areas shown on the Structure Plan, through the following:
  - (1) The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or
  - (2) Held within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site from any future building development.

<sup>9</sup> Rule 27.7.11.3 (Revised proposal), QLDC Right of Reply, Chapter 27, PDP

<sup>10</sup> Rule 27.5.15, Ibid

Failure to comply with the standards applied to subdivision within FP-1 is a restricted discretionary activity<sup>11</sup>.

Again, as a consequence of the changes proposed to Chapter 41 removing Activity Areas FP-1 and 2, Rule 27.7.11.2 (revised proposal) will need to be removed.

(e) Assessment Matters

A range of assessment matters have been created for the Jack's Point Zone, predominantly for subdivision undertaken within the Hanley Downs part of the JPZ. Outside of the Hanley Down, the following assessment matters have general application to the remainder of this zones:

- (i) Consistency with the relevant structure plan
- (ii) The provision of public access routes, primary, secondary and key road connections
- (iii) Within the OS Activity Areas shown on the Jack's Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.

(f) Non-notification

Chapter 27 (as revised), provides for the processing all controlled and restricted discretionary activities without the written consent of other persons and without notification or non-notification. Under Rule 27.10.2, all discretionary activities within the JPZ are excluded from the non-notification rule (above) and are subject to the usual provisions of the Act in determining whether notification is appropriate (or not).

## 5. STATUTORY CONSIDERATIONS

### National Policy Statement on Urban Development Capacity 2016

5.1 The National Policy Statement on Urban Development Capacity (the 'NPS') came into force in November 2016. The purpose of the NPS is to give policy guidance that local authority planning should provide enough opportunities for development to meet the feasible housing and business

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<sup>11</sup> Rule 27.7.11.2, Ibid

needs of people and communities – both current and future. To address this, the NPS-UDC directs decision-makers under the RMA to:

- (a) put greater emphasis on enabling change and development when making decisions about urban development
- (b) provide sufficient urban development capacity to support housing and business growth
- (c) ensure that planning processes enable urban development when it is needed.

5.2 The Queenstown Lakes District is currently identified as a High Growth Area under Statistics New Zealand population projections for the 2013 (base) to 2023 period<sup>12</sup>. Under Policy PB1, the Council is required to develop by 31 December 2017 a housing and business capacity assessment estimating demand and supply of development capacity to meet that demand; an estimation of the demand for different types and locations of business land and the supply of development capacity to meet that demand; and to assess the interactions between housing and business activities, and their impacts on each other. Until this work has been done, the quality of the available data to understand a comprehensive assessment of demand and supply is limited. Moreover, the Council has elected not to address the implications of the NPS-UDC on a piecemeal basis until its programme of work initiated to address its requirements has been completed<sup>13</sup>.

5.3 To the extent that Jack's Point can contribute to the District Wide solution to providing sufficient opportunities for development to meet feasible housing and business needs, the yield analysis contained within Appendix 6 provides some indication of the potential supply of houses and business land. In overall terms, this amounts to approximately 4,724 houses and approximately 321,516 m<sup>2</sup> (GFA) of land available for visitor accommodation, commercial and community activities.

5.4 A significant proportion of this capacity is feasible and serviced (within Jacks Point) with development infrastructure. The undeveloped areas of

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<sup>12</sup> MfE, An Introductory Guide to the National Policy Statement on Urban Development Capacity 2016

<sup>13</sup> Legal Submissions for Queenstown Lakes District Council for Hearing Stream 08 Business, dated 25 November 2016, at paragraphs 10.1 – 10.6

Hanley Downs are considered feasible for development and with plans to service through connections to Council reticulated infrastructure.

- 5.5 In my view the proposals by Jacks Point to realise greater opportunities for residential and business land will positively meet Policy PA1 of the NPS.

### **Otago Regional Policy Statement 2016 (Decision Version)**

- 5.6 In changing the district plan, the Council is required to “have regard to” any proposed regional policy statement<sup>14</sup>.
- 5.7 The Otago Regional Council has released decision on submission to the Regional Policy Statement on 1 October 2016 (**RPS(DV)**), with many of the provisions now under appeal. The extent of these appeals and the relative weight which can be afforded to the decisions version of the RPS is addressed in more detail within Jack’s Points legal submissions.
- 5.8 The provisions of the RPS of most relevant to the JPZ relate to the identification and management of landscape values and urban growth and development. The relevant provisions from the RPS(DV) are contained within **Appendix 3**.
- 5.9 In relation to landscapes, the relevant objective is for Otago’s significant and highly-valued natural resources and identified, and protected or enhanced<sup>15</sup>. The structure of the landscape policies is to identify outstanding landscape and features and “highly valued” landscapes, being the equivalent to the s.7 Rural Landscapes identified under the PDP. The RPS(DV) expects District Plans to set objectives, policies and methods to implement policies in the RPS as they relate to the District Council areas of responsibility and not identify areas of outstanding or highly valued landscapes.
- 5.10 For outstanding natural landscapes, the RPS(DV) has a layered policy that seeks to protect, enhance and restore outstanding natural landscapes and features by avoiding adverse effects on those values which contribute to the significant of the landscape; avoiding, remedying or mitigating other adverse effects; recognising and providing for the positive contributions of existing introduced species to those values; controlling the adverse effects of pest species; and encouraging

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<sup>14</sup> s.74(2), Resource Management Act 1991

<sup>15</sup> Objective 3.2, Otago Regional Policy Statement (Decision Version), 1 October 2016

enhancement of those areas and values which contribute to the significance of the natural landscape<sup>16</sup>. The policy for managing highly valued landscapes adopts a similar structure and content but differs in terms of its focus to protect or enhance highly values landscapes by avoiding significant adverse effects on those values which contribute to the high value of that landscape<sup>17</sup>.

- 5.11 In terms of the revised proposal by Jack's Point detailed in the Memorandum dated 15 December 2016, and subsequent amendments, the structure plan proposes to create two Homesites HS57 and HS58 within an area identified on the Planning Maps as ONL (Peninsula Hill) with the remaining Preserve Homesites HS36 – HS56 and part of Activity Area R(HD) – F being located within a highly valued landscape.
- 5.12 Of relevance to infrastructure and State Highway 6 is Policy 4.3.4, seeking to protect infrastructure of national or regional significance by all of the following: restricting the establishment of activities that may result in reserve sensitivity effects; avoiding significant adverse effects on the function needs of such infrastructure; and protecting infrastructure corridors from sensitive activities. This policy is of particular relevance to the interface of the JPZ with State Highway 6 and the related measures that have been developed to address reserve sensitivity effects, including state highway mitigation and acoustic insulation<sup>18</sup>.
- 5.13 In terms of energy efficiency, the policies of the RPS(DV) seek to enable energy efficient and sustainable transport for Otago's Communities by encouraging the development of compact and well integrated urban areas, to reduce travel need within those areas; and to ensure transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas<sup>19</sup>.
- 5.14 The provisions under the RPS(DV) provide much greater support for urban growth and development than the operative RPS, with the primary objective that urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments<sup>20</sup>. The relevant policy direction seeks to manage urban

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<sup>16</sup> Policy 3.2.4, Ibid

<sup>17</sup> Policy 3.2.6, Ibid

<sup>18</sup> Rule 36.5.17, Chapter 36 Noise, PDP (as notified)

<sup>19</sup> Policy 4.4.6, Otago Regional Policy Statement (Decision Version), 1 October 2016

<sup>20</sup> Objective 4.5, Ibid

growth and development in a strategic and co-ordinated way by ensuring there is sufficient residential and commercial land capacity to cater for demand for such land over at least the next 20 years; and co-ordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way<sup>21</sup>. The development of Urban Growth Boundaries by territorial authorities is one of the ways in which the RPS(DV) seeks to implement this policy.

### **Strategic Directions Policies, Proposed Queenstown Lakes District Plan**

- 5.15 The provisions within the JPZ are to be assessed as to whether they give effect to relevant objectives of the plan<sup>22</sup>. The strategy chapters contained within Part 2 of the PDP and considered as part of the hearings on Streams 01A and 01B, establish a range of objectives of relevance to this area.
- 5.16 I presented evidence at the hearing on Stream 01B (differently composed Panel) in relation to the strategic directions chapters<sup>23</sup>. As part that evidence, I suggested a range of additions and changes to those provisions and this evidence is prepared on the basis of the position advanced at the hearing on Stream 01B. I attach within **Appendix 4** the relevant objectives and policies from the strategic directions chapters, as amended through my earlier evidence.

#### Chapter 3 Strategic Direction

- 5.17 The objectives within Chapter 3 provide overall strategic direction for the management of district wide issues relating to the management of land within the Queenstown Lakes District. There is significant overlap in the strategic directions objectives in relation to the management of landscapes and urban development with Chapters 6 and 4.
- 5.18 Objective 3.2.2.1 provides direction regarding the strategic and integrated management of growth that is relevant not only for the spatial planning outcomes but for development within urban areas, as follows:

*Objective 3.2.2.1 Urban development; ~~occurs in a logical manner~~:*

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<sup>21</sup> Policy 4.5.1, Ibid

<sup>22</sup> s.32(1), Resource Management Act 1991

<sup>23</sup> Statement of Evidence of Christopher Bruce Ferguson, 29 February 2016

- ~~to promote a~~ has a well designed and integrated urban form;
- ~~to manage~~ the cost of Council infrastructure; and
- ~~to protect~~ the District's rural landscapes from sporadic and sprawling urban sprawl development

5.19 Jack's Point is located within the Urban Growth Boundary identified in the PDP for the communities in the Wakatipu Basin. Within these urban areas there is a suite of objectives under the goal of enabling a safe and healthy community that is strong, diverse and inclusive for all people. This includes ensuring a mix of housing opportunities<sup>24</sup>; providing a high quality network of open spaces and community facilities<sup>25</sup>; and ensuring planning and development maximises opportunities to create safe and healthy communities through subdivision and building design<sup>26</sup>. In addition, Objective 3.2.3.1 also seeks to achieve a built environment that ensures urban areas are desirable and safe places to live, work and play.

5.20 The inclusion of areas designed to accommodate commercial activities, visitor accommodation and other forms of non-residential activity with Jack's Point brings into relevance the objectives falling under the goal of developing a prosperous, resilient and equitable economy. This includes that the Queenstown (and Wanaka) town centres are the hub of the District's economy<sup>27</sup>; to enhance and sustain the key local service and employment functions served by commercial centres outside of the Queenstown town centre and Frankton<sup>28</sup>; the significant socioeconomic benefits of tourism activities across the District being provided for and enabled<sup>29</sup>; and the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities<sup>30</sup>.

#### Chapter 4 Urban Development

5.21 The objectives from Chapter 4 (Urban Development) establishes direction for the management of urban growth, including through the establishment of urban growth boundaries ('UGBs'). Whilst these are primarily a tool to

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<sup>24</sup> Objective 3.2.6.2, Proposed Queenstown Lakes District Plan

<sup>25</sup> Objective 3.2.6.3, Ibid

<sup>26</sup> Objective 3.2.6.4, Ibid

<sup>27</sup> Objective 3.2.1.1 (Revised Proposal), Ibid

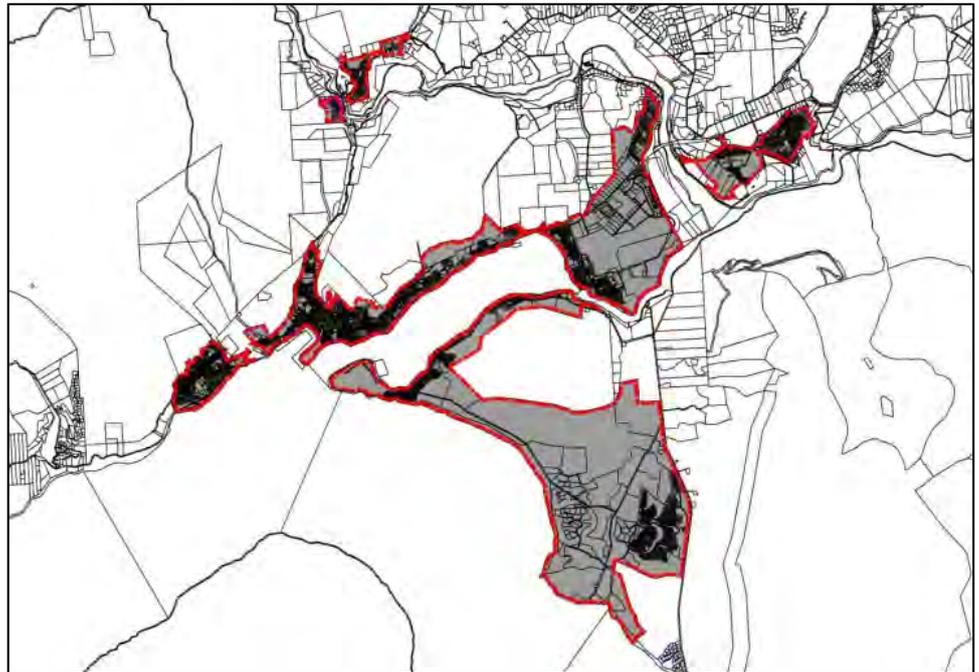
<sup>28</sup> Objective 3.2.1.3A (Revised Proposal), Ibid

<sup>29</sup> Objective 3.2.1.4 (Revised Proposal), Ibid

<sup>30</sup> Objective 3.2.1.5 (Revised Proposal), Ibid

aid in the spatial planning outcomes for urban development, they also provide a basis for the integration of infrastructure and services<sup>31</sup>; the use of Urban Growth Boundaries as a tool to manage growth of major centres with distinct and defensible urban edges<sup>32</sup>; and a compact and integrated urban form that maximises the efficiency of infrastructure operation and provisions<sup>33</sup>.

- 5.22 An UGB for the Queenstown Area is included within the PDP, as shown on the diagram below, and includes all of Jacks Point.



- 5.23 My evidence for DPL at the hearing of the Stream 1B Topics supported retention of the UGBs, although I acknowledge that the future hearings in relating to the Planning Maps may impact on its final form.
- 5.24 JPZ seeks to provide for the spatial planning outcomes of urban development primarily through the Structure Plan contained within Chapter 41. The Jack's Point Structure Plan seeks to establish the location of areas of development, key access connections, primary and secondary road corridors, areas of open space and to also address the interface between urban development and the character of surrounding rural land.

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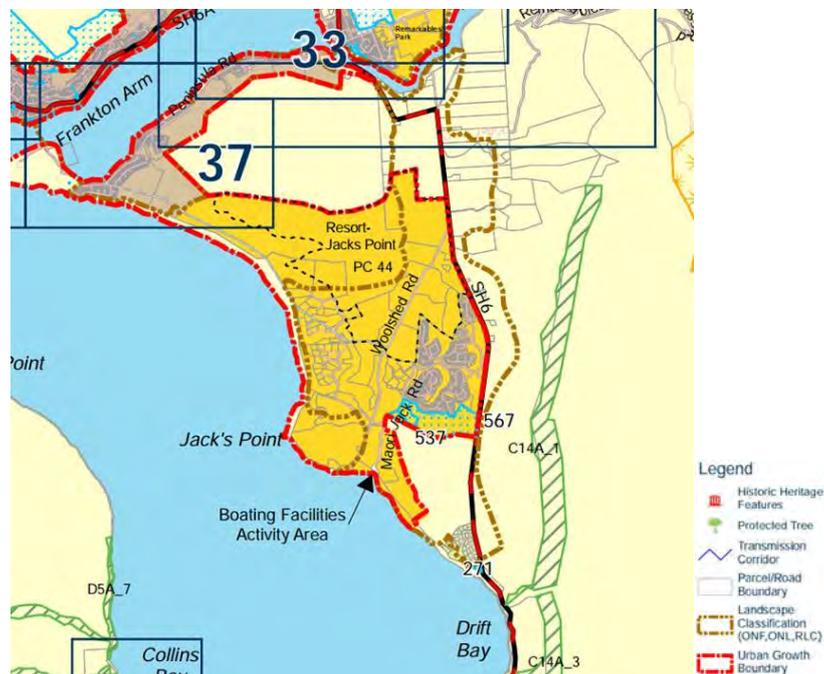
<sup>31</sup> Objective 4.2.1, Proposed Queenstown Lakes District Plan

<sup>32</sup> Objective 4.2.2, Ibid

<sup>33</sup> Objective 4.2.3, Ibid

## Chapter 6 Landscape

- 5.25 The objectives from Chapter 6 Landscape as notified recognise and provide for the management of landscape values as a significant resource for the District. To align with the provisions of s.6(b) and s.7 of the Act and also of the higher order regional policy documents, the PDP seeks to identify Outstanding Natural Landscapes and Features as well as Rural Landscapes. The framework of landscape provisions under Chapter 6 provides for the identification of these categories of landscape under Objective 6.3.1, to achieve the goal that landscapes are managed and protected from the adverse effects of subdivision, use and development.
- 5.26 The provisions within Chapter 6 also address the relationship between UGBs and ONF/Ls. Where UGBs extend urban settlements, resultant development should avoid impinging on ONF/Ls and minimise degradation to the values derived from open rural zoned landscapes<sup>[1]</sup>. The Jack's Point Zone is located within the wider Queenstown UGB and where the planning maps have also identified the location of an ONL boundary through areas of the JPZ. An extract from Planning Map 13 of the PDP showing the location of the JPZ, Queenstown UGB and the ONL is included below.



- 5.27 The primary objective relating to the District's ONF/Ls is for the protection, maintenance or enhancement of the District's ONF/Ls from the adverse

<sup>[1]</sup> Policy 6.3.1.6 (Revised Proposal), Ibid

effects of inappropriate development<sup>[2]</sup>. Within the Rural Landscape, the objective is that subdivision, use and development be undertaken in a manner that does not degrade landscape character or diminish visual amenity values of the rural landscape<sup>[3]</sup>.

- 5.28 The notified version of Chapter 6 incorporated a series of Rules (Implementation Methods) providing further clarification on the operation of the objectives and policies from this chapter, including the application of the landscape assessment matters for the rural zone. The notified version includes rule 6.4.1.2:

*The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.*

- 5.29 Rule 6.4.1. 2 of the revised proposal makes it clear that the landscape assessment matters within the Rural Zone only apply to subdivision and development **within the rural Zone**.
- 5.30 It is therefore clear that the Chapter 6 rules do not conflict with the JPZ rules, because the JPZ is not within the Rural Zone.
- 5.31 It is noted that council's planner recommended 6.4.1.2 be deleted, in Council's right of reply (which is I do not support). However, Council's planner also recommended clarification of 6.4.1.3 (as notified) so that it is also clear that assessment matters relating to ONLs and ONFs only apply in the Rural Zone. I support this.
- 5.32 The decided version of the Chapter 6 provisions (which is unknown) will need to be taken into account in the consideration of the nature and scale of development proposed on the Peninsula Hill landform and the proposed Preserve Homesites, as well as the specific objectives and policies of the Jack's Point Zone relating to the management of landscape values.
- 5.33 Relevant to my evaluation, is the expert's conclusion that the landscape values in the JPZ are protected by the proposed changes to the Zone provisions and structure plan.

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<sup>[2]</sup> Objective 6.3.2, Ibid

<sup>[3]</sup> Objective 6.3.4 (Revised Proposal), Ibid

## 6. ISSUES

6.1 A summary of the submissions made in respect to the Jack's Point Zone is contained within **Appendix 2**. Based on the matters raised in these submissions and further informed by the s.42A report and evidence for the Council, I consider the main issues relevant to the scope of this evidence as being:

- (a) Issue 1: The merger of the Jack's Point, Hanley Downs and Homestead Bays area into one structure plan and consolidated Zone, including the identification of the Jack's Point zone as a self-contained zone;
- (b) Issue 2: Changes to the Golf and Open Space areas and identification of 22 Preserve Home sites;
- (c) Issue 3: Changes to the residential density within Jack's Point;
- (d) Issue 4: Access from State Highway 6;
- (e) Issue 5: Consolidation of the Jack's Point Village and replacement of the E Activity Area;
- (f) Issue 6: Replacement of the EIC with R(HD-SH)-3 Activity Area
- (g) Issue 7: Other Structure Plan Changes
  - (i) R(JP) Activity Areas (Jacks Point #762)
  - (ii) Open Space and Community Recreation Activity Area (RCL #632)
  - (iii) Village - Woolshed Road (Vivo Capital #789)
- (h) Issue 8: Miscellaneous

6.2 The package now before the Commissioners, and the subject of my evaluation below, is the result of taking on board submissions and expert caucusing and seeks to demonstrate how concerns have been addressed.

## 7. ISSUE 1: INTEGRATION OF JACK'S POINT ZONE

7.1 The operative Resort Zone includes three disparate areas: Millbrook; Waterfall Park; and Jack's Point. The Resort Zone treats the areas differently through a single objective and attendant policies for each.

- 7.2 The Jack's Point Resort Zone Structure Plan in the operative District Plan is further divided into three parts: Jack's Point (Figure 1); Henley Downs (Figure 2); and Homestead Bay (Figure 3). The structure plan/s are supported by a single policy 3.4 requiring development to be located in accordance with a Structure Plan to ensure compatibility of activities.
- 7.3 The Jack's Point Zone has been included within Stage 1 of the District Plan Review as a stand-alone chapter, separated out from the Resort Zone chapter under the operative District Plan<sup>34</sup>. The approach proposed through the PDP has been to include the three main parts of Jack's Point into a single structure plan, effectively stitching Figures 1 – 3 from the operative Resort Zone chapter together. While the basic structure and layout of the individual neighbourhoods remains the same or similar, the combined Structure Plan incorporates the following key design elements, separate to the changes to the activity areas:
- (a) Primary Road accesses
  - (b) Secondary road accesses
  - (c) Key Road Connections
  - (d) Public Access Routes
  - (e) State Highway Mitigation
  - (f) Flood Bank Mitigation
- 7.4 The Jack's Point Zone continues to support the area through a single objective and a range of further policies, particularly in relation to Hanley Downs, including:
- Policy 41.2.1.13 Recognise the Residential (Hanley Downs) Activity Area as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.*

### Submissions

- 7.5 The submissions are generally broad and, in general, seek that the current District Plan provisions / outcomes are retained. Many submissions generally oppose aggregation of Jack's Point with Homestead Bay and Hanley Downs and also support the separation of Jack's Point from the

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<sup>34</sup> As well as Millbrook, also included within stage 1 of the District Plan Review

remainder of the Resort Zones as currently provided for under the Operative District Plan. Submitters make the following points:

- (a) Neither Hanley Downs or Homestead Bay will have covenants or other legislative methods and controls placed upon the development (individual lots, streetscapes, reserves and open space) in these zones to the same degree that have been applied to Jack's Point, and as such the development outcome in these zones will appear vastly different to Jack's Point.
- (b) Sufficient importance has not been recognised within the PDP of the high standard of landscape and visual amenity, and built environment that has been created in the area developed to date at Jack's Point. The development controls placed on Jack's Point have resulted in a special and unique character
- (c) The absence of the same strict controls as Jack's Point on subdivision, landscape and built form in Hanley Downs and Homestead Bay either volunteered by the developer or as part of the PDP will result in a different character of development, and therefore these areas should not all be subject to the same objectives, policies and rules under the PDP. Other submitters express concern that the integration of the three main areas assumes that the costs of infrastructure, roading and of the adjoining communities will be shared<sup>35</sup>. In a similar vein, there are concerns expressed with the financial burden of granting access to Hanley Downs and Homestead Bay through Jack's Point roading infrastructure and the additional burden on the trail networks and other areas funded exclusively by the Jack's Point Residents<sup>36</sup>.

7.6 The following section of my evidence provides a background under the status quo, addresses the policy and planning rationale for integration and related issues on the differences in the quality and distinctiveness of the amenity and design outcomes across parts of the zone.

#### **Section 42A Report**

7.7 The s.42A Report considers it is most appropriate to include the Hanley Downs, Jack's Point, and Homestead Bay areas within a single JPZ,

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<sup>35</sup> Submission #605 M J Williams

<sup>36</sup> Submissions #316 Page & Holzman

which is shown in a single Structure Plan and which, other than the application of activity area-specific provisions where necessary, are generally subject to the same provisions<sup>37</sup>. The report also accepts that there may be differences in character and density through the zone, just as there is in urban settlement of the size proposed, but there should be an overarching objective that applies throughout and clarity as to what elements are fundamental and what elements can differ and in fact, should differ in order to create a diverse community.

## Evaluation

- 7.8 The proposed Objective for the whole Jack's Point Zone is for the "development of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities within a framework of open space and recreation amenities"
- 7.9 Integration is an important theme within the higher order objectives and policies of the PDP, including the following:

**Objective 3.2.2.1** *Urban development; ~~occurs in a logical manner:~~*

- ~~to promote a~~ has a well designed and integrated urban form;
- ~~to manages~~ the cost of Council infrastructure; and
- ~~to protects~~ the District's rural landscapes from ~~sporadic and sprawling urban sprawl development~~

**Objective 4.2.1** *Urban development is coordinated with infrastructure and services ~~and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features~~*

**Policy 4.2.1.2** *Urban development is integrated with ~~existing public~~ infrastructure, and is designed and located in a manner consistent with the capacity of ~~existing~~ networks, including planned expansion to accommodate growth within urban areas*

**4.2.3 Objective** *Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.*

**Policy 4.2.3.1** *Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable manner, ensuring:*

- Connectivity and integration;
- The sustainable use of public infrastructure;
- Convenient linkages to the public and active transport network; and
- Housing development does not compromise opportunities for commercial or community facilities in close proximity to centres.

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<sup>37</sup> Para 11.8, Page 28, s.42A Report

- 7.10 Integration is also an important concept related to the development of a structure plan led approach to the spatial planning at Jack's Point. The collective Jack's Point areas have from their origins under the operative District Plan adopted structure plans to manage the layout of development, open space, vehicle access and recreation. The purposes of adopting a structure plan and advancing with integration as a key part of the zone are:
- (a) The Coneburn Area Study sought to examine the resources of this area in a comprehensive manner, including topography, geology and landscape values.
  - (b) The three parts of Jack's Point, Homestead Bay, Jack's Point and Hanley Downs have been formed on the basis of land ownership and cadastral parcels.
  - (c) The natural elements of the land resource, as examined through the Coneburn Study, do not fit well with the artificial title boundaries used to divide the three main land areas.
  - (d) There are structural elements to the zone common to each of the three main areas, including open space, areas of landscape protection, provision of trails and the provision of vehicle access.
- 7.11 At this level, integration is an important planning tool to create a sustainable and well connected community. Integration also needs to be looked at in the context of a general shift away from the use of Outline Development Plans and permitted activity status of dwellings to the single structure plan, which seeks to embed key design elements (explained above) into the Zone. Changing the status of all buildings from being a controlled activity to permitted is widely supported and the move away from the use of Outline Development Plans is not opposed.
- 7.12 The integration of the three structure plans and creation of a single Jack's Point Zone has many resource management efficiencies, as explained above and supported by the higher order policies from the PDP.
- 7.13 This is not to suggest that there will not be areas of residential and commercial development within the overall Jack's Point Zone that will have a distinctly different character and amenity from the established Jack's Point residential neighborhoods. There are advantages to having this diversity of character, including the creation of areas of higher density

housing more readily able to respond to problems of housing affordability. More concerning would be a shift in plan provision that sought to impose a differing or reduced standard of amenity to these existing areas.

- 7.14 The provisions seek to maintain existing amenity where that has been established at Jack's Point, through a framework of controls over buildings (now all permitted in the main residential and village activity areas), including density, height, setbacks and landscaping. In addition, the covenants will continue to operate with Jack's Point to regulate design approval form new buildings.
- 7.15 While I strongly support the principles of integration and the administrative and resource management efficiencies in having a single Jack's Point Zone for the reasons expressed above, in reflecting on the submissions as they relate to the character of the established Jack's Point area, it may be appropriate in addition for the policies to recognize the unique aspects of the existing character and residential amenity values at Jack's Point. In providing for the development of the adjacent parts of the zone at Hanley Downs under a unifying structure plan, there may also be benefit in recognizing that Homestead Bay and Hanley Downs are not necessarily going to result in the same design aesthetic, residential character and amenity. Below are two proposed new policies that seek to achieve this in relation to the established areas of Jack's Point.

### **Recommended Changes to the Provisions**

- 7.16 Based on the evaluation above I recommend adding two further policies to Chapter 41, as follows:

41.2.1.x Maintain or enhance the character and amenity values of the established residential neighborhoods within the Jack's Point area, including the high standard of design and landscape elements incorporated into communal open space areas, transport corridors and private lots.

41.2.1.x Recognise and provide for the creation of a distinctive design aesthetic within the new residential areas of the Jack's Point Zone, which may evolve to be unique from the established areas of Jack's Point, providing that the unifying structural elements of the structure plan are preserved.

## 8. ISSUE 2: CHANGES TO OPEN SPACE AREA AND IDENTIFICATION OF 22 PRESERVE HOME SITES

- 8.1 The notified version of Chapter 41 proposed to include the lower parts of the Tablelands and the farm land containing the Peninsula Hill landform within the Farm Preserve Activity Areas. Parts of the FP-1 Activity Area included land currently owned by the JPROA within the vicinity of the Jack's Point Quarry. The provisions relating to FP-1 and 2 sought to enable some opportunity for low density living and for the continued management of the open space in farming.
- 8.2 The proposed changes signalled through the Memorandum to the Panel and submitters (dated 15 December 2016), outline a proposal to revert much of the farm preserve to Open Space Golf (OSG) or Open Space Landscape (OSL) together with the identification of up to 22 Preserve Homesites.

### Submissions

- 8.3 Many of the submissions from Jack's Point residents oppose the rezoning of a part of the communally owned JPROA land from Golf Course Open Space to Farm Preserve. The general submissions lodged by Taverner (#131) *et al*, are however only concerned with that part of the Jack's Point Zone contained within Figure 1 – Jack's Point from the ODP, which covers the lower parts of the FP-1 Activity area containing the existing Jack's Point quarry. Further concerns include broader landscape matters as well as specific concerns from individual homesites about the addition of proposed new trails through this area.

### Section 42A Report

- 8.4 The s.42A Report considers the identification of 22 Homesites to be far more appropriate than the notified FP-1 Activity Area provisions, but the evidence of Dr Read (lodged prior to caucusing), is that it should be limited to 13 Homesites located close to the Wetland. The s.42A report also considers that within the Homesites, dwellings should be a controlled activity and VA limited in size or supported by controls over scale.
- 8.5 In terms of proposed Homesites HS<sub>57</sub> – HS<sub>58</sub> the s.42A Report considers that they are more appropriate than the FP-2 Activity Area provisions. The author has remaining concerns over the presumption that residential

activity will be provided for, the extent of matters of discretion being sufficient, the scale of visitor accommodation and uncertainty over landscape effects. In addition, the report also recommends that the whole of the former FP-2 Activity Area be overlain within the Peninsula Hill Landscape Protection Area (**PHLPA**). Based on recommendations from the evidence of Dr Read, the s.42A report recommends identifying the Tablelands overlay as a landscape protection area (overlay) and that overlay extended to encompass the former area of Activity Area FP-1, R(HD)-F and R(HD)-G to protect landscape values.

- 8.6 The amended Structure Plan attached to the s.42A Report does not identify any of the proposed 13 Homesite locations.

### **Evaluation**

- 8.7 Based on the changes proposed in the 15 December 2017 Memorandum and the initial findings from the s.42A report, the central issues that remain outstanding within the former area of Activity Areas FP-1 and 2 are the location and number of proposed Homesites, the status of building within the Homesites, the scale of visitor accommodation, the uncertainty of landscape effects particularly in relation to Homesites HS<sub>57</sub> and HS<sub>58</sub>, modification to the Landscape Protection Areas and extensions to the Tablelands.
- 8.8 I note for completeness that none of the proposed Homesites are located on JPROA land.

#### Number and location of proposed Homesites

- 8.9 Having regard to the notified provisions relating to Activity Areas FP-1 and 2, I consider the identification of the proposed 22 Preserve Homesites on the JPZ Structure Plan a better alternative that provides for greater certainty on the location of building development, greater certainty on the location and scale of protected open space and thereby the ability to quantify the likely effects on landscape and amenity values.
- 8.10 The primary issue in determining the number and location of proposed Homesites are the likely effects on landscape and amenity values. The higher order policy framework for that evaluation is set out in paragraphs 5.16 to 5.20 above within my assessment of the relevant objective and policies from Chapter 3 (Strategic Directions) and Chapter 6 (Landscapes). In summary, that evaluation finds that:

- (a) The location of the ONL(WB) boundary on Planning Map 13 (as notified) traverses the lower slopes of Peninsula Hill and around the western side of the existing Preserve Home Sites. The evidence of Ms Pfluger agrees with the location of the notified ONL(WB)
  - (b) Preserve Homesites HS57 and HS58 are located within the ONL(WB). The primary objectives relating to the ONLs seek to protect the natural character of the ONL/Fs from subdivision, use and development<sup>38</sup>; and to protect, maintain or enhance the District's ONLs<sup>39</sup>.
  - (c) Preserve Homesites HS37 to HS56 are located within the Rural Landscape. The primary objectives relating to the Rural Landscape seek to minimise the adverse effects of subdivision, use or development<sup>40</sup>; and to enable subdivision and development which will avoid, remedy, or mitigate any adverse effects on landscape character and visual amenity values of the Rural Landscape.
- 8.11 In addition to these higher order Objectives, the relevant policies from the JPZ (as notified) are also relevant to the extent they support the use of a Structure Plan that takes into account landscape and amenity values and visibility from State Highway 6 and Lake Wakatipu<sup>41</sup>; maintenance and protection of views into the site when viewed from the lake and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway<sup>42</sup>; and to ensure residential development is not readily visible from the State Highway<sup>43</sup>.
- 8.12 The existing provisions that would apply to the Preserve Homesites also require implementation of substantial areas of native re-vegetation through Rule 41.4.2.5, whereby no new building shall be erected within a Homesites unless and until an area of 3,000m<sup>2</sup> or 20% of the area of the lot or title within which the Homesites is situated, whichever is greater has been re-vegetated. The provision of this rule and by extension any development on the proposed new Homesites will positively implement the policies for the JPZ seek to provide for local biodiversity through the

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<sup>38</sup> Objective 3.2.5.1, Notified PDP

<sup>39</sup> Objective 6.3.3, *ibid*

<sup>40</sup> Objective 3.2.5.2, *Ibid*

<sup>41</sup> Policy 41.2.1.1, Chapter 41 Jacks Point Zone (as notified)

<sup>42</sup> Policy 41.2.1.3, *Ibid*

<sup>43</sup> Policy 41.2.1.4, *Ibid*

protection and enhancement of existing ecological values, a reduction in grazing and provision of ecological linkages<sup>44</sup>; and ensuring development within ecologically sensitive areas of the zone results in a net environmental gain<sup>45</sup>.

- 8.13 The evidence of Ms Pfluger followed her caucusing with Dr Read, and provides a more detail analysis of the potential impact of the proposed new Preserve Home sites and the related controls proposed to be amended. In terms of Preserve Homesites 57 and 58, Ms Pfluger finds that both are located within folds of the rising slopes of Peninsula Hill that provide pockets of enclosing hummock terrain with potential to absorb development at the scale proposed within these two areas. I agree with the evidence of Ms Pfluger that the landform in these places could accommodate development without adverse effects on the wider Peninsula Hill area and landscape.
- 8.14 In applying these findings to the relevant higher order objectives, I consider that development within the proposed two Homesites will protect the natural character of the landscape from subdivision and development because that development is suitably located and not visible from State Highway 6 or short distance views on Lake Wakatipu.
- 8.15 For Preserve Homesites 37 – 56, the evidence from Ms Pfluger comments that the density of the proposed 22 homesites to be located on the lower parts of the tablelands and Peninsula Hill would form a transition between the dense Jack's Point/ Hanley Downs areas and the low density Preserve Homesites located on the western side of the Tablelands. This would create a buffer between those areas, reducing the ability for urban creep and potential associated cumulative degradation in the future.
- 8.16 Landform undulations have been used to select each Homesite, ensuring dwellings would not be perceived together in their entirety, apart from isolated and elevated viewpoints. The ability to carefully site dwellings within the surface of varied terrain will ensure effects on landscape values can be avoided or mitigated. Informing this general position, Ms Pfluger recommends a number of changes to the position of some of the

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<sup>44</sup> Policy 41.2.1.6, Chapter 41, PDP (as notified)

<sup>45</sup> Policy 41.2.1.7, Ibid

Homesites, and the standards that would apply to the Homesites, including:

- (a) Relocating HS<sub>46</sub> on the Structure Plan and amending the location of others, as shown on the revised Structure Plan;
- (b) Narrowing the range of colours to be provided for buildings on Homesites 37-57 to a range of browns, greens and greys and to further reduce the allowable building surface with a reflectance value of 0- 35% to less than 30%; and
- (c) Achieving compliance with the Preserve Design Guidelines through the JPROA Design Review Board.

8.17 Based on this evidence, I consider the effects of Preserve Homesites 37-45 and 47 - 56 on the landscape will appropriately contained and will satisfy the relevant higher order objectives of the PDP. In order to implement the recommendations by Ms Pfluger, I set out with **Appendix 1** detailed changes to the following rules:

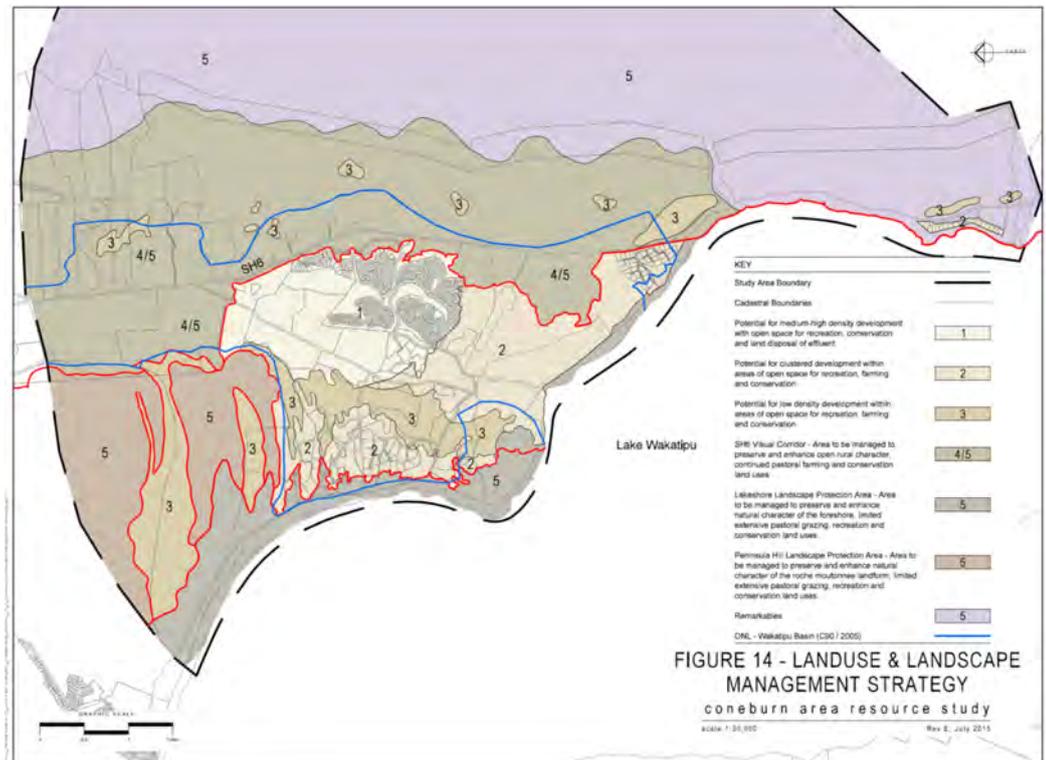
- (a) The addition of a new Rule 41.5.10.3 to limit the colours and reflectance values of buildings within the Preserve Homesites.
- (b) The addition of a new Rule 27.7.11.4 to ensure any lot created at the time of subdivision registers a requirement to comply with the Preserve Design Guidelines on the relevant new title
- (c) The addition of a new Rule 41.5.1.3 limiting building on any Homesite where the Preserve Design Guidelines have not been registered on the title for the site.

#### Landscape Protection Areas

8.18 During the formulation of the JPZ and in preparation for the evidence on PC 44, Jack's Point prepared an update to the Coneburn Resource Study (2015). That work examined aspects of the environment, landscape change and development within the Coneburn Area and provided updated plans based on more detailed resource analysis. As noted in the study, Jack's Point has transformed from a working rural landscape to a significant community containing approximately 170 houses, an 18 hole championship golf course, club house and other recreation amenities and open space. That development has impacted on the environment through the addition of road corridors and land modification to accommodate

housing, including subtle changes to enhance natural landforms to reduce the visible effects of development within Jack's Point. A particular characteristic of Jack's Point has been the development of significant areas of native planting throughout the areas of open space, building on natural patterns of stream, gullies and terrace escarpments. Based on these changes to the environment since the original Coneburn Resource Study in 2002, aspects of the resource analysis were updated, including in relation to landscape character, visibility, the ability to absorb change and the overall landuse and Landscape Management Strategy.

- 8.19 The Peninsula Hill landform and landscape has remained relatively unmodified, but has been impacted on through the development around it as well as through on-going demand for farming management of this landscape. The visibility analysis undertaken as part of the updated study identifies areas of this landform with no visibility from the Lake or State Highway 6. As part of the further analysis undertaken as part of the 2015 update a more detailed assessment was undertaken on Peninsula Hill, which allowed for visibility analysis at a localised scale. This site based assessment highlighted two distinctive folds in the *roche moutonee* landform providing significantly higher capacity to absorb development than the remainder of the landform with its generally highly visible slopes. The updated Figure 12 – Potential to Absorb Change and the updated Figure 14 – Landuse and Landscape Management Strategy formed the basis for the delineation of the Peninsula Hill Landscape Protection Area and the Lakeshore Landscape Protection Area adopted in the notified JPZ Structure Plan (as below).



- 8.20 The evidence of Dr Read notes that the PHLPA is smaller in area than under the ODP and now exclude the two large gullies on Peninsula Hill. Dr Read considers that the landscape is a resource in its own right and that changes to landscape character need to be considered holistically and not simply from a visual perspective. On this basis, Dr Read considers the PHLPA should be reinstated over the whole area covered by the ODP, at the least so as to ensure that the character and quality of the entire Peninsula Hill landscape is considered in any development proposal.
- 8.21 In discussion with Ms Pfluger, she agrees that there are benefits from taking a more holistic view of the landscape based on its intrinsic value as a resource and which is distinct from the visible effects of modification. This validates Dr Read's consideration of the landscape as a resource in its own right, which is relevant for the identification of ONLs.
- 8.22 I agree with Ms Pfluger who considers that:
- (a) While Peninsula Hill is identified as an ONL on the Council's planning maps, it also falls within the JPZ and because of that has to be treated differently to other ONL located within rural areas.
  - (b) The Coneburn Study focuses on the ability to absorb change rather than solely landscape value. I understand from Ms Pfluger that landscape character sensitivity/ value forms part of the

consideration, while visual sensitivity also needs to be considered when assessing a landscape's change absorption capability, which was the process followed in the Coneburn Study. While this is a comprehensive analysis in its own right, it is not the same analysis which would underpin identification of ONLs on a district wide basis, which focusses exclusively on an assessment of landscape value.

(c) It is appropriate for the PHLPA to remain as it is, based on absorption mapping, if the provisions provide for a level of protection of the landscape resource at a level equivalent to other ONLs in the District.

8.23 Based on this, I consider it appropriate to provide for the identification of development opportunity within the Homesites based on absorption capacity under a restricted discretion consent framework; provide for the protection of the ONL outside of the Homesites as a Discretionary activity, not including farm buildings, and matching the regime within rural areas; and to provide for a higher level of protection for the PHLPA.

#### The Status of building within the Peninsula Hill ONL

8.24 In addition to the concerns expressed above regarding the extent of the PHLPA, Dr Read is concerned that the regime that applies to building within the former Activity Area FP-2 too liberal and that it should provide a similar level of stringency as that applied to other areas of ONL. The s.42A report recommends amending Rule 41.4.3 such that the status of buildings, other than farm buildings, is strengthened to non-complying.

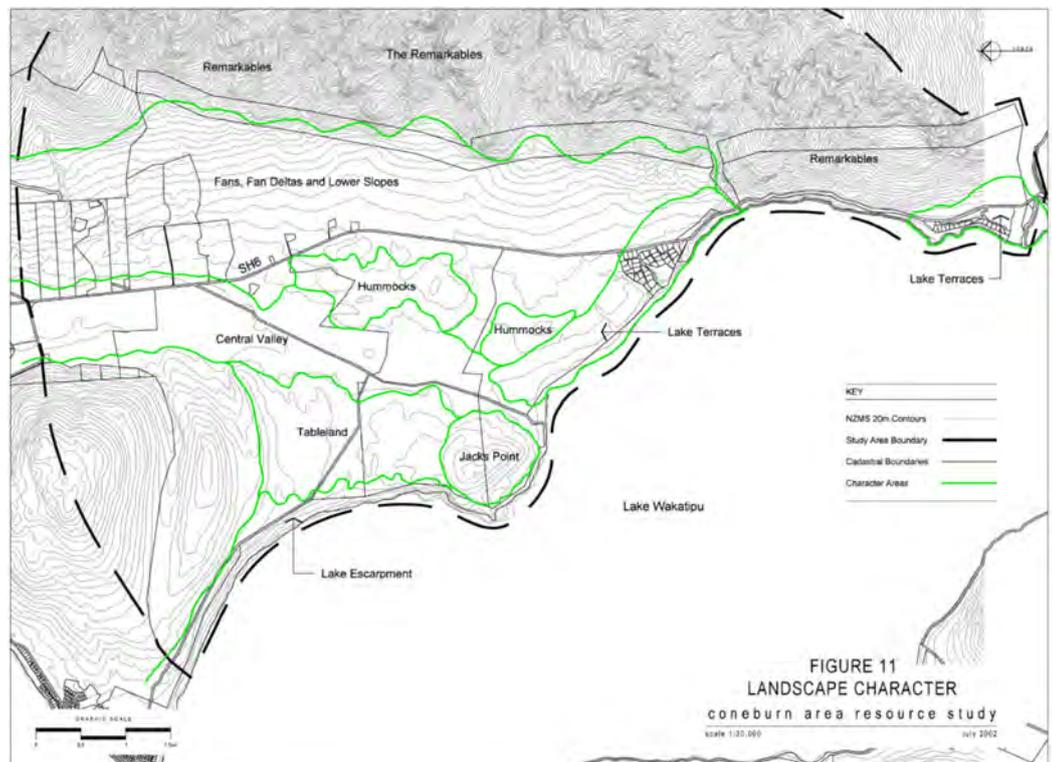
8.25 I address this concern in the discussion above. Based on that analysis the rules relating to building within the OSL and PHLPA are proposed to be amended. My suggested changes to these rules are contained within **Appendix 1**.

#### Tablelands

8.26 The Council s.42A Report recommends identifying the Tablelands overlay as a landscape protection area (overlay) and that overlay extended to encompass the former area of Activity Area FP-1, R(HD)-F and R(HD)-G. The evidence of Dr Read thoroughly traverses the linkages between the policies and rules within Chapter 41 to the Tablelands and I agree they are necessary and appropriate to manage the character and quality of the landscape in this area. From what I understand of Dr Read's evidence,

the Tablelands overlay should be recognised as a landscape protection area and included as such within the PDP to ensure references in the text can be properly interpreted.

- 8.27 Conceptually, I agree with the need to have the Tablelands identified on the Structure Plan and from a close inspection of the notified version of the Structure Plan, it is referred to with the schedule of overlays but the shading used to denote its extent has been omitted. I recommend this be reinstated.
- 8.28 The s.42A Report and Dr Read further recommends that the Tablelands overlay be extended to encompass all of Activity Areas FP-1, R(HD)-F and R(HD)-G. I am unclear on the reasons for this. The evidence appears to support reinstatement of the Tablelands from the ODP over the relevant part of the former Activity Area FP-1, which I understand and support.
- 8.29 The Tablelands is one of the eight areas of landscape character identified within the Coneburn Area Resource Study 2002 and as shown in Figure 11 below.



- 8.30 The Tablelands are described as being “*Elevated broad schist ridge and plateau, gentle contour with localised hummocky terrain, tarns and largely*

*unimproved pasture and matagouri stands contrasting with small localized spaces defined by schist rock outcrops and ridges*<sup>46</sup>.

8.31 A summary of the Tablelands area and guidelines for its use and development are set out in the following table.

RESOURCE SUMMARY	TABLELANDS
<b>Geology</b>	<ul style="list-style-type: none"> <li>• Glacial Till surrounding a bedrock of schist, located in the midpoint of the tablelands</li> </ul>
<b>Ecology</b>	<ul style="list-style-type: none"> <li>• Predominantly unimproved pasture with stands of Grey Shrubland and several wetland pockets</li> </ul>
<b>Visibility</b>	<ul style="list-style-type: none"> <li>• Not visible from the lake</li> <li>• Low visibility from SH6</li> </ul>
<b>Existing Land Uses</b>	<ul style="list-style-type: none"> <li>• Pastoral farming</li> </ul>
<b>Potential Land Uses</b>	<ul style="list-style-type: none"> <li>• Managed open space, conservation and recreation (golf)</li> <li>• Low density residential/visitor accommodation</li> </ul>
<b>GUIDELINES</b>	
<b>Potential to Absorb Change</b>	<ul style="list-style-type: none"> <li>• Medium (3) and medium to high potential (2) to absorb development.</li> </ul>
<b>Landscape Management</b>	<ul style="list-style-type: none"> <li>• Revegetation of Grey Shrubland and wetland</li> <li>• Guidelines on preferred planting for this area to encourage skink habitat</li> <li>• Low density development with a predominance of Open Space</li> <li>• Instigate appropriate design controls on both architecture and landscape (earthworks)</li> <li>• Strict planting controls (native species) on type and species to avoid domestication of rural landscape</li> <li>• Irrigation retention ponds to be integrated into the natural landscape</li> <li>• Integration of golf course with native shrubland margin</li> </ul>
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>• All services reticulation to be located underground</li> <li>• Wastewater: Options are density dependent and range from on-site septic tanks to cluster systems with land application of treated effluent</li> <li>• Where possible, stormwater transport and retention systems should adopt natural engineering principles, using swales and wetlands</li> </ul>
<b>Public Access and Recreation</b>	<ul style="list-style-type: none"> <li>• Encourage the landowners to establish open space/public access corridors connecting through to the lake escarpment and onto a public walkway connecting to Kelvin Heights</li> </ul>

8.32 I am concerned that an extension to the Tablelands without the supporting analysis of landscape character, as provided within the Coneburn Study will undermine the landscape basis for its identification and undermining the potential for it to remain an effective planning tool in the future.

<sup>46</sup> Page 9, Coneburn Area Study, Darby Partners Ltd (October 2002)

- 8.33 On the basis of the above, it is more appropriate in my opinion to retain the current extent of the Tablelands as this is based on the landscape character presently identified. The identification of the 22 home sites within the Tablelands area, is consistent with the guidelines for this area (as set out above) in terms of the ability to absorb change and provide for low density residential / visitor accommodation activity.

## 9. ISSUE 3: CHANGES TO RESIDENTIAL DENSITY WITHIN JACK'S POINT

- 9.1 As part of the broader changes under Chapter 41 to remove the requirements for the formulation of an Outline Development Plan, it is proposed to introduce a rule relating to the density of residential units. The ODP requires that the average density of residential development to fit within a band of 10-12 dwellings per hectare. That band of density was to be achieved across all of the Jack's Point Residential Activity Area, and so enabled some variation within and between the residential activity areas. The rule required formulation of a Density Master Plan (**DMP**) to illustrate how this average density would be achieved.
- 9.2 The DMP was combined with the Outline Development Plan that was also required in respect to the Residential Activity area. Under this regime any changes to density require a variation to the ODP resource consent. Density was also treated in gross terms, being averaged across the Jack's Point Residential activity area, rather than as a net density measure. Removal of the ODP process within the PDP therefore necessitated a change to the administration of residential density.
- 9.3 While the process of design review operating under the Jack's Point Covenants and administered by the JPROA is effective in dealing with the design and external appearance of buildings, it is not equipped to address density. For these reasons, the inclusion of a conventional density rule was considered the most appropriate mechanism to manage the cumulative and external effects of residential density on amenity values.
- 9.4 The process by which the density table was included within the PDP was to adopt the more widely used net density measure used elsewhere in the operative District Plan. From that the intention was to capture the density of development that exists or could be created through the current approved DMP and then apply that to the (net) area of land available with each neighbourhood or pod to arrive at the density. The current DMP for the Jack's Point Residential areas is contained within resource consent decision RM160426. The "stamped as approved" plans attached to this decision approving changes to the DMP and Indicative subdivision plan are contained within **Appendix 8**. The table contained within the DMP indicates a possible density for each neighbourhood based on the number of 'Standard' and 'Comprehensive' lots. The approved number of dwellings units under the Density Master Plan is for 7.95 dwellings at an

average density of 11.15 dwellings per hectare. A theoretical maximum yield of up to 855 dwellings is possible within the 12 dwellings per hectare density limit. This calculation is based on an overall area of 71.28 hectares for all of the Jack's Point Residential neighbourhoods.

### Submissions

- 9.5 The submission by Jacks Point (#856) sought to make a number of corrections to the density table within Rule 41.5.8. This submission sought to correct a number of calculation errors created during the conversion of gross density figures used in the operative District Plan to the net density under the PDP, the inaccuracies created from rounding to the nearest whole number and the incorrect accounting of comprehensive development sites under the operative District Plan.
- 9.6 The submission by T & P Williams (#601) raises concerns with significant changes proposed to the existing neighbourhoods of Jack's Point, in terms of anticipated density and therefore the character and amenity of these existing neighbourhoods. The submission compares the density approved under the approved DMP with the Density proposed under the Chapter 41 Rules, as follows:

Neighbourhood	Density (as per most recent approved density master plan RM130152)	Density PDP
N1 JP-1	13.64	18
N2 JP- 2A	10.95	33
N2 JP- 2B	10.95	15
N3 JP-3	11.81	14
N4 JP-SH-1	8.98	10
N5 JP-SH-2	8.27	9
N6 JP-SH-3	11.35	5
N7 JP-SH-4	16.7	12

### Section 42A Report

- 9.7 The s.42A report considers issues relating to residential density and the overall residential and visitor accommodation yield at paras 16.33 to 16.43. The report includes a table within Appendix 6 comparing respective maximum residential unit yields between the ODP and PDP. The outcome of that analysis for the Jack's Point Residential area is that there is a minor increase in density and total maximum yield from 855 under the ODP to 905 under the PDP. While the report raises a concern with the likely increase in density enabled within R(JP-SH)-4, compared to the approved

DMP, the author is satisfied that the overall densities reflect what has been approved through the DMP.

- 9.8 Importantly, the s.42A finds that the more detailed specification of where density will be located through the density table will provide for greater certainty than the average density band of 10 – 12 dwellings per hectare applied to all of the Jack's Point Residential Activity Areas.

### Evaluation

- 9.9 The submission made by Jacks Point (#856) explains the methodology used to formulate the density figures in Rule 41.5.8, as follows:

(a) To reflect the density of development already approved within the existing Jack's Point Residential Areas through the current version of the DMP (**Appendix 8**), with the exception of the following:

- (i) Any adjustments needed to density arising from areas of land proposed for the expansion of an existing residential activity area

This includes the proposed changes to the residential pod boundaries within R(JP)-1 (+0.76ha), R(JP)-2A (+0.84ha) and R(JP-SH)-4 (+0.66ha)

- (ii) The deliberate increase in densities proposed for the current undeveloped neighbourhood of R(JP) – 2A, increasing from 12.11 lots/ha (gross) to 16.92 lots/ha (gross)

(b) Expressing density on the basis of net areas of land available for development, as opposed to the ODP's use of gross density averaged across all of the Jack's Point Residential Activity Areas (10 – 12 hectares)

- 9.10 Jack's Point has continued to examine density and yield figures to ensure that both the overall yield accurately reflects the intentions above and to realise the development potential enabled under the approved DMP. However, because the DMP created under the ODP contemplates further subdivision to achieve that density, through the approved Indicative Subdivision Plan (refer **Appendix 8**), there have been errors transferred into the calculation of density based on the proportion of road and reserves not yet created.

- 9.11 If the approach under the PDP is successful in adopting a conventional density table based on net area, the existing Outline Development Plans will fall away. That being the case, density should in my view be calculated on the basis of the current net area of land available for residential development within each residential neighbourhood. The yield table (**Appendix 6**) includes an area of reserve and roading that has been calculated from all of the roads and reserves that exist under the current/existing title structure, not that proposed under the Indicative Structure Plan.
- 9.12 Applying the same yield figures to this adjusted net area has resulted in slight changes to the net density for some neighbourhoods, as follows:

<b>Neighborhood</b>	<b>Net Density</b>
<i>R(JP) – 1</i>	<del>13–18</del> <u>13.83 – 19.74</u> per Ha
<i>R(JP) – 2A</i>	<del>13–33</del> <u>11.04 – 27.02</u> per Ha
<i>R(JP) – 2B</i>	<del>14–15</del> <u>14.25 – 15.07</u> per Ha
<i>R(JP) – 3</i>	<del>14</del> <u>14.80</u> per Ha
<i>R(JP-SH) – 1</i>	<del>10</del> <u>11.00</u> per Ha
<i>R(JP-SH) – 2</i>	<del>9</del> <u>10.20</u> per Ha
<i>R(JP-SH) – 3</i>	<del>5</del> <u>11.85</u> per Ha
<i>R(JP-SH) – 4</i>	<del>5–12</del> <u>7.24 – 18.10</u> per Ha

- 9.13 Based on the adjusted density figures above, the predicted maximum yield from the Jack's Point Residential Areas will be 882 dwellings (rather than the 905 dwellings estimated in the s.42A report).
- 9.14 For the most part, the planned density of residential development within the Jack's Point residential areas will remain consistent with that approved under the latest DMP. The addition of further density within R(JP) – 2A and 2B is appropriate given this area has not yet been fully developed and creates the opportunity to create a more diverse range of housing types.
- 9.15 Based on the evaluation above I recommend amending Amend Rule 41.5.8 Density to incorporate the changes set out above. My suggested changes to the provisions are contained within **Appendix 1**.

**10. ISSUE 4: ACCESS FROM STATE HIGHWAY 6**

- 10.1 The notified version of Chapter 41 and Structure Plan provides for the identification of a “Primary Road” through the JPZ, running roughly north/south and connecting Homestead Bay at the southern end, extending through Jack’s Point Village, the Hanley Downs residential areas and out to Woolshed Road. At its northern end, the Primary Road connects to State Highway 6 near Woolshed Road, with the existing Maori Jack Road intersection and access forming the other Primary Road connection into the JPZ.
- 10.2 The new Primary Road connection through the JPZ is a key element on the Structure plan supporting integration and the objective for the zone.
- 10.3 Establishing dual access into the JPZ is a key difference from the ODP that required that all access onto the State Highway be from the single intersection approved at Maori Jack Road.
- 10.4 Associated with the identification of the new Primary Road access through the JPZ and the Woolshed Road intersection are amendments to the ODP State Highway access rule to recognise and provide for the additional Woolshed Road intersection. The notified version of this rule is structured to establish a 500 residential unit threshold within the R(HD) Activity Areas before the Woolshed Road intersection upgrade is completed.

**Submissions**

- 10.5 The submission by Jack’s Point sought to amend this rule to alter the threshold to 300 units or equivalent number of movements and a further standard preventing the use of the Woolshed Road access until an amended design for the intersection with State Highway 6 has been authorised by the NZ Transport Agency. These amendments replicate the rule agreed between Jack’s Point, NZ Transport Agency and other parties at the hearing on PC 44.
- 10.6 Similarly, the submission from NZ Transport Agency (#719) seeks to amend the rule to reflect the threshold limits agreed at the hearing on PC44. In addition, the NZ Transport Agency also support their identification as an affected party under the non-notification Rule 41.6.2.5.
- 10.7 The submission by RCL (#855) seeks to recognise and provide for within the JPZ access rules and structure plan the establishment of a new Primary Road and intersection onto State Highway at a new location

through Lot 3 DP4756090 (a short distance to the north of Neighbourhood 7).

- 10.8 The submission by Scope Resources (#342) also seeks to amend the Access rules to remove the trigger threshold on the basis it is unclear how the 500 built houses are determined and that a better alternative would be the issue of titles, s.224(c) or code of compliance for building consent. Scope also seek to incorporate any additional road connections to the State Highway be made in combination with other consented or proposed zoning. The proposed amendments to the rule seek to ensure that a roundabout intersection is constructed to NZ Transport Agency standards and that its design enable access for the land to the east.

#### **S.42A Report**

- 10.9 The s.42A Reports outlines the more recent consents granted to RCL to establish a second state highway access into the JPZ through the approved resource consent RM160562, which will provide access to the 109 lots also consented under RM160562 and a further 160 lots proposed in a current resource consent application being processed. Based on these approvals and the relief sought in the submission by RCL, the s.42A Report recommends identifying the new RCL access as a Primary Road connection on the JPZ Structure Plan and in terms of the Access Rule 41.5.6.1, with the existing Woolshed Road intersection remaining to enable up to three access points into State Highway 6. As a consequence of the RCL consented access and related subdivisions, the report considers the threshold trigger redundant and that recommends that it be deleted from the rule.
- 10.10 The report recommends amending the State Highway access rule to require the Woolshed intersection upgrade prior to any increase in the scale of use, except as provided through an approved Traffic Management Plan. The remainder of the Advice Notes agreed to at the time of PC44 are also recommended for adoption.

#### **Evaluation**

- 10.11 The suggestions in the s.42A report go some way towards also resolving the relief sought by Scope Resources in respect of the trigger levels. However, the remaining two elements of this submission relating to enabling further access to land from the east and for the Woolshed intersection upgrade to be in the form of a roundabout are in my view

beyond the intended scope of the rule as it relates to the management of the traffic effects on the State Highway from Jack's Point and the further and separate NZ Transport Agency processes used to determine the appropriateness of the actual intersection design.

10.12 In particular, the State Highway access rule is designed to accommodate how and when development within Jack's Point can proceed with respect to this access point, and to ensure that it is created before undue development pressure is placed on the Maori Jack Road intersection. The actual standard of that State Highway intersection design is not the subject of the rules, but rather the separate consideration of NZ Transport Agency. Whether that intersection requires to be constructed to the standard of a roundabout, or in light of the creation of a third State Highway access for RCL and the likely distributional change in volumes, a lesser standard of intersection, is not within the parameters of the rule. Moreover, that separate process and evaluation of the standard and location of the final intersection by NZ Transport Agency would be the most appropriate forum to consider how and where further access onto that intersection from land to the east would be accommodated. Because that zoning of the land east of the State Highway is not the subject of this hearing and the intended scope of the JPZ Access Rule, I do not consider the changes sought through the submission of Scope Resources an appropriate or efficient outcome.

10.13 Based on the evaluation above I recommend amending the provisions of the JPZ, as follows:

- (a) The addition of a third Primary Road link over the alignment approved through RM160562 be shown on the JPZ Structure Plan;
- (b) Amending Rule 41.5.6 to recognise the third access location as approved through RM160562; and
- (c) removal of the threshold trigger.

10.14 My suggested changes to the provisions are contained within **Appendix 1** and as shown on the revised JPZ Structure Plan.

## 11. ISSUE 5: CONSOLIDATION OF THE JACK'S POINT VILLAGE AND REPLACEMENT OF THE E ACTIVITY AREA

- 11.1 The notified version of the PDP retained the area of Jack's Point Village with some adjustments to follow cadastral boundaries and a separate area of Education Activity Area located in close proximity within the current Jack's Point golf course practice range.
- 11.2 The key attributes of the Village and Education Activity Areas are summarised in the table contained within **Appendix 5**.
- 11.3 The nature of the controls within the Village are largely the same as under the ODP in terms of the nature of anticipated activities, the limitation on the scale of commercial activity (200m<sup>2</sup>) and the key bulk and location controls, except for the following changes:
- (a) Removal of the requirement to prepare an Outline Development Plan
  - (b) All buildings becoming a permitted, rather than controlled activity
  - (c) A new building coverage rule was proposed to apply on a site-by-site basis, rather than as an area wide coverage
  - (d) Building setbacks were introduced (from the Design Guidelines)
- 11.4 The E Activity Area sought to establish a new area (5.0ha) from the former Golf course, Open Space and Recreation Facilities (G/F) activity area under the ODP to enable Education and Day Care activities. Maximum building coverage was limited to 45% and height to 10m.

### **Submissions**

- 11.5 The submission by Jacks Point (#762) sought to increase the maximum building height in the Village from 10m to 12m, provide for Health Care activities within the E Activity Area, amend the earthworks threshold for the Village and to exempt restrictions in earthworks in proximity to man-made water bodies (i.e. Lake Tewa).
- 11.6 Many of the submissions from Jack's Point residents supported development of the village in a commercially viable manner through the provision of commercial services at an appropriate scale.

### **S.42A Report**

- 11.7 In response to the changes proposed through the 15 December 2015 Memorandum from Jack's Point, the s.42A does not support the expansion of the Village to incorporate the E Activity Area as it considers this to be appropriately located on the notified Structure Plan and increasing the Village area by another 5+ha only serves to exacerbate the concerns that Mr Heath has raised in his evidence in relation to retail and commercial matters<sup>47</sup>.
- 11.8 In terms of the notified Village Activity Area, the s.42A makes the following findings:
- (a) The increase in the size of the Village from 15.07ha under the ODP to 18.7 ha under the PDP as notified is appropriate<sup>48</sup>
  - (b) The increase in height from 10m to 12m is appropriate, subject to additional controls being incorporated to ensure good quality urban design outcomes<sup>49</sup>
  - (c) The limitation on building coverage imposed under the PDP as notified are inappropriate and will not result in efficient use of land or high quality development and recommends reinstating the 60% coverage calculated across the whole Village area from the ODP<sup>50</sup>
  - (d) The proposed changes to the earthworks rules excluding man-made water bodies be accepted<sup>51</sup>
  - (e) The amount of land that can provide for commercial activity within the Village be capped at 9.9ha<sup>52</sup>
  - (f) In the absence of the Outline Development Plan requirement, A Comprehensive Development Plan provision is recommended as a necessary component of any development/building within the Village Activity Areas. The report is not entirely confident that the requirements of the Stakeholders Deed (2003) to establish and uphold the Design Guidelines in perpetuity is sufficient.

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<sup>47</sup> Para 7.4, Page 20, Section 42A Hearing Report – Chapter 41 Jacks Point Zone (17 January 2016)

<sup>48</sup> Para 13.5, Page 34, Ibid

<sup>49</sup> Para 13.9, Page 35, Ibid

<sup>50</sup> Para 13.3, Page 36, Ibid

<sup>51</sup> Para 13.15, Page 36, Ibid

<sup>52</sup> Para 13.19, Page 37, Ibid

- 11.9 A range of further policy support is also proposed in relation to the Village, including the following changes to existing policies and the addition of new policies:

**41.2.1.13** Recognise the Residential (Hanley Downs) Activity Area and the Village Activity Area as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.

**41.2.1.17** Enable the Jacks Point Village Activity Area to develop as a vibrant mixed use hub for the Jacks Point Zone, comprising a range of activities including high density and medium density residential housing, a small local shopping centre that services the needs of Jacks Point residents and a small amount of destination shopping, office space, visitor accommodation, education, community activities, healthcare, commercial recreation activity, and technology and innovation-based business.

**41.2.1.28** Ensure that the visual impacts of development within the Village and Education Activity Areas are appropriately mitigated through landscaping, building design and the provision of open space, such that ones' appreciation of the broader landscape is not adversely affected.

**41.2.1.29** Encourage high quality urban design throughout the villages by:

- a. requiring the street and block layouts and the bulk, location, a. and design of buildings to minimise the shading of public spaces and to avoid the creation of wind tunnels;
- b. encouraging generous ground floor ceiling heights for commercial buildings that are relatively consistent with others in the village; and
- c. encouraging the incorporation of parapets, corner features for landmark sites, and other design elements in order to achieve a positive design outcome by providing for a generous 3 storey building height in the Jacks Point village and generous 2 storey commercial development in the Homestead Bay village.

## Evaluation

- 11.10 I agree with the findings made by the s.42A report in respect of the proposed changes to boundaries of the Village Activity Area, as sought in the submission by Jack's Point, reinstating the 60% building coverage rule

as being calculated across the Activity Area rather than across each site and the exemption to earthworks within proximity to man-made water bodies. I also agree with and support aspects of the proposed new policies that provide additional support for the role of the Village as a vibrant mixed use hub for Jack's Point and encouraging high quality urban design within the Village. The remaining issues of significance include the consolidation of the Village, including the relationship with the commercial activity cap, the need for a further tool to control the quality of built form and the workability of a 3 storey limitation on building height (under a 12m limit).

#### Village consolidation

- 11.11 The s.42A Report supports the addition of the E Activity Area to the PDP Structure Plan on the basis that it will complement the Village and achieving the objectives and policies of the Zone by providing an area for education facilities for the projected population, thereby minimising vehicle movements beyond the zone and the co-location of other education activities<sup>53</sup>. The concern expressed by the s.42A report about expansion of the Village to include the former E Activity Area is that it will exacerbate concerns that Mr Heath has raised in relation to retail and commercial matters.
- 11.12 As I understand the evidence of Mr Heath and the position he has taken in the caucusing with Mr Copeland, is that given the overall size of the Village (26ha) and uncertainty over the extent of non-retail activity, it is appropriate to cap the aggregate amount of retail and commercial services GFA to a level that satisfies the "at capacity" retail requirements of the localised catchment and visitors. Mr Heath does not comment or reconcile how the proposed 9.9ha cap, derived from two thirds of the ODP Village Area (s.42A Report), equates to the at capacity demand for Jack's Point. I assume Mr Heath is satisfied this represents something close to what is required for the retail and commercial requirements at Jack's Point.
- 11.13 Rule 41.5.9 (as notified) limits the scale of any single commercial activity to 200m<sup>2</sup> of maximum net floor area. So regardless of the overall cap, the nature of any commercial activity anywhere in the zone will be limited to a small format offer. By excluding large format commercial activities, the notified provisions discourage the use of land within the Village for large

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<sup>53</sup> Para 13.62, Page 46, Ibid

format destination based retail activities, which could diminish the opportunity for that land to service the retail needs of the Jack's Point Community. In the context of the existing constraints on commercial activities, I agree with the findings of Mr Copeland that the small population, relative separation and nature of the established commercial centres in Queenstown there is no need to place a limit on the total area of retail and commercial development within the Village. I also acknowledge the counter argument that given these existing constraints on the scale of commercial activity at Jack's Point, the overall cap is unlikely to impose any real problem.

- 11.14 It is notable that in terms of the overall extent of commercial land proposed within the JPZ under the notified proposal, there have been no concerns raised through the submission process by either Jack's Point residents or other landowners or business owners within any of the other commercial centres within Queenstown. I mention this because of the potentially large area of commercial land made available under the provisions of the EIC (as notified). Under these provisions, Commercial, Community and Visitor Accommodation Activities were provided for as a controlled activity. Where commercial activity was consented, the standards on building development enabled a maximum building height of 15m and up to 70% site coverage. Under this regime the maximum possible yield amounted to appropriately 370,400 m<sup>2</sup> of GFA of land available for a similar range of commercial, community and visitor purposes.
- 11.15 By comparison, the overall Village (existing and proposed), has a predicted capacity for commercial, community and visitor accommodation of approximately 268,000m<sup>2</sup> GFA. By consolidating the areas of commercial, community and visitor activity into the area of the Village (including E), there are the benefits of enhancing this area as a vibrant mixed use hub for the community, and in doing so, it will diminish the extent of overall land available for this purpose from the notified provisions, which are not opposed by landowners in other commercial centres.
- 11.16 In terms of consolidation, the JPROA on behalf of Jacks Points residents, are also concerned with the potential impact of both the provision of visitor accommodation and very high densities of residential accommodation proposed within the Residential Hanley Downs Activity Areas. In particular, the impact of both of these matters on the capacity of

infrastructure and the negative consequences for cementing the Village as a vibrant and mixed use node for the JPZ community. I address this issued further below.

- 11.17 I consider that consolidation of the Village to include Activity Area E will continue to provide the opportunity for development of education activities and all of the benefits acknowledged by the s.42A report. With the existing constraints on the scale of commercial activity, I do not consider consolidation of the Village will diminish the ability of that land to provide for other community and education activities for this community. If the Commissioners find that a further cap is necessary to either maintain the function of other commercial centres within the District or to the maintain ability of the village to sustain other mixed uses, then a cap would eliminate the concern raised in the s.42A report.
- 11.18 In summary, I consider it appropriate and efficient to amend the provisions of the JPZ, as follows:
- (a) To provide for the consolidation of the Village Activity Area, to incorporate Activity Area E;
  - (b) For the expanded Village to provide a consolidated area for commercial activity and the removal of the former EIC Activity Area;
  - (c) To introduce an overall cap on commercial activity, if the Commissioners are satisfied this is necessary, having regard to limitation on the scale of commercial activity and also being satisfied on the basis upon which the proposed 9.9ha limit equates to the at capacity demand for commercial services; and
  - (d) To introduce the new Policy 41.2.1.17, as recommended within the s.42A report, to recognise the Jack's Point Village as a vibrant mixed use hub for the JPZ.
- 11.19 My suggested changes to the provisions are contained within **Appendix 1**, and as shown on the revised JPZ Structure Plan.

#### Quality of Built Form

- 11.20 The suggestion from the s.42A report is to implement a Comprehensive Development Plan (CDP) mechanism for the Village to ensure that the quality of buildings is sufficiently important to the commercial viability and amenity of the village. This seems to be as an alternative to the

development of an Outline Development Plan and would be triggered through building, rather than any particular land use activities. The content of the CDP rule does however appear to have a broader focus, to include:

- (a) The bulk, location and external appearance of buildings
- (b) Associated car parks
- (c) The creation of active frontages adjacent to roads and open spaces
- (d) The layout and orientation of streets, lands and open spaces, car parking and the provision of cycle and pedestrian links
- (e) Infrastructure and servicing, including traffic generation and the effects on the state highway
- (f) Provision of storage and servicing areas
- (g) Density and location of residential activity
- (h) Landscaping

11.21 Jack's Point supports the establishment of a spatial planning tool, such as a CDP for the Village, which incorporates measures to ensure a high quality of urban design and can be used to manage the effects of activities within a mixed use area such as the Village. By way of background, there is a consented Outline Development Plan for the Jack's Point Village, consented under the ODP in 2008 and then updated by a variation in 2009<sup>54</sup>. That consent approves the creation of the overall urban design framework for the current Village areas, comprising:

- (a) Building footprint and Roading patterns
- (b) Road hierarchy
- (c) Public space and amenity
- (d) Parking strategy
- (e) Public Transport Network
- (f) Streetscape, private/public realm elevations
- (g) Design Guidelines

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<sup>54</sup> RM090127

- 11.22 The Environment Court has provided relevant guidance on the rules relating to ODPs, or similar such mechanisms, which I understand determines that the ODP itself cannot be used to determine the status of consent and that the trigger for consent needs to be an “activity”. The drafting of the CDP rule in the s.42A report avoids the first problem, in that the status of the activity is not determined by the CDP itself, but I am unclear of the legal position on the use of “buildings” as the trigger for consent. I note that the content of the proposed CDP proposes to examine matters such as traffic generation, infrastructure and the density of residential activity. Regardless of the legal position it appears that the scope of the provision includes elements that are fundamental to the nature of the activity and are much broader than the effects of “buildings”.
- 11.23 That being the case, it is my view that the rule should relate to the activities anticipated by the zone, of which buildings form a component. The Environment Court’s final decision on Northlake plan change<sup>55</sup> sets out a suitable framework for the construction of an ODP rule. Based on this, I recommend amending the PDP, as follows:
- (a) Add a new rule requiring any Any Commercial, Community, Residential or Visitor Accommodation Activity within the JP(V) Activity Area, including the addition, alteration or construction of associated buildings, to obtain consent as a controlled activity. A part of this application, the new rule list as information required on any resource consent application the inclusion of a Comprehensive Development Plan in respect of the whole of the JP(V) Activity Area
  - (b) A new rule (above) list the use or development of land within the JP(V) Activity Area in the absence of a resource consent granted under the CDP rule as a discretionary activity
- 11.24 The revised provisions contained within **Appendix 1** incorporate my suggested amendments to the rules to provide for this CDP process.
- 11.25 The introduction of this rule would benefit from further policy support of the type suggested within the s.42A Report and suggested new Policy 41.2.1.29. While I generally support the thrust of that policy to encourage high quality urban design throughout the village, I consider that should

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<sup>55</sup> Decision No. [2015] NZEnvC 196, Appendix A Amended Northlake Special Zone Plan Provisions

form a part of a broader policy recognising the CDP mechanism itself as having the purposes of:

- (a) Integration of building with surrounding neighbourhoods and open space areas
- (b) Establishing the layout of open space, roading patterns, pedestrian and cycle access
- (c) Streetscape design
- (d) Establishing the general layout of built form
- (e) Formulation of building design controls and an appropriate legal mechanism to ensure their implementation

11.26 My suggested new Policy 41.2.1.17 (**Appendix 1**) incorporates the above.

#### Building Height

11.27 While the s.42A report accepts the 12m height limit within the Village, it also suggests that buildings comprise no more than 3 storeys where the ground floor is proposed for commercial activity. This amendment would effectively establish a minimum floor to floor height for any building with any commercial activity on the ground floor. The rationale for this additional restriction is stated as being to ensure that the additional height does not result in adverse design outcomes and is based on an approach proposed for Height Precinct 1 in the Queenstown Town Centre Zone. Further policy support is proposed to encourage buildings to utilise the generous height to incorporate parapets, corner features for landmark sites and other design elements to achieve positive design outcomes.

11.28 I also support the addition of height for the purposes of achieving positive urban design outcomes and agree that the suggested new Policy 41.2.1.29 would help to reinforce that. Based on the suggested changes to this policy (above), I consider those parts of the suggested Policy 41.2.1.29 be separated into a new policy, distinct from the general support for the SLP and designed to instead provide specific support for building height.

11.29 In terms of the proposed 3 storey restriction on height for buildings with commercial activity at ground floor, I do not consider this a necessary amendment to the rule. The Jack's Point Village is designed to be a mixed

use environment, within which commercial activity forms a part. I do not understand what urban design benefits (or costs) could result from imposing this restriction, when the same restriction does not apply to other activities. In addition, I note that the s.42A report accepts 12m as an appropriate building height and I do not consider that there is any substantial difference in outcome if such height is utilised internally for 3 storeys or 4 storeys of development. A reduction in the use of this building height would be an inefficient use of resources

## **12. ISSUE 6: REPLACEMENT OF THE EIC WITH R(HD-SH)-3 ACTIVITY AREA**

- 12.1 The notified JPZ included the EIC Activity towards the northern part of Hanley Downs, west of Woolshed Road. The EIC was designed to accommodate education, business innovation and associated activities. Through the 15 December 2016 Memorandum, Jack's Point proposed to consolidate business and commercial activity from the EIC into the expanded area of the Village and to retain the area for Residential and Education Activities.
- 12.2 The key development controls and nature of the anticipated uses are explained in further detail within the Activity Table contained within **Appendix 5**. In summary, development within the area would be the subject of a Spatial Layout Plan to manage the layout of the proposed land use activities and to enable integration with the surrounding residential areas, the design of the landscape mitigation along the northern frontage and the gateway function of Woolshed Road. Overall building coverage would be limited to 30% of the activity area.
- 12.3 In light of the recommendations from the s.42A Report, this approach has subsequently been reconsidered, see below.

### **Submissions**

- 12.4 A range of submissions from Jack's Point residents seek to retain the ODP structure Plan boundaries, although that focus appears to be restricted to the area of Figure 1 Jack's Point of the ODP. The relief sought in the submission by Scope Resource (#342) adopts a similar focus. The submission by Margaret Williams (#605) identifies the new opportunities for education and business innovation in the structure plan in respect of the Hanley Downs land and seeks that if these development opportunities

are enabled, they should only apply to the Hanley Downs neighbourhoods and locations.

- 12.5 There are no submissions specifically opposing the creation of the EIC or seeking to prevent the establishment of further opportunities for residential or education activities in this location.

#### **Section 42A Report**

- 12.6 The Council s.42A report does not support specific provision for education in this area, encouraging this to be located adjacent to the Jack's Point Village, but that residential use of the area an appropriate way of achieving the objectives and policies of the JPZ<sup>56</sup>. Under a discussion of the former EIC, the s.42A report states that if the Panel was of a mind to approve something else and acknowledging a preference for education to be located adjacent to or within the Village, uses should be limited to education, the area be reduced in size as 13 ha is significantly greater than would be required for a school and that no more than 50m<sup>2</sup> of commercial be enabled<sup>57</sup>.
- 12.7 Dr Read considers that development within the EIC in accordance with the rule framework of the PDP would have a moderately insignificant adverse effects on the character of the landscape and would not detract significantly from important views across the valley floor to Bayonet Peaks. The evidence of Mr Compton-Moen simply states that the inclusion of the education, innovation and health care activities should be made in the Village and the Education Activity Area as opposed to the EIC<sup>58</sup>.

#### **Evaluation**

- 12.8 The focus of the Council's evidence and s.42A recommendations are on supporting the vibrancy of the Village and to avoid the oversupply of commercial activity for the JPZ. In considering this commentary and the desired outcomes for the area, it is now sought that this activity area proceed only as a residential area. It would become R(HD-SH)-3 and would be developed in the same way as the R(HD-SH)-1 activity area.

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<sup>56</sup> Para 7.3, Page 20, Ibid

<sup>57</sup> Para 13.57

<sup>58</sup> Para 4.10, Page 8, Evidence of Mr David Compton-Moen, 17 January 2017

12.9 The provision of more land within the JPZ for residential activity positively implements a range of the key higher order objectives and policies from the Strategic Directions and Urban Development chapters of the PDP, including:

- (a) To encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in proximity to community and education facilities<sup>59</sup>
- (b) Within urban growth boundaries, provide for compact and integrated urban form that limits the lateral spread of urban areas and maximises the efficiency of infrastructure operation and provisions<sup>60</sup>
- (c) Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable matter, ensuring connectivity and integration<sup>61</sup>
- (d) Ensuring that development within the Queenstown UGB provides for a diversity of residential development; provides infill development as a means to address future housing demand; and provides a range of urban land uses that cater for the foreseeable needs of the community<sup>62</sup>

12.10 There is a focus within these provisions on how urban development connects with and integrates with the surrounding urban form. These are central themes echoed within the objective and policies for the JPZ and implemented in part through the Structure Plan. I consider that the R(HD-SH)-3 Activity Area is well integrated with transport and open space infrastructure proposed at Jack's Point, including proximity to the Primary Road connection at Woolshed Road.

12.11 In summary, I consider it appropriate and efficient to amend the provisions of the JPZ, as follows:

- (a) To replace the EIC Activity Area within the R(HD-SH)-3 Activity Area;

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<sup>59</sup> Policy 4.2.1.3, Chapter 4, PDP

<sup>60</sup> Objective 4.2.3, Chapter 4, PDP

<sup>61</sup> Policy 4.2.3.1, Chapter 4, PDP

<sup>62</sup> Policy 4.2.4.2, Chapter 4, PDP

- (b) To restrict the range of anticipated land use activities within the R(HD-SH)-3 Activity Area to Residential Activities
  - (c) Enabling residential density between 12 – 22 units per hectare
  - (d) Restricting the maximum height of residential buildings to 8m
- 12.12 My suggested changes to the provisions of the JPZ to implement the above are contained within **Appendix 1**.

### 13. ISSUE 7: OTHER STRUCTURE PLAN CHANGES

#### R(JP) Activity Areas (Jacks Point #762)

- 13.1 As part of the notified Structure Plan, small adjustments were included to the boundaries of the R(JP) Activity Area, including:
- (a) On the eastern side of R(JP) – 1 to increase its size by 0.76 ha to include the land subject to the environment court decision on the application for subdivision consent by Coneburn Planning Ltd (formerly Zante Holdings Ltd)
  - (b) The western side of R(JP) – 2A, increasing its size by 0.84 ha;
  - (c) The eastern side of a part of R(JP-SH) 4, increasing its size by 0.66 ha
- 13.2 Darby Partners have prepared an overall Plan comparing the layout of the notified version of the Structure Plan with that contained within the ODP (**Appendix 9**) to showing these changes.
- 13.3 The s.42A report and evidence of Dr Read support these changes, with the exception of the westerly extension to R(JP) – 2A, for which Council prefers the ODP boundary. Jacks Point accepts this evidence and the revised Structure Plan amends the boundaries of this pod back to the operative District Plan layout.

#### R(HD) - F

- 13.4 The s.42A report recommends reducing the area of Activity Area R(HD) – F to the area outside of the ONL(WB). This is based on the evidence of Dr Read, which also raises concerns with the proposed density.
- 13.5 The evidence of Ms Pfluger provides a detailed assessment of the landscape values within this area and outlines a proposed response to

split R(HD) – F into two sub-areas to reflect discussions with Dr Read. It is proposed to provide for higher density living within Activity Area R(HD) – Fa at a density of 17 – 26 dwellings per ha, and a lower density of development within Activity Area R(HD) – Fb of around 20 sites around 4,000 – 5,000 m<sup>2</sup> in area. In addition, a further mechanism is considered necessary at the time of subdivision to enable the placement of building platforms at the time of subdivision, taking into account landscape values and minimising vegetation disturbance.

- 13.6 Ms Pfluger considers this approach will take into account that the lower flat slopes being perceived as part of the adjacent residential area within Hanley Downs with a more considered approach on the higher areas having more complex topography and areas of native vegetation.
- 13.7 I accept and adopt of the evidence of Ms Pfluger in her consideration of landscape values, which I agree are appropriate having regard to the higher order policies relating to the protection, maintenance or enhancement of the District's ONLs. To realise the suggestions by Ms Pfluger, I recommending making the following changes to Chapter 41 and Chapter 27:

#### Chapter 27 Subdivision

- (a) Amend the Structure Plan to identify two sub areas for of Activity Areas R(HD) – Fa and R(HD) – Fa
- (b) Replace Rule 27.7.11.2 (standards for conservation lot subdivision within the former FP-1 Activity Area), with a new standard requiring the identification of a single residential building platform per lot within Activity Area R(HD) - Fb; and
- (c) Add a new Rule 27.7.11.3 setting out additional matters of control for subdivision within Activity Area R(HD) – Fb to provide for the identification of residential building platforms based on a consideration of landscape values, landform and minimising the disturbance to native vegetation.

#### Chapter 41 Jack's Point Zone

- (d) Add a new Rule 41.5.1.4, requiring that building within any site in Activity Area R(HD) – Fb which has not had a residential building platform created through the above subdivision rule 27.7.11.2 becomes restricted discretionary activity; and

- 13.8 My suggested changes to the subdivision rules and JPZ rules are contained within **Appendix 1**.

#### **R(HD) - G**

- 13.9 The s.42A Report recommends deleting Activity Area R(HD) – G and replacing with eight Homesites, although the location of the proposed Homesites are not identified. The issue with Activity Area R(HD) – G relates to the impact of the proposed density on the amenity values of existing residents of Jack’s Point<sup>63</sup>.
- 13.10 The evidence of Ms Pfluger is also concerned with the proposed density and over the ability of the landscape to absorb up to a maximum of 32 dwellings. Ms Pfluger considers a lower density of approximately 20 sites (average density of 0.23 dwellings/ha) would be more appropriate. In addition, Ms Pfluger would also prefer to see building platforms identified at the time of subdivision, using the same mechanism suggested above within Activity Area R(HD) – Fb. I accept the evidence of Ms Pfluger and have revised the Density Rule 41 and subdivision rules (**Appendix 1**) to provide for these changes.

#### **Open Space and Community Recreation Activity Area (RCL #632)**

- 13.11 The submission by RCL (#632) seeks to rezone an area of OSA located at the southern end of Jack’s Point to create a new Open Space Community Recreation Activity Area (OSCR). The area identified on the RCL submission is shown in the figure below.

**Figure attached to the submission by RCL (#632)**

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<sup>63</sup> Para 7.6, Page 18, Evidence of Dr Marion Read (17 January 2017)



- 13.12 The reasons states in support of the submission state that RCL owns the bulk of this land, which it considers to have the potential to absorb some future development. The submission seeks to recognise within the structure plan rule this area as being able to accommodate recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting community activities, farming, stormwater retention and underground services. Buildings are proposed to be subject to a restricted discretionary activity rule, maximum building height of 10m and site coverage of 10%.
- 13.13 This submission was opposed in the further submission by Jack's Point and the JPROA.
- 13.14 The s.42A report expands on the definition of Community Activity so expands on the nature of activities which could be anticipated through the RCL submission. Based on concerns with consolidation of the Village and effects on landscape values, the s.42A report recommends the submission be rejected.
- 13.15 The evidence of Mr Gousmett and Mr Coburn explain the relationship of the interest JPROA hold in this land through an easement in gross for the treatment and disposal of wastewater. His evidence attaches a plan showing a considerable area of land dedicated for this purpose. JPROA also hold a discharge consent from the Otago Regional Council<sup>64</sup> relating to the wastewater treatment plant for Jack's Point which has conditions restricting the use of this area for hardstand or building, not associated with the disposal of wastewater.

<sup>64</sup> Resource Consent 2009.312

13.16 Given the potential increase in demand for wastewater treatment through the expansion to the Village, the use of this area is of some significance to Jack's Point. In addition to the concerns expressed in the s.42A report, I cannot see how the purposes of the OSCR Activity Area can be realised without compromising the JPROA wastewater treatment and disposal area. Given the value of this resource for the Jack's Point Community and the availability of land and the provision of rules expressly enabling Community activities on other RCL land, I consider the relief sought in this submission inappropriate and failing to promote sustainable management.

**Village - Woolshed Road (Vivo Capital #789)**

13.17 The submission by Vivo Capital Ltd (#789) seeks to rezone a parcel of OSL land, located within the Highway Landscape Protection Area, and on the western side of Woolshed as Village Woolshed Road and Residential Woolshed Road. The submission proposed that an appropriate Outline Development Plan be applied to the site with no other specific changes to the JPZ Structure Plan or provisions set out in the submission.

13.18 This submission was opposed in the further submission of Jack's Point and others.

13.19 I have a number of concerns with the Vivo submission, including:

- (a) That it seeks to "reclassify" an area of the JPZ Structure Plan as Village and Residential. The effect of this relief is to create new Activity Areas, but does not identify the location or scale of either of those areas. It is impossible to tell from the submission how big each activity area will be, including how it will integrate with other elements of the Structure Plan, including state highway mitigation, open space and road access.
- (b) It is unclear from the submission whether the proposed ODP mechanism would seek to define the extent of the activity areas, or to apply a regime for the spatial layout of building development within the new areas of Village and Residential

13.20 Without being able to understand the scale and extent of either the new Village or Residential areas, it is impossible to gauge its effect on the resources within Jack's Point, the rural interface, landscape or amenity

values. Given this, I consider the relief as it has been sought, inappropriate and unsustainable.

#### 14. ISSUE 8: MISCELLANEOUS

##### Acoustic Insulation

14.1 As part of the hearing on Chapter 36 Noise, the Council s.42A Report recommended that Rule 36.5.17 that aims to manage the noise effects associated with State Highway 6 at Jack's Point be deleted from Chapter 36 and transferred into the JPZ. At the hearing on Stream 5, I agreed with this suggestion and note that this will need to be incorporated into the revised provisions for Chapter 41. I have incorporated this as Rule 41.5.20 into the revised provisions contained within **Appendix 1**.

##### Objective

14.2 The s.42A Report raises concerns with the changes to the solitary objective for the JPZ from the ODP. Notably, the exclusion of the wording "... with appropriate regard for landscape and visual amenity values, servicing and public access". The report considers that the notified objective is not the most appropriate way of achieving district-wide Objectives 3.2.5.1, 6.3.1, 6.3.2, or 6.3.3 regarding the management and protection of landscapes and Outstanding Natural Landscapes or the purpose of the RMA. The report points out that much of the zone is contained within a part of the ONL(WB) identified on the planning maps and that many of the amended rules relating to the Structure Plan are aimed toward ensuring the zone contributes to the district wide objectives relating to enabling urban development while protecting landscape values.

14.3 Given the identification of the ONL(WB) on Planning Map 13 and the specific direction provided within the higher order objectives and policies within Chapter 6 – Landscapes, the issue is not about the existence of landscape values, but whether the Jack's Point Zone needs to provide further direction on top of these existing provisions. My concern with the proposed changes are follows:

- (a) I do not agree with the s,42A Report that the JPZ objective needs to reference this specifically because of the higher order objectives, as the objective is required to be evaluated against the purpose of the

Act<sup>65</sup> and not give effect to the other objectives of the plan. The PDP has a number of specific higher order objectives that set out the goals to be achieved in respect to the management of landscapes<sup>66</sup>.

(b) The addition of the words “having regard to landscape values”, implies an action to be undertaken, which is not the purpose of an objective to establish a goal to be achieved. The policies that are formulated to implement the goals relating to landscape values are detailed within the JPZ, including the structure plan Policy 41.2.1.1, Policy 41.2.1.3 relating to the protection of views into the site and Policy 41.2.1.4 relating to the visibility of residential development from State Highway 6.

(c) Having regard to land values offers no specific or further direction

14.4 Having regard to the framework of higher order objectives and the purpose of an objective to establish a goal I prefer the wording of the notified JPZ objective to the alternative wording proposed in the s.42A report.

#### **Flood Mound / State Highway Mitigation**

14.5 The notified Structure Plan for the JPZ identified areas of State Highway Mitigation and a dual State Highway Mitigation / flood bank. The flood bank was located alongside State Highway 6 extending from the northern part of R(JP-SH) – 4 northwards towards Woolshed Road. Its purpose was to mitigate the potential impact of flood hazard from the land upstream and potential avulsion. Within this area the flood bank also served a landscape function to screen the visual impacts of development located within Activity Area R(SH-HD) – 1 and 2. Further to the north the State Highway Mitigation identified on the Structure Plan was designed to work in conjunction with the provisions to also mitigate visual impacts of future development through appropriate landscape screening, but did not serve any flood mitigation purpose.

14.6 Since these provisions were conceived, I understand RCL has undertaken a more detailed examination of stormwater and related channel work proposed for Woolshed Creek associated with the first stage of their subdivision (RM160562). The evidence of Mr Rider refers to this earlier

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<sup>65</sup> S.32(1)(a), RMA

<sup>66</sup> Including Objectives 3.2.5.1, 6.3.1, 6.3.2, 6.3.4 and 6.3.5

work of RCL and concludes that the flood mound is now no longer needed. Further, I note that natural hazards are required to be assessed at the time of subdivision.

- 14.7 On that basis the Structure Plan needs to be amended so that what was the sharp edged zig zag line called "Flood Bank/State Highway Mitigation" in the notified Structure Plan, gets changed smooth edged wavy line "State Highway Mitigation".
- 14.8 In the notified provision the requirements for State Highway Mitigation were incorporated into activity based rules, including relating to the former EIC Activity Area. In reflecting on this approach and in discussion with Ms Pfluger I consider that a standalone rule relating to the design of the State Highway mitigation would be more appropriate, having regard to the nature of the approximately 3 different Activity Areas with frontage to this overlay. I proposed to insert a new Rules 41.4.4 and 41.4.10 to achieve this (**Appendix 1**).

#### **Intensity of Activity within Hanley Downs Residential Areas**

- 14.9 The JPROA are concerned with the impact of visitor accommodation and community activities and of the very high levels of residential density proposed within the Hanley Downs residential activity areas.
- 14.10 As detailed above, I support the addition of a new policy seeking to reinforce the role of the Jack's Point Village as a vibrant and mixed use hub for the Jack's Point community. The effect of Rule 41.4.7.1 is to enable through a restricted discretionary activity rule commercial, community and visitor accommodation activities. While these matters of discretion are robust, the JPROA are concerned within the cumulative impact of these activities undermining the policy for the Village.
- 14.11 The quantum of commercial activity is constrained through the Scale of Commercial Activity Rule 41.5.9.2 to 550m<sup>2</sup> within Activity Areas R(HD) A – E. Visitor accommodation and community activities are not limited in the same way. When coupled with the maximum density 45 dwellings/ha for residential development with R(HD) – E, there is the potential for extremely high densities of housing and visitor activity in particular to establish within an area designed to primarily accommodate housing. I understand from the analysis of the RCL masterplan by Mr Darby that the ultimate yield for the R(HD) areas is more likely to result in an upper limit to density of 24 dwellings/ha.

- 14.12 The disconnect between this realistic and master planned outcome and the potential maximum yield available under the notified density rules will impact on the capacity of infrastructure, standards of access, residential amenity values and role of the Village as a vibrant a mixed use core for the community.
- 14.13 To address these concerns, I proposed to amend Rule 41.4.7 to exclude Visitor Accommodation, to supplement the matters of discretion to include the vibrancy of the village and the capacity of infrastructure; and to amend the density Rule 41.5.8.1 to limit the upper range of density to 24 dwellings per ha. My suggested amendments to these rules are contained within **Appendix 1**.

## 15. SECTION 32AA EVALUATION

- 15.1 I have prepared a summary evaluation under section 32AA of the Act to supplement the proposed amendments to the provision of the JPZ discussed above, within **Appendix 7**. This assessment has been structured to follow the issues discussed within this evidence and where further changes are proposed.
- 15.2 S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.
- 15.3 In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.
- 15.4 Having regard to this assessment and the evaluation above, I consider that the following changes to the JPZ are the most appropriate, having regard to alternatives and the relative effectiveness and efficiency of those provisions:
- (a) Integration of the Jack's Point, Hanley Downs and Homestead Bay areas into one standalone zone with all appropriate provisions consolidated and supported by additional policies.
  - (b) The removal of the FP-1 and FP-2 areas and the identification of 22 Homesites, together with the remainder of this area reverting to OSG or OSL, and associated provisions to protect the landscape.

- (c) Alterations to the density rule applying to a number of the residential activity areas, to correct inaccuracies and recognise approved development densities.
- (d) Provision for a third, approved, access to State Highway 6 and removal of the threshold rule.
- (e) Consolidation of the Jack's Point Village area across the land identified for Education Activities, together with a new Comprehensive Development Layout Plan requirement and associated policies to ensure good design outcomes.
- (f) Replacement of the EIC area with a residential Activity Area to be developed in the same way as the R(HD-SH)-1 Activity Area, with a focus on residential development.
- (g) Adjustments to the boundaries of some residential Activity Areas to recognise approved development, and additional rules to link subdivision to residential building platforms.
- (h) Relocation of the acoustic insulation rule into the Jack's Point zone chapter as anticipated in the hearing on Chapter 36.



**Chris Ferguson**

3 February 2017

**APPENDIX 1**

Recommended Changes to Chapter 27 Subdivision and Chapter 41 Jack's Point Zone

# SUBDIVISION and DEVELOPMENT 27

## 27 Subdivision and Development

### 27.1 Purpose

Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District's economy. The council will support subdivision that is well designed, is located in the appropriate locations anticipated by the District Plan with the appropriate capacity for servicing and integrated transportation.

All subdivision requires resource consent unless specified as a permitted activity. It is recognised that subdivisions will have a variable nature and scale with different issues to address. Good subdivision design, servicing and the management of natural hazards are underpinned by a shared objective to create healthy, attractive and safe places.

Good subdivision creates neighbourhoods and places that people want to live or work within, and should also result in more environmentally responsive development that reduces car use, encourages walking and cycling, and maximises access to sunlight.

Good subdivision design will be encouraged by the use of the QLDC Subdivision Design Guidelines 2015. The Subdivision Design Guidelines 2015 includes subdivision and urban design principles and outcomes that give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals. Proposals at odds with these documents are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the purpose of the RMA. The purpose of the QLDC Land Development and Subdivision Code of Practice is to provide a best practice guideline for subdivision and development infrastructure in the District.

The subdivision chapter is the primary method to ensure that the District's neighbourhoods are quality environments that take into account the character of local places and communities.

Infrastructure upgrades necessary to support subdivision and future development are to be undertaken and paid for by subdividers and developers in accordance with the Council's 10 Year Plan Development Contributions Policy.

### 27.2 Objectives and Policies – district wide

#### 27.2.1 Objective - Subdivision will enable quality environments that ensure the District is a desirable place to live, visit, work and play.

#### Policies

27.2.1.1 Require subdivision infrastructure to be constructed, designed and is fit for purpose, while recognising opportunities for innovative design.

27.2.1.2 To enable subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.

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- 27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed to the anticipated land use of the applicable zone.
- 27.2.1.4 Discourage non-compliance with minimum allotment sizes, however where minimum allotment sizes are not achieved consideration will be given to whether any adverse effects are mitigated or compensated by providing:
- i. desirable urban design outcomes.
  - ii. greater efficiency in the development and use of the land resource.
  - iii. affordable or community housing.
- 27.2.1.5 The Council recognises that there is an expectation by future landowners that the effects and resources required by anticipated land uses will have been resolved through the subdivision approval process.
- 27.2.1.6 Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.
- 27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.
- 27.2.1.8 Avoid subdivision of a residential flat from a residential unit, except where it can be demonstrated that the subdivision will not result in an increase in the level of non-compliance with the standards of the underlying zone.
- 27.2.1.9 Avoid the subdivision of land resulting in the division of a residential building platform.

### **27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.**

#### **Policies**

- 27.2.2.1 Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.
- 27.2.2.2 Ensure subdivision design maximises the opportunity for buildings to front the road.
- 27.2.2.3 Locate open spaces and reserves having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.
- 27.2.2.4 Subdivision shall seek to provide for good and integrated connections and accessibility to:
- i. existing and planned areas of employment;
  - ii. community activities and facilities;
  - iii. services;

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- iv. trails;
- v. public transport; and
- vi. existing and planned neighbourhoods, both within and adjoining the subdivision area.

- 27.2.2.5 Subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists and that reduce vehicle dependence within the subdivision.
- 27.2.2.6 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.
- 27.2.2.7 Encourage informal surveillance of streets and the public realm for safety by requiring that the minority of allotments within a subdivision are fronting, or have primary access to, cul-de-sacs and private lanes.
- 27.2.2.8 Promote informal surveillance for safety through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.
- 27.2.2.9 Manage subdivision within or near to electricity transmission corridors and electricity sub-transmission lines to facilitate good amenity and urban design outcomes, while avoiding potential adverse effects (including reverse sensitivity effects) on the National Grid and electricity sub-transmission lines.

**27.2.3 Objective - The potential of small scale and infill subdivision be recognised and provided for while acknowledging their design limitations.**

### **Policies**

- 27.2.3.1 Acknowledge that small scale subdivision, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2. 7.
- 27.2.3.2 While acknowledging potential limitations, encourage small scale and infill subdivision to:
- i. Ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;
  - ii. Where possible, locate lots so that they over-look and front road and open spaces;
  - iii. Avoid the creation of multiple rear sites, except where this is not practicable;
  - iv. Where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and

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enhance positive visual coherence of the development with the surrounding neighbourhood;

- v. Identify and create opportunities for connections to services and facilities in the neighbourhood.

### 27.2.4 Objective - Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.

#### Policies

- 27.2.4.1 Enhance biodiversity, riparian and amenity values by incorporating existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces.
- 27.2.4.2 Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage items and protected features scheduled or identified in the District Plan.
- 27.2.4.3 Provide for the protection of heritage and archaeological sites, and avoid the loss of archaeological sites and heritage items in the first instance, and where effects on these features cannot be reasonably avoided, effects shall be mitigated to an extent that is proportionate to the level of significance of the feature.
- 27.2.4.4 Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wahi tapu and other taonga.
- 27.2.4.5 Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to:
  - i. Whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection;
  - ii. Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes.
- 27.2.4.6 Ensure that new subdivisions and developments recognise, incorporate and adopt suitable measures to enhance existing established protected indigenous vegetation.

For the purposes of this policy, the adoption of suitable measures to enhance existing established protected indigenous vegetation may include, but not be limited to protective fencing, destocking, removal of existing wilding species and invasive weeds or active ecological restoration with indigenous tree and shrub species common to the area.

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**27.2.5 Objective - Infrastructure and services are provided to new subdivisions and developments.**

### **Policies**

#### ***Transport, Access and Roads***

27.2.5.1 Integrate subdivision roading with the existing road networks in a safe and efficient manner that reflects potential traffic levels and the provision for safe and convenient walking and cycling.

For the purposes of this policy, reference to 'potential traffic levels' refers to those traffic levels anticipated by the zoning of the District Plan.

27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.

27.2.5.3 Provide linkages to public transport networks, trail, walking, and cycling networks, where useful linkages can be developed.

27.2.5.4 To ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.

27.2.5.5 Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways within subdivisions are provided for by having regard to:

- i. The location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency.
- ii. The number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency.
- iii. The standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails.
- iv. The provision and vesting of corner splays or rounding at road intersections.
- v. The provision for and standard of street lighting, having particular regard to the siting and location, the provision for public safety and to the avoidance of upward light spill on the night sky.
- vi. The provision of appropriate tree planting within roads.
- vii. Any requirements for widening, formation or upgrading of existing roads.
- viii. Any provisions relating to access for future subdivision on adjoining land.
- ix. The provision of public transport routes and improved linkages to public transport routes and bus shelters.

#### ***Water supply, stormwater, wastewater***

**SUBDIVISION and DEVELOPMENT 27**

27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.

**Water**

27.2.5.7 Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.

27.2.5.8 Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.

27.2.5.9 Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.

27.2.5.10 Ensure appropriate water supply, design and installation by having regard to:

- i. The availability, quantity, quality and security of the supply of water to the lots being created;
- ii. Water supplies for fire fighting purposes;
- iii. The standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- iv. Any initiatives proposed to reduce water demand and water use.

27.2.5.11 Ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers.

**Stormwater**

27.2.5.12 Ensure appropriate stormwater design and management by having regard to:

- i. Viable alternative design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas;
- ii. The capacity of existing and proposed stormwater systems;
- iii. The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- iv. The location, scale and construction of stormwater infrastructure;
- v. The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to

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maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.

- 27.2.5.13 The Council will support subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise, provided maintenance and operation requirements are acceptable to Council if the assets are to be vested.

For the purpose of this policy, term 'acceptable to Council' means that any system shall be appropriate from a Council maintenance and operation perspective and shall be fit for purpose once vested. Where land is to be vested as reserve, Council will ensure that the open space area is of a sufficient size, gradient and surface to be useful, and can be maintained at a reasonable cost to the Council.

### ***Wastewater***

- 27.2.5.14 Treat and dispose of sewage in a manner that:

- i. Maintains public health;
- ii. Avoids adverse effects on the environment in the first instance; and
- iii. Where effects on the environment cannot be reasonably avoided, effects shall be minimised to an extent that is proportionate to the level of significance of the effects.

- 27.2.5.15 Ensure appropriate sewage treatment and disposal by having regard to:

- i. The method of sewage treatment and disposal;
- ii. The capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;
- iii. The location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.

- 27.2.5.16 Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

### ***Energy Supply and Telecommunications***

- 27.2.5.17 To ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:

- i. Providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;

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- ii. Ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that does not adversely impact upon visual amenity and landscape values of the receiving environment;
- iii. Have regard to the design, location and direction of lighting to avoid upward light spill, recognising the night sky as an element that contributes to the District's sense of place;
- iv. Generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves. Where the subdivision provides for a residential building platform the proposed connections to electricity supply and telecommunications systems shall be established to the residential building platform.

### ***Easements***

- 27.2.5.18 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.
- 27.2.5.19 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.

### **27.2.6 Objective - Cost of services to be met by subdividers.**

#### **Policies**

- 27.2.6.1 In accordance with Council's 10 Year Plan Development Contributions Policy, require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), that are attributable to the effects of the subdivision or development, including where applicable:
- i. roading, walkways and cycling trails;
  - ii. water supply;
  - iii. sewage collection, treatment and disposal;
  - iv. stormwater collection, treatment and disposal;
  - v. trade waste disposal;
  - vi. provision of energy;
  - vii. provision of telecommunications and computer media;
  - viii. provision of reserves and reserve improvements.

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### 27.2.7 Objective - Create esplanades where opportunities arise.

#### Policies

- 27.2.7.1 Create esplanades reserves or strips where the subdivision would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits. In particular, Council will encourage esplanades where they:
- i. are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access;
  - ii. have high actual or potential value with regard to the maintenance of indigenous biodiversity;
  - iii. comprise significant indigenous vegetation or significant habitats of indigenous fauna;
  - iv. are considered to comprise an integral part of an outstanding natural feature or landscape;
  - v. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river;
  - vi. would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land.
- 27.2.7.2 Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where the following apply:
- i. safe public access and recreational use is already possible and can be maintained for the future;
  - ii. it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural functioning of adjoining rivers or lakes;
  - iii. a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation.
- 27.2.7.3 To use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in Section 230 of the Resource Management Act 1991.

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**27.2.8 Objective - Boundary adjustments, cross-lease and unit title subdivision are provided for.**

### Policies

27.2.8.1 Enable minor cross-lease and unit title subdivision of existing units without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.

For clarity this policy does not provide for the subdivision of approved residential building platforms located within the Rural and Rural Lifestyle Zones.

27.2.8.2 Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:

- i. The location of the proposed boundaries;
- ii. In rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
- iii. Boundary treatment;
- iv. The location of existing or proposed accesses and easements for access and services.

27.2.8.3 Provide for unit title, strata title or cross lease subdivision of existing approved buildings where land use consent is approved for a multi unit commercial or residential development, including visitor accommodation development and the unit title, strata-title or cross lease subdivision is undertaken in accordance with the approved land use consent.

### 27.3 Location-specific objectives and policies

In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.

**27.3.1 Objective - Peninsula Bay, Ensure effective public access is provided throughout the Peninsula Bay land.**

### Policies

27.3.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.

27.3.1.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.

27.3.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.

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**27.3.2 Objective - Kirimoko, Wanaka – To create a liveable urban environment that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.**

### Policies

27.3.2.1 Protect the landscape quality and visual amenity of the Kirimoko Block and preserve sightlines to local natural landforms.

27.3.2.2 Protect the natural topography of the Kirimoko Block and incorporate existing environmental features into the design of the site.

27.3.2.3 Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies (all zoned Low Density Residential) and that visually sensitive areas such as the spurs are left undeveloped (building line restriction area).

27.3.2.4 Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.

27.3.2.5 Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.

27.3.2.6 Provide for road and walkway linkages to neighbouring developments.

27.3.2.7 Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.

27.3.2.8 Minimise disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.

27.3.2.9 Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.

27.3.2.10 Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.

**27.3.3 Objective - Large Lot Residential Zone between Studholme Road and Meadowstone Drive - Landscape and amenity values of the zone's low density character and transition with rural areas be recognised and protected.**

### Policies

27.3.3.1 Have regard to the impact of development on landscape values of the neighbouring rural areas and features of these areas, with regard to

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minimising the prominence of housing on ridgelines overlooking the Wanaka township.

- 27.3.3.2 Subdivision and development within land located on the northern side of Studholme Road shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines.

**27.3.4 Objective - Bob's Cove Rural Residential Zone (excluding sub-zone) – The special character of the Bob's Cove Rural Residential Zone is recognised and provided for.**

**Policies**

- 27.3.4.1 In order to maintain the rural character of the zone, all street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on the night sky.

**27.3.5 Objective - Ferry Hill Rural Residential Sub Zone –The visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub Zone to be maintained and enhanced.**

**Policies**

- 27.3.5.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone located in Chapter 22 (at part 22.7.2) and in accordance with the Concept Development Plan set out in part 27.14.

**27.3.6 Objective - Makarora Rural Lifestyle Zone – The effects of natural hazards are avoided or mitigated and landscape character, visual amenity and nature conservation values are maintained or enhanced.**

**Policies**

***Natural Hazards***

- 27.3.6.1 Particular regard shall be had to the avoidance or mitigation of natural hazards identified on the Council's hazard register associated with the location of a building platform and future anticipated land uses within the building platform.
- 27.3.6.2 The Council shall be satisfied as to whether consultation has been undertaken with the Otago Regional Council with regard to any matters associated with defences against water, and in particular taken the opportunity to reconcile any potential issues associated with flood defence works encouraged by the Otago Regional Council, and the District Plan's objectives, policies and servicing standards for subdivision in the Makarora Rural Lifestyle Zone.

***Landscape Values, Rural Character***

- 27.3.6.3 In recognition of the landscape values within the Makarora Rural Lifestyle Zone, regard shall be had to the potential merits with the concentration or

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clustering of built form to areas with high potential to absorb development while retaining areas that are more sensitive in their natural state.

- 27.3.6.4 In considering the appropriateness of the form and density of development, including the identification of building platforms in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:
- i. The extent to which the location and size of proposed building platforms either detracts from or has the potential to enhance landscape values and rural character;
  - ii. whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (i.e. open space held in one title whether jointly or otherwise);
  - iii. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas that are more sensitive in their natural state.

**27.3.7 Objective - Wyuna Station Rural Lifestyle Zone - To provide for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.**

### Policies

- 27.3.7.1 Prohibit or defer development of the zone until such a time that:
- i. the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and proposed zone. This may include the provision of land within the zone for such purpose; or
  - ii. the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or
  - iii. the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next three years then all lots within the zone shall be required to connect to that reticulated scheme.

**27.3.8 Objective - Wyuna Station Rural Lifestyle Zone - Subject to Objective 27.3.7 rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.**

### Policies

- 27.3.8.1 The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from

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Glenorchy Township, Oban Street or the Glenorchy-Paradise Road.  
Measures to achieve this include:

- i. Prohibiting development over the sensitive areas of the zone via building restriction areas;
- ii. Appropriately locating buildings within the zone, including restrictions on future building bulk;
- iii. Using excavation of the eastern part of the terrace to form appropriate building platforms;
- iv. Using naturalistic mounding of the western part of the terrace to assist visual screening of development;
- v. Using native vegetation to assist visual screening of development;
- vi. The maximum height of buildings shall be 4.5m above ground level prior to any subdivision development.

27.3.8.2 Maintain and enhance the indigenous vegetation and ecosystems within the building restriction areas of the zone and to suitably and comprehensively maintain these areas into the future. As a minimum, this shall include:

- i. Methods to remove or kill existing wilding exotic trees and weed species from the lower banks of the zone area and to conduct this eradication annually;
- ii. Methods to exclude and/or suitably manage pests within the zone in order to foster growth of indigenous vegetation within the zone, on an ongoing basis;
- iii. A programme or list of maintenance work to be carried out on a year to year basis on order to bring about the goals set out above.

### 27.3.9 Objective - Industrial B Zone

#### Policies

- i. Reserved for Stage 2 of the District Plan Review.

### 27.3.10 Objective - Industrial B Zone

#### Policies

- i. Reserved for Stage 2 of the District Plan Review.

### 27.3.11 Objective - Industrial B Zone

#### Policies

- i. Reserved for Stage 2 of the District Plan Review.

### 27.3.12 Objective - Industrial B Zone

#### Policies

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- i. Reserved for Stage 2 of the District Plan Review.

**27.3.13 Objective - Jacks Point Zone - Subdivision shall have regard to identified location specific opportunities and constraints identified within the Jacks Point Structure Plan located within Chapter 41.**

### Policies

27.3.13.1 Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.

27.3.13.2 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Jacks Point Structure Plan located within Chapter 41.

27.3.13.3 The extent to which the subdivision achieves the matters of control listed under Rule 27.7.4 and as they relate to the Jacks Point Structure Plan located within Chapter 41.

**27.3.14 Objective – Waterfall Park - Subdivision shall provide for a range of visitor, residential and recreational facilities, sympathetic to the natural setting have regard to identified location specific opportunities and constraints.**

### Policies

27.3.14.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Chapter 42.

27.3.14.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.7.1 and as they relate to the Waterfall Park Structure Plan located within Chapter 42.

**27.3.15 Objective – Millbrook - Subdivision shall provide for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.**

### Policies

27.3.15.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Chapter 43.

27.3.15.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.6.1 and as they relate to the Millbrook Structure Plan located within Chapter 43.

## 27.4 Other Provisions and Rules

### 27.4.1 District Wide

The rules of the zone the proposed subdivision is located within are applicable. Attention is drawn to the following District Wide chapters. All provisions referred to are

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within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 Operative)	25 Earthworks (22 Operative)	26 Historic Heritage
28 Natural Hazards	29 Transport (14 Operative)	30 Utilities and Renewable Energy
31 Hazardous Substances (16 Operative)	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

**27.4.2 Earthworks associated with subdivision**

27.4.2.1 Earthworks undertaken for the development of land associated with any subdivision shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity and in particular Rule 15.2.20.

**27.4.3 Zones exempt from the Proposed District Plan and subdivision chapter**

27.4.3.1 The following zones are not subject to this subdivision chapter:

- a Frankton Flats A Zone
- b Frankton Flats B Zone
- c Remarkables Park Zone
- d Mount Cardrona Station Zone
- e Three Parks Zone
- f Kingston Village Special Zone
- g Open Space Zone

Subdivision in the above zones is subject to the relevant provisions of Chapter 15 of the Queenstown Lakes Operative District Plan 2009.

27.4.3.2 In addition, all the Special Zones within Chapter 12 of the operative District Plan, except as identified below, are excluded from the proposed District Plan subdivision chapter:

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- a Jacks Point
- b Waterfall Park
- c Millbrook

**27.5 Rules – Subdivision**

**27.5.1** All subdivision requires resource consent unless specified as a permitted activity. The abbreviations set out below are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

	<b>Boundary Adjustments</b>	<b>Activity status</b>
<b>27.5.2</b>	<p>An adjustment to existing cross-lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the conversion from cross-lease to unit title, the addition of an accessory building, or the relocation of accessory buildings providing the activity complies with all other provisions of the District Plan or has obtained a land use resource consent.</p> <p>In order to adhere to this rule a certificate of compliance must be issued under section 223(1)(b) of the Act.</p>	P

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	<b>Boundary Adjustments</b>	<b>Activity status</b>
<b>27.5.3</b>	<p>For boundary adjustment subdivision activities where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <ul style="list-style-type: none"> <li>(i) In the case of the Rural, Gibbston Character and Rural Lifestyle Zones the building platform is retained in its approved location;</li> <li>(ii) No new residential building platform shall be identified and approved as part of a boundary adjustment within Rural, Gibbston Character and Rural Lifestyle Zones;</li> <li>(iii) No additional separately saleable lots are created;</li> <li>(iv) The areas of the resultant lots comply with the minimum lot size requirement for the zone (where applicable); and</li> <li>(v) Lots must be immediately adjoining each other.</li> </ul> <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> <li>• The location of the proposed boundaries;</li> <li>• Boundary treatment;</li> <li>• Easements for existing and proposed access and services.</li> </ul>	C

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	<b>Boundary Adjustments</b>	<b>Activity status</b>
<b>27.5.4</b>	<p>For boundary adjustments involving any site that contains a heritage or any other protected item in the District Plan and in the case of Arrowtown within the urban growth boundary where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <p>(i) No additional separately saleable lots are created.</p> <p>(iii) The areas of the resultant lots comply with the minimum lot size requirement for the zone.</p> <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> <li>• The impact on the heritage values of the protected item;</li> <li>• The maintenance of the historic character of the Arrowtown Residential Historic Management Zone;</li> <li>• The location of the proposed boundaries;</li> <li>• Boundary treatment;</li> <li>• Easements for access and services.</li> </ul>	RD

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	<b>Unit Title, Strata Title or Cross Lease Subdivision</b>	<b>Activity status</b>
27.5.5	<p>Where land use consent is approved for a multi unit commercial or residential development, including visitor accommodation development and a unit title, strata-title or cross lease subdivision is undertaken in accordance with the approved land use consent, provided:</p> <ul style="list-style-type: none"> <li>i All buildings must be in accordance with an approved land use resource consent;</li> <li>ii. All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.</li> <li>iii All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.</li> </ul> <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> <li>• the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;</li> <li>• the effects of infrastructure provision;</li> </ul> <p>For the purposes of clarity, this rule does not apply to fee simple subdivision of land where the intent is to subdivide a lot containing an approved land use consent for the above identified activities.</p>	C

	<b>Subdivision Activities – District Wide</b>	<b>Activity status</b>
27.5.6	<p><b>All urban subdivision activities, unless otherwise stated, within the following zones:</b></p> <ol style="list-style-type: none"> <li>1. Low Density Residential Zones;</li> <li>2. Medium Density Residential Zones;</li> <li>3. High Density Residential Zones;</li> <li>4. Town Centre Zones;</li> <li>5. Arrowtown Residential Historic Management Zone;</li> </ol>	RD

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	<p>6. Large Lot Residential Zones;</p> <p>7. Local Shopping Centres;</p> <p>8. Business Mixed Use Zones;</p> <p>9. Queenstown Airport Mixed Use Zone.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Lot sizes and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land;</li> <li>• Subdivision design and layout of lots;</li> <li>• Property access and roading;</li> <li>• Esplanade provision;</li> <li>• On site measures to address the risk of natural and other hazards on land within the subdivision;</li> <li>• Fire fighting water supply;</li> <li>• Water supply;</li> <li>• Stormwater design and disposal;</li> <li>• Sewage treatment and disposal;</li> <li>• Energy supply and telecommunications;</li> <li>• Open space and recreation; and</li> <li>• Ecological and natural values;</li> <li>• Historic Heritage;</li> <li>• Easements; and</li> <li>• Bird strike and navigational safety.</li> </ul> <p>For the avoidance of doubt, where a site is governed by a structure plan, spatial layout plan, or concept development plan that is identified in the District Plan, subdivision activities shall be assessed in accordance with Rule 27.7.1.</p>	
27.5.7	<p><b>All subdivision activities in the District's Rural Residential and Rural Lifestyle Zones</b></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• In the Rural Lifestyle Zone the location of building platforms;</li> </ul>	RD

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	<ul style="list-style-type: none"> <li>• Lot sizes and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land;</li> <li>• Subdivision design and lot layout;</li> <li>• Property access and roading;</li> <li>• Esplanade provision;</li> <li>• On site measures to address the risk of natural and other hazards on land within the subdivision;</li> <li>• Fire fighting water supply;</li> <li>• Water supply;</li> <li>• Stormwater disposal;</li> <li>• Sewage treatment and disposal;</li> <li>• Energy supply and telecommunications;</li> <li>• Open space and recreation;</li> <li>• Ecological and natural values;</li> <li>• Historic Heritage</li> <li>• Easements; and</li> <li>• Bird strike and navigational safety.</li> </ul>	
27.5.8	<p>Subdivision of land in any zone within the National Grid Subdivision Corridor where all allotments identify a building platform for the principal building and any dwelling to be located outside of the National Grid Yard.</p> <p>Discretion is restricted to the following:</p> <ol style="list-style-type: none"> <li>a) Impacts on the operation, maintenance, upgrade and development of the National Grid.</li> <li>b) The ability of future development to comply with NZECP34:2001.</li> <li>c) The location, design and use of any proposed building platform as it relates to the National Grid transmission line.</li> </ol>	RD

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27.5.9	<p>Subdivision of land in any zone within 32 metres of the centre line of Electricity Sub-Transmission Lines identified on the planning maps.</p> <p>Discretion is restricted to all of the following:</p> <p>a) Impacts on the operation, maintenance, upgrade and development of Electricity Sub-Transmission Lines.</p> <p>b) The ability of future development to comply with NZECP34:2001;</p> <p>c) Effects on public health and safety;</p>	RD
27.5.10	All subdivision activities in the Rural General and Gibbston Character Zones, with the exception of unit title, strata-title or cross lease subdivision undertaken in accordance with Rule 27.5.5.	D
27.5.11	The subdivision of land containing a heritage or any other protected item and scheduled in the District Plan. This rule does not apply to boundary adjustments under Rule 27.4.2.	D
27.5.12	The subdivision of land identified on the planning maps as a Heritage Landscape.	D
27.5.13	The subdivision of a site containing a known archaeological site, whether identified and scheduled in the District Plan or not.	D
27.5.14	Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan.	D
27.5.15	Within the Jacks Point Zone, subdivision that does not comply with the standards in Part 27.56 and location specific standards in part 27.87, excluding the Hanley Downs part of the Jacks Point Zone, where the creation of lots less than 380m <sup>2</sup> minimum lot size within the R(HD) Activity Area shall be assessed as a RD under Rule 27.7.11.3.	D
27.5.16	Subdivision that does not comply with the standards in Part 27.6 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.15.	NC
27.5.17	The further subdivision of an allotment that has previously been used to calculate the minimum average densities for subdivision in the Rural Lifestyle Zone and Rural Residential Zone.	NC
27.5.18	The subdivision of land resulting in the division of a building platform.	NC

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27.5.19	The subdivision of a residential flat from a residential unit.	NC
27.5.20	A subdivision under the Unit Titles Act where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.	NC
27.5.21	Any subdivision of land in any zone within the National Grid Subdivision Corridor, which does not comply with Rule 27.5.8.	NC
27.5.22	A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use resource consent.	D
27.5.23	Subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.15.	NC

**27.6 Rules - Standards for Subdivision Activities**

**27.6.1** No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

<b>Zone</b>		<b>Minimum Lot Area</b>
<b>Town Centres</b>		No minimum
<b>Local Shopping Centre</b>		No minimum
<b>Business Mixed Use</b>		200m <sup>2</sup>
<b>Airport Mixed Use</b>		No minimum
<b>Residential</b>	High Density	450m <sup>2</sup>
	Medium Density	250m <sup>2</sup>
	Low Density	450m <sup>2</sup>  Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary  600m <sup>2</sup>

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<b>Zone</b>		<b>Minimum Lot Area</b>
	Queenstown Heights Sub Zone	1500m <sup>2</sup>
	Arrowtown Residential Historic Management	800m <sup>2</sup>
	Large Lot Residential	4000m <sup>2</sup> 2000m <sup>2</sup> in the following locations: Between Studholme Road and Meadowstone Drive
<b>Rural</b>	Rural.  Gibbston Character.  Hydro Generation.	No minimum
<b>Rural Lifestyle</b>	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares.  For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle at Makarora.	No minimum, providing the average lot size is not less than 2 hectares.
	Rural Lifestyle Deferred A and B.	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer.	The land in this zone shall be held in a single allotment
<b>Rural Residential</b>	Rural Residential	4000m <sup>2</sup>
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m <sup>2</sup>
	Rural Residential	4000m <sup>2</sup> with no more than 17 lots created for residential activity

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Zone		Minimum Lot Area
	Ferry Hill Subzone	
	Rural Residential Zone at the north of Lake Hayes	4000m <sup>2</sup> provided that the total lots to be created by subdivision, including balance lots, shall not be less than an 8,000m <sup>2</sup> lot average.
<b>Jacks Point</b>	Residential Activity Areas	380m <sup>2</sup>
	<del>FP-1 Activity Area</del>	<del>4000m<sup>2</sup> Average 2ha</del>
	<del>FP-2 Activity Area</del>	<del>2 hectares Average 40ha</del>
	All other Activity Areas	Subdivision shall comply with the average density requirements set out in Rule 41.5.8. <u>Where no density is specified, there shall be no minimum lot size.</u>
<b>Millbrook</b>		No minimum
<b>Waterfall Park</b>		No minimum

**27.7 Rules – Zone and Location Specific Standards**

	Zone Specific Standards	Activity status
<b>27.7.1</b>	<p><b>Subdivision undertaken in accordance with a structure plan, spatial layout plan, or concept development plan that is identified in the District Plan.</b></p> <p>Control is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Lot sizes, averages and dimensions;</li> <li>• Subdivision design;</li> <li>• Property access and roading;</li> <li>• Landscaping and vegetation;</li> <li>• Heritage;</li> <li>• Esplanade provision;</li> </ul>	C

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	<b>Zone Specific Standards</b>	<b>Activity status</b>
	<ul style="list-style-type: none"> <li>• Natural and other hazards;</li> <li>• Fire fighting water supply;</li> <li>• Water supply;</li> <li>• Stormwater design and disposal;</li> <li>• Sewage treatment and disposal;</li> <li>• Energy supply and telecommunications;</li> <li>• Open space and reserves;</li> <li>• Easements; and</li> <li>• Ecological and natural values</li> </ul>	
<b>27.7.2</b>	<p><b>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the principal roading layout depicted in the Kirimoko Structure plan shown in part 27.14, the following additional matters of control shall be had regard to:</b></p> <ul style="list-style-type: none"> <li>• Consistency with the Kirimoko Structure Plan;</li> <li>• Subdivision design and roading layout;</li> <li>• The provision and location of walkways and the green network;</li> <li>• The protection of native species as identified on the structure plan as green network.</li> </ul>	C
<b>27.7.3</b>	<p><b>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Ferry Hill Concept Development Plan shown in part 22.7.2, the following additional matters of control shall be had regard to:</b></p> <ul style="list-style-type: none"> <li>• Consistency with the Ferry Hill Concept Development Plan; and</li> <li>• The number, location and design of access points;</li> </ul>	C
<b>27.7.4</b>	<p><b>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with</b></p>	C

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	<b>Zone Specific Standards</b>	<b>Activity status</b>
	<p><b>the Jacks Point Zone Structure Plan identified in 41.7, the following additional matters of control shall be had regard to:</b></p> <ul style="list-style-type: none"> <li>• Consistency with the Jacks Point Zone Structure Plan;</li> </ul>	
<b>27.7.5</b>	<b>Peninsula Bay</b>	
27.7.5.1	<p>Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council.</p> <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> <li>• The matters of control listed under Rule 27.7.1; and</li> <li>• Landscape and visual effects</li> </ul>	C
<b>27.7.6</b>	Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is inconsistent with an Outline Development Master Plan that has been lodged with and approved by the Council.	NC
<b>27.7.7</b>	<b>Kirimoko</b>	
27.7.7.1	<ol style="list-style-type: none"> <li>i. Any subdivision that does not comply with the principal roading layout and reserve network depicted in the Kirimoko Structure Plan shown in Part 27.1315 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties).</li> <li>ii. Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title.</li> <li>iii. Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural General.</li> </ol>	NC
<b>27.7.8</b>	<b>Bob's Cove Rural Residential sub-zone</b>	

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	Zone Specific Standards	Activity status
27.7.8.1	<p>Activities that do not meet the following standards:</p> <ul style="list-style-type: none"> <li>i. Boundary Planting – Rural Residential sub-zone at Bobs Cove: <ul style="list-style-type: none"> <li>a. Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and</li> <li>b. Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected.</li> </ul> </li> <li>ii. Development Areas and Undomesticated Areas within the Rural Residential sub-zone at Bob’s Cove: <ul style="list-style-type: none"> <li>a. Within the Rural Residential sub-zone at Bob’s Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council.</li> <li>b. At least 50% of the ‘undomesticated area’ shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.</li> <li>c. The remainder of the area shall be deemed to be the ‘development area’ and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council.</li> <li>d. The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and</li> </ul> </li> </ul>	NC

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	<b>Zone Specific Standards</b>	<b>Activity status</b>
	<p>e This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots.</p> <p>f Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.</p>	
<b>27.7.9</b>	<b>Ferry Hill Rural Residential sub-zone</b>	
27.7.9.1	Any subdivision of the Ferry Hill Rural Residential sub-zone that is inconsistent with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.	NC
27.7.9.2	<p>Activities that do not meet the following standards:</p> <p>i. Retention of Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone which shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.</p> <p>ii. Any application for subdivision consent shall:</p> <p>a Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above;</p> <p>b Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule <del>27.6.9.2(i)</del> 27.7.9.2(i) above;</p> <p>c Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:</p> <p>i. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the</p>	NC

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	<b>Zone Specific Standards</b>	<b>Activity status</b>
	<p>Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and</p> <p>ii. That residential development is subject to screening along Tucker Beach Road,</p> <p>iii. Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.</p> <p>iv. Plantings elsewhere may include maple as well as indigenous species.</p> <p>v. The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vi. Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vii. Any subdivision of Lots 1 and 2 DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.</p>	
<b>27.7.10</b>	<b>Ladies Mile</b>	
27.7.10.1	<p>i. Subdivision of land situated south of State Highway 6 (“Ladies Mile”) and southwest of Lake Hayes that is zoned Low Density Residential or Rural Residential as shown on the Planning Maps and that does not meet the following standards:</p> <p>a The landscaping of roads and public places is an important aspect of property access and</p>	NC

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	<b>Zone Specific Standards</b>	<b>Activity status</b>
	<p>subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.</p> <p>b No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.</p>	
<b>27.7.11</b>	<b>Jacks Point</b>	
27.7.11.1	<p>Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <p>a. A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;</p> <p>b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;</p> <p>c. Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;</p> <p>d. Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process.</p>	D
27.7.11.2	<p><b><u>Subdivision within Activity Areas R(HD) – Fb and G</u></b></p> <p><b><u>Within Activity Areas R(HD)-Fb and G subdivision shall provide for the creation of a single residential building platform per lot or no greater than 1,000m<sup>2</sup> in area and registered on the relevant Computer Register.</u></b></p>	RD
27.7.11.3	<p><b><u>Subdivision within Activity Area R(HD) – Fb and G</u></b></p>	<u>C</u>

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	Zone Specific Standards	Activity status
27.7.11.3	<p><u>Control is reserved to the location of residential building platforms on each lot based on:</u></p> <ul style="list-style-type: none"> <li>• <u>Landscape values</u></li> <li>• <u>Landform</u></li> <li>• <u>Minimising disturbance to native vegetation</u></li> </ul> <p><del>Subdivision failing to comply with standards for the Jacks Point Zone Conservation Lots.</del></p> <p><del>Within the Farm Preserve 1 (FP-1) Activity Area, any subdivision shall:</del></p> <p><del>Provide for the creation and management of open space, which may include native re-vegetation, within the “open space” areas shown on the Structure Plan, through the following:</del></p> <p><del>The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or</del></p> <p><del>Held within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site from any future building development.</del></p> <p>Subdivision failing to comply with the 380m<sup>2</sup> minimum lot size for subdivision within the Hanley Downs part of the Jacks Point Zone.</p> <p>For Rules 27.7.11.2 and 27.7.11.3 Discretion is restricted to all of the following:</p> <ol style="list-style-type: none"> <li>i. Subdivision design</li> <li>ii. Traffic generation;</li> <li>iii. Access; and</li> <li>iv. Landscape and visual effects.</li> </ol>	RD
27.7.11.4	<p><b><u>Subdivision within The Homesite Activity Area (HS)</u></b></p> <p><u>Within the Homesite Activity Area, subdivision shall provide for the registration on each lot the Preserve Design Guidelines.</u></p>	<u>RD</u>
27.7.12	Any subdivision of the Millbrook Resort Zone that is inconsistent with the Mill Brook Resort Zone Structure Plan specified in part 43.7.	D

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27.7.12.1 In the following zones, every allotment created for the purposes of containing residential activity shall identify one building platform of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area.

- a Rural Zone.
- b Gibbston Character Zone.
- c Rural Lifestyle Zone.

27.7.12.2 The dimensions of sites in the following zones, other than for access, utilities, reserves or roads, shall be able to accommodate a square of the following dimensions:

<b>Zone</b>		<b>Minimum Dimension (m = metres)</b>
<b>Residential</b>	Medium Density	12m x 12m
	Large Lot Urban	30m x 30m
	<del>Township and All</del> others	15m x 15m
<b>Rural Residential</b>	Rural Residential (inclusive of sub-zones)	30m x 30m

27.7.12.3 Lots created for access, utilities, roads and reserves shall have no minimum size.

### **27.7.13 Subdivision associated with infill development**

- a The specified minimum allotment size in Rule 27.56.1, and minimum dimensions in Rule 27.7.12.2 shall not apply in the High Density Residential Zone, Medium Density Residential Zone and Low Density Residential Zone where each allotment to be created, and the original allotment, all contain at least one established residential unit (established meaning a Building Code of Compliance Certificate has been issued or alternatively where a Building Code of Compliance Certificate has not been issued, construction shall be completed to not less than the installation of the roof).

### **27.7.14 Subdivision associated with residential development on sites less than 450m<sup>2</sup> in the Low Density Residential Zone**

27.7.14.1 In the Low Density Residential Zone, the specified minimum allotment size in Rule 27.6.1 shall not apply in cases where the residential units are not established, providing;

- a A certificate of compliance is issued for a residential unit(s) or,

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b A resource consent has been granted for a residential unit(s).

In addition to any other relevant matters, pursuant to s221 of the Act, the consent holder shall register on the computer freehold register of the applicable allotments:

c That the construction of any residential unit shall be undertaken in accordance with the applicable certificate of compliance or resource consent (applies to the additional undeveloped lot to be created).

d The maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created).

e There shall be not more than one residential unit per lot (applies to all lots).

27.7.14.2 Rule 27.7.14.1 shall not apply to the Low Density Residential Zone within the Queenstown Airport Air Noise Boundary and Outer Control Boundary.

**27.7.15 Standards related to servicing and infrastructure*****Water***

27.7.15.1 All lots, other than lots for access, roads, utilities and reserves except where irrigation is required, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:

To a Council or community owned and operated reticulated water supply:

a All Residential, Industrial, Business, Town Centre Corner Shopping Centre, and Airport Mixed Use Zone.

b Rural-Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes.

c Resort Zone, Millbrook and Waterfall Park.

27.7.15.2 Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.

27.7.15.3 Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.

27.7.15.4 Telecommunication reticulation to all allotments in new subdivisions (other than lots for access, roads, utilities and reserves).

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### 27.8 Rules - Exemptions

27.8.1 The following activities are permitted and shall not require resource consent.

27.8.1.1 The following activities shall not be considered for the provision of Esplanade reserves or strips:

- a Activities that qualify as exempt under rules (27.8.1) above.
- b Where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve, then section 230 of the Act shall not apply.

### 27.8.2 Industrial B Zone

- i. Reserved for Stage 2 of the District Plan Review.

### 27.8.3 Riverside Stage 6 - Albert Town

- ii. Reserved for Stage 2 of the District Plan Review.

## 27.9 Assessment Matters for Resource Consents

27.9.1 Controlled Activity Boundary Adjustments

In considering whether or not to impose conditions in respect to boundary adjustments under Rules 27.5.3 and 27.5.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

	<b>27.5.3 Assessment Matters (Boundary Adjustments)</b>
	<ul style="list-style-type: none"> <li>• The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings and vegetation patterns and existing or proposed accesses;</li> <li>• The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:               <ol style="list-style-type: none"> <li>(i) is able to accommodate development in accordance with the relevant district-wide and zone rules;</li> <li>(ii) the potential effects the safety of pedestrians and cyclists and other users of the space or access; <input type="checkbox"/></li> </ol> </li> <li>• Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</li> </ul>

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	<b>27.5.3 Assessment Matters (Boundary Adjustments)</b>
	<ul style="list-style-type: none"> <li>Refer Policies 27.2.1.7, 27.2.3.2, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.2.</li> </ul>

	<b>27.5.4 Assessment Matters (Boundary Adjustments involving Heritage Items and within Arrowtown's urban growth boundary)</b>
	<ul style="list-style-type: none"> <li>The location of the proposed boundaries, including their relationship to existing buildings and vegetation patterns and existing or proposed accesses;</li> <li>The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces: <ul style="list-style-type: none"> <li>(i) is able to accommodate development in accordance with the relevant district-wide and zone rules;</li> <li>(ii) the potential effects on the safety of pedestrians and cyclists and other users of the space or access; <input type="checkbox"/></li> </ul> </li> <li>Whether any landscape features or vegetation, including mature trees, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</li> <li>The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.</li> <li>Where lots are being amalgamated within the Medium Density Residential Zone and Low Density Residential Zone, the extent to which future development will effect the historic character of the Arrowtown Residential Historic Management Zone;</li> <li>Refer Policies 27.2.1.7, 27.2.3.2, 27.2.4.2, 27.2.4.5, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.2.</li> </ul>

**27.9.2 Controlled Unit Title Subdivision Activities**

In considering whether or not to impose conditions in respect to unit title, strata-title or cross lease subdivision under Rules 27.5.5, the Council shall have regard to, but not be limited by, the following assessment criteria:

	<b>27.5.5 Assessment Matters (Unit Title, Strata Title and Cross Lease Subdivision)</b>
	<ul style="list-style-type: none"> <li>Compliance with an approved resource consent;</li> </ul>

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<b>27.5.5 Assessment Matters (Unit Title, Strata Title and Cross Lease Subdivision)</b>	
	<ul style="list-style-type: none"> <li>• The location of the proposed boundaries, including their relationship to existing buildings existing or proposed accesses;</li> <li>• The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces: <ul style="list-style-type: none"> <li>(i) is able to accommodate development in accordance with the relevant district-wide and zone rules;</li> <li>(ii) the potential effects the safety of pedestrians and cyclists and other users of the space or access; <input type="checkbox"/></li> </ul> </li> <li>• The effects of infrastructure provision;</li> <li>• Refer Policies 27.2.1.7, 27.2.3.1, 27.2.3.2, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.3.</li> </ul>

**27.9.3 Restricted Discretionary Activity Subdivision Activities**

In considering whether or not to grant consent or impose conditions in respect to boundary adjustments under Rules 27.5.6, 27.5.7, 27.5.8 and 27.5.9, the Council shall have regard to, but not be limited by, the following assessment criteria:

<b>27.5.6 Assessment Matters (Urban Subdivision Activities)</b>	
	<ol style="list-style-type: none"> <li>i. Lot sizes and dimensions in respect of widening, formation or upgrading of existing and proposed roads and any provisions relating to access for future subdivision on adjoining land.</li> <li>ii. Consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;</li> <li>iii. Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</li> <li>iv. The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;</li> </ol>

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<b>27.5.6 Assessment Matters (Urban Subdivision Activities)</b>	
	<ul style="list-style-type: none"> <li>v. The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency;</li> <li>vi. The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;</li> <li>vii. The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</li> <li>viii. The provision of services in accordance with Council's Code of Practice for Subdivision;</li> <li>ix. The extent to which the safe and efficient operation of aircraft may be compromised by subdivision and its ancillary activities that encourage the congregation of birds within aircraft flight paths.</li> <li>x. Easements for existing and proposed access and services.</li> <li>xi. Refer Policies 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.3.2, 27.2.4.5, 27.2.4.6, 27.2.5.5, 27.2.5.6, 27.2.5.10, 27.2.5.12, 27.2.5.15, 27.2.5.17 and 27.2.7.1.</li> </ul>

<b>27.5.7 Assessment Matters (Rural Residential and Rural Lifestyle Subdivision Activities)</b>	
	<ul style="list-style-type: none"> <li>• The extent to which the design maintains and enhances rural living character, landscape values and visual amenity;</li> <li>• The extent to which the location of building platforms could adversely affect adjoining non residential land uses;</li> <li>• Orientation of lots to optimise solar gain for buildings and developments;</li> <li>• Lot sizes and dimensions in respect of widening, formation or upgrading of existing and proposed roads and any provisions relating to access for future subdivision on adjoining land.</li> <li>• Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;</li> <li>• The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;</li> </ul>

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	<b>27.5.7 Assessment Matters (Rural Residential and Rural Lifestyle Subdivision Activities)</b>
	<ul style="list-style-type: none"> <li>• The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency;</li> <li>• The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;</li> <li>• The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</li> <li>• The provision of services in accordance with Council's Code of Practice for Subdivision;</li> <li>• In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state;</li> <li>• In the Rural Residential Zone at the north end of Lake Hayes, the protection and restoration of wetland areas;</li> <li>• Easements for existing and proposed access and services;</li> <li>• Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.</li> <li>• Refer Policies 27.2.1.2, 27.2.4.5, 27.2.4.6, 27.2.5.4, 27.2.5.5, 27.2.5.10, 27.2.5.12, 27.2.5.15, 27.2.5.17 and 27.2.7.1.</li> </ul>

**27.9.4 Restricted Discretionary Activity - Subdivision Activities with National Grid Subdivision Corridor and Electricity Sub-Transmission Lines**

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rules 27.5.8 and 27.5.9, the Council shall have regard to, but not be limited by, the following assessment criteria:

	<b>27.5.8 Assessment Matters (National Grid Subdivision Corridor)</b>
	<ul style="list-style-type: none"> <li>• Whether the allotments are intended to be used for residential or commercial activity;</li> <li>• The need to identify a building platform to ensure future buildings are located outside the National Grid Yard;</li> </ul>

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<b>27.5.8 Assessment Matters (National Grid Subdivision Corridor)</b>	
	<ul style="list-style-type: none"> <li>• The ability of future development to comply with NZECP34:2001;</li> <li>• The location and planting of vegetation;</li> <li>• Ensure the operation, maintenance and upgrade of the National Grid is not restricted;</li> <li>• Refer Policy 27.2.2.9.</li> </ul>

<b>27.5.9 Assessment Matters (Electricity Sub-Transmission Lines)</b>	
	<ul style="list-style-type: none"> <li>• Whether the allotments are intended to be used for residential or commercial activity;</li> <li>• The need to provide restricted areas to limit activities to outside the Electricity Sub-Transmission Lines;</li> <li>• Ensure the operation, maintenance and upgrade of the Electricity Sub-Transmission Lines is not restricted;</li> <li>• The ability of future development to comply with NZECP34:2001;.</li> <li>• The location and planting of vegetation;</li> <li>• Refer Policy 27.2.2.9.</li> </ul>

**27.9.5** Controlled Subdivision Activities – Structure Plan spatial layout plan, or concept development plan

In considering whether or not to impose conditions in respect to subdivision activities undertaken in accordance with a structure plan, spatial layout plan, or concept development plan under Rules 27.7.1, 27.7.2, 27.7.3, 27.7.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

<b>27.7.1 Assessment Matters</b>	
	<ul style="list-style-type: none"> <li>• Consistency with the relevant location specific objectives and policies in part 27.3;</li> <li>• Consistency with the relevant structure plan, spatial layout plan or concept development plan;</li> <li>• The assessment criteria identified under Rule 27.7.1.</li> </ul>

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<b>27.7.2 Assessment Matters</b>	
	<ul style="list-style-type: none"> <li>• The assessment criteria identified under Rule 27.7.1.</li> <li>• Any earthworks required to create any road, vehicle accesses, or building platforms or modify the natural landform;</li> <li>• The design of the subdivision including lot configuration and roading patterns and design (including footpaths and walkways);</li> <li>• Creation and planting of road reserves</li> <li>• The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;</li> <li>• The protection of native species as identified on the structure plan as green network.</li> <li>• Refer Policies 27.3.2.1 to 27.3.2.10.</li> </ul>

<b>27.7.3 Assessment Matters</b>	
	<ul style="list-style-type: none"> <li>• The assessment criteria identified under Rule 27.7.1;</li> <li>• Minimising the number of accesses to roads;</li> <li>• The location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;</li> <li>• The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 (as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone);</li> <li>• The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.</li> <li>• Refer Policy 27.3.5.1.</li> </ul>

<b>27.7.4 Assessment Matters</b>	
	<ul style="list-style-type: none"> <li>• The assessment criteria identified under Rule 27.7.1.</li> </ul>

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	<b>27.7.4 Assessment Matters</b>
	<ul style="list-style-type: none"> <li>• The provision of public access routes, primary, secondary and key road connections.</li> <li>• Within the R(HD) Activity Areas, the extent to which the structure plan provides for the following matters: <ul style="list-style-type: none"> <li>- The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.</li> <li>- Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.</li> <li>- Road and street designs.</li> <li>- The location and suitability of proposed open spaces.</li> <li>- Management responses to remove wilding trees.</li> </ul> </li> <li>• Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.</li> <li>• Within the R(HD) Activity Area, the creation of sites sized between 380m<sup>2</sup> and 550m<sup>2</sup>, without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over: <ul style="list-style-type: none"> <li>- Building setbacks from boundaries.</li> <li>- Location and heights of garages and other accessory buildings.</li> <li>- Height limitations for parts of buildings, including recession plane requirements.</li> <li>- Window locations.</li> <li>- Building coverage.</li> <li>- Roadside fence heights.</li> </ul> </li> <li>• Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.</li> <li>• Within the R(HD) A - E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).</li> <li>• In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 380m<sup>2</sup> in area:</li> </ul>

**SUBDIVISION and DEVELOPMENT 27**

<b>27.7.4 Assessment Matters</b>	
	<ul style="list-style-type: none"> <li>- The extent to which such sites are configured: <ul style="list-style-type: none"> <li>▪ with good street frontage.</li> <li>▪ to enable sunlight to existing and future residential units.</li> <li>▪ To achieve an appropriate level of privacy between homes.</li> </ul> </li> <li>- The extent to which parking, access and landscaping are configured in a manner which: <ul style="list-style-type: none"> <li>▪ minimises the dominance of driveways at the street edge.</li> <li>▪ provides for efficient use of the land.</li> <li>▪ maximises pedestrian and vehicular safety.</li> <li>▪ addresses nuisance effects such as from vehicle lights.</li> </ul> </li> <li>- The extent to which subdivision design satisfies: <ul style="list-style-type: none"> <li>▪ public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.</li> </ul> </li> <li>• Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.</li> <li>• Refer Policies 27.3.13.1 to 27.3.13.3.</li> </ul>

<b>27.7.5.1 Assessment Matters</b>	
	<ul style="list-style-type: none"> <li>• Orientation of lots to optimise solar gain for buildings and developments;</li> <li>• Consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;</li> <li>• Whether any landscape features or vegetation, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;</li> <li>• The location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways, their safety and efficiency;</li> <li>• The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act;</li> </ul>

**SUBDIVISION and DEVELOPMENT 27**

<b>27.7.5.1 Assessment Matters</b>	
	<ul style="list-style-type: none"> <li>• The provision of services in accordance with Council's Code of Practice for Subdivision;</li> <li>• Refer Policies 27.3.1.1 to 27.3.1.3.</li> </ul>

<b>27.7.11.2 Assessment Matters</b>	
	<ul style="list-style-type: none"> <li>• The assessment criteria identified under Rules 27.7.1 and 27.7.4.</li> <li>• The visibility of future development from State Highway 6 and Lake Wakatipu.</li> <li>• The number, location and design of access points</li> <li>• Maintenance or enhancement of nature conservation values.</li> <li>• Creation of open space and infrastructure</li> </ul>

**27.10 Rules - Non-notification of Applications**

27.10.1 Except where as specified in Rule 27.10.2, applications for resource consent for the following activities shall not require the written consent of other persons and shall not be notified or limited-notified;

b Controlled Activity Boundary adjustments.

c All controlled and restricted discretionary activities.

27.10.2 Rule 27.10.1 does not apply to the following. The provisions of the RMA Act apply in determining whether an application needs to be processed on a notified basis.

Where the application site or activity:

a. Adjoins or has access onto a State highway;

b. Contains an archaeological site or any item listed under the Heritage New Zealand Pouhere Taonga Act 2014;

c. Requires the Council to undertake statutory consultation with iwi;

d. Is in the Makarora Rural Lifestyle Zone and within an area subject to any natural hazards including erosion, flooding and inundation, landslip, rockfall, alluvion, avulsion or subsidence.

e. Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified

## SUBDIVISION and DEVELOPMENT 27

basis the written approval as an affected party is required from Transpower New Zealand Limited;

- f. Discretionary activities within the Jacks Point Zone.

### 27.11 General provisions

#### 27.11 State Highways

- 27.11.1 Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions with access onto state highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of state highways that are LAR. Where a subdivision will change the use, intensity or location of the access onto the state highway, subdividers should consult with the New Zealand Transport Agency.

#### 27.8.3 Esplanades

- 27.8.3.1 The opportunities for the creation of esplanades are outlined in objective and policies 27.2.7 5. Unless otherwise stated, section 230 of the RMA applies to the standards and process for esplanades.

### 27.12 Natural Hazards

The Natural Hazards Chapter of the District Plan sets a policy framework to address land uses and natural hazards throughout the District. All subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the Act. In addition, in some locations natural hazards have been identified and specific provisions apply.

### 27.13 Development and Financial Contributions

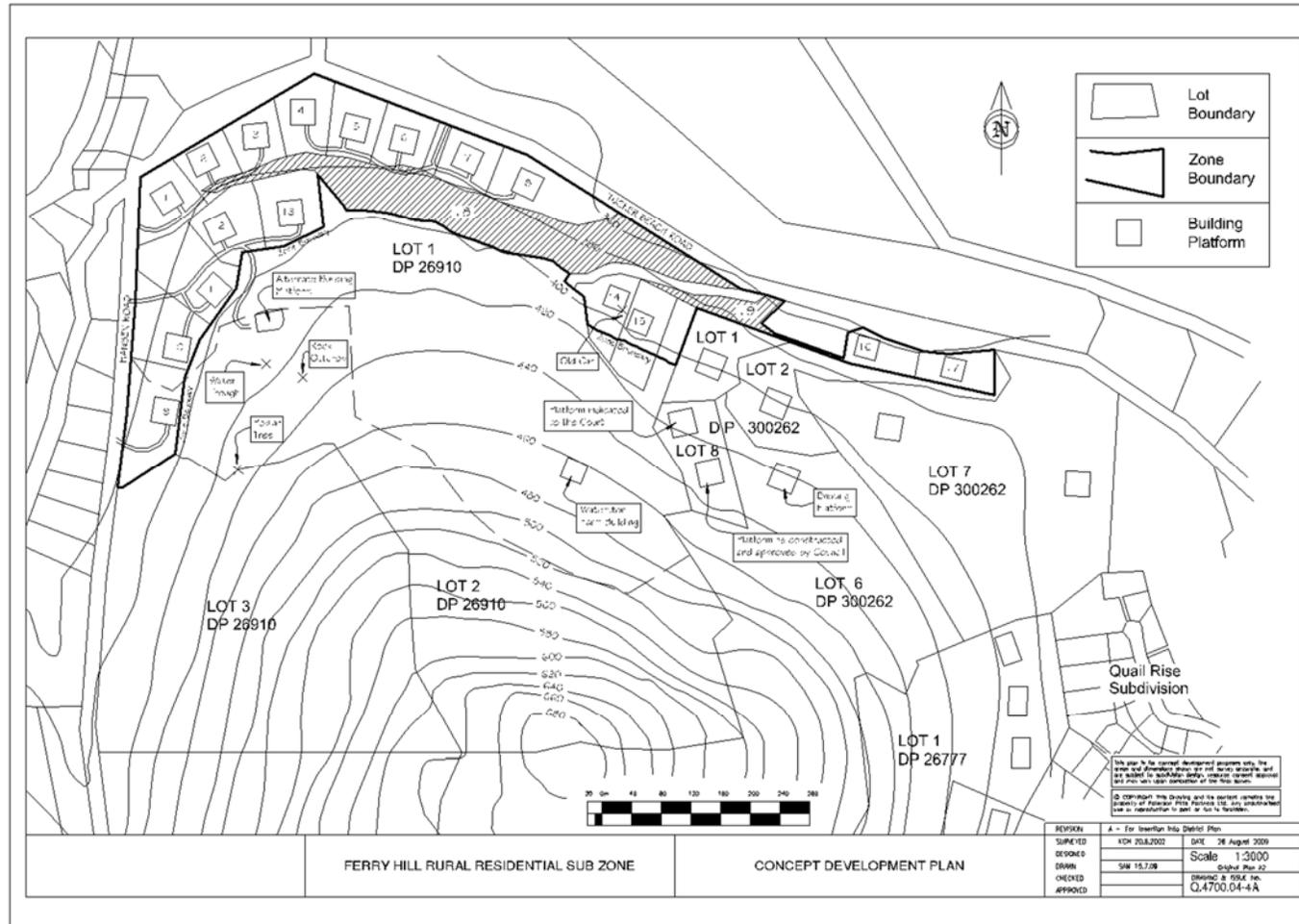
The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development through development contributions. The Council forms a development contribution policy as part of its 10 Year Plan and actively imposes development contributions via this process.

The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

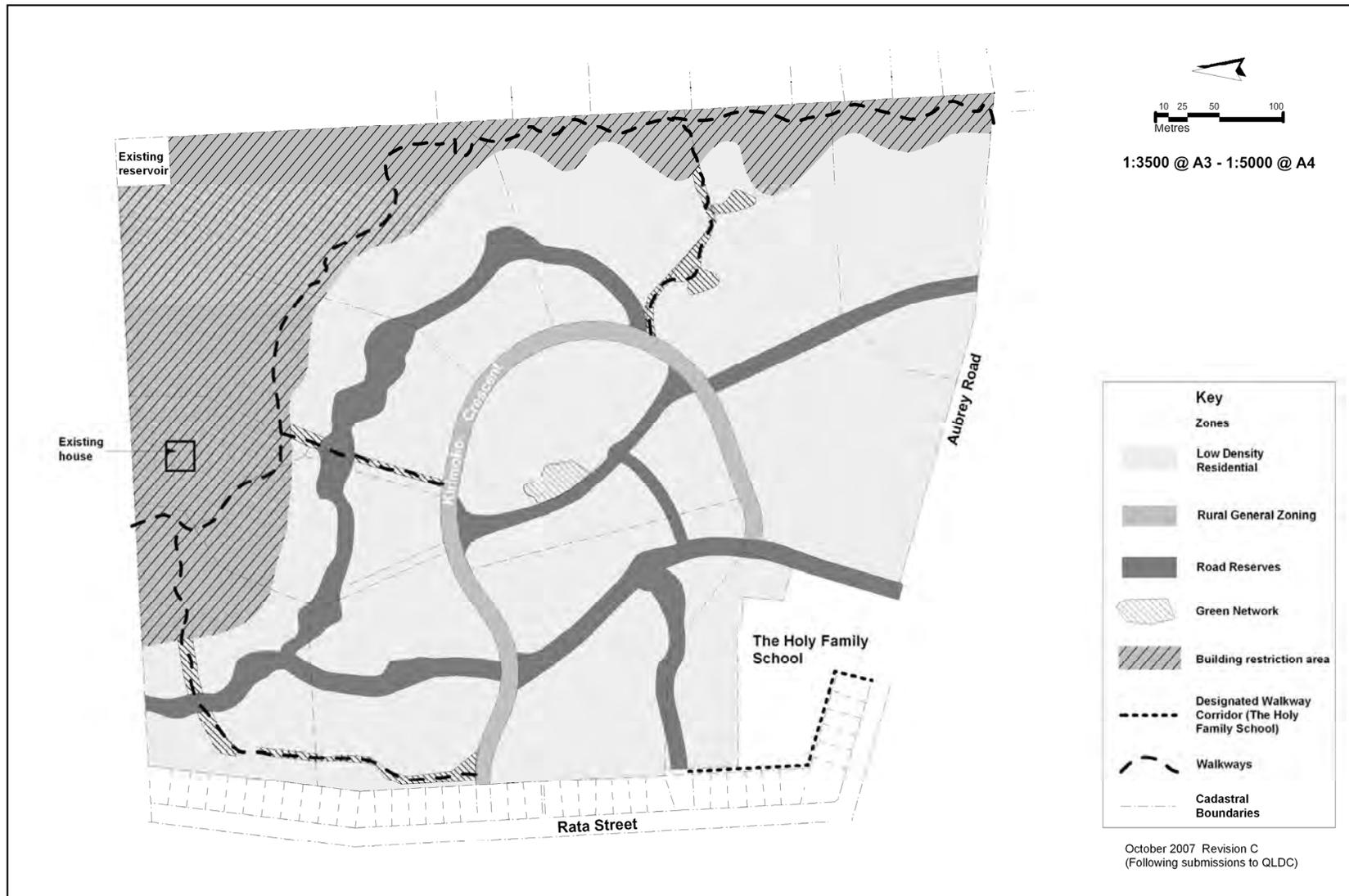
# SUBDIVISION and DEVELOPMENT 27

## 27.14 Structure Plans and Spatial Layout Plans

### 27.14.1 Ferry Hill Rural Residential Subzone



## 27.14.2 Kirimoko Structure Plan



## 41 Jacks Point Zone

### 41.1 Zone Purpose

The purpose of the Jacks Point Zone is to provide for residential, rural living, commercial, community and visitor accommodation in a high quality sustainable environment comprising residential areas, ~~an education innovation campus~~, two villages and a variety of recreation opportunities and community benefits including access to public open space and amenities.

The village areas and associated residential activities at Jacks Point will be sustainable in their nature, constituting mixed density development, best practice methods of waste disposal and longevity in their quality and built form. The preparation of development controls and non-regulatory design guidelines, in conjunction with provisions of the District Plan and other methods, will ensure provision for the social, economic and cultural wellbeing of the wider community, while also assisting in ecological enhancement and the seamless integration of the built and natural environment.

In addition, the zoning anticipates an 18-hole championship golf course, a luxury lodge, small-scale commercial activities, provision for community facilities, craft and winery activities, outdoor recreation and enhanced access to and enjoyment of Lake Wakatipu.

### 41.2 Objectives and Policies

**41.2.1 Objective - Development of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities within a framework of open space and recreation amenities.**

#### Policies

41.2.1.1 Use a Structure Plan to establish the spatial layout of development within the zone and diversity of living and complementary activities, taking into account:

- Integration of activities and servicing;
- Landscape and amenity values;
- Road, open space and trail networks;
- Visibility from State Highway 6 and Lake Wakatipu.

41.2.1.2 Ensure subdivision and development incorporates the design elements shown on the Structure Plan, namely roads, road connections, open space, access connections and trails.

41.2.1.3 Maintain and protect views into the site when viewed from the lake, and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway.

41.2.1.4 Ensure that residential development is not readily visible from the State Highway.

41.2.1.5 Provide public access from the State Highway to the lake foreshore and to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu.

41.2.1.6 Provide for local biodiversity through:

- The protection and enhancement of existing ecological values, in a holistic manner;
- Reduction in grazing around wetland areas; and

# JACKS POINT ZONE 41

- The provision of links between grey shrublands, wetlands and the lakeshore escarpment, including indigenous vegetation links between Activity Areas where appropriate.

- 41.2.1.7 Ensure that development within the ecologically sensitive areas of the zone results in a net environmental gain.
- 41.2.1.8 Control the take-off and landing of aircraft within the zone.
- 41.2.1.9 Ensure that subdivision, development and ancillary activities within the Tablelands maintain the character of the landscape.
- 41.2.1.10 Provide for farming and associated activities in appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape.
- 41.2.1.11 Enable mining activities which contribute to the development of the zone, provided environmental effects are appropriately managed.
- 41.2.1.12 Provide a diversity of living accommodation, including opportunities for farm and rural living at low densities.
- 41.2.1.13 Recognise the Residential (Hanley Downs), and the Village -Activity Areas as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.
- 41.2.1.14 Enable medium density housing development within the established areas of Jacks Point where the scale and form of built development is appropriate to the character of the Activity Area.

~~41.2.1.15 Enable the development of education, business innovation and associated activities within the Education Innovation Campus, subject to achieving a high standard of urban design.~~

~~41.2.1.16~~ 41.2.1.15 Ensure the visual impacts of subdivision and development within the Residential State Highway and Education Innovation Campus Activity Areas are appropriately mitigated through landscaping and the provision of open space.

~~41.2.1.17 Provide for farming and rural living in the Farm Preserve Activity Area to enable continued rural land management together with providing a greater diversity of lot sizes that retains rural amenity and protects landscape values, while ensuring that:~~

- ~~• within the Farm Preserve 1 Activity Area, subdivision and development incorporates mechanisms for the protection and management of open space and native vegetation.~~
- ~~• within the Farm Preserve 2 Activity Area, buildings are not visible from Lake Wakatipu and State Highway 6.~~

41.2.1.16 Enable the Jacks Point Village Activity Area to develop as a vibrant mixed use hub for the Jacks Point Zone, comprising a range of activities including high density and medium density residential housing, a small local shopping centre that services the needs of Jacks Point residents and a small amount of destination shopping, office space, visitor accommodation, education, community activities, healthcare, commercial recreation activity, and technology and innovation-based business.

41.2.1.17 To require the establishment of Comprehensive Development Plan within the Jacks Point Village Activity Area, in order to achieve:

- Integration of building with surrounding neighbourhoods and open space areas
- Establishing the layout of open space, roading patterns, pedestrian and cycle access

- Streetscape design
- Establishing the general layout of built form
- Formulation of building design controls and an appropriate legal mechanism to ensure their implementation

41.2.1.18 Encourage high quality urban design within the Village Activity Areas by incorporating parapets, corner features for landmark sites and other design elements in order to achieve a positive design outcome.

41.2.1.1841.2.1.19 Enable commercial activities within the Residential (Hanley Downs) Activity Area, designed to service the needs of the local community, where they can locate along or near primary roads.

41.2.1.1941.2.1.20 Enable commercial and community activities and visitor accommodation, provided residential amenity, health and safety are protected or enhanced through:

- Compatible hours of operation and noise;
- A high standard of building design;
- The location and provision of open space, buffers and setbacks;
- Appropriate landscape mitigation;
- The design of vehicle access and car parking; and
- An appropriate scale of activity and form of building development.

41.2.1.2041.2.1.21 Use residential development controls to protect privacy and amenity, provide access to sunlight, achieve design cohesion and to provide appropriate opportunities for outdoor living.

41.2.1.22 Provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.

41.2.1.23 Maintain or enhance the character and amenity values of the established residential neighborhoods within the Jacks Point area, including the high standard of design and landscape elements incorporated into communal open space areas, transport corridors and private lots.

41.2.1.2441.2.1.24 Recognise and provide for the creation of a distinctive design aesthetic within the new residential areas of the Jacks Point Zone, which may evolve to be unique from the established areas of Jacks Point, providing that the unifying structural elements of the structure plan are preserved.

41.2.1.2541.2.1.25 Avoid industrial activities.

41.2.1.2641.2.1.26 Provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.

41.2.1.2741.2.1.27 Ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay and Home site activity areas within the Tablelands.

41.2.1.2841.2.1.28 Provide safe and efficient road access from State Highway 6.

41.2.1.2941.2.1.29 Ensure provision of integrated servicing infrastructure, roading and vehicle access.

41.2.1.3041.2.1.30 Ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not adversely affect water or other environmental values.

**JACKS POINT ZONE 41****41.3 Other Provisions and Rules****41.3.1 District Wide**

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

**41.3.2 Clarification**

41.3.2.1 References to the Structure Plan and to Activity Areas are references to the Jacks Point Zone Structure Plan and the Activity Areas identified on that Structure Plan.

41.3.2.2 Earthworks undertaken for the development of land associated with any subdivision shall be governed by Chapter 27: Subdivision and Development.

41.3.2.3 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

41.3.2.4 Where an activity does not comply with a rule or standard the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

41.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

**41.4 Rules – Activities**

<b>Table 1</b>	<b>Activities Located Within the Jacks Point Zone</b>	<b>Activity Status</b>
<b>Rule</b>		
41.4.1	Activities that are not listed in this table and comply with all standards	P

# JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
41.4.2	<p><b>Educational and Day Care Facilities</b></p> <p>Educational and Day Care Facilities within the <del>(E)</del> and-R(HD) Activity Areas.</p> <p>Control is reserved to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Location and external appearance of buildings.</li> <li>• Setback from roads.</li> <li>• Setback from internal boundaries.</li> <li>• Traffic generation, access and parking.</li> <li>• Outdoor living space.</li> <li>• Street scene including landscaping.</li> <li>• Enhancement of ecological and natural values.</li> <li>• (Provision for walkways, cycle ways and pedestrian linkages.</li> <li>• Noise.</li> </ul>	C
41.4.3	<p><b>Buildings</b></p> <p>41.4.3.1 Building (including the addition, alteration or construction of buildings) located within the Lodge Activity Areas (L).</p> <p>Control is reserved to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>• Infrastructure and servicing.</li> <li>• Associated earthworks and landscaping.</li> <li>• Access and parking.</li> <li>• Bulk and location.</li> <li>• Exterior lighting.</li> <li>• Any development controls and design guidelines.</li> </ul> <p>41.4.3.2 <del>Except as provided for in (41.4.3.4) below, fAny arm</del> buildings located within the <u>OSL FP-1 and FP-2</u> Activity Areas.</p> <p>Control is reserved to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>• Infrastructure and servicing.</li> <li>• Associated earthworks and landscaping.</li> <li>• Access and parking.</li> </ul>	C

## JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	<ul style="list-style-type: none"> <li>• Bulk and location.</li> <li>• Exterior lighting.</li> <li>• Visibility of the building from State Highway 6 and Lake Wakatipu.</li> </ul> <p>41.4.3.3 Except as provided for in (41.4.3.4) below, any residential unit in <del>the HS<sub>57</sub> or HS<sub>58</sub> FP-2</del> Activity Areas and any visitor accommodation activity within <del>HS<sub>37</sub> to HS<sub>58</sub> the FP-1 or FP-2</del> Activity Areas.</p> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• The matters listed in clause (41.4.3.2) above.</li> <li>• The appropriateness of any mitigation and its impact on the character of the landscape.</li> </ul> <p><del>41.4.3.4</del> Any building, <del>other than buildings related to any farming or recreation activity (Rule 41.4.3.2),</del> -within the Peninsula Hill Landscape Protection Area</p> <p><del>41.4.3.4</del><del>41.4.3.5</del> Any building, other than buildings related to any farming or recreation activity (Rule 41.4.3.2), within the Open Space Landscape Activity Area, Lake Shore Landscape Protection Area or Highway Landscape Protection Area identified on the Structure Plan.</p> <p><del>41.4.3.5</del><del>41.4.3.6</del> Within the BFA any boat ramp, jetty, breakwater or other buildings and associated parking and boat trailer parking.</p> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Effects on natural character.</li> <li>• Effects on landscape and amenity values.</li> <li>• Effects on public access to and along the lake margin.</li> <li>• External appearance, colours and materials.</li> <li>• Location.</li> </ul>	<p>RD</p> <p>NC</p> <p>D</p> <p>RD</p>
<u>41.4.4</u>	<p><u>The design of the State Highway mitigation within the location shown on the Structure Plan, with the Council's control limited to:</u></p> <p><u>a. The creation of a comprehensively designed landscape edge to the northern part of the zone;</u></p> <p><u>b. Mitigation of the visual impacts of potential building development location with Activity Areas R(HD-SH) – 1 and R(HD-SH)- 2 and RHD-SH) 3;</u></p> <p><u>c. Maintaining views across the zone to the mountains located against the western shores of Lake Wakatipu;</u></p> <p><u>d. Appropriate plant species, height at planting and at maturity; and</u></p>	C



# JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	<p><del>41.4.6.2</del><u>41.4.7.2</u> Within the R(JP) 1 - 3 and R(JP-SH) 4 Activity Areas any residential activity which results in either:</p> <ol style="list-style-type: none"> <li>a. three or more attached residential units.</li> <li>b. a density of more than one residential unit per 380 m<sup>2</sup> of net site area.</li> </ol> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Residential amenity values.</li> <li>• Access and car parking.</li> <li>• Associated earthworks.</li> <li>• Landscaping.</li> </ul> <p><del>41.4.6.3</del><u>41.4.7.3</u> Except that this rule shall not apply to:</p> <ol style="list-style-type: none"> <li>a. A single residential unit on any site contained within a separate computer freehold register.</li> <li>b. Residential units located on sites smaller than 550m<sup>2</sup> created pursuant to subdivision.</li> </ol>	
<u>41.4.8</u>	<p><u>Commercial, Community, Residential and Visitor Accommodation Activities</u></p> <p><u>41.4.8.1 Any Commercial, Community, Residential or Visitor Accommodation Activity within the JP(V) Activity Area, including the addition, alteration or construction of associated buildings</u></p> <p><u>Information Requirements:</u></p> <p><u>Any applications for resource consent under this rule shall include a Comprehensive Development Plan in respect of the whole JP(V) Activity Area.</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> <li>• <u>Integration of building with surrounding neighbourhoods and open space areas</u></li> <li>• <u>Establishing the layout of open space, roading patterns, pedestrian and cycle access</u></li> <li>• <u>Streetscape design</u></li> <li>• <u>Establishing the general layout of built form</u></li> <li>• <u>Formulation of building design controls and an appropriate legal mechanism to ensure their implementation</u></li> </ul> <p><u>41.4.8.2 The use or development of land within the JP(V) Activity Area in the absence of resource consent granted under Rule 41.4.8.1</u></p>	<p><u>C</u></p> <p><u>D</u></p>

# JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
<p><del>41.4.7</del><u>41.4.9</u></p>	<p><del>Commercial Activities <u>and</u>, Community Activities <u>and</u>—Visitor Accommodation</del></p> <p><del>Commercial activities and community activities located within the EIC Activity Area, including the addition, alteration or construction of associated buildings.</del></p> <p><del>Control is reserved to all of the following:</del></p> <ul style="list-style-type: none"> <li><del>• Location, scale and external appearance of buildings.</del></li> <li><del>• Setback from roads.</del></li> <li><del>• Setback from internal boundaries.</del></li> <li><del>• Traffic generation.</del></li> <li><del>• Vehicle access, street layout and car parking.</del></li> <li><del>• Street scene including landscaping.</del></li> <li><del>• Enhancement of ecological and natural values.</del></li> <li><del>• Provision for walkways, cycle ways and pedestrian linkages.</del></li> <li><del>• Scale of the activity.</del></li> <li><del>• Noise.</del></li> <li><del>• Hours of operation.</del></li> <li><del>• State Highway Mitigation in the locations shown on the Structure Plan.</del></li> </ul> <p><del>41.4.7.1</del><u>41.4.9.1</u> Commercial activities <u>and</u>, <del>C</del>community activities <u>and</u> visitor accommodation, located within the R(HD) and R(SH-HD) Activity Areas, including the addition, alteration or construction of associated buildings.</p> <p><del>Discretion is restricted to all of the matters listed in clause 41.4.76.1 above.</del></p> <ul style="list-style-type: none"> <li><u>• The vibrancy of the Village Activity Area</u></li> <li><u>• Location, scale and external appearance of buildings.</u></li> <li><u>• Setback from roads.</u></li> <li><u>• Setback from internal boundaries.</u></li> <li><u>• Traffic generation.</u></li> <li><u>• Infrastructure capacity</u></li> <li><u>• Vehicle access, street layout and car parking.</u></li> <li><u>• Street scene including landscaping.</u></li> <li><u>• Enhancement of ecological and natural values.</u></li> </ul>	<p><del>G</del></p> <p>RD</p>

# JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	<ul style="list-style-type: none"> <li>• <u>Provision for walkways, cycle ways and pedestrian linkages.</u></li> <li>• <u>Scale of the activity.</u></li> <li>• <u>Noise.</u></li> <li>• <u>Hours of operation.</u></li> </ul> <p><u>State Highway Mitigation in the locations shown on the Structure Plan</u></p>	
<u>41.4.8</u> <u>41.4.10</u>	<p><b>Sale of Liquor</b></p> <p>Premises licensed for the sale of liquor (including both off-licenses and on-licenses).</p> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Location.</li> <li>• Scale of the activity.</li> <li>• Residential amenity values.</li> <li>• Noise.</li> <li>• Hours of operation.</li> <li>• Car parking and vehicle generation.</li> </ul>	RD
<u>41.4.11</u>	<p><b><u>State Highway Mitigation (Hanley Downs area)</u></b></p> <p><u>Within Activity Areas R(HD-SH) - 1, R(HD-SH) - 2 and R(HD-SH) - 3, any subdivision or building development prior to the implementation of the State Highway mitigation approved through Rule 41.4.4.</u></p>	<u>D</u>
<u>41.4.9</u> <u>41.4.12</u>	<p><b>Structure Plan - Activities</b></p> <p>Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within Rule 41.5 Table 2 - Standards for Activities:</p> <p><u>41.4.9.1</u><u>41.4.12.1</u> Residential Activities Area (R) – the use of this area is restricted to residential activities.</p> <p><u>41.4.9.2</u><u>41.4.12.2</u> Residential State Highway R(SH) – the use of this area is restricted to residential activities and for the mitigation of development from the State Highway.</p> <p><u>41.4.9.3</u><u>41.4.12.3</u> Village Area (V) – The use of this area is restricted to residential and visitor accommodation activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities, small-scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities.</p> <p><del><u>41.4.9.4</u> Education Precinct (E) – The use of this area is restricted to Educational and Day Care Facilities.</del></p>	D

# JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	<p><del>41.4.9.5 Education Innovation Campus (EIC) – The use of this area is restricted to technology based activities including commercial and medical research, laboratories, training, educational facilities, specialist health care and associated administrative, office, accommodation, retailing and recreation facilities.</del></p> <p><del>41.4.9.6</del> <u>41.4.12.4</u> Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants and conference facilities.</p> <p><del>41.4.9.7</del> <u>41.4.12.5</u> <u>Preserve Homes</u> Site Activity Area (HS) - the use of this area is restricted to residential activities with a maximum of one residential unit per HS Activity Area <u>and visitor accommodation within homesites HS<sub>37</sub> to HS<sub>58</sub>.</u></p> <p><del>41.4.9.8 Farm Preserve (FP) – Activities in this area are limited to farming, farm buildings, fencing, trail formation, farm access tracks, recreation, mining, residential and visitor accommodation activities.</del></p> <p><del>41.4.9.9</del> <u>41.4.12.6</u> Wetland (W) – Structures are restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhancement of biodiversity and ecological values.</p> <p><del>41.4.9.10</del> <u>41.4.12.7</u> Open Space Golf (OSG) – the use of this area is restricted to the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices, mining, sales, <u>and commercial instruction and any utilities, infrastructure and vehicle access related to other activities anticipated by the Zone.</u></p> <p><del>41.4.9.11</del> <u>41.4.12.8</u> Open Space Landscape (OSL) –activities in this area are limiting to farming, together with farm buildings, fencing, trail formation, mining, farm access tracks, <u>and recreation activities and any utilities, infrastructure and vehicle access related to other activities anticipated by the Zone.</u></p> <p><del>41.4.9.12</del> <u>41.4.12.9</u> Open Space Residential Amenity (OSA) – the use of this area is restricted to recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services.</p> <p><del>41.4.9.13</del> <u>41.4.12.10</u> Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities.</p> <p><del>41.4.9.14</del> <u>41.4.12.11</u> Open Space - Foreshore (OSF) - the use of this area is restricted to the regeneration of native endemic species over 80% of the land area, and retention of open space.</p> <p><del>41.4.9.15</del> <u>41.4.12.12</u> Open Space - Residential (OSR) - the use of this area is restricted to 12 low level, low impact residential units set within a regenerating foreshore environment.</p> <p><del>41.4.9.16</del> <u>41.4.12.13</u> Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and</p>	

# JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	farming related activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation.  <del>41.4.9.17</del> <del>41.4.12.14</del> Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature or breakwater, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use.	
<del>41.4.10</del> <del>41.4.13</del>	<b>Factory Farming</b>	NC
<del>41.4.11</del> <del>41.4.14</del>	<b>Forestry Activities</b>  All forestry activities, excluding harvesting of existing forestry.	NC
<del>41.4.12</del> <del>41.4.15</del>	<b>Mining Activities</b>  With the exception of the mining of rock and/or aggregate and/or gravel provided for by Rule 41.4.5.	NC
<del>41.4.13</del> <del>41.4.16</del>	<b>Industrial Activities</b>	NC
<del>41.4.14</del> <del>41.4.17</del>	<b>Informal Airports</b>  <del>41.4.14.14</del> <del>41.4.17.1</del> Informal Airports limited to the use of helicopters.  <del>41.4.14.24</del> <del>41.4.17.2</del> The establishment and operation of all other Airport Activity or Aerodrome, including Informal Airports used by fixed wing aircraft.	D NC
<del>41.4.15</del> <del>41.4.18</del>	<b>Informal Airports</b> for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
<del>41.4.16</del> <del>41.4.19</del>	<b>Landfill</b>	NC
<del>41.4.17</del> <del>41.4.20</del>	Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

## 41.5 Rules - Standards

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.5.1	<b>Standards for Building</b>  <b>Open Space Horticulture:</b>  41.5.1.1 Within the Open Space - Horticultural (OSH) Activity Area:  a. There shall be no more than 15 building platforms;	RD

# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>b. Those 15 building platforms referred to in (a) above are confined to 3 or 4 clusters; and</p> <p>c. No building is to be erected prior to the horticultural activity being planted.</p> <p><b>Homesites:</b></p> <p>41.5.1.2 Within any Homesite Activity Area (HS Activity Area), <u>except homesites HS<sub>57</sub> and HS<sub>58</sub></u>, buildings shall not exceed a total building footprint of 1,000m<sup>2</sup> within that Activity Area.</p> <p>For rules 41.5.1.1 and 41.5.1.2, discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>• Associated earthworks and landscaping.</li> <li>• Bulk and location.</li> <li>• <del>Visibility of the building from State Highway 6 and Lake Wakatipu.</del></li> <li>• <del>Conservation Dwellings in Farm Preserve 1:</del></li> <li>• <del>Within the FP(1) Activity Area no residential unit shall be constructed on any site which has not been created in accordance with Subdivision Rule 27.8.9.2 Jacks Point Conservation Lots.</del></li> <li>• <del>Discretion is restricted to all of the following:</del></li> <li>• <del>The creation of open space.</del></li> <li>• <del>Creation of conservation benefits.</del></li> <li>• <del>Effects on landscape and amenity values.</del></li> </ul> <p><del>41.5.1.3 Building within any Homesite where a requirement to comply with the Preserve Design Guidelines has not been registered on the title for the Site.</del></p> <p><b>Activity Areas R(HD) – Fb and G:</b></p> <p><del>41.5.1.4 Building within Activity Areas R(HD) – Fb and G, prior to, or outside the area of any residential building platform created by subdivision (Rule 27. 7.11.2)</del></p> <p><del>Discretion is restricted to:</del></p> <ul style="list-style-type: none"> <li>• <del>Effects on landscape and amenity values</del></li> <li>• <del>Conservation values</del></li> </ul>	<p>RD</p> <p><del>RD</del></p> <p><del>RD</del></p> <p><del>RD</del></p>
41.5.2	<p><b>Vegetation</b></p> <p>41.5.2.1 Within the Highway Landscape Protection Area (refer Structure Plan) the planting and/or growing of any tree shall not obscure views from the State Highway to the mountain peaks beyond the zone.</p>	<p>D</p> <p>D</p>

# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	41.5.2.2 Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Peninsula Hill escarpment (i.e. grey shrubland and tussock grassland on exposed sites and beech forest on sheltered sites).	D
	41.5.2.3 Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Lake Wakatipu foreshore (i.e. broadleaf forest, grey shrubland and tussock grassland plant communities).	D
	41.5.2.4 Within the Tablelands (refer Structure Plan), there shall be no exotic vegetation planted and/or cultivated, with the exception of: <ul style="list-style-type: none"> <li>a. grass species if local and characteristic of the area; and</li> <li>b. other vegetation if it is: <ul style="list-style-type: none"> <li>• less than 0.5 metres in height; and</li> <li>• less than 20 square metres in area; and</li> <li>• within 10 metres of a building; and</li> <li>• intended for domestic consumption.</li> </ul> </li> </ul>	D
	41.5.2.5 No buildings shall be erected within a Homesite Activity Area (HS Activity Area) unless and until an area as specified within this rule has been re-vegetated with native vegetation. The area required to be re-vegetated for the purposes of this rule shall be the greater of 3,000m <sup>2</sup> or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated, whichever is greater. For the purposes of this rule no account shall be taken of any native vegetation existing at the date of application for subdivision consent to create the lot or title within which the Homesite Activity Area is located.	RD
	41.5.2.6 On any site within a Residential Jacks Point Activity Area there shall be no shrub and tree planting with less than 75% of the species identified on the Jacks Point plant list contained within Part 41.8. Percentages are in terms of overall plant numbers.  Discretion is restricted to any effects on nature conservation values.	RD
	41.5.2.7 Within the OSR Activity Area, at least 50% of any site shall be planted in native vegetation, prior to building.  Discretion is restricted to any effects on nature conservation values.	PR
	41.5.2.8 Anywhere within the zone, there shall be no planting and/or growing of the following tree species: <ul style="list-style-type: none"> <li>• European larch (<i>Larix decidua</i>)</li> <li>• Sycamore</li> </ul> Also refer to the District Wide Chapter 34 Wilding Exotic Trees.	RD

# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>41.5.2.9 Except as provided for in (41.5.2.6) above, any native vegetation required to be planted within this Zone shall:</p> <ul style="list-style-type: none"> <li>a. Include species appropriate to the ecosystems of the area being planted.</li> <li>b. Be capable of reaching 80% canopy closure for the ecosystem type being planted.</li> <li>c. Have eradicated any invasive plant pests the time of planting.</li> <li>d. Be maintained, with any plants that die or are diseased replaced.</li> </ul> <p>Discretion is restricted to any effects on nature conservation values.</p>	
41.5.3	<p><b>Structure Plan</b></p> <p>41.5.3.1 Development shall be undertaken in general accordance with the Structure Plan in Part 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <ul style="list-style-type: none"> <li>a. A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Roads, and their intersections with State Highway 6, shall be acceptable.</li> <li>b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey.</li> </ul> <p>41.5.3.2 Development shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.</p> <p>41.5.3.3 Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process. Development prior to such subdivision occurring, which would preclude the creation of these open spaces, shall be deemed to be contrary to this rule.</p> <p>41.5.3.4 Within any open space area created by subdivision, in accordance with Rules 41.5.3.3 and 27.8.9.1, there shall be no building.</p>	D
41.5.4	<p><b>Earthworks (excluding earthworks associated with a subdivision)</b></p> <p>41.5.4.1 Volume of Earthworks</p> <p>The maximum total volume of earthworks (m<sup>3</sup>) shall not exceed that specified in the table below.</p> <ul style="list-style-type: none"> <li>a. The maximum total volume of earthworks shall be calculated per site, within one consecutive 12 month period.</li> <li>b. Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off-site and replacing fill on site – refer Interpretive Diagrams 5 (a), (b) and (c) of the Earthworks Chapter of the Operative District Plan.</li> </ul>	RD

## JACKS POINT ZONE 41

Activity Area	Maximum Total Volume		
Residential Activity Areas <del>Village</del> Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500 m <sup>3</sup>		
Open Space Landscape Open Space Amenity <del>Farm Preserve 1 and 2</del> Homesite	1,000 m <sup>3</sup>		
Open Space Golf <del>Education</del> <del>Education Innovation Campus</del> Lodge <del>Village</del>	No maximum		
<p>41.5.4.2 Height of cut and fill and slope</p> <p>a. OSL, OSG, OSA, <del>FP-1 and 2</del>, HS, E, <del>EIC</del> and L Activity Areas:</p> <ul style="list-style-type: none"> <li>• No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically.</li> <li>• All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees.</li> <li>• The maximum height of any fill shall not exceed 2 metres.</li> </ul> <p>b. All other Activity Areas:</p> <ul style="list-style-type: none"> <li>• The maximum height of any cut shall not exceed 2.4 metres.</li> <li>• The maximum height of any fill shall not exceed 2 metres.</li> <li>• The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 of the Earthworks Chapter of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height.</li> </ul> <p>41.5.4.3 Fill</p> <p>a. All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.</p> <p>41.5.4.4 Environmental Protection Measures</p> <p>a. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.</p> <p>b. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.</p>		RD	

# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>c. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.</p> <p>41.5.4.5 Water bodies</p> <p>a. Earthworks within 7m of the bed of any water body shall not exceed 20m<sup>3</sup> in total volume, <u>except any man made water body (e.g. Lake Tewa)</u>, within one consecutive 12 month period.</p> <p>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body, <u>except any man made water body (e.g. Lake Tewa)</u> or where it may dam, divert or contaminate water.</p> <p>c. Earthworks shall not:</p> <ul style="list-style-type: none"> <li>• cause artificial drainage of any groundwater aquifer;</li> <li>• cause temporary ponding of any surface water.</li> </ul> <p>41.5.4.6 Cultural heritage and archaeological sites</p> <p>a. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.</p> <p>Discretion is restricted to <u>all of the following</u>:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the earthworks</li> <li>• Environmental protection measures</li> <li>• Remedial works and revegetation</li> <li>• The effects on landscape and visual amenity values</li> <li>• The effects on land stability and flooding</li> <li>• The effects on water bodies</li> <li>• The effects on cultural and archaeological sites</li> <li>• Noise</li> </ul>	
41.5.5	<p><b>Setbacks from Roads and Internal Boundaries</b></p> <p>41.5.5.1 Buildings or structures shall be set back a minimum of 20m from the zone boundary, except this rule shall not apply to the Boating Facilities (BFA) Activity Area.</p> <p>41.5.5.2 Buildings for all activities, except for buildings located on sites smaller than 550m<sup>2</sup> and created pursuant to subdivision, shall be subject to the following internal setback rules:</p> <p>a. Two setbacks of 4.5m, with all remaining setbacks of 2m; or</p> <p>b. One setback of 6m, one setback of 3.5m and all other setbacks of 2m;</p>	RD

# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>41.5.5.3 <b>Except that:</b></p> <ol style="list-style-type: none"> <li>a. Any building may encroach into a setback by up to 1m for an area no greater than 6m<sup>2</sup> provided the component of the building infringing the setback has no windows or openings;</li> <li>b. Accessory buildings for residential activities, including garages, may encroach into the setback where they are no more than 3.5m in height and where no windows or openings are orientated toward an internal boundary;</li> <li>c. No setbacks are required when buildings share a common wall at the boundary.</li> </ol> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Bulk, height and proximity of the building façade to the boundary.</li> <li>• The impact on neighbours' amenity values.</li> </ul> <p>41.5.5.4 In the Residential (Hanley Downs) Activity Area:</p> <ol style="list-style-type: none"> <li>a. For commercial activities, community activities and visitor accommodation, buildings shall be set back at least 3 m from any road boundary.</li> <li>b. For all other activities, except for residential activities on sites smaller than 550m<sup>2</sup> and created by subdivision, buildings shall be set back 4.5m from any road boundary.</li> </ol> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Bulk, height.</li> <li>• Proximity on residential amenity values.</li> <li>• Loss of daylight.</li> <li>• Access to sunlight.</li> </ul>	
41.5.6	<p><b>Access to the State Highway</b></p> <p><del>41.5.6.1</del> Access from State Highway 6 shall be only at the intersections at Maori Jack Road, <del>and</del> Woolshed Road <u>and at the location approved through RM160652,</u> as shown on the Structure Plan.</p> <p><del>41.5.6.2</del> <u>The Woolshed Road access shall not be used until an amended design for that road's intersection with State Highway 6 has been upgraded, completed and available for use, except as provided for through the approval of a Traffic Management Plan by the NZ Transport Agency (refer Advisory Note below</u></p> <p><del>41.5.6.1</del> <u>No more than 500 residential units may be built within the R(HD) and R(SH-HD) Activity Areas without the Woolshed Road intersection being completed and available for use.</u></p>	RD

## JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>Discretion is restricted to the safe and efficient functioning of the road network.</p> <p><u>Advisory Notes:</u></p> <p><u>i. A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone</u></p> <p><u>ii. The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency. The expectation of the NZ Transport Agency is that the existing crossing points CP60, CP62 and CP63 will be permanently and physically closed when that intersection upgrade is completed.</u></p>	
41.5.7	<p><b>Fencing</b></p> <p>41.5.7.1 There shall be no fences or walls within the boundary of any lot or title within the Tablelands (refer Structure Plan) outside of any Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock and for the purpose of demarcating private land from land accessible to the public as a result of the creation of public walkways additional to those walkways identified as "Public Access Route" on the Structure Plan. Any such fencing shall be post and wire only.</p> <p>41.5.7.2 In the R(HD) and R(HD-SH) Activity Areas, except for sites smaller than 550m<sup>2</sup> and created by subdivision, fences located within a setback from a road shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site.</p>	D
41.5.8	<p><b>Density</b></p> <p>41.5.8.1 The average density of residential units within each of the Residential Activity Areas shall be as follows:</p> <p>R(JP) – 1            <del>13.83</del> – <del>4819.74</del> per Ha  R(JP) – 2A          <del>43</del> – <del>3311.04</del> – <del>27.02</del> per Ha  R(JP) – 2B          <del>14.25</del> – <del>15.07</del> per Ha  R(JP) – 3            <del>14.18</del> per Ha  R(JP-SH) – 1        <del>4011.00</del> per Ha  R(JP-SH) – 2        <del>910.20</del> per Ha  R(JP-SH) – 3        <del>511.85</del> per Ha  R(JP-SH) – 4        <del>5</del> – <del>127.24</del> – <del>18.10</del> per Ha  R(HD-SH) – 1        12 - 22 per Ha  R(HD-SH) – 2        2 - 10 per Ha  <u>R(HD-SH) – 3        12 – 22 per Ha</u>  R(HD) - A            17 - <del>264</del> per Ha  R(HD) – B            17 - <del>264</del> per Ha  R(HD) - C            15 - 22 per Ha  R(HD) - D            17 - <del>246</del> per Ha  R(HD) - E            <del>25</del> – <del>4524</del> per Ha  R(HD) - FA          <del>2</del> – <del>1017</del> – <del>24</del> per Ha  <u>R(HD) – FB          2 per Ha</u>  R(HD) – G            <del>22</del> – <del>10</del> per Ha</p>	RD

## JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space, public access routes or roading and excludes sites used for non-residential activities. <u>Within the Residential Areas of Hanley Downs, if part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. Within the Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area.</u></p> <p>41.5.8.2 <b>Except</b> that this rule shall not apply to:</p> <p>a. A single residential unit on any site contained within a separate certificate of title</p> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Residential amenity values.</li> <li>• Traffic, access, parking.</li> <li>• Adequacy of infrastructure.</li> </ul>	
41.5.9	<p><b>Scale of Commercial Activity</b></p> <p>41.5.9.1 The maximum net floor area (as defined) for any single commercial activity shall be 200m<sup>2</sup>, <del>except that this does not apply within the EIC Activity Area.</del></p> <p><del>41.5.9.2 The maximum net floor area for any single retail activity within the EIC Activity Area shall be 200m<sup>2</sup>.</del></p> <p><del>41.5.9.3</del> <u>41.5.9.2</u> The total floor space of all commercial activities in the R(HD) A to E Activity Areas shall not exceed 550m<sup>2</sup>.</p>	D  D  NC
41.5.10	<p><b>Building Colours</b></p> <p>Any building shall result in:</p> <p>41.5.10.1 At least 70% of the total painted or galvanised external surface of buildings (excluding roofs and windows) with a reflectance value of between 0 and 35%</p> <p><del>41.5.10.2</del> Roof colours with a light reflectance value of 20% or less, and in the range of browns, greys and black</p> <p><b><u>Preserve Homesites</u></b></p> <p><del>41.5.10.2</del> <u>41.5.10.3</u> The external surfaces of any building within the Homesite Activity Area shall achieve a reflectance value of less than 30%, in the range of browns, greys and greens</p>	D
41.5.11	<p><b>Residential Units</b></p> <p>In the OSH, OSR, FBA and V(HB) Activity Areas, no residential units may be constructed until 80% of the freehold land within the Open Space Foreshore Activity Area has been planted with native endemic species.</p>	NC

# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status																																																														
41.5.12	<p><b>Building Height</b></p> <p>41.5.12.1 In the Lodge (L) Activity Area, the maximum height of any building shall be 5m.</p> <p>Council's Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Visual dominance.</li> <li>• External Appearance.</li> <li>• The scale and extent of the portions that exceed 5m.</li> </ul> <p>41.5.12.2 The maximum height of buildings shall be:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;"><del>a.</del> <u>Jacks Point Village Activity Area</u></td> <td style="text-align: right; padding-right: 20px;"><u>12m</u></td> </tr> <tr> <td style="padding-left: 20px;"><del>a-b.</del> <u>All other</u> Village (V) Activity Areas</td> <td style="text-align: right; padding-right: 20px;">10m</td> </tr> <tr> <td style="padding-left: 20px;"><del>b-c.</del> <u>Farm buildings</u></td> <td style="text-align: right; padding-right: 20px;">10m</td> </tr> <tr> <td style="padding-left: 20px;"><del>e-d.</del> <u>Residential (R) Activity Areas</u></td> <td style="text-align: right; 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border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Homesite</th> <th style="text-align: left;">Datum (masl)</th> <th style="text-align: left;">Homesite</th> <th style="text-align: left;">Datum (masl)</th> </tr> </thead> <tbody> <tr><td>HS1</td><td>372.0</td><td>HS19</td><td>372.0</td></tr> <tr><td>HS2</td><td>381.0</td><td>HS20</td><td>377.2</td></tr> <tr><td>HS3</td><td>381.0</td><td>HS21</td><td>372.5</td></tr> <tr><td>HS4</td><td>377.0</td><td>HS22</td><td>374.0</td></tr> <tr><td>HS5</td><td>388.0</td><td>HS23</td><td>371.5</td></tr> <tr><td>HS6</td><td>382.0</td><td>HS24</td><td>372.4</td></tr> <tr><td>HS7</td><td>379.0</td><td>HS25</td><td>373.0</td></tr> <tr><td>HS8</td><td>386.5</td><td>HS26</td><td>378.1</td></tr> </tbody> </table>	<del>a.</del> <u>Jacks Point Village Activity Area</u>	<u>12m</u>	<del>a-b.</del> <u>All other</u> Village (V) Activity Areas	10m	<del>b-c.</del> <u>Farm buildings</u>	10m	<del>e-d.</del> <u>Residential (R) Activity Areas</u>	8m	<del>d-e.</del> <u>Farm Buildings and Craft (FBA) Activity Area</u>	8m	<del>e.</del> <u>Farm Preserve (FP-1) and (FP-2) Activity Areas</u>	<del>8m</del>	<del>f.</del> <u>Education Precinct (E) and Education Innovation Campus (EIC) Activity Areas:</u>		<del>g.</del> <u>Education activities</u>	<u>10m</u>	<del>f-h.</del> <u>All other activities</u>	<del>8</del> <u>40m</u>	<del>g-i.</del> <u>Open Space Golf (OSG) Activity Area</u>	8m	<del>h-j.</del> <u>Lodge (L) Activity Areas</u>	7.5m	<del>i-k.</del> <u>Preserve Homesite Activity Area</u>	5m	<del>j-l.</del> <u>All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event).</u>	4m	Homesite	Datum (masl)	Homesite	Datum (masl)	HS1	372.0	HS19	372.0	HS2	381.0	HS20	377.2	HS3	381.0	HS21	372.5	HS4	377.0	HS22	374.0	HS5	388.0	HS23	371.5	HS6	382.0	HS24	372.4	HS7	379.0	HS25	373.0	HS8	386.5	HS26	378.1	<p>RD</p> <p>NC</p> <p>NC</p>
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# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone				Non-compliance Status
	HS9	389.0	HS27	388.0	
	HS10	395.0	HS28	392.6	
	HS11	396.0	HS29	385.5	
	HS12	393.0	HS30	395.9	
	HS13	399.0	HS31	393.7	
	HS14	403.0	HS32	384.8	
	HS15	404.0	HS33	385.8	
	HS16	399.5	HS34	399.0	
	HS17	394.5	HS35	405.0	
	HS18	392.5	HS36	400.3	
	<p>41.5.12.4 Within the R(HD) and R(HD-SH) Activity Areas:</p> <p>a. In addition to the maximum height of buildings above, within all R(HD) Activity Areas, except for:</p> <ul style="list-style-type: none"> <li>• Sites smaller than 550m<sup>2</sup> created by subdivision.</li> <li>• A medium density residential development consented under Rule 41.4.6</li> </ul> <p>no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° and commencing at 2.5m above ground level at any given point along any internal site boundary.</p> <p><b>Except that:</b></p> <p>b. A gable or dormer may encroach beyond the recession lines where it is:</p> <ul style="list-style-type: none"> <li>• no greater than 1m in height and width measured parallel to the nearest adjacent boundary</li> <li>• no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.</li> </ul> <p>c. A recession line restriction shall not apply to accessory buildings nor common walls shared at a boundary and parts of buildings that do not extend beyond the length of that wall.</p>	NC			
	<p>41.5.12.5 For:</p> <p>a. Any non-residential activity consented under Rule 41.4.9.</p> <p>b. Any medium density residential housing development consented under Rule 41.4.6.</p> <p>c. Sites smaller than 550m<sup>2</sup> created by subdivision.</p> <p>the maximum height of buildings may exceed the maximum height stated in (a) above, up to a maximum of 3 storeys or 10m (whichever is lesser).</p> <p><i>Notwithstanding the height limit in Clause (a) above, for any commercial activity located within the EIC Activity Area, consented under Rule 41.4.7, the maximum height of any building shall be 15m.</i></p>	NC			

# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.5.13	<p><b>Glare</b></p> <p>41.5.13.1 All fixed lighting shall be directed away from adjacent roads and properties.</p> <p>41.5.13.2 No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</p>	NC
41.5.14	<p><b>Servicing</b></p> <p>41.5.14.1 All dwellings shall connect to reticulated infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications. Except this rule does not apply to dwellings located within <del>the HS Activity Areas FP-1 and FP-2.</del></p> <p>41.5.14.2 All services, with the exception of stormwater systems, shall be reticulated underground.</p>	NC NC
41.5.15	<p><b>Building Coverage</b></p> <p>41.5.15.1 On any site within the R(JP) <del>and</del> R(JP-SH) <del>and E</del> Activity Areas, buildings shall not exceed a maximum site coverage of 45%.</p> <p>Except, in relation to any medium density residential housing development consented under Rule 41.4.6 where a maximum site coverage of 55% shall apply.</p> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Urban design.</li> <li>• Effects on amenity values for neighbours and the character of the Activity Area.</li> </ul> <p>41.5.15.2 On any site within the <del>EIG</del>, R(HD), R(HD-SH), buildings shall not exceed a maximum building coverage of 50%, except:</p> <ol style="list-style-type: none"> <li>a. Residential activity consented under Rule 41.4.6 medium density residential housing, where a maximum site coverage of 70% shall apply;</li> <li>b. Any non-residential activity consented under Rule 41.4.7 where a maximum site coverage of 70% shall apply;</li> <li>c. This rule shall not apply to sites smaller than 550m<sup>2</sup> created by subdivision.</li> </ol> <p>Discretion is restricted to <del>all of the following</del>:</p> <ul style="list-style-type: none"> <li>• Effects on amenity values for neighbours; and,</li> <li>• Stormwater management.</li> </ul> <p>41.5.15.3 <del>Within the Building coverage across the whole V(JP)illage Activity Areas site coverage</del> shall not exceed 60%.</p> <p>Discretion is restricted to the matters listed in clause (41.5.15.2) above.</p>	RD RD RD NC

# JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p><u>41.5.15.4</u> Within the Village (Homestead Bay) Activity Area, building coverage shall not exceed a maximum of 21,500 m<sup>2</sup>.</p> <p><del>41.5.15.4</del> <u>41.5.15.5</u> Building coverage within the HS<sub>57</sub> or HS<sub>58</sub> shall not exceed 25% of each homesite area shown on the structure plan.</p>	<u>D</u>
41.5.16	<p><b>Outside storage and activities</b></p> <p>41.5.16.1 No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.</p> <p>41.5.16.2 All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming.</p> <p>Except within the Village Activity Areas, where outside storage and activities are permitted.</p>	NC
41.5.17	<p><b>Location of Retail Activities</b></p> <p>41.5.17.1 Retail activities within the R(HD) Activity Areas shall be located within 120 metres of the Primary Road shown on the Structure Plan or within 120 metres of its final formed location.</p>	NC
41.5.18	<p><b>Temporary and Permanent Storage of Vehicles</b></p> <p>Within the Tablelands (refer Structure Plan), but excluding the Homesite and Lodge Activity Areas (HS) and (L) Activity Areas, there shall be no temporary or permanent siting of:</p> <ul style="list-style-type: none"> <li>• Motor vehicles, trailers, caravans, boats or similar objects;</li> <li>• Storage containers, workshops, offices, sheds, huts or similar structures (other than public toilets and shelter); and</li> <li>• Scaffolding or similar construction materials;</li> </ul> <p><b>Except</b> for temporary filming towers erected during an event and for no more than 7 days either side of an event.</p>	NC
41.5.19	<p><b>Wetlands</b></p> <p>There shall be no development, landscaping and/or earthworks within 7 metres of any Wetland area identified on the Structure Plan, <u>except to enable development of pedestrian access (including boardwalks), the erection of fences to control stock or other structures related to the protection of these areas, to undertake ecological enhancement, including the removal of plant pests.</u></p>	NC
<u>41.5.20</u>	<p><b>State Highway Noise</b></p> <p><u>Any residential activities located within 80 m of the seal edge of State Highway 6, shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq(24 hour) in bedrooms and 40 dBA (Leq (24 hour) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.</u></p> <p><u>The Council restricts its exercise of discretion to health and residential amenity</u></p>	<u>RD</u>

## 41.6 Non-Notification of Applications

41.6.1 Any application for resource consent for controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

41.6.2 Any application for resource consent for the following restricted discretionary activities shall be considered without public notification but notice ~~shall~~ may be served on those persons considered to be adversely affected if the written approval has not been obtained:

41.6.2.1 Rule 41.4.3.3 Residential Units ~~in the FP-2 Activity Area~~ and Visitor Accommodation within ~~the HS, FP-1 and FP-2 Activity Areas~~

~~Rule 41.4.7 Commercial activities, community and visitor accommodation~~

~~41.6.2.2~~ Rule 41.4.8 Sale of Liquor

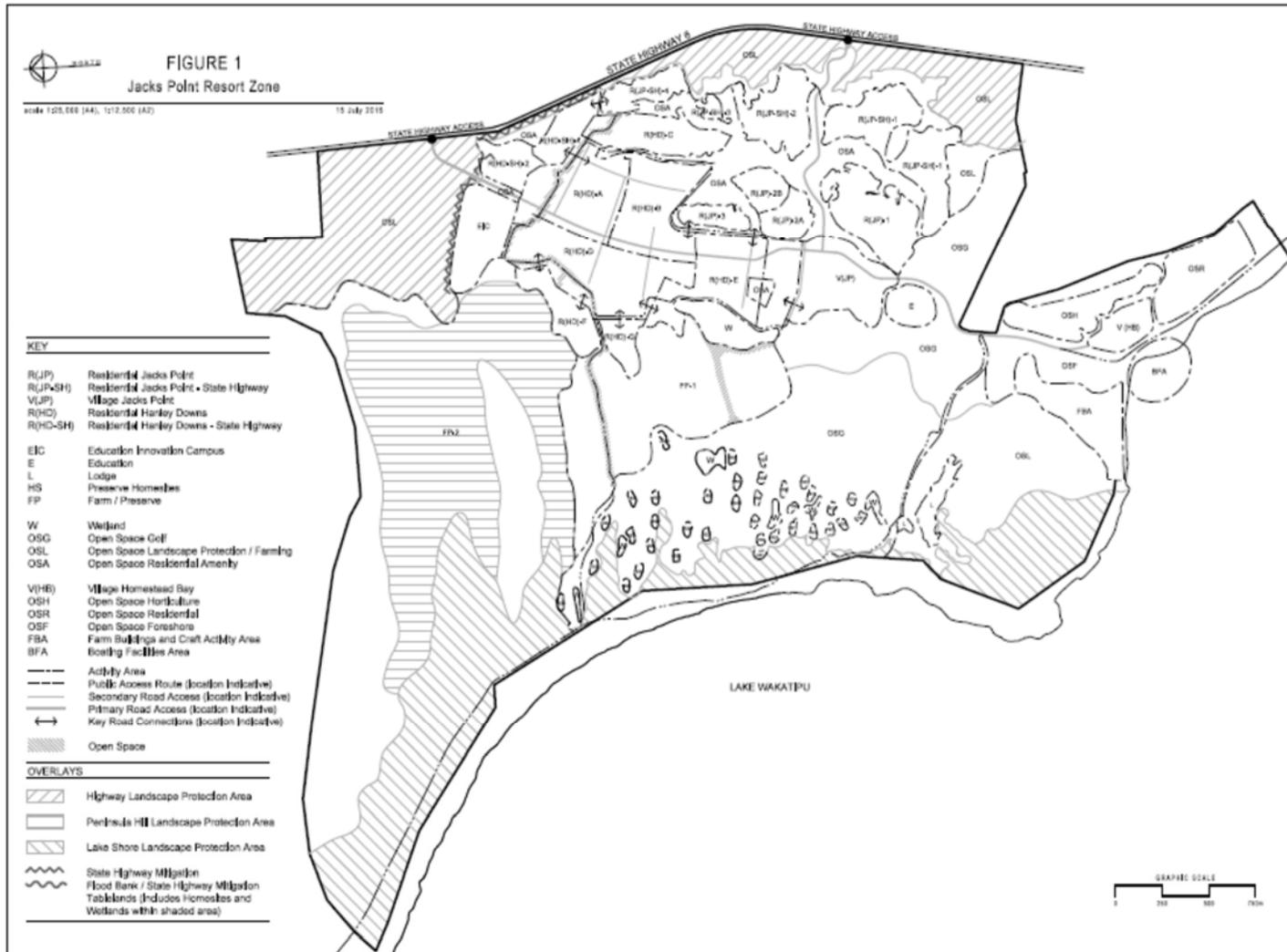
~~4.5.1.4~~ Building within Activity Areas R(HD) – Fb and G

~~41.6.2.2~~ 41.6.2.3 Rule 41.5.5 Setbacks from Roads and Internal Boundaries

~~41.6.2.3~~ 41.6.2.4 Rule 41.5.6 Access to the State Highway, only in respect of the New Zealand Transport Agency

**41.7 Structure Plan**

[Insert Revised Structure Plan]



## JACKS POINT ZONE 41

## 41.8 Jacks Point Plant List

## TREES

Botanical Name	Common Name	Sun	Mid Sun	Shade	Moist	Dry	Sheltered	Exposed
<i>Aristotelia serrata</i>	Wineberry	x	x		x	x		x
<i>Carpodetus serratus</i>	Putaputaweta / marbleleaf	x	x		x		x	
<i>Coprosma linariifolia</i>	Mikimiki	x	x		x	x		x
<i>Cordyline australis</i>	Ti kouka / cabbage tree	x	x		x	x		x
<i>Fuchsia excorticata</i>	Kotukutuku / tree fuchsia		x		x		x	
<i>Elaeocarpus hookerianus</i>	Pokaka		x		x		x	
<i>Griselinia littoralis</i>	Kapuka / broadleaf	x	x		x	x		x
<i>Hoheria lyallii</i>	Mountain ribbonwood	x			x			x
<i>Melicytus lanceolatus</i>	Mahoe wao	x	x		x		x	
<i>Melicytus ramiflorus</i>	Mahoe / whiteywood	x	x		x	x		x
<i>Metrosideros umbellata</i>	Southern rata	x	x		x	x		x
<i>Myrsine australis</i>	Mapou	x	x	x	x	x		x
<i>Nothofagus fusca</i>	Red beech	x	x		x	x	x	
<i>Nothofagus solandri</i> var. <i>cliffortioides</i>	Mountain beech	x	x		x	x	x	
<i>Pennantia corymbosa</i>	Kaikomako	x	x		x	x		x
<i>Pittosporum eugenioides</i>	Tarata / lemonwood	x	x		x	x		x
<i>Pittosporum tenuifolium</i>	Kohuhu	x	x		x	x		x
<i>Podocarpus hallii</i>	Hall's Totara	x	x		x	x		x
<i>Prumnopitys taxifolia</i>	Matai		x	x	x	x	x	
<i>Pseudopanax crassifolius</i>	Lancewood	x	x		x	x		x
<i>Sophora microphylla</i>	Kowhai	x	x		x	x	x	

## SHRUBS

<i>Aristotelia fruticosa</i>	Mountain wineberry	x			x			x
<i>Carmichaelia petriei</i>	NZ broom	x	x	x	x			x
<i>Coprosma crassifolia</i>	NZ Coprosma	x	x		x	x		x
<i>Coprosma lucida</i>	Shining Karamu		x	x	x	x		x
<i>Coprosma propinqua</i>	Mingimingi	x			x	x		x
<i>Coprosma rugosa</i>	Needle-leaved Mt	x	x		x	x		x
<i>Corokia cotoneaster</i>	Korokia	x	x		x	x		x
<i>Cyathodes juniperina</i>	Mingimingi	x	x			x		x
<i>Discaria toumatou</i>	Matagouri	x			x	x		x
<i>Dracophyllum longifolium</i>	Inaka	x	x			x		x
<i>Dracophyllum uniflorum</i>	Turpentine shrub	x	x		x			x
<i>Gaultheria antipoda</i>	Tall snowberry	x		x	x	x	x	
<i>Hebe cupressoides</i>	Cypress Hebe	x				x		x
<i>Hebe odora</i>		x			x			x
<i>Hebe rakaiensis</i>		x			x	x		x
<i>Hebe salicifolia</i>	South Island Koromiko	x			x			x
<i>Hebe subalpina</i>		x			x	x		x
<i>Leptospermum scoparium</i>	Manuka	x	x		x	x		x
<i>Melicytus alpinus</i>	Porcupine shrub	x	x		x	x		x

## JACKS POINT ZONE 41

Myrsine divaricata	Weeping mapou	x	x		x	x		x
Olearia arborescens	Southern Tree Daisy	x	x		x	x		x
Olearia avicenniifolia	Tree Daisy	x				x		x
Olearia bullata		x			x	x		x
Olearia cymbifolia		x	x		x	x		x
Olearia fragrantissima		x				x	x	
Olearia hectori		x			x	x		x
Olearia lineata	Tree Daisy	x	x		x	x		x
Olearia nummulariafolia	Tree Daisy	x				x		x
Olearia odorata	Tree Daisy	x			x		x	
Ozothamnus sp.	Cottonwood	x			x	x		x
Pimelea aridula	NZ daphne	x			x	x		x
Pseudopanax colensoi var. ternatus	Mountain three finger		x	x	x	x		x
<b>GRASSES</b>								
Aciphylla aurea	Golden speargrass	x				x		x
Aciphylla glaucescens	Blue speargrass	x				x		x
Astelia fragrans	Bush lily		x	x	x		x	
Astelia nervosa	Mountain Astelia		x	x	x	x		x
Carex coriacea	NZ swamp sedge	x			x			x
Carex maorica	Carex	x	x		x			x
Carex secta	Purei	x	x		x			x
Chionochloa conspicua	Bush tussock	x	x		x	x		x
Chionochloa rigida	Narrow-leaved snow	x			x	x		x
Chionochloa rubra	Red Tussock	x			x	x		x
Cortaderia richardii	South Island Toeotoe	x			x	x		x
Festuca novae zelandiae	Hard tussock	x				x		x
Juncus distegus	Wiwi		x		x			x
Juncus gregiflorus	NZ soft rush		x		x			x
Juncus sarophorus	Wiwi	x	x		x			x
Phormium cookianum	Mountain flax	x			x	x		x
Phormium tenax	Harakeke/swamp flax	x			x	x		x
Poa cita	Silver tussock	x			x	x		x
Schefflera digitata	Seven finger	x	x		x	x	x	
Schoenus pauciflorus	Bog rush	x			x		x	
Typha orientalis	Raupo / bullrush	x			x			x

**APPENDIX 2**

Summary of Submissions

<b>Karen Fround</b>
- General support for separate Jack's Point zone
<b>Taverner, Ford, Jamieson, Judd/Bayliss, Ashford-Tait, Thomson, Page/Holzmann, Andrews, Moran, T Williams, Bamber, Cunningham, Sanders/Clements, Tilsley/Ruthven, Dowell, Westenberg, Harris-Wingrove</b>
- Agree with permitted activity status for residential activity
- Agree with changes to Village area to allow commercial viability and support for community services
- Agree that a range of housing needs to be provided and there is ability to absorb this at Jack's Point
- Oppose aggregation of Jack's Point with Homestead Bay and Hanley Downs;
- Reinstate operative Plan objectives, policies, rules and structure plan for the Jack's Point area (Fig 1);
- Add new rule requiring assessment of effects on neighbour properties / neighbourhoods.
- Use or replicate the existing Jack's Point Resort zone objectives and policy, rules or assessment matters and amend the Jack's Point Residential neighbourhood and Open Space notations to provide for landscape and amenity values.
- In the Open Space areas remove provision for commercial farming.
- Provide for integrated infrastructure and servicing.
- Oppose changes to residential density within the Jack's Point area
- Oppose changes to open space areas, including re-zoning to FP-1
<b>Geddes, M Williams, Fiordland Tablelands</b>
- Retain the existing Jack's Point Resort Zone objective, policies, rules and assessment criteria.
- Amend the residential neighbourhood and open space notations so that the landscape, amenity value, open space and residential outcomes can continue to be achieved.
- Delete Policy 41.2.1.26 and provide for integrated infrastructure and servicing
- That no decision be made in regards to the FP-1 activity area until such time as the boundaries have been clarified and notified to all adjoining property owners who can then determine as to whether they wish their entire properties to be included in the activity area or no
<b>JM Smith, Bravo Trustee Co Ltd &amp; S Freeman</b>
- General support for separate Jack's Point zone, permitted activity status for residential activity and potential for a range of housing options

-	Opposed to aggregation of Jack's Point with Homestead Bay and Hanley Downs, any changes to the existing open space areas owned by the JPROA and increase or reallocation of residential density.
-	Seeks to re-instate the operative District Plan objectives, policies, rules and structure plan as it relates to the Jack's Point portion of the Jack's Point Special Zone
<b>Schrantz</b>	
-	Oppose Farm Preserve activity areas and rezoning of open space as FP-1
-	No public access route in the proposed location; retain the prior access via Stragglers Loop
<b>Karen Hansen</b>	
-	Opposes Rule 41.5.6 Access to the State Highway. Maori Jack Road is a private road. Requests that Maori Jack Road vests into Council ownership in its current state and form prior to residential development and subdivision occurring within Hanley Downs or Woolshed Bay.
<b>Scope Resources Ltd</b>	
-	Proposed amendments to the Jack's Point Structure Plan boundaries are removed from the Proposed District Plan.
-	Rule 41.5.6.2 be amended to require a roundabout intersection at Woolshed Road.
<b>QLDC</b>	
-	Delete reference to design guidelines through the chapter.
-	Clarify intent of Rule 41.5.8.2.
-	Add "and the night sky" to Rule 41.5.13.1.
<b>MOE</b>	
-	Support the zone and the provision of education in Objective 41.2.1 and Policies 41.2.1.15 and 41.2.1.19
<b>Wildgrass</b>	
-	Support continued exclusion of Lodge Activity areas from ONL.
-	Continue to provide for Lodge Activity areas within JPRZ
-	Support Objective 41.2.1
-	Support Policies relevant to Lodge Activity areas
-	Support controlled activity status for buildings pursuant to Rule 41.4.3.1 within the Lodge Activity areas
-	Support controlled activity status for any tennis court located in the smaller Lodge Activity Area
-	Support Rule 41.5.12.1

- Support Rule 41.5.12.2(h)
- Expand the Lodge Activity area across Lot 3 and Lot 1 DP 447241
- Incorporate a Lodge Parking Activity area in the extreme eastern area of Lot 2
- Oppose restricted discretionary status for sale of liquor in the Lodge activity area
- Oppose Rule 41.4.9.6 as residential activities should be allowed and so should meeting facilities
- Delete Rules 41.5.4.1 and 41.5.4.2 with replacement with operative earthworks Rule 12.2.3.3
- Oppose subdivision activities being discretionary
- Modify the plan to enable subdivision to be a controlled activity within the JPRZ with no minimum allotment size
- Retain the density of residential development from the operative District Plan
<b>RCL</b>
- Delete Zone purpose
- Recognise residential development in the Jack's Point Village by amending Policy 41.2.1.13
- Add a new restricted discretionary rule for buildings in the Open Space Community and Recreation Activity Area
- Amend Rule 41.4.6.1 Medium Density Residential Development, to simplify the rule
- Delete Rule 41.4.9.1 Structure Plan, Residential Activity Area
- Add a new Rule 41.4.9.18 for activities in the Open Space Community and Recreation Area
- Delete Rule 41.5.2.9 Vegetation
- Delete Rule 41.5.3.3 Structure Plan – Open Spaces
- Amend Rules 41.5.4.1 and 41.5.4.2 to allow earthworks in the Open Space Community and Recreation area
- Amend Rule 41.5.5.1 Setbacks, to enable buildings within 20m of the zone boundary in the Open Space Community and Recreation Area
- Amend Rule 41.5.5.2 Setbacks, to simplify the rule
- Amend Rule 41.5.5.4 Setbacks, to simplify the rule
- Delete Rule 41.5.7.2 Fencing
- Amend Rule 41.5.12.2 Maximum Building Height, to include the Open Space Community and Recreation area
- Delete Rule 41.5.12.4 Recession planes

- Amend Rule 41.5.15.2 Building Coverage
- Add a new Rule 41.5.15.4 for site coverage in the Open Space Community and Recreation area
- Amend Structure Plan to identify areas of OSA and to create a new open space community and recreation activity area
- Retain all other provisions in the section
- Amend the Structure Plan to provide for a new access onto the State Highway through Lot 2 DP 475609
- Amend Rules 41.5.3, 41.5.6 and 27.8.9 to enable access through the alternative location on the same basis as the proposed access through Woolshed Road
<b>Jardine Family Trust and Remarkables Station Ltd</b>
- Extend the Jack's Point zone, structure plan and urban growth boundary
- Delete policy 41.2.1.4
- Delete part of policy 41.2.1.10
- Amend policy 41.2.1.13
- Delete policy 41.2.1.26
- Amend part 41.4.6 to enable residential activity in new areas
- Amend 41.4.9.11
- Amend 41.4.9.15
- Delete 41.4.9.16 and 41.5.2.7
- Delete or amend 41.5.6.1
- Add new Rule 41.5.8.1
- Delete 41.5.11
- Amend 41.5.12.2
- Amend 41.5.15.2
- Delete 41.5.15.4
- Amend the structure plan
<b>NZTA</b>
- Retain Policy 41.2.1.5
- Amend Rule 41.5.6 State Highway Access
- Retain Rule 41.6.2.6 Non-Notification of applications, access to the State Highway
<b>Otago Polytechnic</b>

- Supports the provisions relating to the Education Precinct and the Education and Innovation Campus
<b>Vivo Capital Limited</b>
- Amend the Structure Plan, including through the addition of a new Figure 4, to rezone the area of open space located on Lot 475609 DP 398514 as "Village Woolshed" and "Residential Woolshed Road"
- That appropriate Outline Development Plan, Policies, Rules and Guidelines specific to this site are incorporated into the Jack's Point Zone

**APPENDIX 3**

Relevant Objectives and Policies from the Otago  
Regional Policy Statement (Decisions Version)

**Relevant provisions of the Otago Regional Policy Statement, as amended by decisions on 1 October 2016**

***Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced***

***Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes***

*Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:*

- a) *Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*
- b) *Avoiding, remedying or mitigating other adverse effects*
- c) *Recognising and providing for the positive contributions of existing introduced species to those values;*
- d) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) *Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.*

***Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes***

*Protect or enhance highly valued natural features, landscapes and seascapes, by all of the following:*

- a) *Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for positive contributions of existing introduced species to those values;*
- d) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) *Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.*

***Policy 4.4.6 Energy efficient transport***

*Enable energy efficient and sustainable transport for Otago's communities, by all of the following:*

- a) *Encouraging the development of compact and well integrated urban areas, to reduce travel needs within those areas;*
- b) *Ensuring that transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas, by all of the following:*
  - i. *Placing a high priority on walking, cycling, and public transport, where appropriate;*
  - ii. *Maximising pedestrian and cycling networks connectivity, and integration with public transport;*
  - iii. *Having high design standards for pedestrian and cyclist safety and amenity;*

- c) *Enabling the development or upgrade of transport infrastructure and associated facilities that both:*
  - i. *Increase freight efficiency; and*
  - ii. *Foster the uptake of new technologies for more efficient energy uses, and renewable or lower emission transport fuels.*

**Objective 4.5 Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments**

**Policy 4.5.1 Managing for urban growth and development**

*Manage urban growth and development in a strategic and co-ordinated way, by all of the following:*

- a) *Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;*
- b) *Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way.*
- c) *Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:*
  - i. *Minimise adverse effects on rural activities and significant soils;*
  - ii. *Minimise competing demands for natural resources;*
  - iii. *Maintain or enhance significant biological diversity, landscape or natural character values;*
  - iv. *Maintain important cultural or historic heritage values;*
  - v. *Avoid land with significant risk from natural hazards;*
- d) *Considering the need for urban growth boundaries to control urban expansion;*
- e) *Ensuring efficient use of land;*
- f) *Encouraging the use of low or no emission heating systems;*
- g) *Giving effect to the principles of good urban design in Schedule 5;*
- h) *Restricting the location of activities that may result in reverse sensitivity effects on existing activities.*

**APPENDIX 4**

Relevant Objectives and Policies from Strategic  
Directions Chapters of the PDP

**Relevant Objectives from Strategic Directions Chapters of the PDP**

(As amended by evidence of Chris Ferguson, dated 29 February 2016 or through the Councils Right of Reply 07/04/2016))

**Chapter 3 Strategic Directions**

**~~Objective 3.2.1.1 Recognise, develop and sustain the~~ The Queenstown and Wanaka central business areas town centres are as the hubs of New Zealand's premier alpine resorts and the District's economy. (Revised Proposal, Councils Right of Reply 07/04/2016)**

**~~Policy 3.2.1.1.2~~ Avoid commercial rezoning that could fundamentally undermine the role of the Queenstown and Wanaka ~~central business areas town centres~~ as the primary focus for the District's economic activity. (Revised Proposal, Councils Right of Reply 07/04/2016)**

**~~Objective 3.2.1.3A Recognise, develop~~ Enhance and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas town centres and Frankton. (Revised Proposal, Councils Right of Reply 07/04/2016)**

**~~Policy 3.2.1.3A.1~~ Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger ~~urban~~ centres outside of the Queenstown, and Wanaka ~~central business areas~~ and Frankton fulfil. (Revised Proposal, Councils Right of Reply 07/04/2016)**

**~~Objective 3.2.1.4 Recognise and provide for~~ The significant socioeconomic benefits of tourism activities across the District are provided for and enabled. (Revised Proposal, Councils Right of Reply 07/04/2016)**

**~~Objective 3.2.1.5 Enable the~~ Development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities. (Revised Proposal, Councils Right of Reply 07/04/2016)**

**~~Policy 3.2.1.5.1~~ Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification. (policy as notified)**

**~~Objective 3.2.2.1 Urban development;~~ occurs in a logical manner:**

- ~~to promote a~~ has a well designed and integrated urban form;
- ~~to manages~~ the cost of Council infrastructure; and
- ~~to protects~~ the District's rural landscapes from ~~sporadic and sprawling urban sprawl development~~

**Objective 3.2.2.2 Manage development in areas affected by natural hazards.**

**Objective 3.2.3.1 Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.**

**Objective 3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.**

**Objective 3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.**

**Objective 3.2.5.3** Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

**Objective 3.2.6.2** Ensure a mix of housing opportunities

**Objective 3.2.6.4** Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.

## **Chapter 4 - Urban Development**

**Objective 4.2.1** Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features

**Policy 4.2.1.2**-Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks, including planned expansion to accommodate growth within urban areas

**Policy 4.2.1.3** Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities

**4.2.2 Objective** Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges.

**4.2.3 Objective** Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.

**Policy 4.2.3.1** Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable manner, ensuring:

- Connectivity and integration;
- The sustainable use of public infrastructure;
- Convenient linkages to the public and active transport network; and
- Housing development does not compromise opportunities for commercial or community facilities in close proximity to centres.

**Policy 4.2.3.7** ~~To manage the edges interface between of urban and rural areas~~ Urban Growth Boundaries are managed to address: provide a sensitive transition to rural areas

(a) reverse sensitive effects, including from noise, odour and dust; and

(b) impacts on rural character and amenity values

**Objective 4.2.4 - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.**

**Policy 4.2.4.2** Ensure that development within the Queenstown Urban Growth Boundary:

- Provides a diverse supply of residential development to cater for the needs of residents and visitors
- Provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre
- Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment

- Provides infill development as a means to address future housing demand
- Provides a range of urban land uses that cater for the foreseeable needs of the community
- Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development
- Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities
- Does not diminish the qualities of significant landscape features

## **Chapter 6 Landscapes**

**Objective 6.3.1 - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.**

**Objective 6.3.2 Avoid remedy or mitigate adverse cumulative effects on landscape character and visual amenity values caused by incremental inappropriate subdivision and development**

**6.3.3 Objective - Protect, maintain or enhance the district's Outstanding Natural Features (ONF)**

**6.3.4 Objective - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL)**

**Objective 6.3.5 ~~Ensure~~ Enable subdivision and development ~~does not degrade~~ which will avoid, remedy, or mitigate any adverse effects on landscape character and diminish visual amenity values of the Rural Landscapes (RLC).**

**6.3.6 Objective – The protection, maintenance or enhancement of indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.**

**Policy 6.3.6.1 Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.**

**APPENDIX 5**

Activity Area Summary

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
Village	Residential and visitor accommodation activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities, small-scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities (Rule 41.4.9)	<p>For any of the anticipated activities (Refer structure plan Rule 41.4.9), the intensity of activities will be controlled through the relevant bulk and location standards, the maximum floor area of 200 m<sup>2</sup> on commercial activities and compliance with the Structure Plan.</p> <p>There are no density rules for residential development within the Village and in addition no minimum allotment size for subdivision.</p>	<p>Buildings are a permitted activity within the V Activity Area, subject to compliance with the standards for building (Table 2).</p> <p>Maximum Building Height: 12m</p> <p>Maximum building coverage: 60%</p> <p>Setbacks: 2 of 4.5m, with all remaining of 2m; or 1 of 6m, 1 of 3.5m and all others of 2m. No setbacks required for buildings sharing a common wall and exemptions for minor encroachments and accessory buildings.</p> <p>The maximum net floor area for any Commercial Activity is 200 m<sup>2</sup>.</p>
Education	Educational and Day Care Facilities (Rule 41.4.9)	For any Education and Day Care Facility the intensity of this activity would be controlled through the matters of control under Rule 41.4.2, compliance with the structure plan (i.e. being located within the E Activity Area) and the relevant bulk and location standards.	<p>Buildings are a permitted activity within the E Activity Area, subject to compliance with the standards for building (Table 2).</p> <p>No maximum earthworks.</p> <p>Maximum Building Height: 10m</p> <p>Maximum building coverage: 45%</p> <p>Setbacks: 2 of 4.5m, with all remaining of 2m; or 1 of 6m, 1 of 3.5m and all others of 2m. No setbacks required for buildings sharing a</p>

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
			common wall and exemptions for minor encroachments and accessory buildings.
Education Innovation Campus Activity Area	<p><del>Technology based activities including commercial and medical research, laboratories, training, educational facilities, specialist health care and associated administrative, office, accommodation, retailing and recreation facilities (Rule 41.4.9)</del></p> <p><del>Commercial activities, community activities and visitor accommodation are a controlled activity (Rule 41.4.7)</del></p>	<p><del>For any Commercial or Community activity, the intensity of this activity would be controlled through the matters of control under Rule 41.4.7 and the relevant bulk and location standards, with up to 50% site coverage.</del></p> <p><del>The intensity of all other activities will be controlled through the relevant bulk and location standards and compliance with the structure plan rule (Rule 41.4.9) with respect to location and activity type.</del></p> <p><del>The total floor area for any single retail activity is restricted to 200m<sup>2</sup> (Rule 41.5.9.2)</del></p>	<p><del>Buildings are a permitted activity within the EIC Activity Area, subject to compliance with the standards for building (Table 2).</del></p> <p><del>Maximum Building Height: 10m, except for any commercial activity consented under Rule 41.4.7 where maximum height can be 15m</del></p> <p><del>Setbacks: 2 of 4.5m, with all remaining of 2m; or 1 of 6m, 1 of 3.5m and all others of 2m. No setbacks required for buildings sharing a common wall and exemptions for minor encroachments and accessory buildings.</del></p> <p><del>As part of any resource consent application to establish commercial or community activities within the EIC Activity Area (Rule 41.4.7.1), Council's control includes State Highway Mitigation in the locations shown on the Structure Plan.</del></p>
Lodge (L)	Visitor Accommodation, restaurants and conference facilities (Rule 41.4.9)	For any visitor accommodation activity, restaurant or conference facility the intensity of this activity would be controlled through the matters of control under Rule 41.4.3 and compliance with the structure plan (i.e. being located within the L Activity Area).	<p>All building is a controlled activity (Rule 41.4.3)</p> <p>Maximum Building Height: 5m and 7.5m</p>

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
Homesites (HS)	Residential Activities, restricted to one residential unit per site (Rule 41.4.9)	1 per site (Rule 41.4.9)	<p>Buildings area permitted activity within each HS Activity Area, subject to compliance with the standards for building (Table 2).</p> <p>Buildings shall not exceed a total building footprint of 1,000m<sup>2</sup> in area (Rule 41.5.1.2)</p> <p>No building can occur until 3,000m<sup>2</sup> or 20% of the area of the site has been re-vegetated with native vegetation, this cannot include existing vegetation (Rule 41.5.2.5).</p> <p>Setbacks: 2 of 4.5m, with all remaining of 2m; or 1 of 6m, 1 of 3.5m and all others of 2m. No setbacks required for buildings sharing a common wall and exemptions for minor encroachments and accessory buildings (Rule 41.5.5).</p> <p>Maximum Building Height: 5m above a specified datum for each homesite (Rule 41.5.12)</p>
R(JP) - 1	Residential Activities (Rule 41.4.9)	The average density of residential units is 13.08 – 18.67 per ha	<p>Dwellings are a permitted activity, subject to compliance with the standards for building (Table 2).</p> <p>Provision is made for Medium Density Residential Development as a Restricted Discretionary Activity where residential activity results in either 3 or more attached units, or a density of more than 1 unit/380m<sup>2</sup> of net site area (Rule 41.4.6.2). The intent of this rule is to control building design with the</p>

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
			<p>average density being required to remain in compliance with the density rule.</p> <p>Setbacks: 2 of 4.5m, with all remaining of 2m; or 1 of 6m, 1 of 3.5m and all others of 2m. No setbacks required for buildings sharing a common wall and exemptions for minor encroachments and accessory buildings.</p> <p>Site coverage: 45%, with exceptions</p> <p>Maximum building height: 8m</p>
R(JP) - 2A	Residential Activities (Rule 41.4.9)	The average density of residential units is 13.62– 33.33 per ha	Building controls same as R(JP) 1
R(JP) - 2B	Residential Activities (Rule 41.4.9)	The average density of residential units is 14.04 – 14.85 per ha	Building controls same as R(JP) 1
R(JP) - 3	Residential Activities (Rule 41.4.9)	The average density of residential units is 14.18 per ha	Building controls same as R(JP) 1
R(JP-SH) - 1	Residential Activities and mitigation of development from the State Highway (Rule 41.4.9)	The average density of residential units is 9.64 per ha	Building controls same as R(JP) 1, except for medium density provision
R(JP-SH) - 2	Residential Activities and mitigation of development from the State Highway (Rule 41.4.9)	The average density of residential units is 8.85 per ha	Building controls same as R(JP) 1, except for medium density provision
R(JP-SH) - 3	Residential Activities and mitigation of development from the State Highway (Rule 41.4.9)	The average density of residential units is 4.62 per ha	Building controls same as R(JP) 1, except for medium density provision

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
R(JP-SH) - 4	Residential Activities and mitigation of development from the State Highway (Rule 41.4.9)	The average density of residential units is 4.85 – 26.61 per ha	Building controls same as R(JP) 1
R(HD) - A – R(HD) - E	Residential Activities (Rule 41.4.9)  Commercial activities, community activities and visitor accommodation are provided for through a restricted discretionary activity consent (Rule 41.4.7.2)	The average density of residential units is 17 – 26 per ha (A, B and D)  The average density of residential units is 15 – 22 per ha (C)  The average density of residential units is 25 – 45 per ha (E)  For any community activity or visitor accommodation activity, the intensity of this activity would be controlled through the matters of discretion under Rule 41.4.7.2 and the relevant bulk and location standards, including an allowance of up to 70% site coverage for any non-residential activity.	Dwellings are a permitted activity, subject to compliance with the standards for building (Table 2).  Provision is made for Medium Density Residential Development as a Restricted Discretionary Activity where residential activity results in either 3 or more attached units, or a density of more than 1 unit/380m <sup>2</sup> of net site area (Rule 41.4.6.2). The intent of this rule is to control building design with the average density being required to remain in compliance with the density rule.  Setbacks: 2 of 4.5m, with all remaining of 2m; or 1 of 6m, 1 of 3.5m and all others of 2m. No setbacks required for buildings sharing a common wall and exemptions for minor encroachments and accessory buildings.  Site coverage: 50%, with exceptions  Maximum building height: 8m
R(HD) - F	Residential Activities (Rule 41.4.9)  Commercial activities, community activities and visitor accommodation are provided for through a restricted	The average density of residential units is 2 – 10 per ha	Buildings controls the same as (R(HD) A

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
	discretionary activity consent (Rule 41.4.7.2)	<p>The scale of any commercial activity is not subject to the restrictions under Rule 41.5.9.3.</p> <p>For any community activity or visitor accommodation activity, the intensity of this activity would be controlled through the matters of discretion under Rule 41.4.7.2 and the relevant bulk and location standards, including an allowance of up to 70% site coverage for any non-residential activity.</p>	
R(HD) - G	<p>Residential Activities (Rule 41.4.9)</p> <p>Commercial activities, community activities and visitor accommodation are provided for through a restricted discretionary activity consent (Rule 41.4.7.2).</p>	<p>The average density of residential units is 2 – 10 per ha</p> <p>The scale of any commercial activity is not subject to the restrictions under Rule 41.5.9.3.</p> <p>For any community activity or visitor accommodation activity, the intensity of this activity would be controlled through the matters of discretion under Rule 41.4.7.2 and the relevant bulk and location standards, including an allowance of up to 70% site coverage for any non-residential activity.</p>	Buildings controls the same as R(HD) A
R(HD-SH) – 1 R(HD-SH) - 3	Residential Activities and mitigation of development from the State Highway (Rule 41.4.9)	The average density of residential units is 12 – 22 per ha	Buildings controls the same as R(HD) A

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
	<p>Commercial activities, community activities and visitor accommodation are provided for through a restricted discretionary activity consent (Rule 41.4.7.2).</p> <p>The matters of discretion over subdivision within the R(HD-SH) Activity Areas, require the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6 to be considered (27.7.14.4)</p>	<p>The scale of any commercial activity is not subject to the restrictions under Rule 41.5.9.3.</p> <p>For any community activity or visitor accommodation activity, the intensity of this activity would be controlled through the matters of discretion under Rule 41.4.7.2 and the relevant bulk and location standards, including an allowance of up to 70% site coverage for any non-residential activity</p>	
R(HD-SH) - 2	<p>Residential Activities and mitigation of development from the State Highway (Rule 41.4.9)</p> <p>Commercial activities, community activities and visitor accommodation are provided for through a restricted discretionary activity consent (Rule 41.4.7.2).</p> <p>The matters of discretion over subdivision within the R(HD-SH) Activity Areas, require the visual effects of subdivision and future development on landscape and amenity values as viewed from State</p>	<p>The average density of residential units is 2 – 10 per ha</p> <p>The scale of any commercial activity is not subject to the restrictions under Rule 41.5.9.3.</p> <p>For any community activity or visitor accommodation activity, the intensity of this activity would be controlled through the matters of discretion under Rule 41.4.7.2 and the relevant bulk and location standards, including an allowance of up to 70% site coverage for any non-residential activity.</p>	Buildings controls the same as R(HD) A

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
	Highway 6 to be considered (27.7.14.4)		
Wetland (W)	Structures are restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhancement of biodiversity and ecological values (Rule 41.4.9)	No minimum density or lot size provided as this activity area does not enable residential activity.	Building associated with any activity provided for within Rule 41.4.9 (e.g. playgrounds) are a permitted activity, subject to compliance with the relevant bulk and location standards.  Maximum building height: 4m
Open Space Golf (OSG)	Development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices, mining, sales and commercial instruction (Rule 41.4.9)	No minimum density or lot size provided as this activity area does not enable residential activity.	Building associated with any activity provided for within Rule 41.4.9 is a permitted activity, subject to compliance with the relevant bulk and location standards.  Maximum building height: 8m  Any building within the Lakeshore Landscape Protection Area requires resource consent as a Discretionary Activity.
Open Space Landscape Protection (OSL)	Farming, together with farm buildings, fencing, trail formation, mining, farm access tracks and recreation activities (Rule 41.4.9)	No minimum density or lot size provided as this activity area does not enable residential activity.	Building associated with any activity provided for within Rule 41.4.9 (i.e. Farm Building) is a permitted activity, subject to compliance with the relevant bulk and location standards.  Maximum building height: 4m  Any building within the Highway Landscape Protection Area requires resource consent as a Discretionary Activity.

Activity Area	Anticipated Activities	Yield/Intensity*	Key Controls
Open Space Amenity (OSA)	Recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services (Rule 41.4.9)	No minimum density or lot size provided as this activity area does not enable residential activity.	<p>Building associated with any activity provided for within Rule 41.4.9 (e.g. playgrounds) are a permitted activity, subject to compliance with the relevant bulk and location standards.</p> <p>Maximum building height: 4m</p> <p>Any building within the Highway Landscape Protection Area requires resource consent as a Discretionary Activity.</p>

- \* The Density of residential units across the zone is calculated on the net area of land available for development and excludes land vested or held as reserve, open space, public access routes or roading and excludes sites used for non-residential activities. If part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. The rules also allow a single residential unit on any site contained within a separate certificate of titles. As the subdivision rules require a minimum allotment size to comply with the average density requirements for the zone, there should be a consistent density achieved between subdivision and land use development.

**APPENDIX 6**

Jack's Point Zone - Yield Analysis

Jacks Point Resort Zone (Chapter 12) - Operative District Plan  
Predicted Maximum Yields

	Activity Area Size (ha)	Residential Yield (Dwellings)	Commercial,VA,Other (m <sup>2</sup> )	Notes
R(JP)-1	16.13	220	0	From approved Density Master Plan RM160426
R(JP)-2	9.50	115	0	From approved Density Master Plan RM160426
R(JP)-3	4.15	49	0	From approved Density Master Plan RM160426
R(JP-SH)-1	21.71	195	0	From approved Density Master Plan RM160426
R(JP-SH)-2	12.69	105	0	From approved Density Master Plan RM160426
R(JP-SH)-3	1.41	16	0	From approved Density Master Plan RM160426
R(JP-SH)-4	5.69	95	0	From approved Density Master Plan RM160426
R(JP) - additional		60	0	Addition possible to maximise the 12 dwellings/ha limit through a changes to the ODP
R(HD) (Fours pods)	46.26	518	0	From approved Density Master Plan RM160171
R(HD) - additional		37		Addition possible to maximise the 12 dwellings/ha limit through a changes to the ODP
V(JP)	15.07	603	150,700	A minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living (Rule 12.2.5.1 x (a)); Assume average height of 2.5 levels for all activities and average residential unit size of 125m <sup>2</sup>
V(HD)	13.88	555	138,800	A minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living (Rule 12.2.5.1 x (b)); Assume average height of 2.5 levels for all activities and average unit size of 125 m <sup>2</sup> .
V(HB)	6.22	108	21,500	Rule 12.2.5.2 iii - The building coverage within the Homestead Bay Village Area shall be a maximum of 21,500 m <sup>2</sup> .
L	4.67	0	13,076	No limit on scale of VA. Assume 40% coverage of developable area (70% of gross area)
HS	-	36	0	
OSH	12.67	15	0	Rule 12.2.5.1 i (i)
OSR	15.60	12	0	Rule 12.2.5.1 i (l)
OSF	40.67	0	0	
FBA	15.73	1	0	
BFA	9.00	0	0	
<b>TOTAL</b>		<b>2,739</b>	<b>324,076</b>	

Jacks Point Zone - Proposed District Plan  
Predicted Maximum Yields

	Activity Area ** Size (ha)	Maximum Residential Yield (Dwellings)	Maximum Commercial,VA,Other (m <sup>2</sup> )	Notes
R(JP)-1	17.20	247	0	
R(JP)-2a	5.46	120	0	
R(JP)-2b	4.89	55	0	
R(JP)-3	4.15	49	0	
R(JP-SH)-1	22.53	195	0	
R(JP-SH)-2	12.88	105	0	
R(JP-SH)-3	1.44	16	0	
R(JP-SH)-4	6.36	95	0	
R(HD) - A	21.68	366	*	Assume 35% loss to open space and max density of 26 dwellings/ha
R(HD) - B	19.56	331	*	Assume 35% loss to open space and max density of 26 dwellings/ha
R(HD) - C	12.77	197	*	Assume 30% loss to open space and max density of 22 dwellings/ha
R(HD) - D	28.4	480	*	Assume 35% loss to open space and max density of 26 dwellings/ha
R(HD) - E	25.93	758	*	Assume 35% loss to open space and max density of 45 dwellings/ha
R(HD) - F	9.03	63	*	Assume 30% loss to open space and max density of 10 dwellings/ha
R(HD) - G	4.65	20	*	Assume 30% loss to open space and max density of 10 dwellings/ha
R(HD-SH) - 1	6.47	100	*	Assume 30% loss to open space and max density of 22 dwellings/ha
R(HD-SH) - 2	6.33	44	*	Assume 30% loss to open space and max density of 10 dwellings/ha
R(HD-SH) - 3	12.20	188	0	Old EIC, all Residential, no education
V(JP)	26.80	1,072	268,000	Based on JP Structure Plan Village area; assumes average building height at 2.5 levels and average residential units size of 125m <sup>2</sup> . Revised Rule 51.5.9.3 would limit commercial activities to 99,000 m <sup>2</sup> and Rule 41.5.9.1 restricts max floor area for any single commercial activity to 200m <sup>2</sup> .
V(HB)	6.22	124	28,000 (Commercial); 12,440 (VA)	Revised Rule 41.5.9.4 The total area of all commercial activities within the V(HB) Activity Area shall not exceed 28,000m <sup>2</sup> . For residential activity, assume one-third of the 60% coverage and average density of one unit/200m <sup>2</sup> .
L	4.67	0	13,076	No limit on scale of VA. Assume 40% coverage of developable area (70% of gross area)
HS	-	58		Based on 15 December Structure Plan
OSH	12.67	15	0	Rule 41.5.1.1
OSR	15.60	12	0	Rule 41.4.9.15
OSF	40.67	0	0	
FBA	15.73	1	0	
BFA	9.00	0	0	
<b>TOTAL</b>		<b>4,711</b>	<b>321,516</b>	

\* Within the R(HD) and R(SH-HD) Activity Areas a range of non-residential uses are provided for. Rule 41.5.9.2 limits the total floor area of all commercial activities in the R(HD) A to E to 550m<sup>2</sup>; Rule 41.4.2 enables Education activities as a controlled activity, no upper limit on scale. Rule 41.4.7.1 provides for commercial activities, community activities and VA as a RDA, with no upper limit on scale to VA and community activities

\*\* Activity Areas based on JP Structure Plan 15 December 2016 Version

**APPENDIX 7**

Section 32AA Assessment

ISSUE 1: INTEGRATION OF JACK'S POINT ZONE			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><b>Policies:</b></p> <p>41.2.1.23</p> <p>Maintain or enhance the character and amenity values of the established residential neighborhoods within the Jack's Point area, including the high standard of design and landscape elements incorporated into communal open space areas, transport corridors and private lots.</p> <p>41.2.1.24</p> <p>Recognise and provide for the creation of a distinctive design aesthetic within the new residential areas of the Jack's Point Zone, which may evolve to be unique from the established areas of Jack's Point, providing that the unifying structural elements of the structure plan are preserved.</p>	<p><b>Environmental</b></p> <p>The unification of the three parts to the zone does create a risk that the unique environmental conditions present in each zone could be overlooked, however this is minimised through the introduction of specific policies recognising the established character and amenity for Jack's Point.</p> <p><b>Economic</b></p> <p>The additional policies recognising the established Jack's Point character will not require a continued commitment to high levels of design and development of high amenity areas such as communal open space areas.</p> <p><b>Social &amp; Cultural</b></p> <p>Focussing additional policies on the recognition of the established character at Jack's Point will leave the present situation whereby Homestead Bay and Hanley Downs are not subject to any specific requirement for the same design aesthetic, residential character or amenity.</p>	<p><b>Environmental</b></p> <p>An integrated Structure Plan across the three parts to the zone will enable an improved integration of activities and road connections. In particular, the integration of access between the three areas will benefit residents and the wider public to ensure seamless road and trail connections. The careful consideration of open space provision will help to provide continuous recreation amenities across the three areas to the zone which will enhance the area, and retain the open space character. Additional policies recognising the character and amenity values of Jack's Point will assist to reinforce the environmental enhancement available through specific rules.</p> <p>The integration of the three areas of the zone enables greater linkages between open space areas in order to form natural wildlife corridors to improve habitat connectivity, and therefore protect the biodiversity of the area. It also provides a means to minimise the impact on the landscape amenity of the area by retaining vegetation over a larger area in a comprehensive manner.</p> <p>The Structure Plan and associated policies and rules ensure that Jack's Point retains its open space character.</p>	<p>Additional directive policies are considered to be an effective and efficient method of providing for an integrated Jack's Point community that recognises existing established character and amenity.</p> <p>Direct and unambiguous policies will aid effectiveness and efficiency, as will the concise and streamlined structure of the proposed provisions.</p>

		<p><b>Economic</b></p> <p>Requiring recognition and continuation of the high levels of amenity and design in the Jack's Point area will protect its value and ensure continued levels of value are achieved.</p> <p>Sensitive development of the wider Jack's Point area will act to increase visitor numbers to this part of greater Queenstown. Therefore, increasing the economic viability of this area.</p> <p><b>Social &amp; Cultural</b></p> <p>Continued expectations of high levels of amenity, including communal open space, and design aesthetics will support the community's sense of wellbeing within Jack's Point.</p> <p>This will also support the continued provision of recreational spaces and accessibility for the community.</p> <p>A cohesive and integrated population around existing development, building on existing infrastructure so as not to encroach on additional landscaped areas. The retention of amenity spaces including the Jack's Point golf course, provide recreational facilities and passive open space, as well as serving to protect landscape values.</p>	
<b>Alternative options considered less appropriate to achieve the relevant objective and policies:</b>			
Option 1: Retain the operative provisions		<ul style="list-style-type: none"> <li>• Do not sufficiently promote or enable integration between Resort Zones expressed in the objective of creating an integrated community</li> <li>• Lacks flexibility</li> </ul>	

	<ul style="list-style-type: none"> <li>Adversely impacts upon development feasibility and therefore potential realisation of a consistent spatial planning approach across the three areas</li> </ul>
Option 2: Delete the Jack’s Point Special Zone provisions and rezone the component activity areas residential and commercial in accordance with the new and relevant District Plan provisions	<ul style="list-style-type: none"> <li>Would help achieve streamlining of the District Plan but to the detriment of recognising the special character of Jack’s Point</li> <li>Would not help to improve road connections between the three areas</li> <li>Opportunity missed to join up open space, recreation and small scale commercial uses between the three areas</li> </ul>

ISSUE 2: CHANGES TO OPEN SPACE AREA AND IDENTIFICATION OF 22 PRESERVE HOME SITES			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><b>Structure Plan</b></p> <p>Changes to activity areas</p> <p><b>Policies</b></p> <p>Remove 41.2.1.17</p> <p><b>Rules</b></p> <p>41.4.3, 41.4.5, 41.4.10, 41.5.1, 41.5.4, 41.5.14, 41.5.15</p>	<p><b>Environmental</b></p> <p>The identified homesites would introduce a built element in these lower hill slopes that may not be what parts of the community would prefer to occur.</p> <p><b>Economic</b></p> <p>The specification of the homesites would be a reduction in the number of potential development sites from the notified activity areas and particularly in relation to the FP-1 area.</p> <p>Overdevelopment of the Jack’s Point village would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area. The strong approach taken through the Structure Plan, policies and relates rules act to prevent that from occurring.</p>	<p><b>Environmental</b></p> <p>There would be greater certainty over how many dwellings would be located in these more sensitive areas and where they would be located. They would provide a buffer between the more intensive development and the more open hill slopes.</p> <p>The integration of the areas of the zone enables greater linkages between open space areas in order to form natural wildlife corridors to improve habitat connectivity, and therefore protect the biodiversity of the area. It also provides a means to minimise the impact on the landscape amenity of the area by retaining vegetation over a larger area in a comprehensive manner.</p> <p>The Structure Plan and associated policies and rules ensure that Jack’s Point</p>	<p>The rationalisation of the areas of open space and areas for homesite development is an efficient and effective way of balancing development with protection of landscape values.</p> <p>Growth in the district is inevitable and the Council has to plan for these increases. New development inevitably changes the landscape values of the area. Therefore, effective policies and rules are required to mitigate against any possible negative impacts.</p>

	<p><b>Social &amp; Cultural</b></p> <p>Insensitive development would negatively impact on landscape amenity and nature conservation. Planning provisions are in place to avoid overdevelopment of the land, and protect existing vegetation.</p> <p>An increase in population in Jack’s Point could have an impact on noise, traffic and crowding. However, there are planning provisions to prevent overdevelopment.</p>	<p>retains its open space character.</p> <p><b>Economic</b></p> <p>These sites would enable more certainty around development in these areas and around the risks associated with development.</p> <p>Sensitive development of the wider Jack’s Point area will act to increase visitor numbers to this part of greater Queenstown. Therefore, increasing the economic viability of this area.</p> <p>The anticipated growth in population in the Queenstown area results in the need for more land supply and non-residential activities to support a community purpose.</p> <p><b>Social &amp; Cultural</b></p> <p>The identified homesites would provide certainty for the existing community over what development can occur in these areas.</p> <p>A cohesive and integrated population around existing development, building on existing infrastructure so as not to encroach on landscaped areas. The retention of amenity spaces including the Jack’s Point golf course, provide recreational facilities and passive open space, as well as serving to protect landscape values.</p>	
<p><b>Alternative options considered less appropriate to achieve the relevant objective and policies:</b></p>			
<p>Option 1: Retain the operative provisions</p>	<ul style="list-style-type: none"> <li>• Opportunity missed to provide a more sensitive and appropriate</li> </ul>		

	<p>approach to landscape planning across the parts to the existing Jack's Point Resort Zone</p> <ul style="list-style-type: none"> <li>• Lacks flexibility</li> </ul>
Option 2: Delete the Jack's Point Special Zone provisions and rezone the component activity areas residential and commercial in accordance with the new and relevant District Plan provisions	<ul style="list-style-type: none"> <li>• Generic residential and commercial zone policies and rules will not be specific enough to the area</li> <li>• Would not enable the incorporation of place specific development controls to mitigate against the overdevelopment of the activity areas and potential interface</li> </ul>

ISSUE 3: CHANGES TO RESIDENTIAL DENSITY JACK'S POINT			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><b>Rules</b></p> <p>41.5.8.1</p>	<p><b>Environmental</b></p> <p>The development of Jack's Point needs to be sympathetic to the surrounding area otherwise the urban form will dominate the landscape. The proposed density will ensure that development levels remain appropriate</p> <p><b>Economic</b></p> <p>Enabling additional development opportunities, including medium density residential, may result in land supply exceeding demand, which may have a negative impact on property values.</p> <p>Overdevelopment of the Jack's Point village would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area. The strong approach taken through the Structure Plan, policies and relates rules act to prevent that from occurring.</p> <p><b>Social &amp; Cultural</b></p>	<p><b>Environmental</b></p> <p>The density changes will ensure Jack's Point retains its open space character.</p> <p>The Structure Plan and associated policies and rules ensure that Jack's Point retains its open space character.</p> <p><b>Economic</b></p> <p>The anticipated growth in population in the Queenstown area results in the need for more land supply and the adjustments in density will assist with achieving this to a small degree.</p> <p>The anticipated growth in population in the Queenstown area results in the need for more land supply and non-residential activities to support a community purpose.</p> <p><b>Social &amp; Cultural</b></p> <p>An increase in land supply also makes housing more affordable in the</p>	<p>Growth in the district is inevitable and the Council has to plan for these increases. The adjustments to the density provisions are an efficient way of ensuring that development remains appropriate. It is effective to correct inaccuracies in previous density provisions.</p>

	<p>An increase in population in Jack’s Point could have an impact on noise, traffic and crowding. However, there are planning provisions to prevent overdevelopment.</p> <p>Insensitive development would negatively impact on landscape amenity and nature conservation. This would serve to reduce natural heritage values which would impact on cultural associations with the land. Planning provisions are in place to avoid overdevelopment of the land, and protect existing vegetation.</p>	<p>Queenstown area.</p>	
<p><b>Alternative options considered less appropriate to achieve the relevant objective and policies:</b></p>			
<p>Option 1: Retain the operative provisions</p>	<ul style="list-style-type: none"> <li>• Inaccurate density figures used which do not reflect actual or appropriate development levels</li> </ul>		
<p>Option 2: Delete the Jack’s Point Special Zone provisions and rezone the component activity areas residential and commercial in accordance with the new and relevant District Plan provisions</p>	<ul style="list-style-type: none"> <li>• Generic rules will not be specific enough to the areas</li> <li>• Would not enable the incorporation of place specific development controls to mitigate against the overdevelopment of the activity areas</li> </ul>		

<p><b>ISSUE 4: ACCESS FROM STATE HIGHWAY 6</b></p>			
<p><b>Proposed provisions</b></p>	<p><b>Costs</b></p>	<p><b>Benefits</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<p><b>Structure Plan</b></p> <p>Addition of third access</p> <p><b>Rules</b></p> <p>41.5.6</p>	<p><b>Environmental</b></p> <p>The third intersection will have visual impacts on the area and on the experience of travelling along the state highway.</p> <p><b>Economic</b></p> <p>There will be additional costs in the construction of a third intersection.</p>	<p><b>Environmental</b></p> <p>Having three access points enables a choice of entry to the state highway and spreads the load thus reducing vehicle numbers at each access and reducing queuing distances and travel times. This in turn reduces vehicle emissions.</p> <p><b>Economic</b></p>	<p>It is efficient and effective to recognise the approved access through the rules and Structure Plan and to ensure that the rules are aligned with best practice for intersection provision.</p>

	<p><b>Social &amp; Cultural</b></p> <p>There is the potential for safety issues with three intersections, which is to be managed through appropriate design and location to standards agreed with NZTA.</p>	<p>The development of the full zone area can continue to proceed without delays caused by timing of intersection development.</p> <p><b>Social &amp; Cultural</b></p> <p>There will in time be three access options for accessing the zone providing a dispersion of traffic and reducing impacts (or perception of impacts) on residents.</p> <p>A range access options provides resilience for the community should anything occur to block one of the intersections.</p>	
<b>Alternative options considered less appropriate to achieve the relevant objective and policies:</b>			
Option 1: Retain the operative provisions	<ul style="list-style-type: none"> <li>• Opportunity missed to provide a more appropriate level of access to the zone</li> <li>• Lacks flexibility</li> <li>• Restricts ability to develop the zone</li> </ul>		
Option 2: Delete the Jack’s Point Special Zone provisions and rezone the component activity areas residential and commercial in accordance with the new and relevant District Plan provisions	<ul style="list-style-type: none"> <li>• Generic policies and rules will not be specific enough to the area</li> <li>• Would not enable the incorporation of place specific development controls</li> </ul>		

ISSUE 5: CONSOLIDATION OF THE JACK’S POINT VILLAGE AND REPLACEMENT OF THE E ACTIVITY AREA			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><b>Structure Plan</b></p> <p>Alterations to activity areas</p> <p><b>Policies</b></p> <p>41.2.1.16, 41.2.1.17, 41.2.1.18, 41.2.1.29</p>	<p><b>Environmental</b></p> <p>The consolidation of the village area could have visual impacts, albeit that the consolidation area was already intended to be used for education activities.</p>	<p><b>Environmental</b></p> <p>The consolidation of the commercial hub in this part of the site will be effective at managing impacts on the wider zone in relation to change to the environment and potential for impact on ecology or views.</p>	<p>It is efficient to consolidate the Village activities within a central area and to provide holistically for the range of activities needed to support the continued growth and development of the zone. It</p>

<p><b>Rules</b></p> <p>41.4.7, 41.4.9, 41.5.4, 41.5.12, 41.5.15</p>	<p><b>Economic</b></p> <p>The potential for one activity to dominate the development of the area at the cost of opportunity for other activities to establish.</p> <p>Overdevelopment of the Jack's Point village would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area. The strong approach taken through the Structure Plan, policies and relates rules act to prevent that from occurring.</p> <p><b>Social &amp; Cultural</b></p> <p>The potential for one activity to dominate the development of the area at the cost of opportunity for other activities to establish.</p> <p>Insensitive development would negatively impact on landscape amenity and nature conservation. This would serve to reduce natural heritage values which would impact on cultural associations with the land. Planning provisions are in place to avoid overdevelopment of the land, and protect existing vegetation.</p>	<p>The policies and rules will ensure a high level of design and amenity continues to be provided.</p> <p>The Structure Plan and associated policies and rules ensure that Jack's Point retains its open space character.</p> <p>The Structure Plan layout ensures that the village centres containing community and small scale commercial activities are of a compact urban form, and therefore not sprawled out across the site. This approach benefits the landscape, ecological and visual amenity values of the zone.</p> <p>A greater range of commercial and business functions occurring within the Jack's Point community has greater potential for residents to live and work within the same area. The range of proposed commercial activities together with the network of open spaces, pedestrian and road connections actively seek to promote these outcomes. For the environment benefits of reduced travel and greenhouse gas emissions.</p> <p><b>Economic</b></p> <p>The ability to develop the Village area effectively will support the wider development of the zone as an integrated community. Provision for a range of commercial services, accommodation, and associated activities will provide jobs and opportunities for the local and wider communities.</p>	<p>is effective to provide appropriate policy guidance and rules to ensure high quality design and amenity is achieved.</p>
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		<p>Sensitive development of the wider Jack's Point area will act to increase visitor numbers to this part of greater Queenstown. Therefore, increasing the economic viability of this area.</p> <p>The anticipated growth in population in the Queenstown area results in the need for more land supply and non-residential activities to support a community purpose.</p> <p>In economic terms a greater proportion of mixed use living and working options will mean increased potential for economic growth occurring with the zone.</p> <p><b>Social &amp; Cultural</b></p> <p>The consolidation of the village and consolidation of the range of service and support activities into this proposed area will provide community benefits and support the continued growth of this area. Ensures the provision of essential community services such as healthcare and education.</p> <p>The provisions supporting design and amenity will provide community reassurance in relation to outcomes of development of this part of the zone.</p> <p>The provisions also propose strong development control policies and rules to mitigate against the noise generated by small scale commercial activities, parking and manoeuvring problems, and the overdevelopment of the zone.</p>	
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Alternative options considered less appropriate to achieve the relevant objective and policies:	
Option 1: Retain the operative provisions	<ul style="list-style-type: none"> <li>• Opportunity missed to provide for village activities to an appropriate level</li> <li>• Lacks flexibility</li> <li>• Restricts ability to develop the zone effectively and to review the direction for the activity areas</li> </ul>
Option 2: Delete the Jack's Point Special Zone provisions and rezone the component activity areas residential and commercial in accordance with the new and relevant District Plan provisions	<ul style="list-style-type: none"> <li>• Generic policies and rules will not be specific enough to the activity areas</li> <li>• Would not enable the incorporation of place specific development controls</li> </ul>

ISSUE 6: REPLACEMENT OF THE EIC WITH R(HD-SH) – 3 ACTIVITY AREA			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><b>Structure Plan</b></p> <p>Alterations to activity areas</p> <p><b>Policies</b></p> <p>41.2.1.15</p> <p><b>Rules</b></p> <p>41.4.8, 41.4.10, 41.5.9, 41.5.12, 41.5.15</p>	<p><b>Environmental</b></p> <p>The education and innovation opportunities anticipated high amenity open spaces which will not occur in the same way with only residential development in this activity area.</p> <p>The development of Jack's Point needs to be sympathetic to the surrounding area otherwise the urban form will dominate the landscape. Mitigation measures, including planting to screen the development from the State Highway will be effective in dealing with the visual impacts of the proposals.</p> <p><b>Economic</b></p> <p>Loss of potential jobs and development potential through removed opportunity for education and innovation activities.</p> <p>Overdevelopment of the Jack's Point</p>	<p><b>Environmental</b></p> <p>The use of this area as predominantly residential activity will reduce the potential for impacts on the surrounding open spaces and particularly potential visual impact on the rural backdrop.</p> <p>The Structure Plan and associated policies and rules ensure that Jack's Point retains its open space character.</p> <p><b>Economic</b></p> <p>The change to the activity area enables further residential development to meet the needs of the wider community.</p> <p>The anticipated growth in population in the Queenstown area results in the need for more land supply and non-residential activities to support a community purpose.</p>	<p>It is an effective change to the nature of the activity area to reduce the development opportunity to residential to meet the demand for this activity and to remove the potential for adverse impacts of the wider range of activities. The changes to the provisions are an efficient approach to undertaking this change in focus.</p>

	<p>village would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area. The strong approach taken through the Structure Plan, policies and relates rules act to prevent that from occurring.</p> <p><b>Social &amp; Cultural</b></p> <p>The loss of the education and innovation focus of this area will reduce the potential for jobs for the local community and for the wider Queenstown community.</p> <p>Insensitive development would negatively impact on landscape amenity and nature conservation. This would serve to reduce natural heritage values which would impact on cultural associations with the land. Planning provisions are in place to avoid overdevelopment of the land, and protect existing vegetation.</p> <p>An increase in population in Jack's Point could have an impact on noise, traffic and crowding. However, there are planning provisions to prevent overdevelopment.</p>	<p><b>Social &amp; Cultural</b></p> <p>The change to the activity area enables further residential development to meet the needs of the wider community.</p>	
<b>Alternative options considered less appropriate to achieve the relevant objective and policies:</b>			
Option 1: Retain the operative provisions	<ul style="list-style-type: none"> <li>• Opportunity missed to provide for village activities to an appropriate level</li> <li>• Lacks flexibility</li> <li>• Restricts ability to develop the zone effectively and to review the direction for the activity areas</li> </ul>		
Option 2: Delete the Jack's Point Special Zone provisions and rezone the component activity areas residential and commercial in accordance with the new and relevant	<ul style="list-style-type: none"> <li>• Generic policies and rules will not be specific enough to the activity areas</li> </ul>		

District Plan provisions	<ul style="list-style-type: none"> <li>• Would not enable the incorporation of place specific development controls</li> </ul>
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**ISSUE 7: OTHER STRUCTURE PLAN CHANGES**

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><b>Structure Plan</b></p> <p>Alterations to activity areas</p> <p><b>Rules</b></p> <p>41.5.1.3, 41.5.1.4</p>	<p><b>Environmental</b></p> <p>The expanded boundaries will alter the use of some parts of the site from open to development, albeit that this is already anticipated through approved development plans.</p> <p><b>Economic</b></p> <p>The reduced area and development scale of R(HD) – F, and the reduced density within R(HD) – G, will reduce overall development potential in these activity areas.</p> <p><b>Social &amp; Cultural</b></p> <p>The reduced development potential will reduce the scale of the community development.</p>	<p><b>Environmental</b></p> <p>The reduction in the better recognise the environmental qualities of this part of the site and protect natural values.</p> <p><b>Economic</b></p> <p>The amendment to the boundaries of the residential pods enables continued development of residential activity as recognised through the approved plans.</p> <p><b>Social &amp; Cultural</b></p> <p>The amended boundaries and amended development provisions will provide certainty around the scale and nature of development within these activity areas.</p>	<p>It is efficient and effective to amend the boundaries and associated provisions to recognise what has been previously approved and to amend the provisions at this time to better recognise development potential and environmental considerations.</p>

Alternative options considered less appropriate to achieve the relevant objective and policies:	
Option 1: Retain the operative provisions	<ul style="list-style-type: none"> <li>• Opportunity missed to provide for village activities to an appropriate level</li> <li>• Lacks flexibility</li> <li>• Restricts ability to develop the zone effectively and to review the direction for the activity areas</li> </ul>
Option 2: Delete the Jack’s Point Special Zone provisions and rezone the component activity areas residential and commercial in accordance with the new and relevant District Plan provisions	<ul style="list-style-type: none"> <li>• Generic policies and rules will not be specific enough to the activity areas</li> <li>• Would not enable the incorporation of place specific development controls</li> </ul>

ISSUE 8: MISCELLANEOUS			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><b>Rules</b></p> <p>41.5.20</p>	<p><b>Economic</b></p> <p>The acoustic insulation requirement will increase construction costs for development of housing within these specified areas.</p>	<p><b>Environmental</b></p> <p>The amenity values of people living in closer proximity to the state highway will be protected adequately from noise impacts.</p> <p><b>Economic</b></p> <p>The values of property will be maintained through ensuring that noise impacts are minimised.</p> <p><b>Social &amp; Cultural</b></p> <p>The amenity values of people living in closer proximity to the state highway will be protected adequately from noise impacts.</p>	<p>It is important to ensure that acoustic insulation is provided appropriately and it is efficient to locate this requirement within the Zone rules. Effective rules will reduce environmental impacts and improve amenity for the community.</p>
Alternative options considered less appropriate to achieve the relevant objective and policies:			
Option 1: Retain the operative provisions		<ul style="list-style-type: none"> <li>• Opportunity missed to integrate appropriate provisions within the Zone provisions</li> </ul>	

	<ul style="list-style-type: none"><li>• No provision for acoustic insulation requirements for the Zone</li></ul>
Option 2: Delete the Jack’s Point Special Zone provisions and rezone the component activity areas residential and commercial in accordance with the new and relevant District Plan provisions	<ul style="list-style-type: none"><li>• Generic rules in a different part of the plan may not be easily found</li></ul>

**APPENDIX 8**

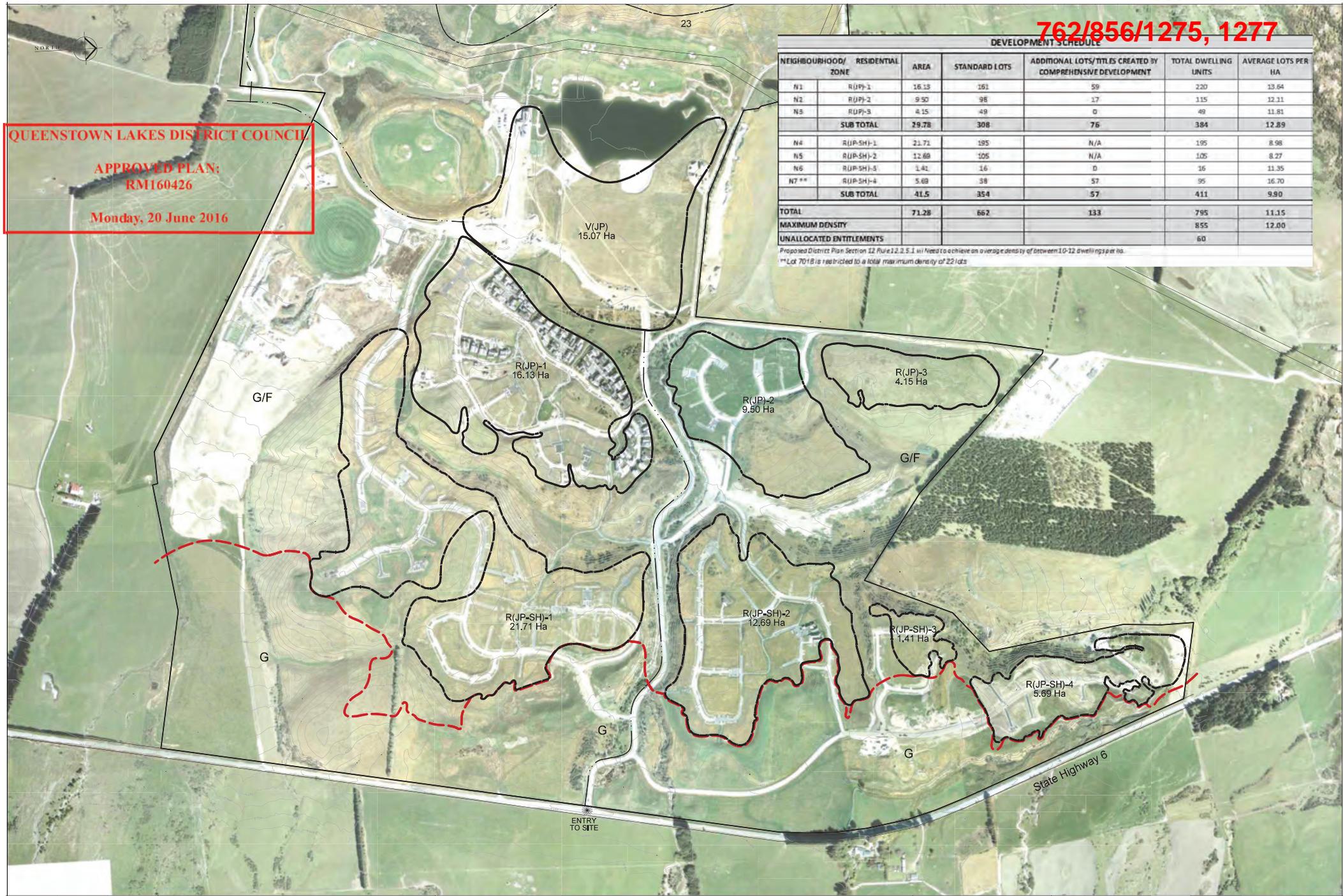
Density Master Plan and Indicative Subdivision  
Plan, Jack's Point Residential Areas Outline  
Development Plan (RM160426)

762/856/1275, 1277

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLAN:  
 RMI60426  
 Monday, 20 June 2016

DEVELOPMENT SCHEDULE						
NEIGHBOURHOOD/ ZONE	RESIDENTIAL ZONE	AREA	STANDARD LOTS	ADDITIONAL LOTS/TITLES CREATED BY COMPREHENSIVE DEVELOPMENT	TOTAL DWELLING UNITS	AVERAGE LOTS PER HA
N1	RUP-1	16.13	161	59	220	13.64
N2	RUP-2	9.50	98	17	115	12.11
N3	RUP-3	4.15	49	0	49	11.81
SUB TOTAL		29.78	308	76	384	12.89
N4	RJP-SH-1	21.71	195	N/A	195	8.98
N5	RJP-SH-2	12.69	105	N/A	105	8.27
N6	RJP-SH-3	1.41	16	0	16	11.35
N7**	RJP-SH-4	5.69	38	57	95	16.70
SUB TOTAL		41.5	354	57	411	9.90
TOTAL		71.28	662	133	795	11.15
MAXIMUM DENSITY					855	12.00
UNALLOCATED ENTITLEMENTS					60	

Proposed District Plan Section 22 Rule 2.2.5.1 will need to achieve an average density of between 10-12 dwellings per ha.  
 \*\*Lot 701B is restricted to a total maximum density of 22 lots



jacks point  
 DENSITY MASTER PLAN

DARBY PARTNERS LIMITED  
 Level 11, 111-113, Victoria Street, Christchurch  
 P.O. Box 1164, Christchurch, New Zealand  
 T +64 3 481 1441 F +64 3 481 9201 E info@darbypartners.com

revisions:	<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>F</td> <td>Amended Schedule for ODP Variation</td> <td>19/03/13</td> </tr> <tr> <td>G</td> <td>Amended Schedule for ODP Variation</td> <td>02/08/13</td> </tr> <tr> <td>H</td> <td>Amended Schedule for ODP Variation N2</td> <td>15/05/14</td> </tr> <tr> <td>I</td> <td>Amended Schedule for ODP Variation N7</td> <td>10/05/16</td> </tr> <tr> <td>J</td> <td>Amended Schedule for ODP Variation N7</td> <td>16/05/16</td> </tr> </tbody> </table>	No.	Description	Date	F	Amended Schedule for ODP Variation	19/03/13	G	Amended Schedule for ODP Variation	02/08/13	H	Amended Schedule for ODP Variation N2	15/05/14	I	Amended Schedule for ODP Variation N7	10/05/16	J	Amended Schedule for ODP Variation N7	16/05/16	Contractors to verify all dimensions on site prior to commencing work. Please dimension to the station in preference to stated dimension. The position of this boundary remains as shown on the plan.	graphic scale: Scale 1:4000 (A1), 1:7500 (A3) 
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designed/drawn:	approved:	date:	date:																		
RT/ZC	DT	14.06.16																			
drawing no:	file name:	date:																			
		12/16_jacks Point_ODPVariationN7.dwg																			

**762/856/1275, 1277**

**RESIDENTIAL LAND USES**

- COMPREHENSIVE (two or more dwellings)
- MEDIUM DENSITY (single dwelling)
- LOW DENSITY (single dwelling)

**OPEN SPACE**

- NEIGHBOURHOOD OPENSACE
- COMMUNITY RECREATION (PUBLIC DOMAIN)
- PASTORAL LAND MANAGEMENT/PUBLIC OPEN SPACE
- GOLF COURSE
- PRIVATE OPENSACE

**COMMERCIAL LAND USES**

- VILLAGE/MIXED USE

NOTE: SEE ATTACHED SCHEDULES FOR LOT SIZES

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM160426**

**Monday, 20 June 2016**



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**jacks point**  
**INDICATIVE SUBDIVISION LAYOUT**

**REVISIONS:**

No.	Description	Date
1	Revision to Darby Masterplan	19/08/13
2	Revision to Darby Masterplan	02/08/14
3	Revision to Darby Masterplan	08/08/14
4	Revision to Darby Masterplan	16/09/14
5	Revision to Darby Masterplan	10/05/16
6	Revision to Darby Masterplan	14/06/16

Contractors to verify all dimensions on site prior to commencing work.  
 If exact dimensions to be taken, in preference to scaled dimension, then check Darby Masterplan.

designed/drawn	approved	date
RT/ZP	DT	14.06.16

graphic scale: Scale 1:4000 (A1), 1:7500 (A3)

date
14.06.16

Verified Data:  
 CFM Survey Base, Orthophotography and Contouring  
 QLD Survey Station 18 Datum Structure Plan  
 NZ Local Circuit Geodetic Datum 1988